

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, April 6, 2009

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

The prayer was offered by Pastor Bruce Peterson, Our Redeemer's Lutheran Church, New England.

The roll was called and all members were present except Representatives Gruchalla and Metcalf.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Delzer, Chairman)** has carefully examined the Journal of the 57th Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1137, line 45, replace "unchanged" with "and your favorable consideration is requested on"

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

## REQUEST

**REP. L. MEIER REQUESTED** that HB 2308 be heard separately, which motion was granted.

## SIXTH ORDER OF BUSINESS

**SPEAKER MONSON DEEMED** approval of the amendments to Engrossed SB 2015, Engrossed SB 2017, Engrossed SB 2020, Engrossed SB 2027, Engrossed SB 2030, Engrossed SB 2075, SB 2324, and Reengrossed SB 2438.

Engrossed SB 2015, Engrossed SB 2017, Engrossed SB 2020, Engrossed SB 2027, Engrossed SB 2030, Engrossed SB 2075, SB 2324, and Reengrossed SB 2438, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. KARLS MOVED** that Section 3 be removed from the amendments to SB 2308, which motion failed.

## SIXTH ORDER OF BUSINESS

**SB 2308, as engrossed: REP. VIGESAA MOVED** that the amendments on HJ pages 1155-1156 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

## MOTION

**REP. VIGESAA MOVED** that the rules be suspended, and that SB 2308 be placed at the top of the fourteenth order for immediate second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2308:** A BILL for an Act to 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 amend and reenact sections 18-05.1-02 and 18-05.1-03 of the North Dakota Century Code, relating to payments to a deceased firefighter's survivor.

## ROLL CALL

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

**YEAS:** Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor;

Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Karls; Keiser; Klemin; Meier, L.; Nathe; Porter; Ruby; Weisz

**ABSENT AND NOT VOTING:** Gruchalla; Metcalf

Engrossed SB 2308 passed and the title was agreed to.

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#### MOTION

**REP. VIGESAA MOVED** that Engrossed SB 2332, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2332 was rereferred.

#### SECOND READING OF SENATE BILL

**SB 2069:** A BILL for an Act to amend and reenact subsection 1 of section 27-05.2-03 of the North Dakota Century Code, relating to fees collected by the clerk of district court for deposit in the civil legal services 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 72 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Ekstrom; Frantsvog; Froelich; Glassheim; Grande; Griffin; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Schmidt; Schneider; Sukut; Thoreson; Thorpe; Vig; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Berg; Carlson; Dosch; Drovdal; Froseth; Headland; Heller; Kempenich; Klein; Kreidt; Nathe; Rust; Schatz; Skarphol; Svedjan; Uglem; Vigesaa; Wald

**ABSENT AND NOT VOTING:** Gruchalla; Metcalf

SB 2069, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2198:** A BILL for an Act to create and enact five new sections to chapter 50-06.4 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the provision of services to individuals with traumatic brain injury; and to amend and reenact sections 50-06.4-02 and 54-38-05 of the North Dakota Century Code, relating to joint meetings and duties of the department of human 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; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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:** Gruchalla; Metcalf

Engrossed SB 2198, as amended, passed and the title was agreed to.

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

**SB 2444, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)**  
recommends **DO PASS** (24 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
Engrossed SB 2444 was placed on the Fourteenth order on the calendar.

#### **MOTION**

**REP. VIGESAA MOVED** that SB 2444 be moved to the top of the Fourteenth order, which motion prevailed.

#### **SECOND 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.

#### **ROLL CALL**

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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:** Gruchalla; Metcalf

Engrossed SB 2444 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **SECOND READING OF SENATE BILL**

**SB 2154:** A BILL for an Act to amend and reenact sections 54-52-02.9 and 54-52-27, subsection 1 of section 54-52.1-03.2, and subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code, relating to participation in the public employees retirement system, purchase of sick leave credit, and the retiree health benefits fund.

