

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, April 23, 2009

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

The prayer was offered by Pastor Donna Dohrmann, Lutheran Church of the Cross, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4033:** A concurrent resolution urging the North Dakota Congressional Delegation and the Congress of the United States to support worker freedom by opposing the federal Employee Free Choice Act and any of the Act's related components.

**ROLL CALL**

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 58 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SCR 4033, as amended, was declared adopted and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BELTER MOVED** that the conference committee report on Engrossed HB 1489 as printed on HJ page 1009 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1489, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1489:** A BILL for an Act to amend and reenact section 57-38-30.6 of the North Dakota Century Code, relating to a corporate income tax credit for soybean and canola crushing facility equipment costs; to provide for a legislative council study; 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 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; 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; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Dosch; Ruby

**ABSENT AND NOT VOTING:** Weiler

Reengrossed HB 1489 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on Engrossed SB 2152 as printed on HJ page 1010 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2152, as amended, was placed on the Fourteenth order.

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

**SB 2152:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks; to amend and reenact sections 43-53-01, 43-53-05, 43-53-06, 43-53-07, 43-53-08, 43-53-09, 43-53-10, and 43-53-12 of the North Dakota Century Code, relating to marriage and family therapy licensure and practice; 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 81 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; DeKrey; Delzer; Grande; Headland; Pollert; Ruby; Schatz; Thoreson; Vig; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Weiler

Engrossed SB 2152, as amended, passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DEKREY MOVED** that the conference committee report on Engrossed SB 2232 as printed on HJ page 1011 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2232, as amended, was placed on the Fourteenth order.

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

**SB 2232:** A BILL for an Act to create and enact sections 28-21-03.1 and 28-21-04.2 of the North Dakota Century Code, relating to general and summary execution of judgment; and to amend and reenact sections 28-21-01, 28-21-03, 28-21-04, 28-21-04.1, 28-21-05, 28-21-05.1, 28-21-06, 28-21-07, 28-21-08, 28-21-09, 28-21-10, 28-21-13, 28-21-17, 28-21-18, and 28-23-11 of the North Dakota Century Code, relating to execution of judgment.

#### **ROLL CALL**

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

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

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

**ABSENT AND NOT VOTING:** Wald; Weiler

Engrossed SB 2232, as amended, passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WRANGHAM MOVED** that the conference committee report on Engrossed SB 2401 as printed on HJ page 1030 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2401, as amended, was placed on the Fourteenth order.

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

**SB 2401:** A BILL for an Act to provide for a legislative council study relating to requirements for plans and specifications and bids for public improvements.

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

**NAYS:** Bellew; Belter; Delzer; Froseth; Grande; Heller; Rust; Skarphol; Wieland

**ABSENT AND NOT VOTING:** Wald; Weiler

Engrossed SB 2401, as amended, passed and the title was agreed to.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SCR 4033.

#### **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 1489.

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

**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently passed: SB 2152, SB 2232, and SB 2401.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1053, HB 1073, HB 1194, HB 1235.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2171, SB 2293, SB 2415, SB 2421, SB 2441, SB 2443.

**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 2044, SB 2060, SB 2110, SB 2125, SB 2141, SB 2158, SB 2165, SB 2316, SCR 4018.

**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 2208, SB 2359.

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

**MR. SPEAKER:** The President has appointed Sen. Horne to replace Sen. Nelson on the Conference Committee on SB 2027.

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

**MR. SPEAKER:** The President has appointed Sen. Horne to replace Sen. Nelson on the Conference Committee on SB 2064.

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

**MR. SPEAKER:** The President has appointed Sen. Horne to replace Sen. Nelson on the Conference Committee on SB 2277.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1040, as reengrossed:** Your conference committee (Sens. Nething, Lyson, Fiebiger and Reps. Kretschmar, Hatlestad, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1325, adopt amendments as follows, and place HB 1040 on the Seventh order:

That the Senate recede from its amendments as printed on page 1325 of the House Journal and page 738 of the Senate Journal and that Reengrossed House Bill No. 1040 be amended as follows:

Page 3, line 27, replace "Upon request, the" with "The"

Renumber accordingly

Reengrossed HB 1040 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1188:** Your conference committee (Sens. Hogue, Triplett, Schneider and Reps. Porter, Damschen, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1176, adopt amendments as follows, and place HB 1188 on the Seventh order:

That the Senate recede from its amendments as printed on page 1176 of the House Journal and pages 1008 and 1009 of the Senate Journal and that House Bill No. 1188 be amended as follows:

Page 2, line 16, after "20.1" insert "class A" and replace "three-year" with "two-year"

Page 2, after line 17, insert:

"b. Commits seven or more title 20.1 misdemeanor offenses within a two-year period."

Page 2, line 18, replace "b." with "c."

Page 2, line 19, replace "five" with "seven"

Page 2, line 20, replace "three-year" with "two-year"

Page 2, line 21, replace "c." with "d."

Page 2, line 27, replace "a" with "b" and replace "b" with "c"

Page 2, line 28, replace "two" with "three"

Page 2, line 31, replace "c" with "d"

Renumber accordingly

HB 1188 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1252:** Your conference committee (Sens. Nething, Olafson, Fiebiger and Reps. Dahl, Boehning, Wolf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1118, adopt amendments as follows, and place HB 1252 on the Seventh order:

That the Senate recede from its amendments as printed on page 1118 of the House Journal and page 958 of the Senate Journal and that House Bill No. 1252 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 section 14-03-20.2 of the North Dakota Century Code, relating to middle name options.

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

**SECTION 1.** Section 14-03-20.2 of the North Dakota Century Code is created and enacted as follows:

**14-03-20.2. Middle name options.**

1. One party or both parties to a marriage may elect to change the middle name by which that individual wishes to be known after the solemnization of the marriage by entering the new middle name in the space provided on the marriage license application. If an individual elects to change that individual's middle name, the middle name entry on the marriage license application or marriage license must consist of the premarriage surname or former surname of that individual.
2. Compliance with the middle name provisions of this section is sufficient to meet the satisfactory evidence requirements of section 39-06-07.1."

Renumber accordingly

HB 1252 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2044:** Your conference committee (Sens. Erbele, J. Lee, Pomeroy and Reps. Pietsch, Porter, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1029, adopt amendments as follows, and place SB 2044 on the Seventh order:

That the House recede from its amendments as printed on page 1029 of the Senate Journal and page 1055 of the House Journal and that Senate Bill No. 2044 be amended as follows:

Page 1, line 9, replace "2013" with "2011"

Page 2, line 4, replace "2013" with "2011"

Renumber accordingly

SB 2044 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2060, as engrossed:** Your conference committee (Sens. Andrist, Potter, Nodland and Reps. Froseth, Grande, S. Kelsh) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1029 and place SB 2060 on the Seventh order.

Engrossed SB 2060 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2110, as engrossed:** Your conference committee (Sens. Klein, Nodland, Behm and Reps. Nottestad, N. Johnson, Amerman) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 708-709 and place SB 2110 on the Seventh order.

Engrossed SB 2110 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2125:** Your conference committee (Sens. Wanzek, Miller, Heckaman and Reps. Uglen, Kingsbury, Mueller) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 950-951 and place SB 2125 on the Seventh order.

SB 2125 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2141, as engrossed:** Your conference committee (Sens. Lyson, Hogue, Triplett and Reps. Keiser, DeKrey, Hunskor) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 791, adopt amendments as follows, and place SB 2141 on the Seventh order:

That the House recede from its amendments as printed on page 791 of the Senate Journal and pages 859 and 860 of the House Journal and that Engrossed Senate Bill No. 2141 be amended as follows:

Page 2, line 13, replace "articles in the North Dakota Administrative Code which are" with "laws and regulations relating to air, water, and land management"

Page 3, line 27, replace "If the amount of compensation awarded by the" with "The"

Page 3, line 28, remove "court is greater than that which had been offered by the mineral developer, the" and replace "shall" with ", in its discretion, may"

ReNUMBER accordingly

Engrossed SB 2141 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2158, as engrossed:** Your conference committee (Sens. J. Lee, Dever, Heckaman and Reps. Uglen, Nathe, Conrad) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 709, adopt amendments as follows, and place SB 2158 on the Seventh order:

That the House recede from its amendments as printed on page 709 of the Senate Journal and pages 820 and 821 of the House Journal and that Engrossed Senate Bill No. 2158 be amended as follows:

Page 1, after line 12, insert:

**"SECTION 2. DEPARTMENT TO SUBMIT AMENDED PLAN.** Within thirty days of the effective date of section 1 of this Act, the department of human services shall submit for approval an amended state plan to implement section 1 of this Act."

ReNUMBER accordingly

Engrossed SB 2158 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2208, as engrossed:** Your conference committee (Sens. Klein, Wanzek, Behm and Reps. Brandenburg, Rust, Holman) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 667 and place SB 2208 on the Seventh order.

Engrossed SB 2208 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2316, as engrossed:** Your conference committee (Sens. Lyson, Hogue, Triplett and Reps. Hofstad, Nottestad, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 874-923, adopt amendments as follows, and place SB 2316 on the Seventh order:

That the House recede from its amendments as printed on page 874 of the Senate Journal and page 923 of the House Journal and that Engrossed Senate Bill No. 2316 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to direct the state water commission to develop policies regarding water retention projects."

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

**SECTION 1. State water commission - Policies for water retention projects.** The state water commission shall develop policies, including cost-sharing guidelines, which further the development of water retention projects for flood control. The commission shall provide a report regarding the policies to the sixty-second legislative assembly."

Renumber accordingly

Engrossed SB 2316 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2359, as engrossed:** Your conference committee (Sens. Oehlke, Cook, Nelson and Reps. Kretschmar, N. Johnson, Kilichowski) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 952-953 and place SB 2359 on the Seventh order.

Engrossed SB 2359 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SCR 4018:** Your conference committee (Sens. Wanzek, Miller, Taylor and Reps. Brandenburg, Uglem, Boe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1001 and place SCR 4018 on the Seventh order.

SCR 4018 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HCR 3019, as engrossed:** Your conference committee (Sens. Hogue, Oehlke, Triplett and Reps. Hatlestad, Schatz, Griffin) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1144, adopt amendments as follows, and place HCR 3019 on the Seventh order:

That the Senate recede from its amendments as printed on page 1144 of the House Journal and pages 983 and 984 of the Senate Journal and that Engrossed House Concurrent Resolution No. 3019 be amended as follows:

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

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

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

**WHEREAS**, legislation has been proposed to authorize direct payment of tax dollars to taxpayers, which action may be in violation of Section 18 of Article X of the Constitution of North Dakota;

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

That the Legislative Council study Section 18 of Article X of the Constitution of North Dakota, including alternatives for direct payments of tax dollars to taxpayers; and

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

Renumber accordingly

Engrossed HCR 3019 was placed on the Seventh order of business on the calendar.

**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.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PORTER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1227 as printed on HJ pages 1007-1008, which motion prevailed on a voice vote.

Engrossed HB 1227, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1227:** A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to an apprentice hunter program; and to amend and reenact section 20.1-03-01.1 of the North Dakota Century Code, relating to an online internet hunter safety education program.

**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 1 YEAS, 92 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Keiser

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

**ABSENT AND NOT VOTING:** Martinson

Engrossed HB 1227, as amended, lost.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DEKREY MOVED** that the conference committee report on Reengrossed HB 1040 as printed on HJ page 1325 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1040, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1040:** A BILL for an Act to provide for a procedure for missing person investigations.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Froeth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Martinson

Reengrossed HB 1040 passed and the title was agreed to.



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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on HB 1188 as printed on HJ page 1176 be adopted, which motion prevailed on a voice vote.

