

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, February 16, 2009

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

The prayer was offered by Chaplain Dale Nabben, Missouri Slope Lutheran Care Center, Bismarck.

The roll was called and all members were present except Representatives Froelich and Kerzman.

A quorum was declared by the Speaker.

## MOTION

**REP. VIGESAA MOVED** that the rules be suspended, according to Rule 329, for HB 1221, HB 1324, and HB 1515, which motion prevailed.

## SIXTH ORDER OF BUSINESS

**SPEAKER MONSON DEEMED** approval of the amendments to HB 1059, HB 1116, HB 1235, HB 1279, HB 1286, HB 1294, HB 1305, Reengrossed HB 1322, HB 1324, HB 1342, HB 1354, HB 1419, HB 1426, HB 1503, HB 1509, HB 1514, HB 1515, HB 1517, HB 1560, HCR 3022, and HCR 3030.

HB 1235, HB 1324, and HB 1515, as amended, were rereferred to the **Appropriations Committee**.

HB 1059, HB 1116, HB 1279, HB 1286, HB 1294, HB 1305, Reengrossed HB 1322, HB 1342, HB 1354, HB 1419, HB 1426, HB 1503, HB 1509, HB 1514, HB 1517, HB 1560, HCR 3022, and HCR 3030, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. VIGESAA MOVED** that HB 1259, HB 1526, and HB 1422, which are on the 11th order of today's calendar be moved to the bottom of the calendar, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1445:** A BILL for an Act to amend and reenact section 14-02.1-02 of the North Dakota Century Code, relating to the requirements of informed consent to abortion.

## 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 61 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Gruchalla; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nathe; Nelson; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

**NAYS:** Amerman; Boe; Conklin; Conrad; Delmore; Ekstrom; Glassheim; Griffin; Hanson; Hatlestad; Hawken; Holman; Johnson, N.; Kaldor; Kelsh, S.; Kroeber; Mock; Myxter; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Schneider; Sukut; Thorpe; Vig; Winrich; Wolf; Zaiser

**ABSENT AND NOT VOTING:** Froelich; Kerzman

HB 1445 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1447:** A BILL for an Act to amend and reenact sections 15-10-17 and 15-10-18 of the North Dakota Century Code, relating to the determination of tuition for institutions of higher education.

**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, 54 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Boehning; Brandenburg; Dahl; Damschen; Delzer; Dosch; Drovda; Froseth; Grande; Hanson; Hatlestad; Headland; Heller; Karls; Kasper; Kempenich; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Nathe; Pollert; Porter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Thoreson; Vig; Wald; Weiler; Wrangham; Zaiser

**NAYS:** Amerman; Berg; Boe; Boucher; Carlson; Clark; Conklin; Conrad; DeKrey; Delmore; Ekstrom; Frantsvog; Glassheim; Griffin; Gruchalla; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Svedjan; Thorpe; Uglem; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1447 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1474:** A BILL for an Act to direct a legislative council study of the feasibility and desirability of elimination of property taxes.

**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:** Bellew; Clark; Dosch; Froseth; Heller; Kasper; Kretschmar; Meier, L.; Nathe; Nelson; Schatz; Schneider; Skarphol; Sukut; Thoreson; Zaiser

**NAYS:** Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Drovda; Ekstrom; Frantsvog; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schmidt; Svedjan; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

HB 1474 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1519:** A BILL for an Act to create and enact a new section to chapter 15.1-16 of the North Dakota Century Code, relating to a grievance procedure and binding arbitration; and to amend and reenact sections 15.1-16-13 and 15.1-16-14 of the North Dakota Century Code, relating to good-faith negotiations and impasses.

**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 24 YEAS, 68 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boucher; Conrad; Delmore; Glassheim; Griffin; Gruchalla; Hanson; Holman; Kaldor; Kelsh, J.; Kilichowski; Kroeber; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Schneider; Vig; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

HB 1519 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1546:** A BILL for an Act to amend and reenact sections 57-13-03 and 57-13-04 of the North Dakota Century Code, relating to equalization of assessments by the state board of equalization.

#### 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:** Bellew; Boe; Brandenburg; Damschen; DeKrey; Delzer; Froseth; Kasper; Kempenich; Meier, L.; Nathe; Ruby; Thoreson; Weiler; Weisz; Wrangham

**NAYS:** Amerman; Belter; Berg; Boehning; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; 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.; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

HB 1546 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1552:** A BILL for an Act to create and enact a new section to chapter 15.1-29 of the North Dakota Century Code, relating to educational contracts with tribal officials.

#### 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 35 YEAS, 57 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Froelich; Kerzman

HB 1552 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1558:** A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to limitation of property tax increases; 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 17 YEAS, 72 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boehning; Brandenburg; DeKrey; Dosch; Froseth; Kasper; Keiser; Koppelman; Meier, L.; Nathe; Pietsch; Ruby; Schatz; Thoreson; Weiler; Wrangham

**NAYS:** Amerman; Belter; Berg; Boe; Boucher; Carlson; Clark; Conrad; Dahl; Delmore; Delzer; Drovdal; Ekstrom; Frantsvog; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pinkerton; Pollert; Porter; Potter; Rust; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Conklin; Damschen; Froelich; Kaldor; Kerzman

HB 1558 lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3012:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of encouraging the use of generic prescription drugs.

**ROLL CALL**

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

**YEAS:** Amerman; Boe; Boucher; Conklin; Delmore; Glassheim; Griffin; Holman; Hunskor; Kelsh, J.; Kelsh, S.; Mock; Mueller; Onstad; Schmidt; Schneider; Thoreson; Thorpe; Vig

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Grande; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman; Zaiser

HCR 3012 was declared lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3032:** A concurrent resolution urging Congress, the President, and the North Dakota Congressional Delegation to resist efforts to increase income taxes for individuals, including increases by allowing existing reductions to expire; to permanently eliminate the alternative minimum tax; to reject efforts to increase capital gains taxes; and to consider elimination of capital gains taxes on sales of residential property.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 58 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; 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; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

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

**ABSENT AND NOT VOTING:** Froelich; Kerzman; Williams

HCR 3032 was declared adopted and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1574:** A BILL to provide for grants to the owners of fuel dispensing units that were required to be retrofitted to accommodate sales of higher-priced fuels; 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 33 YEAS, 59 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Boe; Boucher; Conklin; DeKrey; Delmore; Ekstrom; Froseth; Griffin; Gruchalla; Hawken; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Kretschmar; Kroeber; Meyer, S.; Mock; Nelson; Onstad; Potter; Schmidt; Schneider; Vig; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Boehning; Brandenburg; Carlson; Clark; Conrad; Dahl; Damschen; Delzer; Dosch; Drovdal; Frantsvog; Glassheim; Grande; Hanson; Hatlestad; Headland; Heller; Hunskor; Karls; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Martinson; Meier, L.; Metcalf; Mueller; Myxter; Nathe; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1574 lost.

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### SECOND READING OF HOUSE BILL

**HB 1573:** A BILL for an Act to provide for a legislative council study of voucher use and provider choice for clients in human services and other programs.

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

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1573 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1198:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to assessment of certain recreation service district properties; to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to property that may be included in recreation service districts; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 49 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Dosch; Ekstrom; Frantsvog; Froseth; Hatlestad; Heller; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Klein; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Onstad; Pinkerton; Porter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Vig; Wald; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Drovda; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hawken; Headland; Hofstad; Keiser; Kempenich; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Nottestad; Pietsch; Pollert; Potter; Ruby; Svedjan; Uglem; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1198 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1092:** A BILL for an Act to amend and reenact subsection 5 of section 14-02.4-02 of the North Dakota Century Code, relating to the definition of disability under the North Dakota Human Rights Act.

### 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 11 YEAS, 80 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Conrad; Ekstrom; Holman; Kaldor; Onstad; Pinkerton; Schneider; Thorpe; Winrich; Wolf; Zaiser

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

**ABSENT AND NOT VOTING:** Froelich; Johnson, N.; Kerzman

HB 1092 lost.

