

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, April 3, 2009

The Senate convened at 12:30 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Douglas Bergelin, Zion Lutheran Church, Bismarck.

The roll was called and all members were present except Senators Marcellais and Nelson.

A quorum was declared by the President.

REPORT OF STANDING COMMITTEE

SB 2444: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2444 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "biennium" with "period"

Page 1, line 13, after "expenses" insert "paid with funding from the general fund and"

Renumber accordingly

CONSIDERATION OF AMENDMENTS

HB 1347, as engrossed: SEN. SCHNEIDER (Judiciary Committee) MOVED that the amendments on SJ page 980 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1347: A BILL for an Act to provide for a legislative council study of the appropriate use of state or political subdivision services, property, or other resources for political purposes.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1347, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1042: SEN. NETHING (Judiciary Committee) MOVED that the amendments on SJ pages 978-979 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1042: A BILL for an Act to create and enact chapter 47-32 of the North Dakota Century Code, relating to technical corrections; to amend and reenact sections 1-02-12, 12.1-12-09, and 16.1-01-09, subdivision j of subsection 1 of section 54-07-01.2, subsection 2 of section 57-39.2-18, and section 57-40.2-09 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal sections 15.1-13-32 and 32-42-04 and chapter 33-06 of the North Dakota Century Code, relating to obsolete provisions.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

HB 1042, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1186 be placed at the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1017, as engrossed: SEN. CHRISTMANN (Appropriations Committee) MOVED that the amendments on SJ page 978 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. TRIPLETT REQUESTED that the Senate divide the amendments to Engrossed HB 1017, which request was granted.

DIVISION A: The portion of HB 1017 that reduces capital assets by \$800,000

DIVISION B: The remainder of the proposed committee amendments

The question being the motion to adopt Division A of the proposed amendments to Engrossed HB 1017, the motion passed on a voice vote.

Division A of the proposed amendments to Engrossed HB 1017 was adopted on a voice vote.

The question being the motion to adopt Division B of the proposed amendments to Engrossed HB 1017, the motion passed on a voice vote.

Division B of the proposed amendments to Engrossed HB 1017 was adopted on a voice vote.

Therefore, the question being the adoption of the proposed amendments, which include Division A and Division B, the proposed amendments to HB 1017 were adopted on a voice vote.

Engrossed HB 1017, as amended, was placed on the Fourteenth order for immediate second reading.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; and to amend and reenact subsection 5 of section 20.1-17-01 of the North Dakota Century Code, relating to agency rules adopted under the Nonindigenous Aquatic Nuisance Prevention and Control Act.

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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

NAYS: Anderson; Mathern; Triplett

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1017, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1412: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ page 982 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1412: A BILL for an Act to provide for a legislative council study of the fee structure of emergency services communications.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

HB 1412, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1385: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 981-982 be adopted and then be placed on the Fourteenth order **WITHOUT RECOMMENDATION**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1385: A BILL for an Act to amend and reenact sections 50-24.6-02 and 50-24.6-04 of the North Dakota Century Code, relating to the drug use review board and the prior authorization program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 28 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Dotzenrod; Fiebiger; Freborg; Heckaman; Horne; Klein; Krauter; Krebsbach; Lindaas; Mathern; Miller; Nething; O'Connell; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Warner

NAYS: Andrist; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Grindberg; Hogue; Holmberg; Kilzer; Lee, G.; Lee, J.; Lyson; Nodland; Oehlke; Wardner

ABSENT AND NOT VOTING: Marcellais; Nelson

HB 1385, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HCR 3019, as engrossed: SEN. TRIPLETT (Finance and Taxation Committee) MOVED that the amendments on SJ pages 983-984 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

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.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3019, as amended, was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF AMENDMENTS

HCR 3054: SEN. HOGUE (Finance and Taxation Committee) MOVED that the amendments on SJ page 984 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3054: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to establishment and use of a legacy fund; and to provide an effective date.