HB 1188 was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1188:** A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to exploitation of wildlife; to amend and reenact section 20.1-01-26 of the North Dakota Century Code, relating to suspension of hunting, trapping, or fishing privileges; 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 91 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Froelich; Kerzman

**ABSENT AND NOT VOTING:** Martinson

Engrossed HB 1188 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DEKREY MOVED** that the conference committee report on HB 1252 be adopted as printed on HJ page 1188 be adopted, which motion prevailed on a voice vote.

HB 1252 was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1252:** A BILL for an Act to create and enact section 14-03-20.2 of the North Dakota Century Code, relating to middle name options.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Martinson

Engrossed HB 1252 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KOPPELMAN MOVED** that the conference committee report on Engrossed HCR 3019 as printed on HJ page 1144 be adopted, which motion prevailed on a voice vote.

Engrossed HCR 3019, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3019:** A concurrent resolution directing the Legislative Council to study Section 18 of Article X of the Constitution of North Dakota.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Martinson

Reengrossed HCR 3019 was declared adopted and the title was agreed to.

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

**MR. PRESIDENT:** The House concurred in the Senate amendments and subsequently failed to pass: HB 1227.

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

**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently passed: HB 1040, HB 1188, HB 1252, and HCR 3019.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1394.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 23, 2009: HB 1394.

**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 2059, SB 2161, SB 2212.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1265, as engrossed:** Your conference committee (Sens. Flakoll, Freborg, Bakke and Reps. L. Meier, D. Johnson, Myxter) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1046 and place HB 1265 on the Seventh order.

Engrossed HB 1265 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2059, as engrossed:** Your conference committee (Sens. Wanzek, Nodland, Horne and Reps. Sukut, Ruby, Schneider) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 690 and place SB 2059 on the Seventh order.

Engrossed SB 2059 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2161:** Your conference committee (Sens. Lyson, Olafson, Schneider and Reps. Klemin, Koppelman, Wolf) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 891 and place SB 2161 on the Seventh order.

SB 2161 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2212, as engrossed:** Your conference committee (Sens. Freborg, G. Lee, Bakke and Reps. R. Kelsch, L. Meier, Mueller) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1169, adopt amendments as follows, and place SB 2212 on the Seventh order:

That the House recede from its amendments as printed on page 1169 of the Senate Journal and page 1094 of the House Journal and that Engrossed Senate Bill No. 2212 be amended as follows:

Page 1, replace lines 20 through 24 with:

**"SECTION 2. ENGLISH LANGUAGE LEARNER GRANT.** The superintendent of public instruction shall provide a grant to one regional education association in order that the association may purchase or otherwise acquire instructional materials for the enhancement of English language learner services and provide professional development opportunities pertaining to the provision of English language learner services. The association that receives the grant under this section also must agree to contract with other regional education associations and school districts in the state for the purpose of providing various English language learner services to those entities.

**SECTION 3. APPROPRIATION.** There is appropriated out of any moneys from federal fiscal stabilization-other government services funds made available to the governor under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$40,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing an English language learner grant to a regional education association under section 2 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 4

Renumber accordingly

Engrossed SB 2212 was placed on the Seventh order of business on the calendar.

**MOTION**

**REP. VIGESAA MOVED** that the House stand in recess until 4:00 p.m., which motion prevailed.

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

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. R. KELSCH MOVED** that the conference committee report on Engrossed HB 1265 as printed on HJ page 1046 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1265, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

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

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

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

**ABSENT AND NOT VOTING:** Kelsh, J.; Koppelman; Martinson

Engrossed HB 1265, as amended, lost.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on SB 2044 as printed on HJ page 1055 be adopted, which motion prevailed on a voice vote.

SB 2044, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2044:** A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on expansion of basic care bed capacity and the moratorium on expansion of long-term care bed capacity.