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### SECOND READING OF HOUSE BILL

**HB 1355:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 12.1-31-01 of the North Dakota Century Code, relating to disorderly conduct.

**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 42 YEAS, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Boe; Boehning; Brandenburg; Damschen; Dosch; Drovdal; Frantsvog; Froseth; Glassheim; Grande; Headland; Heller; Holman; Hunskor; Kaldor; Karls; Kasper; Kelsh, S.; Kempenich; Klein; Koppelman; Kreidt; Martinson; Meier, L.; Nathe; Nelson; Pietsch; Pinkerton; Ruby; Rust; Schatz; Schneider; Skarphol; Thoreson; Thorpe; Wald; Wall; Weiler; Wieland; Williams

**NAYS:** Amerman; Berg; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Delzer; Ekstrom; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, J.; Kilichowski; Kingsbury; Klemin; Kretschmar; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nottestad; Onstad; Pollert; Porter; Potter; Schmidt; Sukut; Svedjan; Uglem; Vig; Vigesaa; Weisz; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

HB 1355 lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3015:** A concurrent resolution urging Congress to reject the bill known as the Freedom of Choice Act, which would invalidate virtually every abortion-related regulation enacted by the people of North Dakota through their elected officials.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 65 YEAS, 24 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Belter; Boehning; Boucher; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Gruchalla; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nathe; Nelson; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Schmidt; Skarphol; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

**NAYS:** Amerman; Boe; Conklin; Conrad; Delmore; Ekstrom; Glassheim; Hanson; Hatlestad; Hawken; Johnson, N.; Mock; Myxter; Nottestad; Onstad; Pinkerton; Potter; Schneider; Sukut; Thorpe; Vig; Winrich; Wolf; Zaiser

**ABSENT AND NOT VOTING:** Bellew; Berg; Froelich; Griffin; Kerzman

HCR 3015 was declared adopted and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3024:** A concurrent resolution directing the Legislative Council to study the safety of cosmetics.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 48 YEAS, 44 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Dahl; DeKrey; Delmore; Dosch; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Weisz; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Damschen; Delzer; Drovdal; Frantsvog; Froseth; Grande; Hatlestad; Headland; Heller; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Koppelman; Kreidt; Nathe; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

HCR 3024 was declared adopted and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1488:** A BILL for an Act to create and enact chapter 43-32.1 of the North Dakota Century Code, relating to authorizing medical psychologists to prescribe drugs; to amend and reenact section 39-06-07.2, subsection 1 of section 43-15-01, section 43-15-31.1, subsection 4 of section 43-15-31.5, and sections 43-32-17 and 43-32-32 of the North Dakota Century Code, relating to department of transportation advice from medical psychologists and prescriptive authority of medical psychologists; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 54 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Froseth; Griffin; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kingsbury; Kretschmar; Kroeber; Meier, L.; Meyer, S.; Mock; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Schmidt; Sukut; Uglem; Weiler; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Glassheim; Grande; Gruchalla; Headland; Heller; Kaldor; Karls; Kasper; Keiser; Kempenich; Kilichowski; Klein; Klemin; Koppelman; Kreidt; Martinson; Metcalf; Mueller; Myxter; Nathe; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Svedjan; Thoreson; Thorpe; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

HB 1488 lost.

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### SECOND READING OF HOUSE BILL

**HB 1338:** A BILL 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.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 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; 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; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Weiler

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1338 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1431:** A BILL for an Act to amend and reenact sections 39-06.1-06, 39-08-03.1, 39-08-09, and 39-09-01 of the North Dakota Century Code, relating to fees for traffic offenses; 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 35 YEAS, 57 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Clark; Conrad; Dahl; Delmore; Ekstrom; Frantsovog; Glassheim; Grande; Gruchalla; Hanson; Hawken; Holman; Johnson, N.; Kaldor; Karls; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Kroeber; Martinson; Metcalf; Mock; Mueller; Myxter; Nottestad; Onstad; Pinkerton; Potter; Ruby; Thorpe; Uglem; Wall; Winrich

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Conklin; Damschen; DeKrey; Delzer; Dosch; Drovda; Froseth; Griffin; Hatlestad; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Meier, L.; Meyer, S.; Nathe; Nelson; Pietsch; Pollert; Porter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Vig; Vigasaa; Wald; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1431 lost.

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### MOTION

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

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

### REPORT OF STANDING COMMITTEE

**HB 1040, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1040 was placed on the Sixth order on the calendar.

Page 3, remove lines 13 through 21

Renumber accordingly

### REPORT OF STANDING COMMITTEE

**HB 1043: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (13 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING). HB 1043 was placed on the Eleventh order on the calendar.

### REPORT OF STANDING COMMITTEE

**HB 1060: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1060 was placed on the Sixth order on the calendar.

Page 2, line 16, remove the overstrike over "~~Tribe~~" and remove "Nation"

Page 2, line 18, remove "- Mandan, Hidatsa, and"

Page 2, line 19, replace "Arikara" with "of the Fort Berthold Reservation"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1078: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1078 was placed on the Sixth order on the calendar.

Page 2, line 16, replace "The funds provided in this section, or so much of the" with "There is"

Page 2, line 17, remove "funds as may be necessary, are"

Page 2, line 18, after the second comma insert "the sum of \$4,554, or so much of the sum as may be necessary,"

Page 2, line 21, replace ", as follows:" with a period

Page 2, remove lines 22 through 25

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

School for the Blind - Vision Services - This amendment removes the .50 FTE position included in Section 4 along with related salaries and wages funding of \$47,808.

**REPORT OF STANDING COMMITTEE**

**HB 1171: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1171 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 1, line 5, after "education" insert "; and to provide an expiration date"

Page 3, after line 28, insert:

**"SECTION 7. EXPIRATION DATE.** This Act is effective through July 31, 2011, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1172: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (25 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1172 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1219, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (14 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1219 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~may be compelled~~"

Page 1, line 11, remove the overstrike over "~~by a police officer to~~" and remove "must"

Page 1, line 21, remove "A"

Page 1, remove lines 22 and 23

Page 2, remove lines 1 through 12

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1221, as engrossed: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1221 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 an appropriation to the department of emergency services for providing grants to eligible political subdivisions that have experienced damage or destruction due to a tornado; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1222: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1222 was placed on the Sixth order on the calendar.

Page 1, replace lines 6 through 24 with:

**"54-35-01. Council - Created - Members - Vacancy - Terms. The**

1. Except as provided in subsection 2, the North Dakota legislative council, in this chapter referred to as the legislative council or the council, consists of the majority and minority leaders of the house and of the senate plus six senators and seven representatives chosen biennially before the close of each regular legislative session. In the house of representatives the speaker of the house shall appoint to the council four members recommended by the majority leader and three members recommended by the minority leader, except that the speaker must by virtue of office be one of the four members appointed from the speaker's ~~faction~~ party. In the senate the lieutenant governor shall appoint to the council four members recommended by the majority leader and two members recommended by the minority leader.
2. If the majority party in one house is the minority party in the other house, the majority and minority leaders of each house shall make the recommendations so as to give the two political parties having the most members in that house the same total proportionate representation on the council as prevails in that house. In allocating the membership on the council to each political party, the total number of members in the house of representatives must be divided by nine and the total number of members in the senate must be divided by eight; the resulting quotient for each house must then be divided into the number of members of each of the two political parties of that house; the resulting quotient for each party of that house, rounded to the nearest whole number, is the number of members of that political party in that house to be on the council. Notwithstanding this allocation, if the number of members in the minority political party in a house would not result in any representation on the council, the minority leader in that house must represent that party on the council.
3. Any vacancy occurring when the legislative assembly is not in session must be filled by the selection of another member of the legislative assembly belonging to the same ~~faction~~ party as the member originally

appointed, the selection to be made by the remaining senate or house members of the council, depending upon which body has the vacancy. Each senator and each representative chosen to serve on the council shall serve until a new council has been selected at the next regular legislative session; provided, however, that no senator, ~~not a holdover~~, who is not reelected to the senate, and no representative, who is not reelected to the house of representatives, may serve as a member of the council beyond the closing day of the term to which elected. Any vacancy occurring because any member of the council is not reelected must be filled for the period from the beginning of the session until a new council is selected, in the same manner as the original council is selected."