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 34 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Grindberg; Heckaman; Hogue; Horne; Kilzer; Klein; Krauter; Lee, G.; Lyson; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner

NAYS: Bakke; Behm; Dotzenrod; Fiebiger; Flakoll; Holmberg; Krebsbach; Lee, J.; Lindaas; Mathern; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

HCR 3054, as amended, was declared adopted, and the title was agreed to on a roll call vote.

CONSIDERATION OF AMENDMENTS

SB 2444: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ page 989 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

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

MOTION

SEN. MATHERN MOVED that Engrossed SB 2444 be amended as follows:

Page 1, line 1, after "to" insert "amend and reenact section 52-06-01 of the North Dakota Century Code, relating to eligibility for unemployment compensation in cases of emergencies; to"

Page 1, line 3, after the third semicolon insert "to provide for application; to provide an expiration date;"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 52-06-01 of the North Dakota Century Code is amended and reenacted as follows:

52-06-01. Conditions required to be eligible for benefits. An unemployed individual is eligible to receive benefits with respect to any week only if the bureau finds that:

1. The individual has made a claim for benefits with respect to such week in accordance with such regulations as the bureau may prescribe;

2. The individual has registered for work at, and thereafter continued to report at, an employment office in accordance with such regulations as the bureau may prescribe, except that the bureau may, by regulation, waive or alter either or both of the requirements of this subsection as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which it finds that compliance with such requirements would be oppressive, or would be inconsistent with the purposes of the North Dakota unemployment compensation law; provided, that ~~no such~~ the regulations shall may not conflict with section 52-06-03;
3. The individual is able to work and is available for suitable work and actively seeking work, provided:
 - a. That notwithstanding any other provisions in this section, no otherwise eligible individual may be denied benefits for any week because the individual is in training with the approval of the bureau by reason of the application of provisions of this subsection relating to availability for work and to active search for work, or the provisions of subsection 3 of section 52-06-02 relating to disqualification for benefits for failure to apply for, or a refusal to accept, suitable work; and
 - b. That no claimant may be considered ineligible in any week of unemployment for failure to comply with this subsection, if the failure is due to an illness or disability not covered by workforce safety and insurance and which occurred after the claimant has registered for work and no work has been offered the claimant which is suitable;
4. ~~The~~ Except in the case of a disaster as defined under section 37-17.1-04 for which the president of the United States has declared a disaster under 42 U.S.C. 5170, et seq. and for which the governor has issued an executive order directing the bureau to waive the one-week waiting period otherwise required under this subsection, the individual has been unemployed for a waiting period of one week. The effective date of an executive order issued under this subsection must coincide with the effective date of the presidential disaster declaration. ~~No~~ A week may not be counted as a week of unemployment for the purposes of this subsection:
 - a. ~~Unless #~~ Unless the week occurs within the benefit year ~~which that~~ includes the week with respect to which the individual claims payment of benefits;
 - b. If benefits have been paid with respect thereto; and
 - c. Unless the individual was eligible for benefits, with respect thereto as provided in this section and section 52-06-02; and
5. The individual participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and to need reemployment services pursuant to a profiling system established by the bureau, unless the bureau determines that:
 - a. The individual has completed these services; or
 - b. There is justifiable cause for the claimant's failure to participate in these services."

Page 1, line 17, replace "1" with "2"

Page 2, replace line 5 with:

"SECTION 7. EMERGENCY - APPLICATION. Section 1 of this Act applies to unemployment compensation claims filed after March 23, 2009, and this Act is declared to be an emergency measure.

SECTION 8. EXPIRATION DATE. Section 1 of this Act is effective through July 31, 2011, and after that date is ineffective."

