

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, April 3, 2009

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

The prayer was offered by Aruna Seth, Unitarian Universalist Fellowship, Bismarck.

The roll was called and all members were present except Representatives Boucher, Dahl, Frantsvog, Glassheim, Nottestad, and Williams.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER MONSON DEEMED** approval of the amendments to SB 2005, Engrossed SB 2007, Engrossed SB 2010, SB 2016, Engrossed SB 2019, Engrossed SB 2022, Engrossed SB 2087, Engrossed SB 2237, Engrossed SB 2332, Engrossed SB 2333, and SCR 4032.

SB 2005, Engrossed SB 2007, Engrossed SB 2010, SB 2016, Engrossed SB 2019, Engrossed SB 2022, Engrossed SB 2087, Engrossed SB 2237, Engrossed SB 2332, Engrossed SB 2333, and SCR 4032, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## POINT OF PERSONAL PRIVILEGE

**REP. WINRICH:** Mr. Speaker: I rise on a point of personal privilege.

Art Raymond, a founder of American Indian programs at UND, a former North Dakota legislator, an award winning newspaperman, and a faculty member and administrator at UND died Wednesday at his home in Grand Forks. He was 86. Born in South Dakota, a member of the Oglala Sioux tribe, Raymond served with the U.S. Army in Europe during World War II. On return to civilian life, he graduated from Dakota Wesleyan University at Mitchell, SD, with a B. A. in Economics in 1951 and chose a career in journalism. In North Dakota, he was managing editor of the Williston Herald and, in 1965, came to the Grand Forks Herald as Sunday editor, feature writer, and legislative reporter. In 1970 he was elected to the first of three terms in the North Dakota House of Representatives. He was the first American Indian to serve in the North Dakota legislature and the first state employee to be elected and serve when, in 1971, he was appointed director of Indian Studies and programs at the University of North Dakota. He is survived by his wife, Rose, and their five children.

We pause this afternoon to recognize the service to our state and to mourn the passing of Art Raymond.

## MOTION

**REP. BOUCHER MOVED** that the remarks of Rep. Winrich be printed in the Journal, which motion prevailed.

## POINT OF PERSONAL PRIVILEGE

**REP. MOCK:** Mr. Speaker: I rise on a point of personal privilege.

Ladies and Gentlemen of the Assembly, it is my privilege to stand before you today and announce that literature in the great state of North Dakota is ALIVE AND WELL! Beginning on March 31st, and concluding tomorrow, UND's 40th Annual Writer's Conference is a festival of writers and readers alike that share their passions in the halls of the Memorial Union. Founded in 1970 by the late Professor John Little, the Writer's Conference began as a way to bring artistic writers to North Dakota and share their stories with members of the Grand Forks community.

Since that time, however, the Writer's Conference has grown to become a presentation of lectures. Over the years, North Dakota has played host to famous authors such as Allen Ginsberg, Truman Capote, Edward Albee, Louise Erdrich, Thomas McGrath, Sherman Alexie, Jon Hassler, Alice Walker and even, in 2008, Sir Salman Rushdie. More than 3000 lovers of literature from all over North Dakota, as well as beyond our borders descend on the campus to listen to these discussions and satisfy their thirst for the written word.

Please join me in welcoming the guests to the 40th Annual Writer's Conference at UND - and wish them a positive North Dakota experience. At the same time, I'd like to congratulate the University of North Dakota, the English department, the students, faculty and participants in 40 magnificent years of promoting the arts and literature in our great state. And may I add, be thankful that none of the participants learned poetry from me. Thank you Mr. Speaker, and once again, congratulations to UND.

#### MOTION

**REP. BOUCHER MOVED** that the remarks of Rep. Mock be printed in the Journal, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

**SCR 4008:** A concurrent resolution urging Congress and the President to adopt a veterans remembered flag.

**SCR 4014:** A concurrent resolution recognizing October 15 as Pregnancy and Infant Loss Remembrance Day.

**SCR 4015:** A concurrent resolution directing the Industrial Commission to conduct a study of the economic impacts of proposed federal, regional, and state carbon cap and trade systems, including the Minnesota Next Generation Energy Act of 2007.

**SCR 4018:** A concurrent resolution recognizing the need for viable and sustainable agricultural practices in this state.

The question being on the final adoption of the resolutions, which have been read.

SCR 4008, SCR 4014, SCR 4015, and SCR 4018 were declared adopted on a voice vote, and the titles were agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2278:** A BILL for an Act to amend and reenact sections 14-02.4-01, 14-02.4-02, 14-02.4-03, 14-02.4-04, 14-02.4-05, 14-02.4-06, 14-02.4-08, 14-02.4-09, 14-02.4-14, 14-02.4-15, 14-02.4-16, 14-02.4-17, 14-02.5-02, 14-02.5-03, 14-02.5-04, 14-02.5-05, 14-02.5-07, 14-02.5-08, 14-02.5-10, subsection 11 of section 26.1-04-03, subsection 1 of section 26.1-30.1-01.1, subsection 1 of section 26.1-39-17, and sections 26.1-40-11, 26.1-47-04, and 27-09.1-02 of the North Dakota Century Code, relating to discrimination on the basis of sexual orientation.

#### 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 34 YEAS, 54 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boucher; Conklin; Conrad; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Holman; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kroeber; Martinson; Metcalf; Mock; Mueller; Myxter; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Damschen; DeKrey; Delzer; Dosch; Drovdal; Froelich; Froseth; Grande; Hatlestad; Headland; Heller; Hofstad; Hunsakor; Johnson, D.; Karls; Kasper; Kelsch, R.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Meier, L.; Nathe; Nelson; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Boe; Dahl; Frantsovog; Meyer, S.; Nottestad; Williams

Engrossed SB 2278, as amended, lost.

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#### SECOND READING OF SENATE BILL

**SB 2283:** A BILL for an Act to amend and reenact section 50-24.1-02.6 of the North Dakota Century Code, relating to the medical assistance eligibility requirements for pregnant women; to provide an appropriation; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 40 YEAS, 49 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Holman; Hunsakor; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Winrich; Wolf; Zaiser

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

**ABSENT AND NOT VOTING:** Dahl; Frantsvog; Froelich; Nottestad; Williams

Reengrossed SB 2283 lost.

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**SECOND READING OF SENATE BILL**

**SB 2047:** A BILL for an Act to provide an appropriation to the state department of health for providing emergency medical training grants to rural law enforcement agencies.

**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 51 YEAS, 38 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Damschen; DeKrey; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Onstad; Pietsch; Pinkerton; Porter; Potter; Schatz; Schmidt; Schneider; Thorpe; Uglem; Vig; Weisz; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Delzer; Dosch; Drovdal; Froseth; Grande; Hatlestad; Headland; Heller; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Nathe; Pollert; Ruby; Rust; Skarphol; Sukut; Svedjan; Thoreson; Vigesaa; Wald; Wall; Weiler; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Dahl; Frantsvog; Froelich; Nottestad; Williams

Engrossed SB 2047, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2155:** A BILL for an Act to provide an appropriation for grants to assist certain institutions of higher education with the cost of interpreters and real-time captioning for students who are deaf or hard of hearing.