Page 2, remove lines 1 through 12

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1230, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1230 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 an appropriation to Williston state college for construction of a career and technical education virtual center.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. APPROPRIATION.** There is appropriated from federal funds made available to the state from federal action to provide funding to the states to stimulate the national economy or to address state fiscal recovery, not otherwise appropriated, the sum of \$3,000,000, or so much of the sum as may be necessary, and from special funds and other income, the sum of \$3,000,000, or so much of the sum as may be necessary, to Williston state college for the purpose of constructing a virtual center for career and technical education, for the biennium beginning July 1, 2009, and ending June 30, 2011. Williston state college may only spend the federal funds authorized in this section to the extent that one dollar of other nonstate matching funds are provided for each one dollar of federal funds. Williston state college may only use the funding for the purpose of constructing a virtual center for career and technical education to provide secondary career and technical education programs."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1231: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (15 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING). HB 1231 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1243, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (13 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1243 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1270, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1270 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "of gravel pits and forage"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1276, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1276 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "nine" with "six"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

**HB 1278: Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1278 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 amend and reenact sections 61-24.5-04, 61-24.5-07, and 61-24.5-08 of the North Dakota Century Code, relating to members of the board of directors of the southwest water authority; to repeal sections 61-24.5-10, 61-24.5-11, 61-24.5-12, 61-24.5-13, and 61-24.5-14 of the North Dakota Century Code, relating to property tax levies within the southwest water authority; and to provide an effective date.

**SECTION 1. AMENDMENT.** Section 61-24.5-04 of the North Dakota Century Code is amended and reenacted as follows:

**61-24.5-04. Board of directors - Officers - Meetings - Compensation.** The authority must be governed by a board of directors who must be chosen in accordance with this chapter. One director must be elected from each county within the authority, ~~and two directors must be elected in the city of Dickinson, and one director must be elected in the city of Mandan.~~ The director from Stark County may not be a resident of the city of Dickinson. The director from Morton County may not be a resident of Mandan. The board shall elect from the directors a chairman, vice chairman, and secretary. A majority of the directors constitutes a quorum for the purpose of conducting the business of the board. The board shall meet at the time and place designated by the secretary. Board members are entitled to receive as compensation an amount determined by the board not to exceed the amount per day provided members of the legislative council under section 54-35-10 and must be reimbursed for their mileage and expenses in the amount provided for by sections 44-08-04 and 54-06-09.

**SECTION 2. AMENDMENT.** Section 61-24.5-07 of the North Dakota Century Code is amended and reenacted as follows:

**61-24.5-07. Election of city directors of the southwest water authority.** Any person who is a resident and qualified elector of the city of Dickinson or Mandan who aspires to the office of director of the southwest water authority shall, at least sixty days and before five p.m. on the sixtieth day before the election, file with the city auditor a petition signed by not less than ten percent of the number of qualified electors who voted for that office in the last city election, except that the petition for the first election must be signed by not less than two hundred qualified electors. Signers of a petition must reside within the corporate limits of the city, and each signer of the petition shall include with the signer's name the signer's mailing address. The petition must include the candidate's name, post-office address, and the title of the office of the southwest water authority for which the candidate is seeking election.

The petition must be accompanied by an affidavit substantially as follows:

STATE OF NORTH DAKOTA )  
 ) ss.  
City of Dickinson )

I \_\_\_\_\_, being sworn, say that I reside in the city of Dickinson \_\_\_\_\_ and State of North Dakota; that I am a qualified elector therein; that I am a candidate for the office of director of the Southwest Water Authority to be elected at the municipal election to be held on \_\_\_\_\_, \_\_\_\_\_, and I request that my name be printed upon the election ballot as provided by law. as a candidate for the office.

Subscribed and sworn to before me on \_\_\_\_\_,

Notary Public

Upon receipt of the petition the city auditor shall without fee place the name of the aspirant on the election ballot as a candidate for the office of director. The candidate or candidates, depending on whether one or two directors are being elected,

receiving the highest number of votes are elected. The provisions of chapter 40-21 govern the election of directors from the city of Dickinson or Mandan for the southwest water authority.

**SECTION 3. AMENDMENT.** Section 61-24.5-08 of the North Dakota Century Code is amended and reenacted as follows:

**61-24.5-08. Term of office of directors - Oath of office - Bonds.** Members of the board of directors of the authority hold office for a term of four years, until a successor has been duly elected and qualified. If the office of any director becomes vacant by reason of the failure of any director elected at any election to qualify or for any other reason, the director's successor must be appointed to fill the vacancy by the board of county commissioners of the county in which the vacancy occurs, or by the governing body of the city of Dickinson or Mandan, as appropriate. A director appointed to fill a vacancy shall hold office for the unexpired term of the director whose office has become vacant, and until a successor has been elected and qualified.

Members of the board of directors elected from a county must be elected at the primary election and assume office on the first Monday in July following their election. Members of the board of directors elected from the city of Dickinson or Mandan must be elected at the municipal election and assume office on the first Monday in July following their election.

In 2002 all directors' terms are deemed to have expired, and each county shall elect one director to serve on the board of directors and the city of Dickinson shall elect two directors to serve on the board of directors. In 2002 one director from the city of Dickinson and directors from Adams, Billings, Dunn, Grant, Oliver, and Slope Counties must be elected for two-year terms and in 2004 and thereafter must be elected for four-year terms. In 2010 the director from the city of Mandan must be elected to a four-year term. All ~~other subsequent~~ directors elected ~~in 2002~~ must be elected for four-year terms.

Before assuming the duties of the office of director, each director shall take and subscribe to the oath of office prescribed by law for civil officers. The authority treasurer must be bonded in an amount as the board may prescribe.

**SECTION 4. REPEAL.** Sections 61-24.5-10, 61-24.5-11, 61-24.5-12, 61-24.5-13, and 61-24.5-14 of the North Dakota Century Code are repealed.

**SECTION 5. EFFECTIVE DATE.** Section 4 of this Act is effective on January 1, 2020, unless before that date a majority of qualified electors within the southwest water authority voting on the question approve the continuation of the property tax levy for support of the southwest water authority."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1295: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1295 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 amend and reenact subdivision c of subsection 3 of section 39-06-14, subsection 3 of section 39-27-05, subsection 2 of section 39-29-01, and subsection 1 of section 39-29-09 of the North Dakota Century Code, relating to off-highway vehicles.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subdivision c of subsection 3 of section 39-06-14 of the North Dakota Century Code is amended and reenacted as follows:

- c. A driver with a class M license may operate any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding motorized bicycles; ~~and tractors, and vehicles on which the operator or passengers, or both, ride within an enclosed cab.~~ A class M vehicle may not be operated under a class A, B, C, or D license.

- (1) The holder of a class A, B, C, or D license may receive a class M endorsement upon successful completion of an examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
- (2) An applicant sixteen years of age and older, who does not hold a current valid operator's license may be issued a class M learner's permit after successful completion of a written examination. The class M license will be issued after the applicant has successfully completed a driver's examination. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director.
- (3) Applicants fourteen or fifteen years of age may be issued a motorcycle learner's permit if the applicant is enrolled in or has completed an approved motorcycle safety course. Applicants for a motorcycle operator's license who are under sixteen years of age shall hold an initial learner's permit for at least two months before applying for a class M operator's license, shall have completed an approved motorcycle safety course, and shall hold a valid motorcycle learner's permit at the time of application. The director may waive the skill portion of the examination if the applicant has successfully completed a motorcycle safety course approved by the director. Any person under sixteen years of age who holds a permit or license is restricted to the operation of a motorcycle powered with an engine of two hundred fifty cubic centimeters, or less, displacement. Evidence that the applicant has satisfactorily completed a motorcycle safety course which meets the minimum requirements of the motorcycle safety foundation must accompany the application.