ReNUMBER accordingly

REQUEST

SEN. WARNER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2444, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2444, the roll was called and there were 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Dotzenrod; Fiebiger; Heckaman; Horne; Krauter; Lindaas; Mathern; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; Oehlke; Olafson; Stenehjem; Wanzek; Wardner

ABSENT AND NOT VOTING: Marcellais; Nelson

The proposed amendments to Engrossed SB 2444 failed.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

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

MOTION

SEN. CHRISTMANN MOVED that SB 2444 be messaged to the House immediately, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1186, as engrossed: SEN. OLAFSON (Judiciary Committee) MOVED that the amendments on SJ pages 979-980 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1186, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act to amend and reenact subsection 4 of section 43-41-02, subsection 4 of section 43-41-04, and subsection 1 of section 43-41-08 of the North Dakota Century Code, relating to the licensing of social workers.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1093, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1073: A BILL for an Act to create and enact chapter 37-17.3 and a new section to chapter 65-06 of the North Dakota Century Code, relating to adoption of the Uniform Emergency Volunteer Health Practitioners Act and workers' compensation coverage of volunteers; and to amend and reenact section 65-06-05 of the North Dakota Century Code, relating to workers' compensation coverage of volunteers.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1073, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1354: A BILL for an Act to create and enact a new section to chapter 57-20 of the North Dakota Century Code, relating to an extension of time of property tax delinquency before foreclosure of a tax lien for certain property developers; to amend and reenact sections 15-08-19, 57-20-26, and 57-28-01 of the North Dakota Century Code, relating to the period of property tax delinquency before foreclosure of a tax lien; 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 NOT PASS, the roll was called and there were 3 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Christmann; Freborg; Krebsbach

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson; Triplett

Engrossed HB 1354, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1371: A BILL for an Act to amend and reenact sections 14-02.1-04 and 14-02.1-07 of the North Dakota Century Code, relating to limitations on the performance of abortion and abortion reporting requirements.

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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Fiebiger

ABSENT AND NOT VOTING: Marcellais; Nelson

HB 1371 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to amend and reenact section 14-02.1-02 of the North Dakota Century Code, relating to the requirements of informed consent to abortion.

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 34 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Lee, G.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Stenehjem; Taylor; Wanzek; Wardner

NAYS: Bakke; Behm; Fiebiger; Krebsbach; Lee, J.; Pomeroy; Potter; Schneider; Seymour; Triplett; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

HB 1445 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1572: A BILL for an Act to provide legislative intent as it relates to references to individual, person, or human being.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; Dever; Erbele; Freborg; Hogue; Kilzer; Klein; Lee, G.; Miller; Nodland; Robinson; Stenehjem; Wanzek; Wardner

NAYS: Anderson; Andrist; Bakke; Behm; Dotzenrod; Fiebiger; Fischer; Flakoll; Grindberg; Heckaman; Holmberg; Horne; Krauter; Krebsbach; Lee, J.; Lindaas; Lyson; Mathern; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Schneider; Seymour; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1572 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3015: A concurrent resolution urging Congress to reject the bill known as the Freedom of Choice Act, which would invalidate virtually every abortion-related regulation enacted by the people of North Dakota through their elected officials.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3015 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE BILL

HB 1278: A BILL for an Act to amend and reenact sections 61-24.5-04, 61-24.5-07, and 61-24.5-08 of the North Dakota Century Code, relating to members of the board of directors of the southwest water authority.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1278, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1198: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to assessment of certain recreation service district properties; to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to property that may be included in recreation service districts; and to provide an effective date.

MOTION

SEN. O'CONNELL MOVED that Engrossed HB 1198 be amended as follows, which motion failed on a voice vote.

Page 2, after line 24, insert:

"Upon receipt of a petition signed by at least ten percent of the qualified electors of the county, determined by the number of votes cast in the county for the office of governor at the preceding general election, the board of county commissioners of a county shall place a question before the qualified electors of the county at a regular or special election to suspend the operation of this section within that county. If a majority of the qualified electors of the county voting on the question approve the suspension of this section, this section does not apply to property assessment in that county."

Renumber accordingly

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 33 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Hogue; Horne; Klein; Krebsbach; Lindaas; O'Connell; Potter; Seymour; Taylor; Wanzek

NAYS: Anderson; Bakke; Behm; Bowman; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Kilzer; Krauter; Lee, G.; Lee, J.; Lyson; Mathern; Miller; Nething; Nodland; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Stenehjem; Triplett; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1198 lost.