#### **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 50 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Dahl; Delmore; Dosch; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Hanson; Hawken; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nottestad; Onstad; Pinkerton; Porter; Potter; Schmidt; Schneider; Thorpe; Vig; Weiler; Williams; Winrich; Wolf; Zaiser

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

**ABSENT AND NOT VOTING:** Berg; Gruchalla; Metcalf

Engrossed SB 2154 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2242:** A BILL for an Act to amend and reenact sections 4-02.1-05, 4-05.1-17, 4-09-03, 4-09-20.2, 4-10.1-06, 4-10.2-05, 4-10.3-05, 4-10.4-05, 4-10.5-04, 4-10.6-04, 4-10.7-05, 4-14.1-05, 4-18.1-04, 4-22-04, 4-27-05, 4-28-05, 4-34-07, 6-09.10-03, 36-01-04, and 36-14-25 of the North Dakota Century Code or in the alternative to amend and reenact sections 4.1-02-09, 4.1-03-08, 4.1-04-07, 4.1-05-05, 4.1-06-08, 4.1-07-08, 4.1-09-12, 4.1-10-06, 4.1-11-08, and 4.1-13-12 of the North Dakota Century Code, relating to per diem compensation for members of agriculture-related boards.

#### ROLL CALL

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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:** Grande; Gruchalla; Metcalf

SB 2242 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2260:** A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to state matching funds for individual development accounts; to amend and reenact subdivision n of subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to administration of the temporary assistance for needy families 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 50 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kretschmar; Kroeber; Martinson; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Weisz; Williams; Winrich; Wolf; Zaiser

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

**ABSENT AND NOT VOTING:** Gruchalla; Metcalf

SB 2260 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2305:** A BILL for an Act to provide an appropriation to the state water commission for a Beaver Bay embankment feasibility 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 49 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Boe; Boucher; Brandenburg; Clark; Conklin; Conrad; DeKrey; Delmore; Ekstrom; Frantsvog; Froelich; Griffin; Hanson; Hawken; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kretschmar; Kroeber; Martinson; Meyer, S.; Mock; Mueller; Nelson; Onstad; Pietsch; Pinkerton; Porter; Potter; Schatz; Schmidt; Schneider; Thorpe; Vig; Wall; Weisz; Williams; Wolf; Zaiser

**NAYS:** Bellew; Berg; Boehning; Carlson; Dahl; Damschen; Delzer; Dosch; Drovdal; Froseth; Glassheim; Grande; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Keiser; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Myxter; Nathe; Nottestad; Pollert; Ruby; Rust; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Weiler; Wieland; Winrich; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Gruchalla; Metcalf

Engrossed SB 2305, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2270:** A BILL for an Act to amend and reenact section 40-49-14 of the North Dakota Century Code, relating to bid requirements for park districts; 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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Drovdal; Ekstrom; Frantsvog; Froelich; 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; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Clark; Dosch; Froseth; Thoreson

**ABSENT AND NOT VOTING:** Gruchalla; Metcalf

Engrossed SB 2270, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2060:** A BILL for an Act to amend and reenact subsection 7 of section 40-63-01, subdivision g of subsection 1 of section 40-63-03, and sections 40-63-04 and 40-63-05 of the North Dakota Century Code, relating to renaissance zone rehabilitation of public utility infrastructure and renaissance zone boundaries; 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 58 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conrad; Dahl; Delmore; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Hatlestad; Hawken; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Klein; Klemin; Koppelman; Kroeber; Martinson; Mock; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter;

Ruby; Schatz; Schmidt; Schneider; Sukut; Thoreson; Thorpe; Vigesaa; Wall; Williams; Wolf; Zaiser

**NAYS:** Conklin; Damschen; DeKrey; Delzer; Dosch; Drovdal; Froelich; Hanson; Headland; Heller; Hofstad; Hunskor; Kempenich; Kerzman; Kingsbury; Kreidt; Kretschmar; Meier, L.; Meyer, S.; Mueller; Nathe; Pollert; Rust; Skarphol; Svedjan; Uglem; Vig; Wald; Weiler; Weisz; Wieland; Winrich; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Gruchalla; Metcalf

Engrossed SB 2060, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2173:** A BILL for an Act to amend and reenact subsection 2 of section 11-11-53 and subsection 8 of section 57-15-06.7 of the North Dakota Century Code, relating to county levies for historical works; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 48 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Froelich; Griffin; Hanson; Hatlestad; Hawken; Holman; Hunskor; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Kretschmar; Kroeber; Meyer, S.; Mock; Mueller; Myxter; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Schatz; Schmidt; Schneider; Vig; Wall; Williams; Winrich; Wolf; Zaiser

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

**ABSENT AND NOT VOTING:** Glassheim; Gruchalla; Metcalf

SB 2173 lost.