**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 50 YEAS, 39 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Damschen; DeKrey; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Wall; Weisz; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Delzer; Dosch; Drovdal; Froseth; Grande; Hatlestad; Headland; Heller; Kasper; Keiser; Kempenich; Klein;

Klemin; Koppelman; Kreidt; Nathe; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Weiler; Wieland; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Dahl; Frantsvog; Froelich; Nottestad; Williams

Engrossed SB 2155, as amended, passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2286:** A BILL for an Act to provide an appropriation to the department of human services for a grant to the silver-haired education 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 37 YEAS, 53 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Dahl; Frantsvog; Nottestad; Williams

SB 2286 lost.

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## SECOND READING OF SENATE BILL

**SB 2358:** A BILL for an Act to create and enact a new section to chapter 43-28.1 of the North Dakota Century Code, relating to a dental loan repayment program; and to provide an appropriation.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 53 YEAS, 35 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Brandenburg; Conklin; Conrad; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunsakor; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Onstad; Pietsch; Pinkerton; Porter; Potter; Schmidt; Schneider; Thorpe; Uglem; Vig; Weisz; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Boehning; Carlson; Clark; Damschen; Delzer; Dosch; Drovdal; Froseth; Grande; Hatlestad; Headland; Heller; Johnson, D.; Kasper; Kempenich; Klein; Koppelman; Kreidt; Nelson; Pollert; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Vigesaa; Wald; Wall; Weiler; Wieland; Speaker Monson

**ABSENT AND NOT VOTING:** Berg; Dahl; Frantsvog; Nottestad; Williams; Wrangham

SB 2358 passed and the title was agreed to.

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## MOTION

**REP. VIGESAA MOVED** that SB 2393, which is on the Fourteenth order, be laid over two legislative days, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2396:** A BILL for an Act to provide an appropriation to the department of human services for the purpose of implementing programs associated with the family impact initiative; and to provide for a legislative council study.

**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 37 YEAS, 51 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Belter; Dahl; Frantsovog; Nottestad; Schmidt; Williams

Engrossed SB 2396 lost.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1063, HB 1100, HB 1124, HB 1125, HB 1155, HB 1161, HB 1219, HB 1229, HB 1298, HB 1303, HB 1378, HB 1464, HCR 3005, HCR 3006, HCR 3016, HCR 3022, HCR 3027.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2204, SB 2344, SB 2403, SB 2423.

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2278.

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

**MR. PRESIDENT:** The House has failed to pass unchanged: SB 2286, SB 2396.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2358.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2047, SB 2155.

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

**MR. PRESIDENT:** The House has passed unchanged: SCR 4014, SCR 4015.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SCR 4008, SCR 4018.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: SB 2444.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1354.

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

**MR. SPEAKER:** The Senate has failed to pass unchanged: HB 1198, HB 1387, HB 1517, HB 1572.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1209, HB 1288, HB 1371, HB 1416, HB 1445, HCR 3015.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1017, HB 1042, HB 1073, HB 1093, HB 1186, HB 1278, HB 1347, HB 1385, HB 1399, HB 1412, HCR 3019, HCR 3054.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1017**

Page 1, line 2, after "department" insert "; and to amend and reenact subsection 5 of section 20.1-17-01 of the North Dakota Century Code, relating to agency rules adopted under the Nonindigenous Aquatic Nuisance Prevention and Control Act"

Page 1, line 12, replace "1,946,918" with "2,869,589" and replace "20,960,381" with "21,883,052"

Page 1, line 14, replace "680,759" with "(119,241)" and replace "3,965,000" with "3,165,000"

Page 2, line 2, replace "1,002,993" with "1,125,664" and replace "58,844,032" with "58,966,703"

Page 2, after line 3, insert:

**"SECTION 2. AMENDMENT.** Subsection 5 of section 20.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:

5. Develop rules to prevent the movement of aquatic nuisance species into or within the state. In addition to requirements under chapter 28-32, the department shall conduct a cost-benefit analysis for any rule proposed for adoption under this chapter."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98017.0202 FN 2**

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

**SENATE AMENDMENTS TO HOUSE BILL NO. 1042**

Page 1, line 2, after "1-02-12" insert ", 12.1-12-09," and after the comma insert "subdivision j of subsection 1 of section 54-07-01.2,"

Page 1, line 5, replace "section" with "sections" and after "15.1-13-32" insert "and 32-42-04"

Page 1, after line 14, insert:

**"SECTION 2. AMENDMENT.** Section 12.1-12-09 of the North Dakota Century Code is amended and reenacted as follows:

**12.1-12-09. Definitions for chapter.** In this chapter, "thing of value" and "thing of pecuniary value" do not include (1) salary, fees, and other compensation paid by the government in consideration for which the official action or legal duty is performed; or (2) concurrence in official action in the course of legitimate compromise among public servants, except as provided in section 9 of article IV or section 44-10 of article V of the Constitution of North Dakota."

Page 7, after line 16, insert:

**"SECTION 5. AMENDMENT.** Subdivision j of subsection 1 of section 54-07-01.2 of the North Dakota Century Code is amended and reenacted as follows:

- j. The education standards and practices board ~~and the administrator's professional practices board.~~

Page 8, line 10, replace "Section" with "Sections" and after "15.1-13-32" insert "and 32-42-04"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1073**

Page 1, line 15, replace the first "or" with an underscored comma and after "health" insert ", or the state board of animal health"

Page 1, line 17, replace "or" with an underscored comma and after "health" insert ", or the state board of animal health"

Page 1, line 21, replace "or" with an underscored comma and after the second "health" insert ",  
or the state veterinarian"

Page 3, line 24, after "health" insert "or the state board of animal health"

Page 4, line 5, after "health" insert "or the state board of animal health"

Page 6, line 30, after the first "health" insert "or the state board of animal health"

Page 9, replace lines 13 through 26 with:

- "1. A volunteer health practitioner who dies or is injured as the result of providing health or veterinary services under this chapter is deemed to be an employee of this state for the purpose of receiving benefits for the death or injury under the workers' compensation law of this state if:
  - a. The practitioner is not otherwise eligible for benefits for the injury or death under the law of this or another state; and
  - b. The practitioner or, in the case of death, the practitioner's personal representative elects coverage under the workers' compensation law of this state by making a claim under that law.
2. In this section, "injury" means a physical or mental injury or disease for which an employee of this state who is injured or contracts the disease in the course of the employee's employment would be entitled to benefits under the workers' compensation law of this state.
3. Workforce safety and insurance shall adopt rules, enter agreements with other states, or take other measures to facilitate the receipt of benefits for injury or death under the workers' compensation law of this state by volunteer health practitioners who reside in other states, and may waive or modify requirements for filing, processing, and paying claims that unreasonably burden the practitioners. To promote uniformity of application of this chapter with other states that enact similar legislation, workforce safety and insurance shall consult with and consider the practices for filing, processing, and paying claims by agencies with similar authority in other states."

