

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, May 2, 2009

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

The prayer was offered by Rep. Kathy Hawken, District 46, Fargo.

The roll was called and all members were present except Representatives Drovdal, Kretschmar, and Weisz.

A quorum was declared by the Speaker.

## MOTION

**REP. CARLSON MOVED** that the Rules of Decorum be suspended to allow Rep. DeKrey to sit on the House floor while in uniform for National Guard duty, which motion prevailed.

## MOTION

**REP. VIGESAA MOVED** that HB 1551 be moved to the bottom of the Seventh order, which motion prevailed.

## MOTION

**REP. J. KELSH MOVED** that the House reconsider its action whereby Engrossed SB 2162 failed to pass, which motion prevailed on a verification vote.

## SECOND READING OF SENATE BILL

**SB 2162:** A BILL for an Act to create and enact a new section to chapter 50-06 and two new sections to chapter 50-11.1 of the North Dakota Century Code, relating to criminal history record checks and to self-declaration of an individual who provides early childhood services; to amend and reenact subdivision g of subsection 2 of section 12-60-24 and sections 50-11.1-02, 50-11.1-02.1, 50-11.1-03, 50-11.1-04, 50-11.1-06, 50-11.1-06.1, 50-11.1-06.2, 50-11.1-07, 50-11.1-07.1, 50-11.1-07.2, 50-11.1-07.3, 50-11.1-07.4, 50-11.1-07.5, 50-11.1-07.6, 50-11.1-07.8, 50-11.1-08, 50-11.1-09, 50-11.1-10, 50-11.1-11, 50-11.1-11.1, 50-11.1-12, and 50-11.1-13.1 of the North Dakota Century Code, relating to criminal history record checks, licensing and registration of early childhood services providers, investigation of early childhood services providers, denial or revocation of request for early childhood services provider licensure or registration, and resource and referral services; to repeal section 50-11.1-03.1 of the North Dakota Century Code, relating to cardiopulmonary resuscitation certification for a family child care home operator; to provide a statement of legislative intent; to provide a penalty; to provide an appropriation; and to provide an expiration 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 71 YEAS, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boehning; Boucher; Brandenburg; Conklin; Conrad; Dahl; DeKrey; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Gruchalla; 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; Klemm; Koppelman; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pinkerton; Pollert; Porter; Potter; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Wald; Wall; Wieland; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Carlson; Clark; Damschen; Delzer; Dosch; Froseth; Grande; Kempenich; Kreidt; Pietsch; Ruby; Rust; Thoreson; Vigesaa; Weiler; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Drovdal; Kretschmar; Weisz

Engrossed SB 2162, as amended, passed and the title was agreed to.

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**MOTION**

**REP. VIGESAA MOVED** that HB 1551 be moved to the top of the Seventh order, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BOEHNING MOVED** that the conference committee report on HB 1551 as printed on HJ page 1843 be adopted, which motion prevailed on a voice vote.

HB 1551 was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1551:** A BILL for an Act to amend and reenact section 53-06.2-11 of the North Dakota Century Code, relating to taxes on pari-mutuel wagering; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 70 YEAS, 20 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; DeKrey; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klemin; Kreidt; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Schatz; Schmidt; Schneider; Sukut; Thoreson; Thorpe; Vig; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Dahl; Damschen; Delzer; Dosch; Froseth; Karls; Kelsch, R.; Klein; Koppelman; Meier, L.; Porter; Ruby; Rust; Skarphol; Svedjan; Uglem; Vigesaa; Wrangham

**ABSENT AND NOT VOTING:** Drovdal; Kempenich; Kretschmar; Weisz

Engrossed HB 1551 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SKARPHOL MOVED** that the conference committee report on HB 1481 as printed on HJ pages 1842-1843 be adopted, which motion prevailed on a voice vote.

HB 1481 was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1481:** A BILL for an Act providing an appropriation to the state historical society for a heritage center addition.

**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 71 YEAS, 19 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Boe; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thorpe; Uglem; Vig; Wald; Wall; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Bellew; Belter; Carlson; Delzer; Grande; Headland; Heller; Kasper; Koppelman; Kreidt; Pollert; Ruby; Rust; Svedjan; Thoreson; Vigesaa; Weiler; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Drovdal; Kempenich; Kretschmar; Weisz

Engrossed HB 1481 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. WIELAND MOVED** that the conference committee report on SB 2030 as printed on HJ page 1846 be adopted, which motion prevailed on a voice vote.

