

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, April 20, 2009

The House convened at 8:00 a.m., with Speaker Monson presiding.

The prayer was offered by Pastor Merle Hoots, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Berg, Frantsvog, Froseth, Gruchalla, Kempenich, Thorpe, and Wieland.

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 reexamined the Journal of the 66th and 67th Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1489, line 4, replace "939-940" with "1378"

Page 1489, line 32, replace "0956-0957" with "1379"

Page 1490, line 4, replace "1087-1089" with "1378"

Page 1490, line 33, replace "1086" with "1378"

Page 1494, line 5, delete "further "

Page 1502, line 24, delete "further "

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

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to Engrossed SB 2443.

Engrossed SB 2443, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that House Rule 508 be amended from the 67th Legislative Day to the 72nd Legislative Day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. JOHNSON MOVED that the House do concur in the Senate amendments to Engrossed HCR 3048 as printed on HJ page 1090, which motion prevailed on a voice vote.

Engrossed HCR 3048, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3048: A concurrent resolution directing the Legislative Council to study the bonding requirements placed on grain warehouses and buyers, including ethanol plants and grain processors; and ways to reduce further the financial risk of participants in the sale, purchase, handling, and processing of grain, including the sale of grain to ethanol plants and processors, the payment for grain by such entities, and whether there exists a need for new or increased bonding and indemnification options to reduce financial risk.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 64 YEAS, 23 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Delmore; Ekstrom; Froelich; Glassheim; Grande; Griffin; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsch, J.;

Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schmidt; Schneider; Sukut; Uglem; Vig; Wall; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Bellew; Belter; Boehning; Brandenburg; Damschen; DeKrey; Delzer; Dosch; Drovdal; Headland; Heller; Kasper; Kreidt; Pollert; Schatz; Skarphol; Svedjan; Thoreson; Vigesaa; Wald; Weiler; Weisz; Wrangham

ABSENT AND NOT VOTING: Berg; Frantsvog; Froseth; Gruchalla; Kempenich; Thorpe; Wieland

Reengrossed HCR 3048 was declared adopted and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. D. JOHNSON MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2248 and Engrossed SB 2371, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2248: Reps. D. Johnson, Belter, Vig

Engrossed SB 2371: Reps. Uglem, Wall, Mueller

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PORTER MOVED that the conference committee report on Engrossed HB 1239 as printed on HJ page 1507 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1239, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1239: A BILL for an Act to amend and reenact section 20.1-01-17 of the North Dakota Century Code, relating to posting of lands to prohibit hunting; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 4 NAYS, 0 EXCUSED, 6 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; Froelich; Glassheim; Grande; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Griffin; Koppelman; Kretschmar; Pinkerton

ABSENT AND NOT VOTING: Frantsvog; Froseth; Gruchalla; Kempenich; Thorpe; Wieland

Reengrossed HB 1239 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEISER MOVED that the conference committee report on HB 1330 as printed on HJ pages 1507-1508 be adopted, which motion prevailed on a voice vote.

HB 1330, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1330: A BILL for an Act to amend and reenact sections 43-03-01, 43-03-02, 43-03-03, 43-03-04, 43-03-05, 43-03-06, 43-03-08, 43-03-09, 43-03-10, 43-03-11, 43-03-13, 43-03-14, 43-03-15, 43-03-16, 43-03-17, 43-03-18, 43-03-19, 43-03-20, and 43-03-22 of the North Dakota Century Code, relating to the regulation of architects and landscape

architects; to repeal sections 43-03-12, 43-03-24, and 43-03-25 of the North Dakota Century Code, relating to the regulation of architects and landscape architects; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 1 NAYS, 0 EXCUSED, 6 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; Froelich; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Wald

ABSENT AND NOT VOTING: Frantsvog; Froseth; Gruchalla; Kempenich; Thorpe; Wieland

Engrossed HB 1330 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WRANGHAM MOVED that the conference committee report on Engrossed HB 1338 as printed on HJ page 1508, which motion prevailed on a voice vote.