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1073**

In lieu of the amendments adopted by the Senate as printed on pages 753 and 754 of the Senate Journal, Engrossed House Bill No. 1073 is amended as follows:

Page 1, line 15, replace the first "or" with an underscored comma and after "health" insert ",  
or the state board of animal health"

Page 1, line 17, replace "or" with an underscored comma and after "health" insert ",  
or the state board of animal health"

Page 1, line 21, replace "or" with an underscored comma and after the second "health" insert ",  
or the state veterinarian"

Page 3, line 24, after "health" insert "or the state board of animal health"

Page 4, line 5, after "health" insert "or the state board of animal health"

Page 6, line 30, after the first "health" insert "or the state board of animal health"

Page 9, replace lines 13 through 26 with:

- "1. A volunteer health practitioner who is injured as the result of providing health or veterinary services under this chapter is deemed to be an employee of this state for the purpose of receiving benefits for the death or injury under title 65 if:
  - a. The practitioner is not otherwise eligible for benefits for the injury or death under the law of this or another state; and

- b. The practitioner or, in the case of death, the practitioner's personal representative elects coverage under the workers' compensation law of this state by making a claim under that law.
  2. In this section, "injury" means a compensable injury as defined under section 65-01-02.
  3. Workforce safety and insurance shall adopt rules, enter agreements with other states as is practicable, or take other measures to facilitate the receipt of benefits for injury or death under title 65 by volunteer health practitioners who reside in other states."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1093**

Page 1, line 1, after "reenact" insert "subsection 4 of section 43-41-02," and after "43-41-04" insert ", and subsection 1 of section 43-41-08"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 4 of section 43-41-02 of the North Dakota Century Code is amended and reenacted as follows:

4. Nothing in this chapter prevents the employment of social work designees by hospitals, basic care facilities, or skilled nursing facilities, provided these persons individuals work under the direction of a social worker or social work consultant licensed under this chapter and that the board be notified of the name of the designee's employer and the name of the licensee who is providing direction or consultation to the designees."

Page 1, after line 19, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 43-41-08 of the North Dakota Century Code is amended and reenacted as follows:

1. The governor shall appoint the North Dakota board of social work examiners which must consist of six members, two of whom must be, at the time of initial appointment, licensed social workers; one of whom must be, at the time of initial appointment, a licensed certified social worker; one of whom must be, at the time of initial appointment, a licensed independent clinical social worker; and two of whom must be laypersons. Board members must demonstrate no conflict of interest."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1186**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 12.1-27.1-01 and section 12.1-27.1-03.3 of the North Dakota Century Code, relating to sexually expressive images; to repeal section 12.1-31-08 of the North Dakota Century Code, relating to possession or distribution of certain photographs or other visual representations; and to provide a penalty.

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

**SECTION 1.** A new subsection to section 12.1-27.1-01 of the North Dakota Century Code is created and enacted as follows:

As used in this chapter, "sexually expressive image" means a photograph or visual representation that exhibits a nude or partially denuded human figure, as defined in section 12.1-27.1-03.1, or sexual conduct.

**SECTION 2.** Section 12.1-27.1-03.3 of the North Dakota Century Code is created and enacted as follows:

**Creation, possession, or dissemination of sexually expressive images prohibited - Exception.**



1. A person is guilty of a class A misdemeanor if, knowing of its character and content, that person:
  - a. Without written consent from each individual in the image, surreptitiously creates or possesses a sexually expressive image knowing the sexually expressive image was surreptitiously created; or
  - b. Distributes or publishes, electronically or otherwise, a sexually expressive image with the intent to cause emotional harm or humiliation to any individual depicted in the sexually expressive image or after being given notice by an individual or parent or guardian of the individual who is depicted in a sexually expressive image that the individual, parent, or guardian does not consent to the distribution or publication of the sexually expressive image.
2. This section does not authorize any act prohibited by any other law. If the sexually expressive image is of a minor and possession does not violate section 12.1-27.2-04.1, a parent or guardian of the minor may give permission for a person to possess or distribute the sexually expressive image.
3. This section does not apply to any book, photograph, video recording, motion picture film, or other visual representation sold in the normal course of business through wholesale or retail outlets that possess a valid sales tax permit or used by an attorney, attorney's agent, or any other person obtaining evidence for a criminal investigation or pending civil action, or by a medical professional or a peace officer acting within that individual's scope of employment.

**SECTION 3. REPEAL.** Section 12.1-31-08 of the North Dakota Century Code is repealed."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1278**

Page 1, line 3, replace "; to repeal sections 61-24.5-10, 61-24.5-11, 61-24.5-12, 61-24.5-13, and" with a period

Page 1, remove lines 4 and 5

Page 3, remove lines 20 through 25

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1347**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the appropriate use of state or political subdivision services, property, or other resources for political purposes.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - USE OF PUBLIC PROPERTY OR SERVICES FOR POLITICAL PURPOSES.** During the 2009-10 interim, the legislative council shall consider studying the appropriate use of state or political subdivision services, property, or other resources for political purposes. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1385**

Page 1, line 1, replace "section" with "sections 50-24.6-02 and"

Page 1, line 2, after "the" insert "drug use review board and the"

Page 1, after line 3, insert:

"**SECTION 1. AMENDMENT.** Section 50-24.6-02 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.6-02. Drug use review board.**

1. The board is established within the department for the implementation of a drug use review program.
2. The board consists of ~~sixteen~~ seventeen members. The pharmacy administrator of the department and the medical consultant to the department are ex officio nonvoting board members who shall provide administrative services to the board. A majority of the appointed members must be physicians and pharmacists participating in the medical assistance program. Four or more of the appointed members must have experience with a drug use review process or have participated in programs in which prior authorization is used. The appointed members of the board must be:
  - a. Four physicians licensed in this state and actively engaged in the practice of medicine, one of whom is a psychiatrist, appointed by the North Dakota medical association;
  - b. Two physicians licensed in this state and actively engaged in the practice of medicine, appointed by the executive director of the department;
  - c. Four pharmacists licensed in this state and actively engaged in the practice of pharmacy, appointed by the North Dakota pharmaceutical association;
  - d. Two pharmacists licensed in this state and actively engaged in the practice of pharmacy, appointed by the executive director of the department;
  - e. One individual who represents consumer interests, appointed by the governor; ~~and~~
  - f. One pharmacist or physician representing the brand pharmaceutical industry appointed by the pharmaceutical research and manufacturers of America; and
  - g. One pharmacist or physician representing the generic pharmaceutical industry appointed by the generic pharmaceutical association.
3. Appointed board members shall serve staggered three-year terms. ~~Two physicians and two pharmacists must be initially appointed for two-year terms, and two physicians and two pharmacists must be initially appointed for one-year terms.~~ An appointed member may be reappointed for a period not to exceed three 3-year terms. A vacancy on the board must be filled for the balance of the unexpired term from the appropriate board category as provided under subsection 2. The executive director of the department may replace an appointed member of the board who fails to attend three consecutive meetings of the board without advance excuse or who fails to perform the duties expected of a board member. The pharmaceutical industry ~~representative is a~~ representatives are nonvoting board ~~member~~ members.
4. Voting board members shall select a chairman and a vice chairman on an annual basis from the board's voting membership.
5. The board shall meet in person at least once every three months and may meet at other times by teleconference or electronically at the discretion of the chairman. A board member is entitled to receive from the department per diem compensation and reimbursement of expenses as determined by the department, except that no compensation under this section may be paid to any board member who receives compensation or salary as a state employee or official."