**SECTION 2. AMENDMENT.** Subsection 3 of section 39-27-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Wheel rim diameters may not be less than ten inches [25.4 centimeters] or otherwise comply with title 49, Code of Federal Regulations, part 571, Federal Motor Vehicle Safety Standards, and must otherwise comply with applicable state standards, as promulgated by the director. Two-wheel motorcycles using low pressure tires are exempt from this subsection if the inflated height of the tire is twenty inches [508 millimeters] or greater.

**SECTION 3. AMENDMENT.** Subsection 2 of section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Off-highway vehicle" means any wheeled motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:
  - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
  - b. Class II off-highway vehicle is less than fifty inches [1270.00 millimeters] in width, travels on three or more low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control.
  - c. Class III off-highway vehicle weighs less than eight thousand pounds, travels on four or more tires, has a seat and a wheel for steering control, and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, unless registered by the department under chapter 39-04.

- d. Class IV off-highway vehicle weighs more than six hundred pounds [272.16 kilograms] but less than eight thousand pounds [3628.7 kilograms], travels on three or more tires, has a steering device for the front wheel steering control, excluding motorcycles, and is capable of traveling sixty-five miles [104.61 kilometers] per hour.
- e. Class V off-highway vehicle weighs more than one thousand pounds [453.59 kilograms] but less than eight thousand pounds [3628.7 kilograms], travels on three or more tires, has a steering wheel for front steering control, is capable of traveling seventy-five miles [120.70 kilometers] per hour and has safety equipment installed as listed in chapter 39-21.

**SECTION 4. AMENDMENT.** Subsection 1 of section 39-29-09 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual may not operate an off-highway vehicle on the roadway, shoulder, or inside bank or slope of any road, street, or highway except as provided in this chapter. Except in emergencies, an individual may not operate an off-highway vehicle within the right of way of any controlled-access highway. An individual may operate a registered off-highway vehicle on a gravel, dirt, or loose surface roadway. An individual may operate a registered off-highway vehicle on a paved highway designated and posted at a speed not exceeding fifty-five miles [88.51 kilometers] per hour. A licensed driver over sixteen years of age may operate a registered class III off-highway vehicle on a paved highway designated and posted at a speed not exceeding sixty-five miles [104.61 kilometers] per hour. Only individuals with a valid class D operator's license may operate a class IV or class V off-highway vehicle. Class IV vehicles may not operate on a highway with a posted speed limit above sixty-five miles [104.61 kilometers] per hour."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1316: 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 1316 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to amend and reenact sections 53-06.2-02 and 53-06.2-03 and subsection 6 of section 53-06.2-11 of the North Dakota Century Code, relating to the racing commission and the authority of the attorney general; and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 53-06.2-02 of the North Dakota Century Code is amended and reenacted as follows:

#### **53-06.2-02. Racing commission - Members - Appointment - Term - Qualifications - Compensation.**

1. A North Dakota racing commission is established ~~consisting in the office of the attorney general.~~ The commission is subject to the supervision and direction of the attorney general, except with regard to the commission's authority to spend the funds described in subsection 6 of section 53-06.2-11. The attorney general may require payment for any services rendered to the commission. Payment for those services must be deposited into the attorney general's operating fund. The commission consists of the chairman and four other members appointed by the ~~governor~~ attorney general. One of the members must be appointed from a list of four nominees, one of whom is nominated by the state chapter or affiliate of the American quarter horse racing association, one of whom is nominated by the state chapter or affiliate of the United States trotting association, one of whom is nominated by the state chapter or affiliate of the international Arabian horse association, and one of whom is nominated by the state chapter or affiliate of the North Dakota thoroughbred association. The members serve five-year terms and until a successor is appointed and qualified. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves for the unexpired portion

of the term and may be reappointed. The terms of the commissioners must be staggered so that one term expires each July first. At the expiration of the five-year term of each incumbent member of the commission, the governor shall appoint a new member to the commission.

2. A person is ineligible for appointment to the commission if that person has not been a resident of this state for at least two years before the date of appointment. A person is also ineligible if that person is not of such character and reputation as to promote public confidence in the administration of racing in this state. A person who has a financial interest in racing cannot be a member of the commission and cannot be employed by the commission. Failure to maintain compliance with this subsection is grounds for removal from the commission or from employment with the commission. For purposes of this section, a person has a financial interest in racing if that person has an ownership interest in horses running at live or simulcast meets conducted or shown in this state subject to this chapter or rules of the commission, is required to be licensed under this chapter or the rules of the commission, or who derives any direct financial benefit from racing, individually or by or through an entity or other person, as regulated by this chapter or the rules of the commission.
3. Commission members are entitled to ~~seventy-five dollars per day for the same compensation;~~ and mileage and expense reimbursement as allowed to other state employees provided for members of committees of the legislative council under section 54-35-10.

**SECTION 2. AMENDMENT.** Section 53-06.2-03 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.2-03. Director of racing - Appointment - Qualifications - Salary - Duties - Other personnel.**

1. The ~~commission~~ attorney general shall appoint a director of racing. The ~~commission~~ attorney general shall establish the director's qualifications and salary.
2. The director shall devote such time to the duties of the office as the ~~commission~~ attorney general may prescribe. The director is the executive officer of the commission and shall enforce the rules and orders of the commission. The director shall perform other duties prescribed by the ~~commission prescribes~~ attorney general.
3. The director may employ other ~~persons~~ individuals as authorized by the ~~commission~~ attorney general.

**SECTION 3. AMENDMENT.** Subsection 6 of section 53-06.2-11 of the North Dakota Century Code is amended and reenacted as follows:

6. The commission shall deposit the moneys received pursuant to subsections 1, 2, and 3 and from the North Dakota horse racing foundation pursuant to subsection 5 of section 53-06.2-05 in the breeders' fund, the purse fund, and the racing promotion fund. Moneys, and any earnings on the moneys, in the breeders' fund, purse fund, and racing promotion fund are appropriated to the commission on a continuing basis to carry out the purposes of those funds under this chapter and must be administered and disbursed in accordance with rules adopted by the commission. The commission may not transfer money among the funds. The commission shall distribute awards and payment supplements from the breeders' fund in the same calendar year the money was earned by the recipient. The commission shall distribute payments awarded to qualified owners and breeders from the breeders' fund without requiring owners and breeders to apply for the payments. The commission, upon approval of the ~~emergency~~ ~~commission~~ attorney general, may receive no more than twenty-five percent of the racing promotion fund for the payment of the commission's operating expenses."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1317, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (14 YEAS, 3 NAYS, 8 ABSENT AND NOT VOTING). Engrossed HB 1317 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1327, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (17 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1327 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1329: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1329 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1335: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (13 YEAS, 7 NAYS, 5 ABSENT AND NOT VOTING). HB 1335 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1339: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1339 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1348: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1348 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 62.1-02-04 and" with "section"

Page 1, line 2, replace "or dangerous weapon by a person" with "at a public gathering."

Page 1, remove line 3

Page 1, remove lines 5 through 21

Page 2, line 22, replace "unless" with "when" and replace "public" with "state or private institution of higher education and that individual is on real property that is a dwelling unit or that unit's related parking and shared space. In addition, this section does not apply to an individual with a valid general game license issued by this state or who has successfully completed hunter education in this state or any other state or province, when that individual is on the real property, comprising a state or private institution of higher education and that individual is on the real property that is a dwelling unit or that unit's related parking and shared space. As used in this subsection, dwelling unit does not include a dormitory."