Engrossed HB 1338, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1338: A BILL to provide for a legislative council study of solid waste management, with an emphasis on the siting and zoning of landfills on a statewide or regional level while allowing adequate protection for political subdivisions and property owners.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 5 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Delzer; Keiser; Ruby; Skarphol

ABSENT AND NOT VOTING: Frantsvog; Froseth; Gruchalla; Kempenich; Thorpe; Wieland

Reengrossed HB 1338 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WEISZ MOVED that the conference committee report on Engrossed SB 2098 as printed on HJ page 1508 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2098, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2098: A BILL for an Act to amend and reenact subsection 12 of section 25-03.1-02 and sections 25-03.1-04, 25-03.1-08, 25-03.1-10, 25-03.1-21, 25-03.1-25, and 25-03.1-34 of the North Dakota Century Code, relating to commitment to a public or private facility of a person requiring treatment due to mental illness or chemical dependency.

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, 0 NAYS, 0 EXCUSED, 6 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; Froelich; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Frantsvog; Froseth; Gruchalla; Kempenich; Thorpe; Wieland

Engrossed SB 2098, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEKREY MOVED that the conference committee report on SB 2114 as printed on HJ page 1508 be adopted, which motion prevailed on a voice vote.

SB 2114, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2114: A BILL for an Act to create and enact subsection 8 to section 12-44.1-21 of the North Dakota Century Code, relating to wireless electronic devices on or within correctional facilities; to amend and reenact section 12-44.1-06 and subsection 7 of section 12-44.1-21 of the North Dakota Century Code, relating to grades of correctional facilities and the definition of contraband; to provide a penalty; 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 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; Froelich; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Frantsvog; Froseth; Gruchalla; Kempenich; Thorpe; Wieland

SB 2114, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEKREY MOVED that the conference committee report on SB 2116 as printed on HJ page 1509 be adopted, which motion prevailed on a voice vote.

MOTION

REP. VIGESAA MOVED that Rep. Boe replace Rep. Thorpe on the Conference Committee on HB 1151, which motion prevailed.

MOTION

REP. VIGESAA MOVED that Rep Svedjan replace Rep. Wald on the Conference Committee on HB 1481, which motion prevailed.

MOTION

REP. VIGESAA MOVED that the House stand in recess until 12:30 p.m., which motion prevailed.

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

REPORT OF CONFERENCE COMMITTEE

HB 1021, as engrossed: Your conference committee (Sens. Wardner, Krebsbach, Lindaas and Reps. Wald, Klein, Kroeber) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1091 and place HB 1021 on the Seventh order.

Engrossed HB 1021 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1041: Your conference committee (Sens. Olafson, Lyson, Nelson and Reps. Kingsbury, Dahl, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1044-1045, adopt amendments as follows, and place HB 1041 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1044 and 1045 of the House Journal and page 808 of the Senate Journal and that House Bill No. 1041 be amended as follows:

Page 3, line 13, after the underscored period insert "A victim or witness who clearly objects to registration may not be required to register with the system."

Page 3, line 27, after "~~Victims~~" insert "a."

Page 4, line 2, after the period insert:

"b. Victims who are not registered must be given prompt notice, by the law enforcement agency that has made an arrest in any case involving a crime of violence, of any hearing in which the arrested person's pretrial release status will be determined. If the alleged offender in a crime of violence is scheduled to be released before an appearance in court, the custodial authority shall give prompt notice to the victim and witness or, if unavailable, to the arresting law enforcement agency, which shall provide the notice to the victim or witness. The law enforcement agency or custodial authority may fulfill its obligation to notify by registering the victim with the system.

c."

Page 6, line 10, after the period insert "Victims who are not registered must be given the same information by the prosecuting attorney."

Page 7, line 1, after the period insert "Victims who are not registered must be given the same notice by the prosecuting attorney."