**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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** DeKrey

**ABSENT AND NOT VOTING:** Martinson

SB 2044, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KEISER MOVED** that the conference committee report on Engrossed SB 2059 as printed on HJ pages 806-807 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BELTER MOVED** that the conference committee report on Engrossed SB 2060 as printed on HJ page 957 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KEISER MOVED** that the conference committee report on Engrossed SB 2110 as printed on HJ page 820 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. D. JOHNSON MOVED** that the conference committee report on SB 2125 be adopted as printed on HJ page 1027 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on Engrossed SB 2141 as printed on HJ pages 859-860 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2141, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2141:** A BILL for an Act to create and enact chapter 38-11.2 of the North Dakota Century Code, relating to damages to land surface caused by subsurface mineral extraction and related exploration.

**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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; 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; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

Engrossed SB 2141, as amended, passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on Engrossed SB 2158 as printed on HJ page 820 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2158, as amended, was placed on the Fourteenth order.

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

**SB 2158:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance services provided by advanced registered nurse practitioners.

#### **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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; 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; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

Engrossed SB 2158, as amended, passed and the title was agreed to.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently failed to pass: HB 1265.

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

**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently passed: SB 2044 and SB 2141.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2059, SB 2060, SB 2110, SB 2125, SB 2158.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1510.

#### **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 2172, SB 2250, SCR 4035.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1490.

**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., Friday, April 24, 2009, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1478, as reengrossed:** Your conference committee (Sens. J. Lee, Fischer, Heckaman and Reps. Porter, Pietsch, Potter) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1325 and place HB 1478 on the Seventh order.

Reengrossed HB 1478 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2165, as engrossed:** Your conference committee (Sens. Freborg, Erbele, Pomeroy and Reps. Porter, Damschen, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 951-952, adopt amendments as follows, and place SB 2165 on the Seventh order:

That the House recede from its amendments as printed on pages 951 and 952 of the Senate Journal and pages 1027 and 1028 of the House Journal and that Engrossed Senate Bill No. 2165, 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 section to chapter 20.1-03 of the North Dakota Century Code, relating to an apprentice hunter program; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

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

**SECTION 1. AMENDMENT.** Section 20.1-03-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-01.1. Director to appoint and train instructors - Prescribe course material and classroom sites - Certify completion.** The director shall provide classroom instruction on, and shall select, train, and certify persons or department personnel qualified to provide instruction on, firearms and bow safety and hunter responsibility, and shall prescribe the course material to be used, classroom locations, and the dates for teaching the course in this state. The director also shall provide an online internet hunter safety education program for individuals age sixteen and over to complete the hunter safety education requirement. The director shall authorize the issuance of a certificate of completion to all persons satisfactorily completing the course.

**SECTION 2. AMENDMENT.** Subsection 1 of section 20.1-03-11 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~No person shall~~ An individual may not hunt, kill, take, or attempt to take any big game without having the appropriate big game hunting license and a locking seal bearing a number corresponding to the number of the big game hunting license or stamp. The locking seal ~~shall~~ must be issued as an integral part of the big game hunting license. ~~No person~~ Except as otherwise provided in this subsection, an individual may not apply for or be issued a big game hunting license if that ~~person's~~ individual's fourteenth birthday does not occur on or before the opening date of the respective big game hunting season. This age limitation does not apply to applicants for big game licenses for hunting by bow and arrow. Each violation of this section ~~shall be~~ is a distinct and separate offense. The following provisions govern youth deer hunting:
  - a. An individual whose twelfth birthday occurs on or before the opening date of the youth deer hunting season but is younger than fourteen years of age is entitled to receive a statewide white-tailed antlerless deer permit but may hunt only in the youth deer hunting season.

- b. An individual hunting under subdivision a must be accompanied by the individual's parent, guardian, or other individual authorized by the individual's parent or guardian. As used in this section, "accompanied" means to stay within a distance that permits uninterrupted visual contact and unaided verbal communication.

**SECTION 3.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**Apprentice hunter validation.** An individual born after December 31, 1961, who is sixteen years of age or older and who does not possess a hunter safety education course certificate of completion may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in this state whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps. For purposes of this section, "accompanied" means to stay within a distance of another individual that permits uninterrupted visual contact in unaided verbal communication."

Renumber accordingly

Engrossed SB 2165 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**