Page 2, remove line 23

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1351: 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 1351 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "a prosecutor or"

Page 1, line 21, remove "other officer of the court,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1353: 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 1353 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to relocation of a utility facility; and to", remove "24-04-03,", after the third comma insert "and", and remove the fourth comma

Page 1, line 2, remove "and 49-21-07"

Page 1, line 19, remove "A political subdivision or the state planning a project that will require any utility"

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 and 2

Page 3, line 3, remove "department, institution, or state-level authority." and overstrike "The" and insert immediately thereafter "As used in this section, the"

Page 3, line 10, after "to" insert:

- "3. The department, in cooperation with utilities, shall develop or adopt procedures for administration of utility facility relocation. The procedures must comply with federal law. At a minimum, the procedures must address notification, coordination, billing, and payment. The department shall coordinate with utilities that are affected by the construction project as early as possible in the project development process.
4. The department shall coordinate utility facility relocations with the affected utility in an effort to minimize cost associated with utility facility relocations.
5. When a utility facility needs to be relocated, the department shall enter an agreement with the utility indicating if the utility facility relocation work is eligible for reimbursement, the estimated cost for the work, the anticipated construction schedule, and the location of the work.
6. "

Page 3, replace lines 13 through 31 with:

"**SECTION 2.** A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

**Relocation of utility facilities - Political subdivision roads.**

1. Whenever a political subdivision determines and orders that any utility facility that is or may be located in, over, along, or under a road right of way under its authority, qualifying for federal aid, should be changed, removed, or relocated to accommodate the construction of a project, the utility owning or operating the facility shall change, relocate, or remove the utility facility in accordance with the order of the political subdivision; provided that the costs of the change, relocation, or removal, including the cost of installing the facilities in a new location, must be ascertained and paid to the affected utility by the political subdivision as part of the cost of the federally aided project unless the payment would violate a legal contract between the utility and the political subdivision or where the roadway existed before the utility facility.
2. As used in this section:
  - a. "Cost of change, relocation, or removal" includes the entire cost incurred by such utility properly attributable to such change, relocation, or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.
  - b. "Political subdivision" includes a county, city and county, city, home rule city, service authority, school district, local improvement district, law enforcement authority, water, sanitation, fire protection,

metropolitan, irrigation, drainage, or other special district, or any other municipal, quasi-municipal, or public organization.

- c. "Utility" includes all cooperatively, municipally, publicly, or privately owned utilities for supplying water, sewer, light, gas, power, telegraph, telephone, transit, pipeline, or like service to the public.
3. The political subdivision, in cooperation with utilities, shall develop or adopt procedures for administration of utility facility relocation. The procedures must comply with federal law. At a minimum, the procedures must address notification, coordination, billing, and payment. The political subdivision shall coordinate with utilities that are affected by the construction project as early as possible in the project development process.
4. The political subdivision shall coordinate utility facility relocations with the affected utility in an effort to minimize costs associated with utility facility relocations.
5. When a utility facility needs to be relocated, the political subdivision shall enter an agreement with the utility indicating if the utility facility relocation work is eligible for reimbursement, the estimated cost for the work, the anticipated construction schedule, and the location of the work.
6. This section does not affect in any way the right of any utility to receive just compensation for the expense of changing, removing, or relocating its facilities located in a private right of way."

Page 4, line 9, after "procedures" insert "or resulting in relocation, change, or removal of facilities"

Page 4, line 10, after "change" insert ", except price changes related to the costs of relocation, change, or removal of facilities are not subject to a thirty-day implementation requirement" and remove "Surcharges related to the costs of"

Page 4, remove lines 11 and 12

Page 5, remove lines 29 and 30

Page 6, remove lines 1 through 22

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1357, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (22 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1357 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1369: 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 1369 was placed on the Sixth order on the calendar.

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

Page 1, line 8, replace "if the governing body, after" with ", for"

Page 1, remove line 9

Page 1, line 10, after "duty" insert "or for habitual drunkenness or gross incompetence, after notice and opportunity for a hearing"

Page 1, after line 10, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1386: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1386 was placed on the Sixth order on the calendar.

Page 2, line 12, remove the overstrike over "~~state microbiology laboratory of the department~~"

Page 2, line 13, after "~~and~~" insert "or" and remove the overstrike over "~~by the North Dakota~~"

Page 2, line 14, after the period insert "The department may conduct a diagnosis of farm animals, domestic animals, and wildlife that are suspected of having rabies and report findings as appropriate."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1389: 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 1389 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~individuals in publicly owned~~"

Page 1, line 11, remove the overstrike over "~~parks where hunting is not allowed by proclamation and~~"

Page 1, line 12, after the period insert "The term 'public gathering' does not apply to a state or federal park."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1394, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (21 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1394 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1398: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1398 was placed on the Sixth order on the calendar.

Page 1, line 19, after the underscored period insert "The governing body of a city or county may not supersede this subsection under home rule authority."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1412: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1412 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1413: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1413 was placed on the Sixth order on the calendar.

Page 3, line 18, replace "grown" with "purchased by the first designated handler"

Page 5, line 25, overstrike "sold" and insert immediately thereafter "purchased by the first designated handler"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1415: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**NOT PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1415 was placed on the Sixth order on the calendar.

Page 2, line 19, after "~~s~~." insert "r." and remove the overstrike over "~~The board of university and school lands except with respect to activities~~"

Page 2, remove the overstrike over line 20

Page 2, line 21, replace "r." with "s."

Page 2, line 24, replace "s." with "t."

Page 2, line 26, replace "t." with "u."

Page 2, line 29, replace "u." with "v."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1416: 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 1416 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first "section" with "sections" and remove "a new subsection to section"

Page 1, line 2, replace "12-60-16.2" with "29-05-11.1"

Page 1, remove lines 14 through 19

Page 5, after line 29, insert:

**"SECTION 3.** Section 29-05-11.1 of the North Dakota Century Code is created and enacted as follows:

**29-05-11.1. Duty of peace officer to enter warrant.** A peace officer who receives a warrant for the arrest of a fugitive and does not execute the warrant shall enter the warrant in the central warrant information system. A warrant of arrest for the failure to pay a fine or fee may be entered at the discretion of the peace officer. A criminal justice agency may specify whether the agency will extradite from outside the county or state and the county or state from which the agency will extradite."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1425, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (12 YEAS, 10 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1425 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1434, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (17 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1434 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1444: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1444 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "any other political subdivision" with "a city, county, school district, or park district"

Page 1, line 11, replace "the subdivision's" with "that entity's"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1451: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1451 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1460, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1460 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "The"

Page 1, remove lines 4 and 5

Page 1, line 6, remove "state property or institutions."

Page 1, line 14, replace "equal" with "up"

Page 1, remove line 15

Page 1, line 16, replace "to the property of the institution for the next ten years" with "savings to the state for the next ten years resulting from converting the property or institution to an alternative use. The office of management and budget shall consider the estimated cost to the state of continuing to provide the service of the institution or property to state residents when calculating the estimated savings to the state"

Page 1, line 18, replace "future appropriations and income" with "the estimated savings to the state"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1475: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (20 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). HB 1475 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1478, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1478 was placed on the Sixth order on the calendar.

Page 2, line 1, remove the overstrike over "and"

Page 2, line 3, remove "and"

Page 2, line 4, remove "f. Coverage for children through the age of nineteen"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1482: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (25 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1482 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1483: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (24 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1483 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1484: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (13 YEAS, 12 NAYS, 0 ABSENT AND NOT VOTING). HB 1484 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1496, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**PASS** (18 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1496 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "the department of commerce to conduct"

Page 1, line 4, replace "**DEPARTMENT OF COMMERCE**" with "**EQUINE PROCESSING FACILITY FEASIBILITY**"

Page 1, line 5, replace "department of commerce" with "agricultural products utilization commission" and after "shall" insert "consider providing a grant for a proposal to"

Page 1, line 7, replace "The feasibility study" with "Any proposal to be considered by the agricultural products utilization commission"

Page 1, line 18, replace "The department of commerce shall report its" with "If the agricultural products utilization commission provides a grant for a study, the commission shall report the"

Page 1, line 22, replace "agricultural fuel tax" with "general" and replace "\$75,000" with "\$50,000"

Page 2, line 1, replace "conducting" with "providing a grant for"

Page 2, line 2, after the period insert "The department may only spend the funding from the general fund to the extent matching funds are provided on a dollar-for-dollar basis."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1498, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (18 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1498 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1499: Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1499 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to permits for exempt training areas for gun dogs; and to"

Page 1, line 2, after "dogs" insert "and to provide for an exempt training area permit"

Page 1, line 8, remove the overstrike over "~~July~~" and remove "~~August~~"

Page 1, after line 19, insert:

**"SECTION 2.** A new section to chapter 20.1-04 of the North Dakota Century Code is created and enacted as follows:

**Gun dog training area - Permit.** Notwithstanding section 20.1-04-12, a professional trainer may apply to and obtain from the department a permit designating a specific training area, not to exceed forty acres [16.19 hectares], as an exempt training area.