Page 7, line 9, after the period insert "Victims who are not registered must be given the same notice by the appropriate custodial authority."

Page 7, line 13, remove the overstrike over "~~The notice given by the custodial authority must~~"

Page 7, remove the overstrike over line 14

Renumber accordingly

HB 1041 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1186, as engrossed: Your conference committee (Sens. Olafson, Nething, Nelson and Reps. Koppelman, Klemin, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1140-1141, adopt amendments as follows, and place HB 1186 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1140 and 1141 of the House Journal and pages 979 and 980 of the Senate Journal and that Engrossed House Bill No. 1186 be amended as follows:

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 willfully possesses a sexually expressive image that 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. A person is guilty of a class B misdemeanor if, knowing of its character and content, that person acquires and knowingly distributes any sexually expressive image that was created without the consent of the subject of the image.
3. 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.
4. 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

Engrossed HB 1186 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2251: Your conference committee (Sens. Oehlke, Dever, Horne and Reps. Froseth, Boehning, Amerman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 952, adopt amendments as follows, and place SB 2251 on the Seventh order:

That the House recede from its amendments as printed on page 952 of the Senate Journal and page 1029 of the House Journal and that Senate Bill No. 2251 be amended as follows:

Page 2, line 9, after "~~forty-five~~" insert "seventy-five dollars but not more than"

Page 2, line 10, after "hundred" insert "thirty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4033, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4033 was placed on the Sixth order on the calendar.

Page 1, replace lines 4 through 17 with:

"**WHEREAS**, the right to a private secret ballot is fundamental to our representative republic and should not be infringed upon; and

WHEREAS, state and federal law requires elections for public office or public votes on initiatives and referenda be by private secret ballot; and

WHEREAS, passage of the federal Employee Free Choice Act could infringe upon the rights of individuals to have a private ballot election; and

WHEREAS, the federal Employee Free Choice Act's mandatory binding arbitration provisions would deny workers the right to participate in the collective bargaining process between employees and the union; and

WHEREAS, any effort to eliminate private elections jeopardizes the free speech rights of business and workers' individual rights; and"

Renumber accordingly

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to Engrossed SCR 4033.

Engrossed SCR 4033, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. SVEDJAN MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Reengrossed SB 2004, Engrossed SB 2064, SB 2277, and SB 2311, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Reengrossed SB 2004: Reps. Bellew, Kreidt, Kerzman

Engrossed SB 2064: Reps. Berg, Grande, Schneider

SB 2277: Reps. Dosch, Grande, Conklin

SB 2311: Reps. Skarphol, Carlson, Williams

APPOINTMENT OF CONFERENCE COMMITTEE

REP. PORTER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SCR 4035, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SCR 4035: Reps. Clark, Nottestad, S. Kelsh

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SVEDJAN MOVED that the conference committee report on Engrossed HB 1021 as printed on HJ page 1091 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1021, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance; to authorize and provide an appropriation for additional full-time equivalent positions for workforce safety and insurance; and to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to providing a continuing appropriation for litigation expenses relating to employer and medical provider issues.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; 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.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Ruby

ABSENT AND NOT VOTING: Gruchalla; Thorpe

Reengrossed HB 1021 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEKREY MOVED that the conference committee report on HB 1041 as printed on HJ pages 1044-1045 be adopted, which motion prevailed on a voice vote.

HB 1041 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1041: A BILL for an Act to amend and reenact subsection 13 of section 12.1-32-15 and sections 12.1-34-01, 12.1-34-02, 12.1-34-03, and 12.1-34-06 of the North Dakota Century Code, relating to the statewide automated victim information and notification system; 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 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.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Gruchalla; Thorpe

Engrossed HB 1041 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEKREY MOVED that the conference committee report on Engrossed HB 1186 as printed on HJ pages 1140-1141 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1186, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1186: A BILL 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.