Page 2, line 4, overstrike "or otherwise restrict single-source or brand"

Page 2, overstrike lines 5 through 8

Page 2, line 9, overstrike "b. Cancer" and insert immediately thereafter "the following medication classes:

- a. Antipsychotics;
- b. Antidepressants;
- c. Anticonvulsants;
- d. Antiretrovirals, for the treatment of human immunodeficiency virus;
- e. Antineoplastic agents, for the treatment of cancer; and
- f. Stimulant medication used for the treatment of attention deficit disorder and attention deficit hyperactivity disorder"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1399**

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 15.1-21 of the North Dakota Century Code, relating to the teaching and preservation of American Indian languages; and to provide an appropriation.

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

**SECTION 1.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

**American Indian languages - Teaching and preservation committee - Duties - Report.**

- 1. The superintendent of public instruction shall appoint an American Indian language teaching and preservation committee.
- 2. The committee must include:
  - a. A representative of the Indian affairs commission;
  - b. A representative of the tribal colleges;
  - c. A school board member;
  - d. A school district superintendent; and
  - e. A teacher of American Indian languages.
- 3. The committee shall assist the superintendent of public instruction in:
  - a. Developing research-based and standardized methods to be used in the teaching and preservation of American Indian languages within elementary and high schools in this state;
  - b. Developing and disseminating instructional materials;
  - c. Training school district personnel in the teaching and preservation of American Indian languages;
  - d. Ensuring coordination with other state and federally funded education programs; and
  - e. Data collection.

4. Before September 2010, the superintendent of public instruction shall provide a report to the legislative council regarding the teaching and preservation of American Indian languages in this state.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing technical assistance to school districts engaged in the teaching and preservation of American Indian languages, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1412**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the fee structure of emergency services communications.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - EMERGENCY SERVICES COMMUNICATION.** During the 2009-10 interim, the legislative council shall consider studying the equity of the 911 fee structure, including consideration of fees, taxes, assessments for services, equity of services, and payments among residents within service areas; fee collection methods; and current and future funding of emergency services communications in the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3019**

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study Section 18 of Article X of the Constitution of North Dakota.

**WHEREAS**, Section 18 of Article X of the Constitution of North Dakota has existed unchanged for more than eighty years; and

**WHEREAS**, this constitutional provision has profound effects on state and political subdivision interaction with businesses and citizens and it is incumbent upon the Legislative Assembly to determine whether the constitutional provision adequately governs the current status of state and local government needs and limitations with respect to businesses and the citizens of the state;

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

That the Legislative Council study Section 18 of Article X of the Constitution of North Dakota; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-second Legislative Assembly."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3054**

Page 1, line 1, after "resolution" replace the remainder of the resolution with "to create and enact a new section to article X of the Constitution of North Dakota, relating to establishment and use of a legacy fund; and to provide an effective date.

**STATEMENT OF INTENT**

This measure establishes a legacy fund and imposes limitations on use of moneys in the fund.

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

That the following proposed new section to article X of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2010, in accordance with section 16 of article IV of the Constitution of North Dakota.

**SECTION 1.** A new section to article X of the Constitution of North Dakota is created and enacted as follows:

The first twenty-five percent of all revenue derived from taxes on oil and gas production or extraction must be transferred by the state treasurer to a special fund in the state treasury known as the legacy fund. The principal of the legacy fund may not be expended, except revenue derived after December 31, 2040, may be expended if appropriated by a two-thirds vote of each house of the legislative assembly. The state investment board shall invest the principal of the legacy fund. The state treasurer shall transfer earnings of the legacy fund to the state general fund at the end of each fiscal year.

**SECTION 2. EFFECTIVE DATE.** If approved by the voters, this measure becomes effective on July 1, 2011.

**SECTION 3. LEGISLATIVE INTENT.** This section is adopted as a statement of intent and the secretary of state shall exclude this section when sections 1 and 2 of this measure are submitted to the qualified electors of North Dakota at the general election to be held in 2010. It is the intent of the sixty-first legislative assembly that if sections 1 and 2 of this measure are approved by the qualified electors of North Dakota, the sixty-second legislative assembly shall develop and enact legislation necessary to avoid any reduction in the relative shares of oil and gas production and extraction tax revenues which existed at the time of the 2010 general election for impact grants, political subdivisions, the oil and gas research fund, water development bond principal and interest payments and the resources trust fund, the common schools trust fund, and the foundation aid stabilization fund."

Renumber accordingly

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Monday, April 6, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2015, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2015 was placed on the Sixth order on the calendar.

Page 1, line 2, after "rehabilitation" insert "; to provide for payment of correctional officer training expenses by other agencies; to provide contingent appropriations; and to declare an emergency"

Page 1, line 12, replace "23,925,378" with "13,763,178" and replace "152,075,644" with "141,913,444"

Page 1, line 13, replace "3,549,748" with "2,246,518" and replace "26,497,916" with "25,194,686"

Page 1, line 14, replace the first "1,525,000" with "1,372,519" and replace the second "1,525,000" with "1,372,519"

Page 1, line 15, replace "29,000,126" with "17,382,215" and replace "180,098,560" with "168,480,649"

Page 1, line 16, replace "5,949,241" with "1,781,948" and replace "30,000,193" with "25,832,900"

Page 1, line 17, replace "23,050,885" with "15,600,267" and replace "150,098,367" with "142,647,749"

Page 1, line 18, replace "27.00" with "0.00" and replace "738.29" with "711.29"

Page 2, line 2, replace "1,525,000" with "1,372,519"

Page 2, line 4, replace "636,000" with "595,500"

Page 2, line 5, replace "2,161,000" with "1,968,019"

Page 2, after line 14, insert:

**"SECTION 4. Payment of correctional officer training costs.** Any state agency, institution, or department that hires a correctional officer from the department of corrections and rehabilitation shall pay to the department of corrections and rehabilitation fifteen percent of the cost of training a new correctional officer. This section applies only to correctional officers who are hired by another agency and who had been employed by the department of corrections and rehabilitation for one year or less.

**SECTION 5. DEPARTMENT OF CORRECTIONS AND REHABILITATION SHARE OF SALARY EQUITY POOL.** The office of management and budget shall provide at least twenty-nine percent of any general fund salary equity pool that is appropriated for salary equity increases for state employees, for the biennium beginning July 1, 2009, and ending June 30, 2011, to the department of corrections and rehabilitation. The department of corrections and rehabilitation may provide salary equity increases only to employees classified in pay grades one through fourteen.

**SECTION 6. CONTINGENT FUNDING - MISSOURI RIVER CORRECTIONAL CENTER REPAIRS.** Section 1 of this Act includes \$93,592 from the general fund for roof repairs for the dining and kitchen area at the Missouri River correctional center which may be spent only if the Missouri River correctional center is not relocated to the state penitentiary as part of the prison expansion project, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 7. HEART OF AMERICA CORRECTION AND TREATMENT CENTER.** The department of corrections and rehabilitation shall distribute, in twenty-four equal payments, the sum of \$1,628,813 from the general fund appropriated in the adult services line item in section 1 of this Act to the heart of America correction and treatment center for inmate-related treatment services, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 8. CONTINGENT FUNDING - PROGRAMS AND PROJECTS.** Section 1 of this Act includes \$225,041 for a summer replacement boiler, \$18,928 for conversion of the energy management system from analog to digital, \$15,774 for heating and cooling equipment replacement, and \$160,000 for temporary housing of sexual offenders from the general fund which may be spent only to the extent that federal funds appropriated in section 9 of this Act are not available for these purposes.