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### SECOND READING OF SENATE BILL

**SB 2394:** A BILL for an Act to create and enact a new section to chapter 14-10 of the North Dakota Century Code, relating to consent for prenatal care and other pregnancy care services provided to minors; 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 64 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Boe; Boucher; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Griffin; Hanson; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klemin; Kreidt; Kroeber; Martinson; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Schatz; Schmidt; Schneider; Thoreson; Thorpe; Uglem; Vig; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Boehning; Brandenburg; Carlson; Delzer; Dosch; Grande; Hatlestad; Headland; Heller; Karls; Kasper; Kempenich; Klein; Koppelman; Kretschmar; Meier, L.; Pollert; Ruby; Rust; Skarphol; Sukut; Svedjan; Vigesaa; Wald; Wrangham

**ABSENT AND NOT VOTING:** Glassheim; Gruchalla; Metcalf

SB 2394, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2062:** A BILL for an Act to create and enact three new sections to chapter 15-62.2 of the North Dakota Century Code, relating to merit scholarships for students attending certain institutions of higher education; to amend and reenact subsections 1 and 3 of section 15-10-37 and sections 15-62.2-02 and 15.1-01-02 of the North Dakota Century Code, relating to student financial assistance grants, technology grants, and joint meetings of the state's education boards; to provide for a legislative council study; to provide an appropriation; to provide an expiration date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 85 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Delmore; Mock; Myxter; Onstad; Wolf

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; 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; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mueller; 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; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boucher; Glassheim; Gruchalla; Metcalf

Reengrossed SB 2062, as amended, lost.

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**SECOND READING OF SENATE BILL**

**SB 2255:** A BILL for an Act to amend and reenact section 61-16.1-09 of the North Dakota Century Code, relating to exercise of the power of eminent domain by water resource districts.

**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 77 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Boe; Damschen; DeKrey; Delzer; Headland; Pollert; Rust; Schatz; Schmidt; Skarphol; Svedjan; Wald; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Glassheim; Gruchalla; Metcalf

SB 2255 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. GRANDE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1029 as printed on HJ page 906, which motion prevailed on a voice vote.

Engrossed HB 1029 was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1029:** A BILL for an Act to create and enact four new sections to chapter 54-06 of the North Dakota Century Code, relating to state employee service awards, employer-paid tuition, and employer-paid professional organization membership and service club dues.

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Frantsov; Froelich; Froseth; 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; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Ekstrom; Glassheim; Gruchalla; Metcalf; Weiler

Engrossed HB 1029, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. GRANDE MOVED** that the House do concur in the Senate amendments to HB 1113 as printed on HJ page 806, which motion prevailed on a voice vote.

HB 1113, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1113:** A BILL for an Act to amend and reenact section 54-44.3-12.2 of the North Dakota Century Code, relating to state employee complaint appeals.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantsov; Froelich; Froseth; 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; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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; Vigasaa; Wald; Wall; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Glassheim; Gruchalla; Metcalf; Weiler; Wieland

HB 1113 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. R. KELSCH MOVED** that the House do concur in the Senate amendments to Engrossed HB 1435 as printed on HJ page 940, which motion prevailed on a voice vote.

Engrossed HB 1435, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1435:** A BILL for an Act to amend and reenact section 15.1-21-02.2 of the North Dakota Century Code, relating to inclusion of the Declaration of Independence and the United States Constitution in the high school social studies curriculum.