1. In the exempt training area, a professional trainer may train or run any gun dog or allow the gun dog to run loose at any time.
2. The fee for the permit may not exceed ten dollars per year."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1505: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1505 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1522: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1522 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1543: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1543 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 create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to the procurement of North Dakota food products.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 44-08 of the North Dakota Century Code is created and enacted as follows:

**Procurement of North Dakota food products.** Whenever possible, each state agency, institution of higher education under the control of the state board of higher education, and political subdivision that has the authority to purchase food products may purchase food products produced in this state."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1556, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (17 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1556 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1571, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO NOT PASS** (14 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1571 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1570: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1570 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 amend and reenact subsection 3 of section 39-05-17.2 of the North Dakota Century Code, relating to body damage disclosure on titles to motor vehicles.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 3 of section 39-05-17.2 of the North Dakota Century Code is amended and reenacted as follows:

3. As used in this section, "motor vehicle body damage" means a change in the body or structure of a motor vehicle, generally resulting from a vehicular crash or accident, including loss by fire, vandalism, weather, or submersion in water, resulting in damage to the motor vehicle which equals or exceeds the greater of ~~eight~~ twelve thousand dollars or ~~forty~~ fifty percent of the predamage retail value of the motor vehicle as determined by the national automobile dealers association official used car guide. The term does not include body or structural modifications, normal wear and tear, glass damage, hail damage, or items of normal maintenance and repair."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1575, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (24 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1575 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3011: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3011 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", implementation, and funding"

Page 1, line 10, replace "funding levels to" with "the resources of"

Page 1, line 12, replace "have decreased" with "are limited"

Page 1, line 20, remove ", implementation, and funding"

Page 2, line 3, remove "and" and after "Counties" insert ", United States Department of Homeland Security, and to each member of the North Dakota Congressional Delegation"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3014: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3014 was placed on the Sixth order on the calendar.

Page 2, line 14, after "to" insert "the President of the United States, the Senate and House Majority and Minority Leaders of the United States House of Representatives and the United States Senate, the United States Secretary of Agriculture, the United States Secretary of the Interior, and to"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3017: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3017 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second "comma" insert "tribal governments,"

Page 1, line 7, after the third "comma" insert "tribal,"

Page 1, line 17, after the second "comma" insert "tribal governments,"

Page 1, line 23, after the second "comma" insert "tribal governments,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3028: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3028 was placed on the Sixth order on the calendar.

Page 2, line 10, after "to" insert "the President of the United States, the Senate and House Majority and Minority Leaders of the United States House of Representatives and the United States Senate, the United States Secretary of Agriculture, and to"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3038: Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3038 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3043: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3043 was placed on the Tenth order on the calendar.

**SIXTH ORDER OF BUSINESS**

**SPEAKER MONSON DEEMED** approval of the amendments to HB 1040, HB 1060, HB 1078, HB 1171, Reengrossed HB 1219, Reengrossed HB 1221, HB 1222, HB 1230, HB 1270, HB 1276, HB 1278, HB 1295, HB 1316, HB 1348, HB 1351, HB 1353, HB 1369, HB 1386, HB 1389, HB 1398, HB 1413, HB 1415, HB 1416, HB 1444, Reengrossed HB 1460, HB 1478, HB 1496, HB 1499, HB 1543, HB 1570, HCR 3011, HCR 3014, HCR 3017, HCR 3028, HCR 3029, and HCR 3039.

Reengrossed HB 1221, as amended, was rereferred to the **Appropriations Committee**.

HB 1040, HB 1060, HB 1078, HB 1171, Reengrossed HB 1219, HB 1222, HB 1230, HB 1270, HB 1276, HB 1278, HB 1295, HB 1316, HB 1348, HB 1351, HB 1353, HB 1369, HB 1386, HB 1389, HB 1398, HB 1413, HB 1415, HB 1416, HB 1444, Reengrossed HB 1460, HB 1478, HB 1496, HB 1499, HB 1543, HB 1570, HCR 3011, HCR 3014, HCR 3017, HCR 3028, HCR 3029, and HCR 3039, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. VIGESAA MOVED** that HB 1255, HB 1256, HB 1268, and HB 1324 be returned to the House floor from the **Appropriations Committee**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1322:** A BILL for an Act to create and enact a new chapter to title 17 of the North Dakota Century Code, relating to an energy policy commission; to provide for a water resources study; and to provide for a legislative council study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; 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; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglern; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Reengrossed HB 1322 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3030:** A concurrent resolution urging Congress to use common sense principles for Congressional action on climate change legislation.

**ROLL CALL**

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 10 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; Frantsvog; Froseth; Grande; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt;

Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Ekstrom; Glassheim; Griffin; Gruchalla; Kelsh, J.; Kelsh, S.; Mock; Myxter; Thorpe; Winrich

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HCR 3030 was declared adopted and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1560:** A BILL for an Act to amend and reenact section 28-01.3-04 of the North Dakota Century Code, relating to the liability of nonmanufacturing sellers.

### 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 26 YEAS, 66 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Boucher; DeKrey; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Holman; Kaldor; Kasper; Kelsh, S.; Kroeber; Mock; Myxter; Nelson; Onstad; Pinkerton; Schneider; Sukut; Vig; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Delzer; Dosch; Drovdal; Frantsovog; Froseth; Grande; Hawken; Headland; Heller; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemmin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Nathe; Nottestad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Skarphol; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1560 lost.

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### MOTION

**REP. VIGESAA MOVED** that HB 1517 be moved to the bottom of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

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

### ROLL CALL

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsovog; 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; Kilichowski; Kingsbury; Klein; Klemmin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman; Metcalf

Engrossed HB 1509 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1503:** A BILL for an Act to create and enact a state disaster relief fund; to provide for an appropriation; and to provide a transfer.

**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 70 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Griffin; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Monson

**NAYS:** Amerman; Boe; Boucher; Conrad; Ekstrom; Glassheim; Gruchalla; Hanson; Hunskor; Kelsh, J.; Kelsh, S.; Metcalf; Mueller; Myxter; Potter; Schmidt; Thorpe; Vig; Weiler; Winrich; Wolf; Zaiser

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1503 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1426:** A BILL for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to the wind tower setbacks.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Boe; Boucher; Conklin; Conrad; DeKrey; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Holman; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Kroeber; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Schneider; Uglem; Vig; Weisz; Wieland; Winrich; Zaiser

**NAYS:** Bellew; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kelsch, R.; Kempenich; Klein; Koppelman; Kreidt; Kretschmar; Martinson; Nathe; Nottestad; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Vigasaa; Wald; Wall; Weiler; Williams; Wolf; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1426 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1354:** A BILL for an Act to create and enact a new section to chapter 57-20 of the North Dakota Century Code, relating to an extension of time of property tax delinquency before foreclosure of a tax lien for certain property developers; to amend and reenact sections 15-08-19, 57-20-26, and 57-28-01 of the North Dakota Century Code, relating to the period of property tax delinquency before foreclosure of a tax lien; 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 85 YEAS, 7 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; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Glassheim; Holman; Kaldor; Meyer, S.; Onstad; Schmidt; Wieland

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1354 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1342:** A BILL for an Act to create and enact a new section to chapters 49-10 and 49-11 of the North Dakota Century Code, relating to public and private railroad crossings; and to amend and reenact sections 49-11-21 and 49-11-22 of the North Dakota Century Code, relating to warning devices at railroad crossings.

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

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1342 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1305:** A BILL for an Act to provide an appropriation to the state water commission for water project grants; 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 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; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; 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; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Zaiser; Speaker Monson

**NAYS:** Bellew; Damschen; Delzer; Glassheim; Potter; Weiler; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1305 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1294:** A BILL for an Act to create and enact section 26.1-21-24 of the North Dakota Century Code, relating to bond purchases by state agencies and political subdivisions; and to amend and reenact subsection 3 of section 26.1-01-07.1 and sections 26.1-21-07, 26.1-21-09, and 26.1-21-10 of the North Dakota Century Code, relating to the insurance regulatory trust fund and insurance provided to state agencies and political subdivisions under the state bonding fund.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; 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; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1294 passed and the title was agreed to.