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

Summer replacement boiler	\$225,041
(from funds available through department of commerce)	
Energy management system conversion	18,928
(from funds available through department of commerce)	
Heating and cooling equipment replacement	15,574
(from funds available through department of commerce)	
Temporary housing of sexual offenders	160,000
(from funds available through department of commerce)	
Crime victims assistance	542,000
Crime victims compensation	78,313
Total federal funds	\$1,039,856

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

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

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98034.0203 FN 1**

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

**REPORT OF STANDING COMMITTEE**

**SB 2017, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2017 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "\$350,058" with "\$361,851" and replace "918,388" with "906,595"

Page 1, line 13, replace "\$132,358" with "\$144,151" and replace "1,510,505" with "1,498,712"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98036.0201 FN 1**

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

**REPORT OF STANDING COMMITTEE**

**SB 2020, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 4, after the first semicolon insert "to provide legislative intent;"

Page 1, line 20, replace "5,088,122" with "5,913,122" and replace "46,616,157" with "47,441,157"

Page 1, line 22, replace "5,188,122" with "6,013,122" and replace "47,453,957" with "48,278,957"

Page 2, line 1, replace "3,122,967" with "3,947,967" and replace "21,425,080" with "22,350,080"

Page 2, line 2, replace "1.00" with "3.00" and replace "267.33" with "269.33"

Page 2, line 23, replace "26,123,544" with "26,373,544" and replace "104,702,142" with "104,952,142"

Page 2, line 25, replace "26,573,544" with "26,823,544" and replace "105,152,142" with "105,402,142"

Page 2, line 27, replace "23,911,041" with "24,161,041" and replace "60,138,875" with "60,388,875"

Page 2, line 28, replace "6.00" with "7.00" and replace "353.39" with "354.39"

Page 3, line 2, replace "\$12,786" with "\$912,214" and replace "5,362,580" with "6,287,580"

Page 3, line 3, replace "73,454" with "293,454" and replace "2,340,602" with "2,560,602"

Page 3, line 7, replace "(276,861)" with "(211,861)" and replace "2,857,183" with "2,922,183"

Page 3, line 8, replace "970,624" with "1,150,624" and replace "6,547,962" with "6,727,962"

Page 3, line 9, replace "2,552,987" with "3,942,987" and replace "26,169,006" with "27,559,006"

Page 3, line 10, replace "1,252,305" with "2,177,305" and replace "14,266,816" with "15,191,816"

Page 3, line 11, replace "1,300,682" with "1,765,682" and replace "11,902,190" with "12,367,190"

Page 3, line 12, replace "0.00" with "1.70" and replace "95.56" with "97.26"

Page 3, line 24, replace "29,035,552" with "30,575,552" and replace "96,595,159" with "98,135,159"

Page 3, line 25, replace "10,019,165" with "10,944,165" and replace "112,819,662" with "113,744,662"

Page 3, line 26, replace "39,054,717" with "41,519,717" and replace "209,414,821" with "211,879,821"

Page 4, line 7, replace "0" with "925,000"

Page 4, line 17, replace "20,882,000" with "21,807,000"

Page 4, line 18, replace "3,350,000" with "4,275,000"

Page 5, after line 21, insert:

**"SECTION 8. PERMANENT OIL TAX TRUST FUND - DICKINSON RESEARCH CENTER - OPERATING POOL FUNDING.** The estimated income line item in subdivision 5 of section 1 of this Act includes \$925,000 from the permanent oil tax trust fund. This funding is available only for defraying the costs of operations of the Dickinson research center, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98039.0201 FN 1**

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

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

**SB 2027, as engrossed: Political Subdivisions Committee (Rep. Wrangham, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2027 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 section 40-47-01.1 of the North Dakota Century Code, relating to extraterritorial zoning jurisdiction of cities; and to provide for application.

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

**SECTION 1. AMENDMENT.** Section 40-47-01.1 of the North Dakota Century Code is amended and reenacted as follows:

#### **40-47-01.1. (Effective through July 31, 2009) Extraterritorial zoning - Mediation - Determination by administrative law judge.**

1. A city may, by ordinance, extend the application of a city's zoning regulations to any quarter quarter section of unincorporated territory if a majority of the quarter quarter section is located within the following distance of the corporate limits of the city:



- a. One-half mile [.80 kilometer] if the city has a population of fewer than five thousand.
  - b. One mile [1.61 kilometers] if the city has a population of five thousand or more, but fewer than twenty-five thousand.
  - c. Two miles [3.22 kilometers] if the city has a population of twenty-five thousand or more.
2. Subject to subsections 5 and 6, a city, by ordinance, may extend the application of the city's zoning regulations to two times the distance allowed under subdivisions a, b, and c of subsection 1 if the extension is approved by at least five of six members of a committee established to review the proposed extension. The committee must consist of three members appointed by the governing body of the city and three members appointed, jointly, by the governing bodies of any political subdivision that is exercising zoning authority within the territory to be extraterritorially zoned.
3. If a quarter quarter section line divides a platted lot and the majority of that platted lot lies within the quarter quarter section, a city may apply its extraterritorial zoning authority to the remainder of that platted lot. If the majority of the platted lot lies outside the quarter quarter section, the city may not apply its extraterritorial zoning authority to any of that platted lot.
4. A city exercising its extraterritorial zoning authority shall hold a zoning transition meeting if the territory to be extraterritorially zoned is currently zoned. The city's zoning or planning commission shall provide at least fourteen days' notice of the meeting to the zoning board or boards of all political subdivisions losing their partial zoning authority. The purpose of the zoning transition meeting is to review existing zoning rules, regulations, and restrictions currently in place in the territory to be extraterritorially zoned and to plan for an orderly transition. The zoning transition meeting must take place before the city's adoption of an ordinance exercising extraterritorial zoning.
5. If two or more cities have boundaries at a distance where there is an overlap of extraterritorial zoning authority under this section, the governing bodies of the cities may enter into an agreement regarding the extraterritorial zoning authority of each city. The agreement must be for a specific term and is binding upon the cities unless the governing bodies of the cities agree to amend or rescind the agreement or unless determined otherwise by an administrative law judge in accordance with this chapter. If a dispute arises concerning the extraterritorial zoning authority of a city and the governing bodies of the cities involved fail to resolve the dispute, the dispute must be submitted to a committee for mediation. The committee must be comprised of one member appointed by the governor, one member of the governing body of each city, and one member of the planning commission of each city who resides outside the corporate city limits. The governor's appointee shall arrange and preside over the meeting and act as mediator at the meeting. A meeting may be continued until the dispute has been resolved or until the mediator determines that continued mediation is no longer worthwhile.
6. If the mediation committee is unable to resolve the dispute to the satisfaction of the governing bodies of all the cities involved, the governing body of any of the cities may petition the office of administrative hearings to appoint an administrative law judge to determine the extraterritorial zoning authority of the cities in the disputed area. A hearing may not be held until after at least two weeks' written notice has been given to the governing bodies of the cities involved in the dispute. At the hearing, the governor's appointee who mediated the meetings under subsection 4 shall provide information to the administrative law judge on the dispute between the cities involved and any proposed resolutions or recommendations made by a majority of the committee members. Any resident of, or person owning property in, a city involved in the dispute or the unincorporated territory that is the subject of the proposed extraterritorial zoning, a representative of such a resident or property owner, and any representative of a city involved, may appear at the hearing and present evidence on any matter to be determined by the administrative law judge. A decision by the

administrative law judge is binding upon all the cities involved in the dispute and remains effective until the governing bodies of the cities agree to a change in the zoning authority of the cities. The governing body of a city may request a review of a decision of an administrative law judge due to changed circumstances at any time ten years after the decision has become final. An administrative law judge shall consider the following factors in making a decision under this subsection:

- a. The proportional extraterritorial zoning authority of the cities involved in the dispute;
  - b. The proximity of the land in dispute to the corporate limits of each city involved;
  - c. The proximity of the land in dispute to developed property in the cities involved;
  - d. Whether any of the cities has exercised extraterritorial zoning authority over the disputed land;
  - e. Whether natural boundaries such as rivers, lakes, highways, or other physical characteristics affecting the land are present;
  - f. The growth pattern of the cities involved in the dispute; and
  - g. Any other factor determined to be relevant by the administrative law judge.
7. For purposes of this section, the population of a city must be determined by the last official regular or special federal census. If a city has incorporated after a census, the population of the city must be determined by a census taken in accordance with chapter 40-22.
  8. When a portion of the city is attached to the bulk of the city by a strip of land less than one hundred feet [30.48 meters] wide, that portion and strip of land must be disregarded when determining the extraterritorial zoning limits of the city. This subsection does not affect the ability of a city to zone land within its city limits.
  9. For the purposes of this section, a quarter quarter section shall be determined in the manner provided by 2 Stat. 313 [43 U.S.C. 752]. When appropriate, the phrase "quarter quarter section" refers to the equivalent government lot.

**(Effective after July 31, 2009) Extraterritorial zoning - Mediation - Determination by administrative law judge - Definition.**

1. A city may, by ordinance, extend the application of a city's zoning regulations to any quarter quarter section of unincorporated territory if a majority of the quarter quarter section is located within the following distance of the corporate limits of the city:
  - a. One mile [1.61 kilometers] if the city has a population of ~~less~~ fewer than five thousand. A city that has exercised its authority under this subdivision has joint zoning and subdivision regulation jurisdiction from one-half mile [.80 kilometer] to one mile [1.61 kilometers] with the other political subdivision.
  - b. Two miles [3.22 kilometers] if the city has a population of five thousand or more, but ~~less~~ fewer than twenty-five thousand. A city that has exercised its authority under this subdivision has joint zoning and subdivision regulation jurisdiction from one mile [1.61 kilometers] to two miles [3.22 kilometers] with the other political subdivision.
  - c. Four miles [6.44 kilometers] if the city has a population of twenty-five thousand or more. A city that has exercised its authority under this subdivision has joint zoning and subdivision regulation jurisdiction from two miles [3.22 kilometers] to four miles [6.44 kilometers] with the other political subdivision.

2. Joint jurisdiction is jurisdiction in which the other political subdivision has jurisdiction to receive applications and issue permits and impose administrative fees for applications and permits. In addition, under this jurisdiction the other political subdivision may adopt, modify, and enforce any zoning designation or regulation and approve any subdivision plat or regulation. For a decision to be final, the other political subdivision shall give written notice to the city. The city may request negotiation as to any decision made by the other political subdivision under the other political subdivision's jurisdiction within thirty days of notice. If negotiation is not requested, the decision of the other political subdivision is final. If the governing body of the other political subdivision and the city do not come to an agreement as to the disputed zone or subdivision regulation within thirty days of request for negotiation, then the dispute must be submitted to a committee for mediation. The committee must be comprised of one member appointed by the governor and two members of the governing body of the other political subdivision and two members of the governing body of the city. The governor's appointee shall arrange and preside over the meeting and act as mediator at the meeting. A meeting may be continued until the dispute has been resolved or until the mediator determines that continued mediation is no longer worthwhile. If the mediation committee is unable to resolve the dispute to the satisfaction of the governing bodies, then if the dispute is between a city and a township and upon acceptance the board of county commissioners for the area in dispute within that county, the dispute must be resolved by that board of county commissioners. However, if the board of county commissioners does not accept the dispute, either party may petition the office of administrative hearings for a hearing by an administrative law judge. In addition, either party may petition the office of administrative hearings for a hearing by an administrative law judge before the board of county commissioners holds a hearing on the dispute. If the disputed regulation is in an area that does not have an organized township, the board of county commissioners may not hear the dispute and either party may petition the office of administrative hearings for a hearing by an administrative law judge. The party that does not prevail is liable for the costs of the administrative law judge.
3. Notwithstanding subsection 2, in an area in which there would otherwise be joint jurisdiction and in which the city has presented a plat or site plan application before the effective date of this Act, the city has jurisdiction to receive applications and issue permits and impose administrative fees for applications and permits relating to zoning and subdivision regulation. In addition, under this jurisdiction the city adopts, modifies, and enforces any zoning designation or regulation and approves any subdivision plat or regulation. For a decision of the city to be final, the city shall give written notice of the decision of the governing body of the political subdivision that would otherwise have jurisdiction. The governing body may request negotiation as to any decision made by the city under the city's jurisdiction within thirty days of notice. If negotiation is not requested, the decision of the city is final. If the city and governing body of the political subdivision that would otherwise have jurisdiction do not come to an agreement as to the disputed zoning or subdivision regulation within thirty days of the request for negotiation, then the dispute must be submitted to a committee for mediation. The committee must be composed of one member appointed by the governor and two members of the governing body of the city and two members of the governing body of the political subdivision that would otherwise have jurisdiction. The governor's appointee shall arrange and preside over the meeting and act as mediator at the meeting. A meeting may be continued until the dispute has been resolved or until the mediator determines that continued mediation is no longer worthwhile. If the mediation committee is unable to resolve the dispute to the satisfaction of the governing bodies, then if the dispute is between a city and a township and upon acceptance the board of county commissioners for the area in dispute within that county, the dispute must be resolved by that board of county commissioners. However, if the board of county commissioners does not accept the dispute, either party may petition the office of administrative hearings for a hearing by an administrative law judge. In addition, either party may petition the office of administrative hearings for a hearing by an administrative law judge before the board of county commissioners holds a hearing on the dispute. If the disputed regulation is in an area that does not have an organized township, the

board of county commissioners may not hear the dispute and either party may petition the office of administrative hearings for a hearing by an administrative law judge. The party that does not prevail is liable for the costs of the administrative law judge.