**ROLL CALL**

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

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

**NAYS:** Mock; Thorpe

**ABSENT AND NOT VOTING:** Glassheim; Gruchalla; Metcalf; Weiler

Engrossed HB 1435, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. R. KELSCH MOVED** that the House do concur in the Senate amendments to Engrossed HB 1463 as printed on HJ page 890, which motion prevailed on a voice vote.

Engrossed HB 1463, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1463:** A BILL for an Act to create and enact four new sections to chapter 54-07 of the North Dakota Century Code, relating to the creation of a state youth council; to provide for a report to the legislative council; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 59 YEAS, 31 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Delmore; Ekstrom; Frantsvog; Froelich; Griffin; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Schmidt; Schneider; Sukut; Thorpe; Uglen; Vig; Wall; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Berg; Boehning; Damschen; DeKrey; Delzer; Dosch; Drovdal; Froseth; Grande; Headland; Heller; Kasper; Keiser; Kempenich; Klein; Klemin; Koppelman; Kreidt; Nathe; Pollert; Ruby; Rust; Schatz; Skarphol; Svedjan; Thoreson; Vigesaa; Wald; Weisz

**ABSENT AND NOT VOTING:** Glassheim; Gruchalla; Metcalf; Weiler

Engrossed HB 1463, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. GRANDE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1059 as printed on HJ page 1004 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1059: Reps. Grande, Froseth, Wolf.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WRANGHAM MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1129 as printed on HJ pages 888-889 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1129: Reps. Koppelman, Pietsch, J. Kelsh.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1145 as printed on HJ page 889 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1145: Reps. Hofstad, Frantsvog, Kilichowski.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1158 as printed on HJ page 805 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1158: Reps. Kingsbury, Boehning, Griffin.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1194 as printed on HJ page 983 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1194: Reps. Kretschmar, Porter, Vig.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. KEISER MOVED** that the House do not concur in the Senate amendments to HB 1202 as printed on HJ pages 939-940 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1202: Reps. Vigesaa, Keiser, Schneider.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do not concur in the Senate amendments to HB 1329 as printed on HJ pages 956-957 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1329: Reps. Weisz, Nathe, Conklin.

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2062.

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

**MR. PRESIDENT:** The House has failed to pass unchanged: SB 2154, SB 2242, SB 2255, SB 2260.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2444.

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

**MR. PRESIDENT:** The House has failed to pass unchanged: SB 2283.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2044, SB 2060, SB 2069, SB 2198, SB 2270, SB 2305, SB 2308, SB 2394.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1059, HB 1129, HB 1145, HB 1158, HB 1194, HB 1202, and HB 1329 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1059:** Reps. Grande; Froseth; Wolf

**HB 1129:** Reps. Koppelman; Pietsch; J. Kelsh

**HB 1145:** Reps. Hofstad; Frantsvog; Kilichowski

**HB 1158:** Reps. Kingsbury; Boehning; Griffin

**HB 1194:** Reps. Kretschmar; Porter; Vig

**HB 1202:** Reps. Vigesaa; Keiser; Schneider

**HB 1329:** Reps. Weisz; Nathe; Conklin

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1209, HB 1288, HB 1371, HB 1416, HB 1445, HCR 3015.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and passed: HB 1029, HB 1063, HB 1100, HB 1113, HB 1124, HB 1125, HB 1155, HB 1219, HB 1229, HB 1298, HB 1303, HB 1378, HB 1435, and HB 1463.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2072, SB 2133, SB 2231, SB 2295, SB 2412, SCR 4010.

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

**MR. SPEAKER:** The President has signed: HB 1063, HB 1100, HB 1124, HB 1125, HB 1155, HB 1161, HB 1219, HB 1298, HB 1303, HB 1378, HB 1464, HCR 3005, HCR 3006, HCR 3016, HCR 3022.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1170, HB 1499.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1003, HB 1018, HB 1023, HB 1394.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003**

Page 1, line 2, remove "to create and enact a new subsection to section 31-13-03 of the North Dakota Century"

Page 1, line 3, remove "Code, relating to DNA testing;"

Page 1, line 4, remove "and"

Page 1, line 5, after "study" insert "; to provide legislative intent; and to declare an emergency"

Page 1, line 14, replace "2,396,350" with "5,107,086" and replace "24,824,285" with "27,535,021"