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### MOTION

**REP. VIGESAA MOVED** that HB 1286 be moved to the bottom of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1116:** A BILL for an Act to create and enact a new section to chapter 43-10 of the North Dakota Century Code, relating to the powers of the state board of funeral service to conduct information seminars; and to amend and reenact subsection 6 of section 43-10-10.1 and sections 43-10-13, 43-10-14, 43-10-15.1, 43-10-22, and 43-10-23 of the North Dakota Century Code, relating to an exception to the requirement of a license to practice funeral service, licensing of funeral practitioners, and licensing and inspection of funeral establishments.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 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; Dosch; Drovdal; Ekstrom; Frantsvog; 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; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Delzer; Onstad

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1116 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1568:** A BILL for an Act to provide for an interim select committee on the status of health care; and to provide for a report to the legislative council.

**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 36 YEAS, 56 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovda; 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; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1568 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1501:** A BILL for an Act to provide voter approval of school district building projects funded through a building authority or other indirect means.

**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 32 YEAS, 60 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Boe; Boucher; Clark; Conklin; DeKrey; Delzer; Dosch; Drovda; Ekstrom; Glassheim; Grande; Griffin; Gruchalla; Karls; Kasper; Kelsh, S.; Kempenich; Onstad; Ruby; Schatz; Schmidt; Schneider; Thoreson; Thorpe; Vig; Vigesaa; Weisz; Winrich; Wrangham; Zaiser

**NAYS:** Belter; Berg; Boehning; Brandenburg; Carlson; Conrad; Dahl; Damschen; Delmore; Frantsvog; Froseth; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, J.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Skarphol; Sukut; Svedjan; Uglem; Wald; Wall; Weiler; Wieland; Williams; Wolf; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1501 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1362:** A BILL for an Act to amend and reenact section 52-04-24 of the North Dakota Century Code, relating to unemployment compensation rates for staffing services.

**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; Drovda; Ekstrom; Frantsvog; 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; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1362 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1361:** A BILL for an Act to create and enact subsection 11 to section 43-55-01 and two new sections to chapter 43-55 of the North Dakota Century Code, relating to professional employer organizations; to amend and reenact sections 43-55-03 and 43-55-05 of the North Dakota Century Code, relating to licensing requirements for professional employer organizations; 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 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; 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; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1361 passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1073:** A BILL for an Act to create and enact chapter 37-17.3 and a new section to chapter 65-06 of the North Dakota Century Code, relating to adoption of the Uniform Emergency Volunteer Health Practitioners Act and workers' compensation coverage of volunteers; and to amend and reenact section 65-06-05 of the North Dakota Century Code, relating to workers' compensation coverage of volunteers.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 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; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Keiser

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1073 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1472:** A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the creation of an early childhood services advisory board; 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 62 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Myxter; Nathe; Nelson; Pietsch; Pollert; Porter; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Weiler; Weisz; Wieland; Zaiser; Speaker Monson

**NAYS:** Amerman; Boe; Boucher; Conrad; Delmore; Ekstrom; Frantsvog; Froseth; Hanson; Holman; Hunsakor; Kaldor; Keiser; Kelsh, J.; Klein; Kroeber; Mock; Mueller; Nottestad; Onstad; Pinkerton; Potter; Ruby; Schmidt; Vig; Wall; Williams; Winrich; Wolf; Wrangham

**ABSENT AND NOT VOTING:** Froelich; Kerzman

Engrossed HB 1472 passed, the title was agreed to, but the emergency clause lost.

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### SECOND READING OF HOUSE BILL

**HB 1193:** A BILL for an Act to provide an appropriation to the department of commerce for a grant to the Dunn County fair association.

### 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 39 YEAS, 53 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Ekstrom; Frantsvog; Glassheim; Griffin; Hatlestad; Hawken; Holman; Hunsakor; Johnson, N.; Kaldor; Karls; Kelsh, J.; Kelsh, S.; Kilichowski; Klein; Kretschmar; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schatz; Schmidt; Schneider; Thorpe; Vig; Wald; Weiler; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Froseth; Grande; Gruchalla; Hanson; Headland; Heller; Hofstad; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kroeber; Martinson; Meier, L.; Metcalf; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wall; Weisz; Wieland; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

HB 1193 lost.

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### SECOND READING OF HOUSE BILL

**HB 1197:** A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code, relating to the use of safety belts; and to repeal section 39-21-41.5 of the North Dakota Century Code, relating to secondary enforcement of safety belt 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 34 YEAS, 58 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Conrad; Delmore; Ekstrom; Frantsvog; Glassheim; Gruchalla; Hanson; Hawken; Holman; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kingsbury; Klein; Klemin; Kroeber; Metcalf; Mock; Mueller; Nottestad; Onstad; Pinkerton; Potter; Thorpe; Uglem; Wieland; Williams; Winrich; Wolf

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Froseth; Grande; Griffin; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kempenich; Kilichowski; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Myxter; Nathe; Nelson; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman

HB 1197 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1267:** A BILL for an Act to provide an appropriation to the state veterans' home for a geothermal heating system; and to declare an emergency.

**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 2 YEAS, 89 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Gruchalla; Mock

**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; 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.; Metcalf; Meyer, S.; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman; Uglem

HB 1267 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1420:** A BILL for an Act to amend and reenact section 40-40-10 of the North Dakota Century Code, relating to certified copies of the municipal levy and final budget being sent to the county auditor.

**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, 1 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; 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; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol;

Sukut; Svedjan; Thoreson; Thorpe; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Kasper

**ABSENT AND NOT VOTING:** Froelich; Kerzman; Uglen

HB 1420 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1436:** A BILL for an Act to amend and reenact sections 1-02-06.1, 1-02-09, and 1-02-09.2, subsection 1 of section 4-05.1-16, subsection 6 of section 4-35-30, section 15-10-12.1, subsection 13 of section 16.1-01-14, sections 16.1-01-17, 23-12-10.2, 26.1-21-07, 28-32-03, 28-32-06, 28-32-07, 28-32-10, 28-32-15, 28-32-17, 28-32-18, 28-32-18.1, 28-32-19, and 28-32-20, subsection 4 of section 28-32-42, subsection 3 of section 34-11.1-01, sections 44-04-18.6, 44-08-18, 46-02-05, 46-02-10, 46-03-10, 46-03-11, 46-03-11.1, 46-03-11.2, 46-03-15, 46-03-19, and 48-08-04, subsection 4 of section 49-23-03, sections 50-24.1-02.5, 54-03-19.2, 54-03-28, and 54-03.1-02, subsection 4 of section 54-06-04, section 54-06-15, subsection 4 of section 54-06-25, sections 54-21-17.1, 54-35-02, 54-35-02.2, 54-35-03, 54-35-06, 54-35-11, 54-35-12, 54-35-13, 54-35-15, and 54-35-19, subsection 2 of section 54-35-22, and sections 54-35-23, 54-35-24, 54-35.2-03, 54-44.1-12.1, 54-55-01, 54-59-11, and 65-02-01.1 of the North Dakota Century Code, relating to differentiation between the legislative council and legislative services as an agency of the legislative branch.

### 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; 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; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglen; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Froelich; Kerzman; Zaiser

HB 1436 passed and the title was agreed to.

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### 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 1071, HB 1112, HB 1135, HB 1149, HB 1313, HB 1321, HB 1323, HB 1326, HB 1340, HB 1341, HB 1347, HB 1368, HB 1370, HB 1377, HB 1399, HB 1403, HB 1418, HB 1457, HB 1459, HB 1513.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1067, HB 1238, HB 1567.

### 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 2017, SB 2034, SB 2178, SB 2184, SB 2212, SB 2216, SB 2218, SB 2223, SB 2231, SB 2241, SB 2260, SB 2264, SB 2268, SB 2277, SB 2311, SB 2350, SB 2367, SB 2390, SB 2391.