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

ABSENT AND NOT VOTING: Gruchalla; Thorpe

Reengrossed HB 1186 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SVEDJAN MOVED that the conference committee report on SB 2028 as printed on HJ page 1394 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GRANDE MOVED that the conference committee report on Engrossed SB 2251 as printed on HJ page 1029 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2251, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to amend and reenact section 61-16-08 of the North Dakota Century Code, relating to compensation for water resource district managers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; 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.; Metcalf; Meyer, S.; Mock; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Conklin; Mueller

ABSENT AND NOT VOTING: Gruchalla; Thorpe

Engrossed SB 2251, as amended, passed and the title was agreed to.

MOTION

REP. VIGESAA MOVED that Rep. Weiler replace Rep. Schatz on the Conference Committee on HCR 3054, which motion prevailed.

MOTION

REP. VIGESAA MOVED that Rep. Porter replace Rep. Klein on the Conference Committee on HB 1017, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1437: Your conference committee (Sens. Erbele, J. Lee, Pomeroy and Reps. Uglem, Frantsvog, Potter) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1064 and place HB 1437 on the Seventh order.

HB 1437 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2163, as engrossed: Your conference committee (Sens. Oehlke, Dever, Nelson and Reps. Boehning, Dahl, Wolf) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 771, adopt amendments as follows, and place SB 2163 on the Seventh order:

That the House recede from its amendments as printed on page 771 of the Senate Journal and page 892 of the House Journal and that Engrossed Senate Bill No. 2163 be amended as follows:

Page 2, line 14, after "Dakota" insert "without first applying for and securing a permit from the director"

Page 4, line 24, after "enforcement" insert "and other agencies considered appropriate for investigative purposes by the division. The enforcement agency is responsible for maintaining the disposition of the case and periodically shall review the case with the reporting party and the division to ensure all available information is included and to determine the current status of the case. As used in this subsection, "individual" means an individual who is eighteen years of age or older."

6. Provide prompt confirmation of the receipt and entry of the lost or missing individuals report into the file system to the enforcement agency providing the report or to the parent, guardian, or identified family member as provided in subsection 7.
7. If any parent, guardian, or identified family member is unable to receive services from the local law enforcement agency, allow the parent, guardian, or identified family member to submit a lost or missing individuals report to the division which must be included in the division file system and transmitted to the national crime information center.
8. Compile and maintain a historical data repository relating to lost or missing individuals for the following purposes:
 - a. To develop and improve techniques utilized by law enforcement agencies when responding to reports of lost or missing individuals; and
 - b. To provide a factual and statistical base for research that addresses the problem of lost or missing individuals"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2270, as engrossed: Your conference committee (Sens. Cook, Oehlke, Horne and Reps. Hatlestad, Pietsch, Zaiser) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1030, adopt amendments as follows, and place SB 2270 on the Seventh order:

That the House recede from its amendments as printed on page 1030 of the Senate Journal and pages 1014 and 1015 of the House Journal and that Engrossed Senate Bill No. 2270 be amended as follows:

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

Page 1, line 12, replace "thirty" with "twenty-five"

Page 2, after line 9, insert:

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

Renumber accordingly

APPOINTMENT OF CONFERENCE COMMITTEE

REP. WEISZ MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2162, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2162: Reps. Weisz, Porter, Conrad

APPOINTMENT OF CONFERENCE COMMITTEE

REP. BELTER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Reengrossed SB 2199, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Reengrossed SB 2199: Reps. Belter, Drovdal, S. Kelsh

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WEISZ MOVED that the conference committee report on HB 1437 as printed on HJ page 1064 be adopted, which motion prevailed on a voice vote.

HB 1437 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 4 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; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; 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.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Delzer; Grande; Skarphol; Wrangham

ABSENT AND NOT VOTING: Gruchalla; Nelson; Thorpe

Engrossed HB 1437 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GRANDE MOVED that the conference committee report on Engrossed SB 2163 as printed on HJ page 892 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2163, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2163: A BILL for an Act to create and enact chapter 37-17.3 of the North Dakota Century Code, relating to the state radio broadcasting system; and to repeal chapter 54-23.2 of the North Dakota Century Code, relating to the state radio broadcasting system.