4. Upon petition, the office of administrative hearings shall appoint an administrative law judge to resolve the dispute. A hearing by an administrative law judge or the board of county commissioners may not be held until after at least two weeks' written notice has been given to the governing bodies of the jurisdictions involved in the dispute. Each governing body and any person affected by the regulation may appear at the hearing and present evidence on any matter to be determined by the administrative law judge or the board of county commissioners. A decision by the administrative law judge or board of county commissioners is binding on all jurisdictions involved in the dispute and remains effective until the governing bodies in the area of joint jurisdiction agree to change the zoning or subdivision regulation. The administrative law judge or board of county commissioners shall enter an order setting forth what the administrative law judge or board of county commissioners determines to be fair and reasonable terms and conditions. In all cases, the administrative law judge or board of county commissioners shall set forth in writing a decision, including findings of fact, reasons for the decision, and an order. The decision must include the factors upon which the decision is based. Within thirty days after receipt of the administrative law judge's order or the board of county commissioners' decision, any interested party dissatisfied with the decision may appeal to district court under the procedures in section 28-34-01. In making a decision under this subsection, the administrative law judge or board of county commissioners shall consider the following factors and shall give substantial weight to the factor described in subdivision a:

  - a. Whether the proposed change is consistent with a projected growth plan;
  - b. The impact of the proposed change on the present and planned uses of the area under review;
  - c. The impact of the proposed change on the health and safety of the residents of the area;
  - d. The effect of the change on the liability of the affected jurisdiction to adequately staff and enforce the change;
  - e. The economic, physical, and social relationship of the inhabitants, businesses, and industries in the area affected by the change and the effect of the change on other political subdivisions;
  - f. The economic impact of the proposed change on the property owners in the area of the proposed change and the economic impact on the city of a decision to deny the change; and
  - g. Any other factor determined to be relevant by the administrative law judge or board of county commissioners.
5. If a quarter quarter section line divides a platted lot and the majority of that platted lot lies within the quarter quarter section, a city may apply its extraterritorial zoning authority to the remainder of that platted lot. If the majority of the platted lot lies outside the quarter quarter section, the city may not apply its extraterritorial zoning authority to any of that platted lot.
6. Where two or more contiguous cities with populations of two thousand or more have boundaries at a distance where there would be an overlap of zoning authority under this section, the cities' zoning authority is divided along a line equidistant between or among the cities.
7. Where two or more cities, each having a population of two thousand or more, have city limits that are contiguous, and one city is larger than the other, based upon the classification in subsection 1, the larger city shall exercise the same authority as the smaller city where the cities are contiguous under this section.

8. Where two or more cities, each having a population of two thousand or more, have city limits that are contiguous, an annexation of property by one of the cities does not affect the zoning authority previously established under this section.
- ~~3.~~ 9. A city exercising its extraterritorial zoning authority shall hold a zoning transition meeting if the territory to be extraterritorially zoned is currently zoned. The city's zoning or planning commission shall provide at least fourteen days' notice of the meeting to the zoning board or boards of all political subdivisions losing their partial zoning authority. The purpose of the zoning transition meeting is to review existing zoning rules, regulations, and restrictions currently in place in the territory to be extraterritorially zoned and to plan for an orderly transition. The zoning transition meeting must take place before the city's adoption of an ordinance exercising extraterritorial zoning.
- ~~4.~~ 10. If two or more cities have boundaries at a distance where there is an overlap of extraterritorial zoning authority under this section, the governing bodies of the cities may enter into an agreement regarding the extraterritorial zoning authority of each city. The agreement must be for a specific term and is binding upon the cities unless the governing bodies of the cities agree to amend or rescind the agreement or unless determined otherwise by an administrative law judge in accordance with this chapter. If a dispute arises concerning the extraterritorial zoning authority of a city and the governing bodies of the cities involved fail to resolve the dispute, the dispute must be submitted to a committee for mediation. The committee must be comprised of one member appointed by the governor, one member of the governing body of each city, and one member of the planning commission of each city who resides outside the corporate city limits. The governor's appointee shall arrange and preside over the meeting and act as mediator at the meeting. A meeting may be continued until the dispute has been resolved or until the mediator determines that continued mediation is no longer worthwhile.
- ~~5.~~ 11. If the mediation committee is unable to resolve the dispute to the satisfaction of the governing bodies of all the cities involved, the governing body of any of the cities may petition the office of administrative hearings to appoint an administrative law judge to determine the extraterritorial zoning authority of the cities in the disputed area. A hearing may not be held until after at least two weeks' written notice has been given to the governing bodies of the cities involved in the dispute. At the hearing, the governor's appointee who mediated the meetings under subsection 4 10 shall provide information to the administrative law judge on the dispute between the cities involved and any proposed resolutions or recommendations made by a majority of the committee members. Any resident of, or person owning property in, a city involved in the dispute or the unincorporated territory that is the subject of the proposed extraterritorial zoning, a representative of such a resident or property owner, and any representative of a city involved, may appear at the hearing and present evidence on any matter to be determined by the administrative law judge. A decision by the administrative law judge is binding upon all the cities involved in the dispute and remains effective until the governing bodies of the cities agree to a change in the zoning authority of the cities. The governing body of a city may request a review of a decision of an administrative law judge due to changed circumstances at any time ten years after the decision has become final. An administrative law judge shall consider the following factors in making a decision under this subsection:
- a. The proportional extraterritorial zoning authority of the cities involved in the dispute;
  - b. The proximity of the land in dispute to the corporate limits of each city involved;
  - c. The proximity of the land in dispute to developed property in the cities involved;
  - d. Whether any of the cities has exercised extraterritorial zoning authority over the disputed land;

- e. Whether natural boundaries such as rivers, lakes, highways, or other physical characteristics affecting the land are present;
  - f. The growth pattern of the cities involved in the dispute; and
  - g. Any other factor determined to be relevant by the administrative law judge.
- 6- 12. For purposes of this section, the population of a city must be determined by the last official regular or special federal census. If a city has incorporated after a census, the population of the city must be determined by a census taken in accordance with chapter 40-22.
- 7- 13. When a portion of the city is attached to the bulk of the city by a strip of land less than one hundred feet [30.48 meters] wide, that portion and strip of land must be disregarded when determining the extraterritorial zoning limits of the city. This subsection does not affect the ability of a city to zone land within its city limits.
- 8- 14. For the purposes of this section, a quarter quarter section ~~shall be~~ is as determined in the manner provided by 2 Stat. 313 [43 U.S.C. 752]. When appropriate, the phrase "quarter quarter section" refers to the equivalent government lot.
15. As used in this section, "other political subdivision" means a political subdivision, not including another city, which would otherwise have zoning or subdivision regulation jurisdiction.

**SECTION 2. APPLICATION.** This Act applies to the exercise of extended zoning and subdivision regulation by a city before the effective date of this Act except the city continues extended zoning and subdivision regulation for areas for which a plat or site plan application was presented to the city before the effective date of this Act. The zoning districts and regulation of those districts of the city remain in effect and are the districts and regulations in an area of joint jurisdiction until modified or different districts and regulations are adopted by another political subdivision under this Act."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2030, 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 SB 2030 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "phase one of"

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

Page 1, line 6, replace "\$22,465,804" with "\$28,465,804"

Page 1, line 9, remove "phase one of"

Page 1, line 11, remove the second "and" and after the fourth comma insert "the secondary road project, and relocation of the Missouri River correctional facility,"

Page 1, line 14, replace "three-member" with "five-member"

Page 1, after line 23, insert:

**"SECTION 3. BID REQUIREMENTS.** The department of corrections and rehabilitation may not accept a bid for the prison expansion project provided for in section 1 of this Act, if bid costs relating to construction contingency, renovation contingency, site contingency, architectural fees, furniture and fixtures, and information technology-related costs exceed twenty percent of the total construction and renovation bid.

**SECTION 4. BID OPTIONS.** If bids received for the prison expansion project are more than the amount appropriated in section 1 of this Act, the department of

corrections and rehabilitation shall remove one housing pod from the project to reduce the costs to the level appropriated for the project.

**SECTION 5. LEGISLATIVE INTENT - SALE OF MISSOURI RIVER CORRECTIONAL CENTER LAND.** It is the intent of the sixty-first legislative assembly that the existing Missouri River correctional center land not be sold for at least two years after the relocation of the Missouri River correctional center to the state penitentiary site.

**SECTION 6. LEGISLATIVE COUNCIL STUDY - USE OF MISSOURI RIVER CORRECTIONAL CENTER LAND.** During the 2009-10 interim, the legislative council shall consider studying possible future uses of the existing Missouri River correctional center land. The study must include consideration of the best marketing methods to use for each possible land use identified. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2075, 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 SB 2075 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$1,118,134" with "\$350,000"

Page 1, line 7, replace "an irrigation system," with "including"

Page 1, line 8, remove "moving and adding a bathroom to the gazebo,"

Page 1, line 13, remove "status of the" and replace "project" with "projects"

Page 1, line 15, remove "total expenditures for"

Page 1, line 16, replace "project" with "projects" and replace "exceed \$500,000" with "are complete"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes funding for the irrigation system and for moving and remodeling the gazebo and reduces funding for the remaining projects to provide a total of \$350,000. The amendment also requires the Veterans' Home to report to the Budget Section regarding the construction projects when they are complete, rather than when total expenditures exceed \$500,000.

#### REPORT OF STANDING COMMITTEE

**SB 2308, as engrossed: 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). Engrossed SB 2308 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact section 50-25.1-15.1 of the North Dakota Century Code, relating to abandonment of an infant at a fire station; and to"

Page 1, line 20, replace ". Death" with ", including a death" and remove the underscored comma

Page 1, line 21, replace "of" with "following" and replace ", is deemed to" with an underscored period

Page 1, remove line 22

Page 2, after line 8, insert:

**"SECTION 3.** Section 50-25.1-15.1 of the North Dakota Century Code is created and enacted as follows:

**50-25.1-15.1. Abandoned infant - Fire station procedure - Reporting immunity.**

1. As used in this section:
  - a. "Abandoned infant" means an abandoned infant as defined in section 27-20-02 and which has been left at a fire station in an unharmed condition.
  - b. "Fire station" means a fire station that is open and operating twenty-four hours a day seven days a week and which is continually staffed with full-time, paid firefighters who are licensed as emergency medical services professionals under chapter 23-27.
2. A parent of an infant may abandon the infant by leaving the infant with an appropriate individual at any fire station. An agent of the parent may leave an abandoned infant with an appropriate individual at a fire station with the parent's consent. Neither the parent nor the agent is subject to prosecution under sections 14-07-15 and 14-09-22 for leaving the abandoned infant at a fire station.
3. A fire station shall accept an infant abandoned or left under this section. The fire station may request information regarding the parents and shall provide the parent or the agent with a medical history form and an envelope with the fire station's return address. Neither the parent nor the agent is required to provide any information.
4. The fire station shall provide the parent or the agent with a numbered identification bracelet to link the parent or the agent to the abandoned infant. Possession of an identification bracelet does not entitle the bracelet holder to take custody of the abandoned infant on demand. If an individual possesses a bracelet linking the individual to an abandoned infant left at a fire station under this section and parental rights have not been terminated, possession of the bracelet creates a presumption that the individual has standing to participate in a protection services action brought under this chapter or chapter 27-20. Possession of the bracelet does not create a presumption of maternity, paternity, or custody.
5. The fire station may provide the parent or the agent with any relevant information, including:
  - a. Information about the safe place for abandoned infant programs;
  - b. Information about adoption and counseling services; and
  - c. Information about whom to contact if reunification is sought.
6. Within twenty-four hours of receiving an abandoned infant under this section, the fire station shall report to the department that an abandoned infant has been left at the fire station. The report may not be made before the parent or the agent leaves the fire station.
7. The fire station and the fire station employees and agents are immune from any criminal or civil liability for accepting an abandoned infant under this section.
8. Upon receiving a report of an abandoned infant left at a fire station under this section, the department shall proceed as required under this chapter if it appears that the abandoned infant was not harmed, except the department may not attempt to identify or contact the parent or the agent. If it appears the abandoned infant was harmed, the department shall initiate an assessment of the matter as required by law.
9. If an individual claiming to be the parent or the agent contacts the department and requests to be reunited with the abandoned infant, the department may identify or contact the individual as required under this chapter and all other applicable laws. If an individual contacts the department seeking information only, the department may attempt to obtain information regarding the identity and medical history of the parents and may provide information regarding the procedures in an abandoned infant



case. The individual is under no obligation to respond to the request for information, and the department may not attempt to compel response to investigate the identity or background of the individual."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2324: 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). SB 2324 was placed on the Sixth order on the calendar.

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

Page 1, line 13, after "elections" insert "; and to provide for a legislative council study"

Page 20, line 13, overstrike "One" and insert immediately thereafter "Three" and overstrike "challenger" and insert immediately thereafter "challengers"

Page 20, line 14, overstrike "is" and insert immediately thereafter "are"

Page 20, line 16, overstrike "one" and insert immediately thereafter "three", overstrike "challenger" and insert immediately thereafter "challengers", and overstrike "is" and insert immediately thereafter "are"

Page 22, line 8, overstrike "In addition to the poll challenger, not more than two poll checkers appointed by the" and insert immediately thereafter "The"

Page 22, line 9, overstrike "be in"

Page 22, line 10, overstrike "attendance at each" and insert immediately thereafter "appoint poll checkers to a"

Page 22, line 12, overstrike "The poll" and insert immediately thereafter "Poll" and overstrike "and poll checkers"

Page 22, line 16, overstrike "before the third" and insert immediately thereafter "one"

Page 34, after line 28, insert:

#### **"SECTION 31. LEGISLATIVE COUNCIL STUDY OF RESIDENCY STATUS.**

During the 2009-10 interim, the legislative council shall consider studying the rules for determining residency status under state law, including an examination of the determination of residency for voting and higher education tuition purposes; for obtaining game and fish licenses, motor vehicle registrations, and motor vehicle operator's licenses; and for taxation purposes. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2363: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2363 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2438, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING). Reengrossed SB 2438 was placed on the Sixth order on the calendar.

That the amendments to Reengrossed Senate Bill No. 2438 as printed on pages 1030-1032 of the House Journal be amended as follows:

Page 1031 of the House Journal, after line 38, insert:

"Page 3, line 2, remove "and""

Page 1031 of the House Journal, after line 39, insert:

"Page 3, line 5, after "certification" insert ";

- f. Explore the standards held by international private sector certifying groups which have the potential to increase sales of North Dakota products; and
- g. Report to the legislative council on the status of committee activities""

Renumber accordingly

#### **FIRST READING OF SENATE BILL**

**SB 2444:** A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general related to 2009 flood disaster response; to require certain funds to be deposited in the general fund; to authorize transfers; to provide for budget section reports; and to declare an emergency.

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

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

**Buell J. Reich, Chief Clerk**