SB 2030, as amended, was placed on the Fourteenth order.

#### SECOND READING OF SENATE BILL

**SB 2030:** A BILL for an Act providing an appropriation to the department of corrections and rehabilitation for the renovation and expansion project at the state penitentiary; to provide for a prison construction review committee; to provide legislative intent; 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 79 YEAS, 10 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer; Glassheim; Kasper; Keiser; Meyer, S.; Nelson; Schmidt; Thorpe; Vig; Zaiser

**ABSENT AND NOT VOTING:** Drovda; Heller; Kretschmar; Weisz; Williams

Engrossed SB 2030 passed, the title was agreed to, and the emergency clause was declared carried.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1013, HB 1324, HB 1400.

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

**MR. SPEAKER:** The President has signed: HB 1013, HB 1324, HB 1400.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1013, HB 1324, HB 1400.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on May 2, 2009: HB 1013, HB 1324, HB 1400.

#### 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 2030.

#### 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 2162.

#### 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 1481, HB 1551.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1216.

**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: HB 1001.

**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 1022.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2014, SB 2015, SB 2024, SB 2277.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2014, SB 2015, SB 2024, SB 2277.

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

**MR. SPEAKER:** The President has appointed Sen. O'Connell to replace Sen. Seymour on the Conference Committee on SB 2001.

**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.

**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 68th Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1523, after line 29, insert:

**"REPORT OF CONFERENCE COMMITTEE**

**SB 2028:** Your conference committee (Sens. Lyson, Olafson, Nelson and Reps. Nelson, Wieland, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1166-1167 and place SB 2028 on the Seventh order.

SB 2028 was placed on the Seventh order of business on the calendar."

Page 1523, line 31, remove "as printed on HJ"

Page 1523, line 32, remove "page 1394"

Page 1833, line 6, replace "\$250,000" with "\$200,000"

Page 1833, line 17, replace "\$250,000" with "\$200,000"

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

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. THORESON MOVED** that the conference committee report on Engrossed HB 1008 as printed on HJ pages 1841-1842 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1008, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1008:** A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to provide legislative intent; to provide for a report to the budget section; to provide an exemption; and to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners.

**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; Delzer; Dosch; Ekstrom;

Frantsvog; Froelich; Froseth; Glassheim; Gruchalla; Hanson; Hatlestad; Hawken; Headland; 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; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Griffin; Mueller; Pollert; Thorpe

**ABSENT AND NOT VOTING:** Drovdal; Grande; Heller; Kretschmar; Schmidt; Weisz

Reengrossed HB 1008 passed and the title was agreed to.

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

**REP. KROEBER MOVED** that the conference committee report on Engrossed SB 2019 as printed on HJ pages 1843-1844 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2019, as amended, was placed on the Fourteenth order.

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

**SB 2019:** A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education; to provide for a state board of higher education study; 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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; 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; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Delzer; Drovdal; Grande; Heller; Kretschmar; Schmidt; Weisz

Engrossed SB 2019, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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

**REP. SKARPHOL MOVED** that the conference committee report on Engrossed SB 2020 as printed on HJ pages 1844-1846 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2020, as amended, was placed on the Fourteenth order.

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

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm; to provide legislative intent; to provide for transfers; to provide an exemption; 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 83 YEAS, 4 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; 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; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Dosch; Meier, L.; Weiler

**ABSENT AND NOT VOTING:** Delzer; Drovdal; Grande; Heller; Kretschmar; Schmidt; Weisz

Engrossed SB 2020, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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

**HB 1014, as engrossed:** Your conference committee (Sens. Grindberg, Krebsbach, Warner and Reps. Kreidt, Nelson, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1027, adopt amendments as follows, and place HB 1014 on the Seventh order:

That the Senate recede from its amendments as printed on page 1027 of the House Journal and page 877 of the Senate Journal and that Engrossed House Bill No. 1014 be amended as follows:

Page 1, line 12, replace "288,285" with "489,802" and replace "4,341,801" with "4,543,318"

Page 1, line 13, replace "(265,692)" with "(152,726)" and replace "2,874,537" with "2,987,503"

Page 1, line 14, replace "553,977" with "642,528" and replace "1,467,264" with "1,555,815"

Page 1, line 15, replace "0.00" with "1.00" and replace "27.50" with "28.50"

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98015.0302 FN 1**

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

Engrossed HB 1014 was placed on the Seventh order of business on the calendar.