ROLL CALL

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

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; 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.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Gruchalla; Nelson; Thorpe

Engrossed SB 2163, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WRANGHAM MOVED that the conference committee report on Engrossed SB 2270 as printed on HJ pages 1014-1015, which motion prevailed on a voice vote.

Engrossed SB 2270, as amended, was placed on the Fourteenth order.

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

NAYS: Dosch; Thoreson; Wrangham

ABSENT AND NOT VOTING: Gruchalla; Nelson; Thorpe

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

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HCR 3048.

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

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

SB 2248: Reps. D. Johnson; Belter; Vig

SB 2371: Reps. Uglem; Wall; Mueller

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2116.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2114.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2098.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1239, HB 1330, HB 1338.

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

MR. PRESIDENT: The Speaker has appointed Rep. Boe to replace Rep. Thorpe on the Conference Committee on HB 1151.

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

MR. PRESIDENT: The Speaker has appointed Rep. Svedjan to replace Rep. Wall on the Conference Committee on HB 1481.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1308, HB 1394.

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

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

SB 2004: Reps. Bellew; Kreidt; Kerzman

SB 2064: Reps. Berg; Grande; Schneider

SB 2277: Reps. Dosch; Grande; Conklin

SB 2311: Reps. Skarphol; Carlson; Williams

SCR4035: Reps. Clark; Nottestad; S. Kelsh

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

MR. PRESIDENT: The Speaker has appointed Rep. Weiler to replace Rep. Schatz on the Conference Committee on HCR3054.

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

MR. PRESIDENT: The Speaker has appointed Rep. Porter to replace Rep. Klein on the Conference Committee on HB 1017.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2028.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2251.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1021, HB 1041, HB 1186.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2227, SB 2228, SB 2244, SB 2353.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SCR 4036.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2227, SB 2228, SB 2244, SB 2353, SCR 4036.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HCR 3048.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HCR 3008, HCR 3013, HCR 3015, HCR 3021, HCR 3025, HCR 3027, HCR 3030, HCR 3032, HCR 3039, HCR 3045, HCR 3065.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 20, 2009: HCR 3008, HCR 3013, HCR 3015, HCR 3021, HCR 3025, HCR 3027, HCR 3030, HCR 3032, HCR 3039, HCR 3045, HCR 3065.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1350, HB 1361, HB 1371, HB 1378, HB 1391, HB 1392, HB 1401, HB 1416, HB 1433, HB 1435, HB 1438, HB 1445, HB 1448, HB 1452, HB 1458, HB 1461, HB 1463, HB 1464, HB 1472, HB 1514, HB 1530, HB 1534, HB 1556, HB 1561, HB 1562, HB 1573, HB 1575, HB 1577.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 20, 2009: HB 1350, HB 1361, HB 1371, HB 1378, HB 1391, HB 1392, HB 1401, HB 1416, HB 1433, HB 1435, HB 1438, HB 1445, HB 1448, HB 1452, HB 1458, HB 1461, HB 1463, HB 1464, HB 1472, HB 1514, HB 1530, HB 1534, HB 1556, HB 1561, HB 1562, HB 1573, HB 1575, HB 1577.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1029, HB 1032, HB 1042, HB 1043, HB 1044, HB 1045, HB 1071, HB 1074, HB 1082, HB 1083, HB 1088, HB 1093, HB 1113, HB 1166, HB 1171, HB 1195, HB 1204, HB 1207, HB 1209, HB 1217, HB 1229, HB 1231, HB 1237, HB 1238, HB 1240, HB 1249, HB 1256, HB 1263, HB 1266, HB 1278, HB 1284, HB 1288, HB 1289, HB 1303, HB 1306, HB 1307, HB 1317, HB 1339, HB 1342, HB 1346.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 20, 2009: HB 1029, HB 1032, HB 1042, HB 1043, HB 1044, HB 1045, HB 1071, HB 1074, HB 1082, HB 1083, HB 1088, HB 1093, HB 1113, HB 1166, HB 1171, HB 1195, HB 1204, HB 1207, HB 1209, HB 1217, HB 1229, HB 1231, HB 1237, HB 1238, HB 1240, HB 1249, HB 1256, HB 1263, HB 1266, HB 1278, HB 1284, HB 1288, HB 1289, HB 1303, HB 1306, HB 1307, HB 1317, HB 1339, HB 1342, HB 1346.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2162: Reps. Weisz; Porter; Conrad
SB 2199: Reps. Belter; Drovdal; S. Kelsh