Page 1, line 15, replace "2,829,979" with "3,802,419" and replace "13,426,505" with "14,398,945"

Page 1, line 17, replace "(637,775)" with "(815,775)" and replace "3,559,225" with "3,381,225"

Page 1, line 24, replace "4,210,569" with "7,715,745" and replace "48,101,731" with "51,606,907"

Page 2, line 1, replace "1,008,689" with "891,021" and replace "21,910,610" with "21,792,942"

Page 2, line 2, replace "3,201,880" with "6,824,724" and replace "26,191,121" with "29,813,965"

Page 2, line 3, replace "2.50" with "7.00" and replace "191.00" with "195.50"

Page 3, remove lines 11 through 14

Page 3, line 19, overstrike "2008" and insert immediately thereafter "2010"

Page 3, line 20, after the period insert "Beginning July 1, 2011, the annual salary of the attorney general must be the same annual salary amount as a justice of the North Dakota supreme court."

**SECTION 9. LEGISLATIVE INTENT - LEGAL SERVICE STAFF TRAVEL.** It is the intent of the sixty-first legislative assembly that the office of the attorney general continue the practice of state agencies paying directly for requested legal service staff travel.

**SECTION 10. 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 attorney general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Edward Byrne memorial justice assistance grant program funding	\$1,652,426
Internet crimes against children grant program funding	216,174
Community oriented policing services grant program funding	864,696
Rural Law Enforcement Assistance Act funding	<u>390,588</u>
Total federal funds	\$3,123,884
Full-time equivalent positions	12.00

The attorney general 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 beyond that required by the federal American Recovery and Reinvestment Act of 2009.

**SECTION 11. ATTORNEY GENERAL REFUND FUND TRANSFER TO THE GENERAL FUND - EXCEPTION.** Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund that would otherwise be transferred to the general fund on June 30, 2009.

**SECTION 12. EMERGENCY.** Sections 10 and 11 of this Act are declared to be an emergency measure."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0207 FN 4**

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

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1018**

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

Page 1, line 11, replace "924,572" with "1,597,518" and replace "8,090,957" with "8,763,903"

Page 1, line 13, replace "622,631" with "472,631" and replace "4,046,212" with "3,896,212"

Page 1, line 19, replace "2,112,002" with "2,634,948" and replace "16,005,371" with "16,528,317"

Page 1, line 20, replace "(1,534,979)" with "(1,626,256)" and replace "3,783,787" with "3,692,510"

Page 1, line 21, replace "3,646,981" with "4,261,204" and replace "12,221,584" with "12,835,807"

Page 1, line 22, replace "1.00" with "2.00" and replace "61.00" with "62.00"

Page 2, after line 27, insert:

**"SECTION 5. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the state historical society, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Protective structure for locomotive at Camp Hancock	\$150,000
Fort Totten commissary storehouse exhibit and signage	385,000
Geographic information system scanning and integration	<u>150,000</u>
Total federal funds (from department of transportation transportation enhancement funds)	\$685,000

The state historical society 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 6. EMERGENCY.** Section 5 of this Act is declared to be an emergency measure."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98018.0202 FN 1**

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

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1023**

Page 1, line 13, replace "140,000" with "340,000"

Page 1, line 15, replace "234,000" with "434,000"

Page 1, line 16, replace "140,000" with "340,000"

Page 2, line 20, replace "140,000" with "340,000"

Page 2, line 21, replace "8,579,319" with "8,779,319"

Page 3, line 5, replace "2009" with "2011"

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment increases the appropriation to the Attorney General for capital assets by \$200,000 to provide a total of \$340,000 and changes the date of cancellation for unexpended funds for the University of North Dakota relating to 1997 flood costs from June 30, 2009, to June 30, 2011.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1394**

Page 1, line 3, after the first semicolon insert "to provide a statement of legislative intent;"

Page 3, after line 2, insert:

**"SECTION 7. LEGISLATIVE INTENT.** It is the intent of the sixty-first legislative assembly that the amendment of section 57-51.1-07.4 by section 4 of this Act is an independent law for purposes of section 1-02-09 and prevails over any repeal of section 57-51.1-07.4 enacted by the sixty-first legislative assembly."

Renumber accordingly

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

**MR. SPEAKER:** The President has signed: SB 2026, SB 2037, SB 2045, SB 2053, SB 2061, SB 2086, SB 2088, SB 2095, SB 2103, SB 2105, SB 2107, SB 2108, SB 2109, SB 2115, SB 2118, SB 2132, SB 2135, SB 2140, SB 2149, SB 2150, SB 2156, SB 2166, SB 2169, SB 2174, SB 2181, SB 2182, SB 2184, SB 2200, SB 2203, SB 2206, SB 2215, SB 2220, SB 2235, SB 2240, SB 2241, SB 2245, SB 2254, SB 2268, SB 2307, SB 2367.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1022, HB 1171, HB 1188, HB 1239, HB 1286, HB 1377, HB 1449, HB 1490.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1022**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies; and to provide a transfer.

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

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys from special funds derived from income, to the retirement and investment agencies listed in this section for the purpose of defraying their expenses, for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

## Subdivision 1.

## RETIREMENT AND INVESTMENT OFFICE

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$2,334,909	\$389,872	\$2,724,781
Operating expenses	935,999	(11,429)	924,570
Contingencies	82,000	0	82,000
Total special funds	\$3,352,908	\$378,443	\$3,731,351
Full-time equivalent positions	17.00	0.00	17.00

## Subdivision 2.

## PUBLIC EMPLOYEES RETIREMENT SYSTEM

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$3,746,283	\$555,854	\$4,302,137
Operating expenses	11,247,019	(9,587,020)	1,659,999
Contingencies	250,000	0	250,000
Total all funds	\$15,243,302	(\$9,031,166)	\$6,212,136
Less estimated income	15,243,302	(9,044,166)	6,199,136
Total general fund	\$0	\$13,000	\$13,000
Full-time equivalent positions	33.00	0.00	33.00

## Subdivision 3.

## BILL TOTAL

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$0	\$5,438,000	\$5,438,000
Grand total special funds	18,596,210	(8,665,723)	9,930,487
Grand total all funds	\$18,596,210	(\$3,227,723)	\$15,368,487
Full-time equivalent positions	50.00	0.00	50.00

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY.** The following amounts reflect the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Retirement and investment fund	\$0	\$5,425,000
Total general fund	\$0	\$5,425,000

The 2009-11 one-time funding amounts are not a part of the entity's base budget for the 2011-13 biennium. The retirement and investment office shall report to the appropriations committees of the sixty-second legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 3. APPROPRIATION LINE ITEM TRANSFERS.** Upon approval of the respective boards, the retirement and investment office and the public employees retirement system may transfer from their respective contingencies line items in subdivisions 1 and 2 of section 1 of this Act to all other line items. The agencies shall notify the office of management and budget of each transfer made pursuant to this section.

**SECTION 4. APPROPRIATION - TRANSFER - TEACHERS' FUND FOR RETIREMENT.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,425,000, which the office of management and budget shall transfer on July 1, 2009, to the teachers' fund for retirement for the purpose of making supplemental retirement payments, based on years of service and years of retirement, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1171**

Page 1, line 1, replace "15.1-23-02" with "15.1-23-03, 15.1-23-06"

Page 1, line 2, remove "15.1-23-14," and remove "supervision of"

Page 1, line 3, remove "to repeal sections 15.1-23-03, 15.1-23-06, and 15.1-23-07 of the North Dakota"

Page 1, remove line 4

Page 1, line 5, remove "education;"

Page 1, replace lines 12 through 24 with:

**"SECTION 2. AMENDMENT.** Section 15.1-23-03 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-03. Home education - Parental qualifications.** A parent may supervise home education if the parent:

1. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
2. Holds a ~~baccalaureate degree~~ high school diploma or a general equivalency diploma;
3. Has met or exceeded the cutoff score of a national teacher examination given in this state or in any other state if this state does not offer such a test; or
4. Meets the requirements of section 15.1-23-06.