### 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., Tuesday, February 17, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1225, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1225 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "nine" with "eight"

Page 2, line 5, replace "\$20,000,000" with "\$5,000,000"

Page 2, line 9, replace "\$10,000,000" with "\$5,000,000"

Page 2, line 10, remove "and additional grant funds of \$10,000,000 in the grant round awarded in 2010"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1274: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 11 NAYS, 2 ABSENT AND NOT VOTING). HB 1274 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section 57-51-15(2)" with "subsection 2 of section 57-51-15"

Page 1, line 2, remove "elimination of the"

Page 1, line 5, replace "Section 57-51-15(2)" with "Subsection 2 of section 57-51-15" and after "amended" insert "and reenacted as follows"

Page 1, line 17, remove the overstrike over "~~However, the amount to which each~~"

Page 1, line 18, remove the overstrike over "~~county is entitled pursuant to this subsection~~"

Page 1, line 19, after "census" insert "may be limited" and remove the overstrike over "as"

Page 1, line 20, remove the overstrike over "~~follows:~~"

Page 1, replace lines 21 through 24 with:

- "a. Counties having a population of three thousand or less shall receive no more than three million nine hundred thousand dollars for each fiscal year; however, a county may receive up to four million nine hundred thousand dollars under this subdivision the full amount of its allocation under this subsection for each fiscal year if during that fiscal year the county levies a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal-aid road, and county road purposes. ~~Any amount received by a county exceeding three million nine hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 but must be credited by the county treasurer to the county general fund.~~
- b. Counties having a population of over three thousand but less than six thousand shall receive no more than four million one hundred thousand dollars for each fiscal year; however, a county may receive up to five million one hundred thousand dollars under this subdivision the full amount of its allocation under this subsection for each fiscal year if during that fiscal year the county levies a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal-aid road, and county road purposes. ~~Any amount received by a county exceeding four million one hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 but must be credited by the county treasurer to the county general fund.~~

- c. Counties having a population of six thousand or more shall receive no more than four million six hundred thousand dollars for each fiscal year; however, a county may receive ~~up to five million six hundred thousand dollars under this subdivision~~ the full amount of its allocation under this subsection for each fiscal year if during that fiscal year the county levies a total of ten mills or more for combined levies for county road and bridge, farm-to-market and federal-aid road, and county road purposes. ~~Any amount received by a county exceeding four million six hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 but must be credited by the county treasurer to the county general fund."~~

Page 2, remove lines 1 through 25

Page 2, remove the overstrike over lines 26 through 28

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1304, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1304 was placed on the Sixth order on the calendar.

Page 1, replace lines 8 through 14 with:

- "1. First the tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and one-fifth of the tax on gas must be deposited with the state treasurer who shall ~~credit~~:
- a. Credit thirty-three and one-third percent of the revenues to the oil and gas impact grant fund, but not in an amount exceeding six million dollars per biennium, including any amounts otherwise appropriated for oil and gas impact grants for the biennium by the legislative assembly, and who shall credit;
- b. Allocate three hundred seventy-five thousand dollars per fiscal year to each city in an oil-producing county which has a population of seven thousand five hundred or more and more than two percent of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota. The allocation under this subdivision must be doubled if the city has more than seven and one-half percent of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota; and
- c. Credit the remaining revenues to the state general fund."

Page 1, remove lines 21 through 24

Page 2, remove lines 1 and 2

Page 2, line 3, replace "c." with "b."

Page 2, remove lines 7 through 12

Page 2, line 13, replace "e." with "c."

Page 2, remove lines 17 through 22

Page 2, line 23, replace "g." with "d."

Page 2, line 25, replace "f" with "c"

Page 3, line 4, after "~~subdivision~~" insert ". A county may receive the full amount to which it is entitled under subsection 2" and remove the overstrike over "~~for each fiscal~~"

Page 3, remove the overstrike over lines 5 and 6

Page 3, line 7, remove the overstrike over "~~road, and county road purposes~~"

Page 3, line 15, after "~~subdivision~~" insert ". A county may receive the full amount to which it is entitled under subsection 2" and remove the overstrike over "~~for each fiscal year if during that fiscal year the county levies a~~"

Page 3, remove the overstrike over line 16

Page 3, line 17, remove the overstrike over "~~farm-to-market and federal aid road, and county road purposes~~"

Page 3, line 25, after "~~subdivision~~" insert ". A county may receive the full amount to which it is entitled under subsection 2" and remove the overstrike over "~~for each fiscal year~~"

Page 3, remove the overstrike over lines 26 and 27

Page 3, line 28, remove the overstrike over "~~road, and county road purposes~~"

Page 4, remove the overstrike over lines 1 through 3

Page 5, line 3, replace "that did" with ". An incorporated city may not receive a combined total of more than five hundred thousand dollars during a fiscal year under this subsection and subsection 5."

Page 5, remove line 4

Page 6, line 6, after "townships" insert "or school districts"

Page 6, line 8, after "roads" insert "or applications by school districts for repair or replacement of school district vehicles necessitated by damage or deterioration attributable to travel on oil and gas development-impacted roads"

Page 6, line 11, after the underscored period insert "The state treasurer annually shall make payments to townships and school districts, and to the county on behalf of unorganized townships, within the county upon receipt of a schedule of recipients and allocation amounts submitted by the board of county commissioners in a format prescribed by the state treasurer."

Page 6, line 14, replace "that did not receive any" with ". An incorporated city may not receive a combined total of more than five hundred thousand dollars during a fiscal year under this subsection and subsection 4."

Page 6, line 15, remove "allocation under subdivision b of subsection 2."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1306, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1306 was placed on the Sixth order on the calendar.

Page 4, line 15, replace "\$546,000" with "\$100,000"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces funding for the twenty-four seven sobriety program by \$446,000 to provide total program funding of \$100,000.

#### REPORT OF STANDING COMMITTEE

**HB 1350: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). HB 1350 was placed on the Sixth order on the calendar.

Page 1, line 2, after "center" insert "; and to provide for a report to the budget section"

Page 1, line 9, remove "only" and replace "to the" with "only when the department certifies to the office of management and budget that:

1. Other nonstate matching funds of three dollars for each one dollar of grant funds are available for all costs of the center, a portion of which must be from the private sector;
2. The state will be a proportionate owner in the center based on the state's contribution percentage of all costs of the center;
3. The state will not be responsible for any future operational costs, including property tax, of the center; and
4. The center will be subject to local property tax assessments at the discretion of the local taxing authority.

**SECTION 2. REPORT TO THE BUDGET SECTION.** The department of commerce shall provide a report to the budget section at its first meeting after September 1, 2009, and at its first meeting after March 1, 2010, regarding the status of the construction of a great plans applied energy research center, including the extent to which nonstate matching funds have been made available for the project."

Page 1, remove lines 10 and 11

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1492, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (15 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1492 was placed on the Sixth order on the calendar.

Page 1, line 8, after the second semicolon insert "to provide an appropriation;"

Page 11, after line 7, insert:

**"SECTION 12. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$359,640, or so much of the sum as may be necessary, to the department of transportation for the purpose of implementing the provisions of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2025, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **DO PASS** (16 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2025 was placed on the Fourteenth order on the calendar.

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Ruby, Thoreson and Sen. Miller introduced:

**HCR 3046:** A concurrent resolution for the amendment of sections 1, 4, 14, 15, and 16 of article X of the Constitution of North Dakota, relating to elimination of property taxes; to repeal sections 5, 6, 7, 9, and 10 of article X of the Constitution of North Dakota, relating to elimination of property taxes, poll taxes, and acreage taxes; and to provide an effective date.

Was read the first time and referred to the **Constitutional Revision Committee**.

Reps. Myxter, Boucher, Mock and Sens. Bakke, O'Connell, Taylor introduced:

**HCR 3047:** A concurrent resolution for the amendment of section 4 of article V of the Constitution of North Dakota, relating to the qualifications of the superintendent of public instruction; and to provide an effective date.

Was read the first time and referred to the **Constitutional Revision Committee**.

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

**Buell J. Reich, Chief Clerk**