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1437.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2163.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2270.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The President has appointed Sen. Krauter to replace Sen. Pomeroy on the Conference Committee on SB 2391.

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

MR. SPEAKER: The Senate concurred in the House amendments and passed: SB 2227, SB 2228, and SB 2244.

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

MR. SPEAKER: The Senate has concurred in the House amendments and passed: SB 2353.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2199 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2199: Sens. Cook; Hogue; Anderson

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

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

HB 1235: Sens. Oehlke; Cook; Triplett

HB 1304: Sens. Cook; Miller; Dotzenrod

HB 1324: Sens. Miller; Cook; Anderson

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2129, SB 2176, SB 2191, SB 2234, SB 2237, SB 2256, SB 2324, SB 2336, SB 2402, SB 2419.

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

MR. PRESIDENT: The Speaker has signed: SB 2129, SB 2176, SB 2191, SB 2234, SB 2237, SB 2256, SB 2324, SB 2336, SB 2402, SB 2419.

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

MR. SPEAKER: The President has signed: HB 1418, HB 1487, HB 1549, HCR 3014.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2028, SB 2251.

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

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

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

MR. SPEAKER: The President has appointed Sen. O'Connell to replace Sen. Nelson on the Conference Committee on SB 2267.

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

MR. SPEAKER: The President has appointed Sen. O'Connell to replace Sen. Lindaas on the Conference Committee on HB 1305.

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

MR. SPEAKER: The President has appointed Sen. O'Connell to replace Sen. Lindaas on the Conference Committee on HB 1016.

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

MR. SPEAKER: The President has signed: HB 1308, HB 1394.

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

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

HB 1018: Sens. Holmberg; Christmann; Robinson

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2270.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2163.

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

MR. SPEAKER: The Senate has concurred in the House amendments and passed: SB 2338 and SB 2438.

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

MR. SPEAKER: The President has signed: SB 2227, SB 2228, SB 2244, SB 2353.

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

MR. SPEAKER: The President has signed: SCR 4036.

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

MR. SPEAKER: The President has signed: SB 2243, SB 2247, SB 2256, SB 2279, SB 2291, SB 2295, SB 2305, SB 2317, SB 2318, SB 2319, SB 2324, SB 2336, SB 2342, SB 2350, SB 2352, SB 2355, SB 2358, SB 2363, SB 2366, SB 2372, SB 2393, SB 2394, SB 2399, SB 2402, SB 2404, SB 2405, SB 2412, SB 2413, SB 2417, SB 2419, SB 2420, SB 2425, SB 2429, SB 2431, SB 2432, SB 2433.

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

MR. SPEAKER: The President has signed: SB 2035, SB 2040, SB 2041, SB 2042, SB 2046, SB 2047, SB 2072, SB 2081, SB 2082, SB 2089, SB 2090, SB 2096, SB 2099, SB 2100, SB 2101, SB 2112, SB 2121, SB 2128, SB 2129, SB 2131, SB 2133, SB 2155, SB 2157, SB 2168, SB 2176, SB 2191, SB 2192, SB 2216, SB 2218, SB 2221, SB 2222, SB 2224, SB 2231, SB 2234, SB 2237, SB 2239.