**SECTION 3. AMENDMENT.** Section 15.1-23-06 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-23-06. Home education - Required monitoring of progress.** A parent who ~~has a high school diploma or a general education development certificate~~ does not meet the qualifications provided in section 15.1-23-03 may supervise home education but must be monitored in accordance with section 15.1-23-07 for the first two years. If a child receiving home education obtains a basic composite standardized achievement test score below the fiftieth percentile nationally, the parent must be monitored for at least one additional school year and until the child receives a test score at or above the fiftieth percentile. If testing is not required by section 15.1-23-07 during the first two years of monitoring, the period of monitoring may not be extended, except upon the mutual consent of the parent and the monitor. If a parent completes the monitoring requirements of this section for one child, the parent may not be monitored with respect to other children for whom the parent supervises home education."

Page 2, remove lines 1 through 7

Page 2, remove lines 14 through 30

Page 3, remove lines 27 and 28

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1188**

Page 2, line 15, replace "intentionally" with "is convicted of"

Page 2, line 16, replace "Commits five" with "Five"

Page 2, line 18, replace "Furnishes" with "Furnishing"

Page 2, line 21, remove "Commits a title 20.1 misdemeanor offense after having been previously"

Page 2, line 22, replace "convicted of seven" with "Seven"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1239**

Page 1, line 7, after the boldfaced period insert:

"1."

Page 1, line 13, remove "If the"

Page 1, remove lines 14 through 16

Page 1, line 17, remove "clear from the circumstances." and after "~~No~~" insert:

"2."

Page 1, after line 19, insert:

"3. Even if the conduct of the owner, tenant, or individual authorized by the owner varies from the provisions of subsection 1, an individual may be found guilty of violating section 20.1-01-18 if the owner, tenant, or individual authorized by the owner substantially complied with subsection 1 and the individual enters onto the land knowing that the intent of the owner, tenant, or individual authorized by the owner was to comply with this section."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1286**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsections 3 and 6 of section 61-04-01.1 of the North Dakota Century Code, relating to the definitions of domestic use and irrigation use."

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

**SECTION 1. AMENDMENT.** Subsections 3 and 6 of section 61-04-01.1 of the North Dakota Century Code are amended and reenacted as follows:

3. "Domestic use" means the use of water by an individual, or by a family unit, or household, for personal needs and for household purposes, including; ~~but not limited to~~ heating, drinking, washing, sanitary, and culinary uses; irrigation of land not exceeding ~~one acre~~ ~~[.40 hectare]~~ five acres [2.0 hectares] in area for noncommercial gardens, orchards, lawns, trees, or shrubbery; and for household pets and domestic animals kept for household sustenance and not for sale or commercial use, when the water is supplied by the individual or family unit. Also included within this use are "domestic rural uses" which must be defined by the state engineer by rule.
6. "Irrigation use" means the use of water for application to more than ~~one acre~~ ~~[.40 hectare]~~ five acres [2.0 hectares] of land to stimulate the growth of agricultural crops, including gardens, orchards, lawns, trees, or shrubbery, or the maintenance of recreation areas such as athletic fields, golf courses, parks, and similar types of areas, except when the water for the facility is provided by a municipal water system."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1377**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study regarding the establishment of a searchable database of state expenditures."

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY.** During the 2009-10 interim, the legislative council shall consider studying the establishment of a searchable database of state expenditures. The study must include an analysis of the information to be reported in the database and the current information available on state agencies' websites. 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 BILL NO. 1449**

Page 1, line 19, replace "the facility remaining after" with "underground foundation not removed during"

Page 1, line 20, replace "remaining portion of the facility" with "such underground foundation"

Page 1, line 21, remove "The facility includes any cables, foundations, buildings, or other ancillary"

Page 1, remove line 22

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1490**

Page 1, line 1, replace the comma with "and"

Page 1, line 2, remove ", subsection 1 of section 16.1-08.1-03.9, and sections 16.1-08.1-03.10 and"

Page 1, line 3, remove "16.1-08.1-03.11"

Page 2, remove lines 6 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 19

Renumber accordingly

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2358, SCR 4014, SCR 4015.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4034, SCR 4035.