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

**REP. KREIDT MOVED** that the conference committee report on Engrossed HB 1014 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1014, as amended, was placed on the Eleventh order.

#### **SECOND READING OF HOUSE BILL**

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

#### **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, 7 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Delzer; Dosch; Koppelman; Ruby; Schatz; Wald

**ABSENT AND NOT VOTING:** Drovdal; Grande; Heller; Kretschmar; Schmidt; Weisz

Reengrossed HB 1014 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 passed: HB 1008, HB 1014.

**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 2019, SB 2020.

**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 2010.

**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 1481.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1551.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Monday, May 4, 2009, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1009, as engrossed:** Your conference committee (Sens. Bowman, Fischer, Krauter and Reps. Klein, Martinson, Onstad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1381-1382, adopt amendments as follows, and place HB 1009 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1381 and 1382 of the House Journal and pages 1263 and 1264 of the Senate Journal and that Engrossed House Bill No. 1009 be amended as follows:

Page 1, line 3, replace "section" with "sections 4-01-19 and", after "4-01-21" insert "and subdivision d of subsection 1 of section 19-18-04", and after "to" insert "marketing program revenue,"

Page 1, line 4, after "commissioner" insert ", and pesticide registration fees", remove "to provide for transfers; and", and after "study" insert "; and to declare an emergency"

Page 1, line 13, replace "1,145,262" with "1,581,356" and replace "8,130,102" with "8,566,196"

Page 1, line 14, replace "1,065,577" with "1,380,220" and replace "5,779,960" with "6,094,603"

Page 1, line 17, replace "78,623" with "263,623" and replace "2,378,325" with "2,563,325"

Page 1, line 20, replace "3,293,462" with "4,229,199" and replace "20,380,612" with "21,316,349"

Page 1, line 21, replace "2,141,162" with "2,706,140" and replace "13,529,488" with "14,094,466"

Page 1, line 22, replace "1,152,300" with "1,523,059" and replace "6,851,124" with "7,221,883"

Page 1, line 23, replace "2.00" with "7.00" and replace "69.50" with "74.50"

Page 2, line 3, replace "\$3,529,556" with "\$3,888,578"

Page 2, line 12, replace "\$768,800" with "\$968,800"

Page 3, replace lines 4 through 9 with:

**"SECTION 7. LIVESTOCK HEALTH PERMIT INSPECTION PROGRAM.** The state board of animal health shall increase the number of health permit inspections on livestock entering the state for the biennium beginning July 1, 2009, and ending June 30, 2011. As part of the program, the board shall provide public information on the results of the livestock health permit inspections.

**SECTION 8. OFFICE SPACE LEASE FUNDING - BUDGET SECTION APPROVAL.** The operating expenses line item in section 1 of this Act includes the sum of \$120,000 from the general fund which the agriculture commissioner may use to lease additional office space for department purposes, subject to budget section approval.

**SECTION 9. PROJECT SAFE SEND - 2009 FLOOD PESTICIDE CLEANUP.** The operating expenses line item in section 1 of this Act includes the sum of \$40,000 from the environment and rangeland protection fund which the agriculture commissioner shall use for the collection of damaged pesticides resulting from 2009 flooding under the project safe send program for the period beginning with the effective date of this Act and ending June 30, 2011.

**SECTION 10. AMENDMENT.** Section 4-01-19 of the North Dakota Century Code is amended and reenacted as follows:

**4-01-19. Marketing bureau.** The agriculture commissioner shall establish and maintain a marketing bureau for the purpose of gathering and disseminating statistical information on agricultural marketing problems of the state and engaging in marketing services of agricultural products. Any moneys received or generated by the pride of Dakota program must be deposited in the ~~general~~ agriculture department operating fund in the state treasury."

Page 3, after line 15, insert:

**"SECTION 12. AMENDMENT.** Subdivision d of subsection 1 of section 19-18-04 of the North Dakota Century Code is amended and reenacted as follows:

- d. Be accompanied by a registration fee of three hundred fifty dollars for each product to be registered. At the close of each calendar month, the commissioner shall transmit to the state treasurer all moneys received for the registrations. The state treasurer shall credit ~~fifty dollars for each registered product to the general fund in the state treasury and the remainder of~~ the registration fee for each registered product to the environment and rangeland protection fund.

**SECTION 13. FULL-TIME EQUIVALENT POSITION - EMERGENCY COMMISSION APPROVAL.** The agriculture commissioner may request from the emergency commission an additional full-time equivalent position for the state meat inspection program if demand for the program increases sufficient to require the position for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 14. EMERGENCY.** The sum of \$40,000 for project safe send included in the operating expenses line item in section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT - LC 98010.0209 FN 4

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

Engrossed HB 1009 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1016, as engrossed:** Your conference committee (Sens. Grindberg, Wardner, Lindaas and Reps. Kempenich, Thoreson, S. Meyer) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1270-1272, adopt amendments as follows, and place HB 1016 on the Seventh order:



That the Senate recede from its amendments as printed on pages 1270-1272 of the House Journal and pages 1176-1178 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 3, remove "and" and after "exemption" insert "; to amend and reenact subsections 3 and 4 of section 37-29-03 as created by section 1 of House Bill No. 1181, as approved by the sixty-first legislative assembly, and section 54-06-27 of the North Dakota Century Code, relating to job protections for volunteer emergency responders of the adjutant general's office and leave for emergency service volunteers; to provide for a report to the budget section; and to declare an emergency"

Page 1, line 14, replace "(\$76,773)" with "\$625,027" and replace "4,139,636" with "4,841,436"

Page 1, line 15, replace "(197,937)" with "(171,937)" and replace "3,650,891" with "3,676,891"

Page 1, line 21, replace "(6,668,176)" with "(6,365,827)" and replace "59,755,750" with "60,058,099"

Page 1, line 22, replace "553,319" with "1,082,191" and replace "848,537" with "1,377,409"

Page 1, line 24, replace "(\$5,604,884)" with "(\$4,045,863)" and replace "82,239,018" with "83,798,039"

Page 2, line 1, replace "(7,243,780)" with "(6,499,373)" and replace "67,542,825" with "68,287,232"

Page 2, line 2, replace "1,638,896" with "2,453,510" and replace "14,696,193" with "15,510,807"

Page 2, line 7, replace "1,321,957" with "1,595,403" and replace "9,110,159" with "9,383,605"

Page 2, line 12, replace "10,539,216" with "10,812,662" and replace "63,391,830" with "63,665,276"

Page 2, line 13, replace "4,575,027" with "4,711,801" and replace "51,464,095" with "51,600,869"

Page 2, line 14, replace "5,964,189" with "6,100,861" and replace "11,927,735" with "12,064,407"

Page 2, line 19, replace "7,603,085" with "8,954,371" and replace "26,623,928" with "27,975,214"

Page 2, line 20, replace "(2,668,753)" with "51,996,198" and replace "119,006,920" with "173,671,871"

Page 2, line 21, replace "4,934,332" with "60,950,569" and replace "145,630,848" with "201,647,085"

Page 2, line 22, replace "(2.00)" with "0.00" and replace "230.00" with "232.00"

Page 2, after line 23, insert:

**"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the adjutant general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Military energy-related maintenance and repairs

\$2,522,270

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

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be

replaced with state funds after the federal American Recovery and Reinvestment Act of 2009 funds are no longer available.

**SECTION 3. APPROPRIATION - FEDERAL FISCAL STABILIZATION - OTHER GOVERNMENT SERVICES.** There is appropriated 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 \$1,261,500, or so much of the sum as may be necessary, to the adjutant general for the purpose of replacing boilers, constructing an operations center, and enhancing security relating to the national crime information center, for the biennium beginning July 1, 2009, and ending June 30, 2011. Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget.

**SECTION 4. APPROPRIATION - FLOOD-RELATED COSTS.** There is appropriated from special funds derived from federal funds or other income the sum of \$50,000,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of defraying expenses relating to 2009 flood disasters, for the period beginning with the effective date of this Act through June 30, 2011.

**SECTION 5. APPROPRIATION - VOLUNTEER MANAGEMENT GRANT PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$400,000, or so much of the sum as may be necessary, to the department of emergency services to provide grants to political subdivisions for payments to entities that have provided volunteer management services within that political subdivision for a particular disaster in an amount that may not exceed \$50,000 for each disaster, for the period beginning with the effective date of this Act and ending June 30, 2011."

Page 3, line 30, replace "\$848,537" with "\$1,377,409"

Page 4, after line 2, insert:

**"SECTION 11. REINTEGRATION PROGRAM - REPORT TO THE BUDGET SECTION.** The adjutant general shall provide a report to the budget section during the 2009-10 interim regarding reintegration program expenditures and the program's impact on service members."

Page 4, after line 9, insert:

**"SECTION 13. LEGISLATIVE INTENT - DISASTER FUNDING.** It is the intent of the sixty-first legislative assembly that 2009 flood disaster payments to political subdivisions be made allowing for a six percent local share. The difference between current federal funding and anticipated federal funding is to be made by the state until federal reimbursement funds are received for the period beginning with the effective date of this Act through June 30, 2011.

**SECTION 14. AMENDMENT.** Subsections 3 and 4 of section 37-29-03 of the North Dakota Century Code as created by section 1 of House Bill No. 1181, as approved by the sixty-first legislative assembly, are amended and reenacted as follows:

3. Subsection 1 does not apply if due to serving as a volunteer emergency responder, the employee is absent or tardy from the employee's place of employment for a period that exceeds ~~ten~~ twenty regular ~~business~~ working days in a calendar year.
4. In order to receive the protections of subsection 1, an employee who will be absent or tardy from the employee's place of employment while serving as a volunteer emergency responder in the case of a disaster or emergency shall make reasonable efforts to notify the employer of that service ~~and shall continue to make those reasonable notification efforts over the course of the absence.~~

**SECTION 15. AMENDMENT.** Section 54-06-27 of the North Dakota Century Code as amended in section 2 of House Bill No. 1181, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

**54-06-27. Emergency service volunteers - Leave.** Upon issuance of an order or proclamation declaring a state of disaster or emergency pursuant to chapter 37-17.1, a search emergency by the air force rescue coordination center or by the department of emergency services, or a declaration of at least a level II disaster by the American red

cross in this or any other state, the executive officer in charge of a state agency or the governing body of any political subdivision may grant a leave of absence to any full-time employee of that governmental entity who is an emergency medical service provider, a member of the civil air patrol, a firefighter, police officer, volunteer member of the North Dakota army or air national guard, or emergency radio operator, or who performs other services necessary in an emergency. The leave of absence must be for the purpose of allowing that employee to provide voluntary emergency services. An individual on leave under this section is not deemed to be an employee of the governmental entity for the purposes of workforce safety and insurance. The cumulative leave granted under this section may not exceed ~~ten~~ twenty working days during any calendar year. The leave may not result in a loss of compensation, seniority, annual leave, sick leave, or accrued overtime for which the employee is otherwise eligible.

**SECTION 16. EMERGENCY.** Sections 2, 3, 4, 5, 13, 14, and 15 are declared to be an emergency measure."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98016.0207 FN 4**

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

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

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

**SB 2010, as engrossed:** Your conference committee (Sens. Kilzer, Fischer, Warner and Reps. Kreidt, Nelson, Ekstrom) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1225-1226, adopt amendments as follows, and place SB 2010 on the Seventh order:

That the House recede from its amendments as printed on pages 1225 and 1226 of the Senate Journal and pages 1122 and 1123 of the House Journal and that Engrossed Senate Bill No. 2010 be amended as follows:

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

Page 1, line 11, replace "107,359" with "100,470" and replace "699,336" with "692,447"

Page 1, line 13, replace "234,450" with "224,450" and replace "1,839,728" with "1,829,728"

Page 1, line 14, replace "386,992" with "370,103" and replace "2,831,109" with "2,814,220"

Page 1, line 16, replace "229,824" with "212,935" and replace "1,385,623" with "1,368,734"

Page 2, line 1, replace "67,450" with "57,450"

Page 2, line 3, replace "67,450" with "57, 450"

Page 2, after line 10, insert:

**"SECTION 4. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the council on the arts, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Grants to arts organizations and administrative support	\$290,000
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The council on the arts may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

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

**SECTION 5. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98029.0206 FN 4**

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

Engrossed SB 2010 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**