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

MR. SPEAKER: The President has signed: SCR 4001, SCR 4002, SCR 4003, SCR 4006, SCR 4008, SCR 4010, SCR 4014, SCR 4015, SCR 4016, SCR 4020, SCR 4021, SCR 4027.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3063.

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3063

In addition to the amendments adopted by the Senate as printed on page 1353 of the Senate Journal, House Concurrent Resolution No. 3063 is further amended as follows:

Page 1, line 11, replace "specifically to be an agent of the states" with "and the powers of the federal government are limited and enumerated"

Page 2, line 9, remove ", as our agent,"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3063

Page 1, line 14, replace "powers assumed by the federal government and federal mandates" with "federal laws"

Page 2, line 15, after the first comma insert "each justice of the Supreme Court of the United States, each judge in the United States Court of Appeals for the Eighth Circuit,"

Page 2, line 16, after the comma insert "the presiding officer of each state legislative body in the United States of America,"

Renumber accordingly

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Tuesday, April 21, 2009, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1039: Your conference committee (Sens. Lyson, Nething, Fiebiger and Reps. Klemin, Dahl, Wolf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1044, adopt amendments as follows, and place HB 1039 on the Seventh order:

That the Senate recede from its amendments as printed on page 1044 of the House Journal and pages 807 and 808 of the Senate Journal and that House Bill No. 1039 be amended as follows:

Page 1, line 2, after the fourth comma insert "47-18-04, 47-18-14,"

Page 1, line 3, after "process" insert "and the homestead exemption"

Page 7, line 21, overstrike "person" and insert immediately thereafter "individual"

Page 7, line 22, overstrike "shall consist" and insert immediately thereafter "consists"

Page 7, line 25, overstrike "eighty" and insert immediately thereafter "one hundred"

Page 7, line 27, overstrike "In no case shall the" and insert immediately thereafter "The" and after "homestead" insert "may not"

Page 7, line 28, overstrike "they" and insert immediately thereafter "the lots or tracts of land"

Page 7, after line 30, insert:

"SECTION 9. AMENDMENT. Section 47-18-04 of the North Dakota Century Code is amended and reenacted as follows:

47-18-04. When homestead subject to execution. A homestead is subject to execution or forced sale in satisfaction of judgments obtained in the following cases:

1. On debts secured by mechanics' or laborers' liens for work or labor done or performed or material furnished exclusively for the improvement of the same.
2. On debts secured by mortgage on the premises executed and acknowledged by both husband and wife, or an unmarried claimant.
3. On debts created for the purchase thereof and for all taxes accruing and levied thereon.
4. On all other debts when, upon an appraisal as provided by section 47-18-06, it appears that the value of ~~said the~~ homestead is more than ~~eighty~~ one hundred thousand dollars over and above liens or encumbrances thereon, and then only to the extent of any value in excess of the sum total of ~~such the~~ liens and encumbrances plus said ~~eighty~~ one hundred thousand dollars.

SECTION 10. AMENDMENT. Section 47-18-14 of the North Dakota Century Code is amended and reenacted as follows:

47-18-14. Proceeds of sale exempt - Disposition. If the sale of a homestead is made as provided in section 47-18-13, the proceeds thereof to the amount of the homestead exemption must be paid to the claimant and the residue applied to the satisfaction of the execution. When the execution is against a married claimant whose spouse is living, the court may direct that the ~~eighty~~ one hundred thousand dollars be deposited in court to be paid out only on the joint receipt of the husband and wife, and it shall possess all the protection against legal process and voluntary disposition by either spouse as did the original homestead premises whether paid directly to the claimant or to the husband and wife jointly."

Renumber accordingly

HB 1039 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1194, as engrossed: Your conference committee (Sens. Wanzek, Klein, Potter and Reps. Kretschmar, Porter, Vig) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 983 and place HB 1194 on the Seventh order.

Engrossed HB 1194 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk