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

**MR. SPEAKER:** The President has signed: SB 2159, SB 2164, SB 2167, SB 2204, SB 2344, SB 2390, SB 2403, SB 2423.

**MOTION**

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



~~the state, or the United States, only~~ providing up to ninety percent of the project costs if the political subdivision or airport authority is not qualified for or does not receive any funds under section 2-05-06.5. These funds must be used for airport construction or improvement projects, including airport administration and terminal buildings, hangars, landing strips for aircraft, and purchase of sites for airports or landing fields and easements and for maintenance, clearing of sites, marking, lighting, and engineering and navigational aids, all related to aeronautics in amounts as the commission may determine and upon projects as the commission may approve.

**SECTION 3. EXPIRATION DATE.** Section 2 of this Act is effective through June 30, 2011, and after that date is ineffective."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98025.0104 FN 2**

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

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

**SB 2008: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2008 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "747,117" with "635,817" and replace "4,873,525" with "4,726,225"

Page 1, line 15, replace "1,020,366" with "909,066" and replace "6,197,788" with "6,086,488"

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98027.0101 FN 1**

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

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

**SB 2011: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 1, after "patrol" insert "; and to provide a statement of legislative intent"

Page 1, line 10, replace "360,578" with "452,598" and replace "2,926,419" with "3,018,439"

Page 1, line 11, replace "4,344,774" with "2,748,156" and replace "38,643,772" with "37,047,154"

Page 1, line 12, replace "96,253" with "93,433" and replace "1,496,942" with "1,494,122"

Page 1, line 14, replace "4,901,605" with "3,394,187" and replace "43,167,133" with "41,659,715"

Page 1, line 16, replace "5,220,080" with "3,712,662" and replace "32,273,403" with "30,765,985"

Page 1, line 17, replace "3.00" with "1.00" and replace "196.00" with "194.00"

Page 2, after line 2, insert:

"Commercial vehicle information exchange window system	0	100,000"
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Page 2, line 4, replace "180,000" with "280,000"

Page 2, line 20, replace "\$220" with "\$200"

Page 2, after line 25, insert:

**"SECTION 6. LEGISLATIVE INTENT - AUTOMATED PERMITS.** It is the intent of the sixty-first legislative assembly that the highway patrol proceed with implementation of the commercial vehicle information exchange window system and with preparations to allow for the automated issuance of highway permits.

**SECTION 7. COMMERCIAL VEHICLE INFORMATION EXCHANGE WINDOW SYSTEM - USE OF FUNDING - BUDGET SECTION REPORT.** The administration line item in section 1 of this Act includes \$100,000 from the general fund for the commercial vehicle information exchange window system. Any funds designated for the implementation of the system that are not used for this purpose may not be spent for other purposes and must be included in the agency's unspent general fund appropriation authority for the biennium beginning July 1, 2009, and ending June 30, 2011. The highway patrol shall report semiannually to the budget section regarding the status of implementation of this system and on the use of these funds."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98030.0102 FN 1**

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

**REPORT OF STANDING COMMITTEE**

**SB 2023, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2023 was placed on the Sixth order on the calendar.

Page 1, line 2, after "indigents" insert "; and to create and enact a new section to chapter 54-61 of the North Dakota Century Code, relating to contracting for public defenders"

Page 1, line 12, replace "214,904" with "115,500" and replace "11,425,600" with "11,326,196"

Page 1, line 14, replace "249,512" with "155,343" and replace "1,950,217" with "1,856,048"

Page 1, line 15, replace "(\$34,608)" with "(\$39,843)" and replace "9,475,383" with "9,470,148"

Page 1, line 16, replace "1.00" with ".50" and replace "30.00" with "29.50"

Page 1, after line 16, insert:

**"SECTION 2.** A new section to chapter 54-61 of the North Dakota Century Code is created and enacted as follows:

**Contract services.** The commission on legal counsel for indigents shall contract for public defender services at a minimum level of fifty percent of its caseload."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98042.0201 FN 1**

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

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

**Buell J. Reich, Chief Clerk**