SECOND READING OF HOUSE BILL

HB 1288: A BILL for an Act to amend and reenact sections 12.1-08-11, 20.1-02-14.1, and 29-05-31 and subsection 5 of section 39-06.1-03 of the North Dakota Century Code, relating to complaint and summons procedures and administrative hearing appeals; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1288 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1517: A BILL for an Act to amend and reenact subsection 2 of section 11-09.1-05 and subsection 16 of section 40-05.1-06 of the North Dakota Century Code, relating to a limitation on sales, use, and gross receipts taxes imposed by a county or city under home rule authority; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Holmberg; Klein; O'Connell

NAYS: Anderson; Bakke; Behm; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Horne; Kilzer; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1517 lost.

SECOND READING OF HOUSE BILL

HB 1416: A BILL for an Act to create and enact sections 12-60-08.1 and 29-05-11.1 of the North Dakota Century Code, relating to the power of the attorney general to issue administrative subpoenas for bureau investigations and the duty of criminal justice agencies to enter warrants into the central warrant information system; and to amend and reenact subsections 1, 2, 3, 9, and 12 of section 12.1-32-15 of the North Dakota Century Code, relating to registration requirements for sexual offenders and offenders against children.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1416 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1387: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to the authorization of installation of fixtures on a rental property; 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 NOT PASS, the roll was called and there were 0 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1387 lost.

SECOND READING OF HOUSE BILL

HB 1399: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the teaching and preservation of American Indian languages; and to provide an appropriation.

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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

NAYS: Christmann

ABSENT AND NOT VOTING: Marcellais; Nelson

Engrossed HB 1399, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1209: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a long-term care partnership plan individual income tax credit; to amend and reenact subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to a long-term care partnership plan individual income tax credit; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Marcellais; Nelson

HB 1209 passed and the title was agreed to.

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

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

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

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

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1017, HB 1042, HB 1073, HB 1093, HB 1186, HB 1278, HB 1347, HB 1385, HB 1399, HB 1412, HCR 3019, HCR 3054.

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

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

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

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

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

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

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

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

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

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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2047

Page 1, line 10, after the period insert "Any agency that accepts funds under this section shall maintain the positions as trained first responders. If the training requirement is eliminated, the agency shall return the funds to the department."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2155

Page 1, line 1, after the second "to" insert "assist certain" and replace "that" with "with the cost of interpreters and real-time captioning for"

Page 1, line 2, remove "provide direct services to"

Page 1, line 7, replace "public" with "assist", after "institutions" insert "under the control of the state board", and replace "in this state which provide direct" with "with the cost of interpreters and real-time captioning for"

Page 1, line 8, remove "services to"

Page 1, line 11, replace "Before an institution is eligible to receive a grant under" with:

- "1. The school for the deaf shall develop a formula to determine the grant amount for which an institution is eligible. The formula must be based on a uniform hourly reimbursement.

2. To obtain a grant under section 1 of this Act, an institution shall submit to the school for the deaf, at the time and in the manner directed by the school, invoices showing the amount expended for interpreters and real-time captioning for students who are deaf or hard of hearing.
3. The school for the deaf may not distribute more than fifty percent of the amount appropriated during the first year of the biennium.
4. If any grant moneys remain undistributed at the end of the biennium, the school for the deaf shall provide additional prorated grants to institutions that incurred, during the biennium, hourly expenses in excess of the formula reimbursement level.
5. At the request of an institution under the control of the state board of higher education, the school for the deaf shall consult with the institution and provide advice regarding the provision of services most appropriate to meet a student's needs."

Page 1, remove lines 12 through 17

Re-number accordingly

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

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

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4008

Page 1, line 10, replace "validate the lives of" with "honor the"

Page 1, line 14, remove "and"

Page 1, remove lines 15 through 22

Re-number accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4018

Page 1, line 1, replace "components of" with "need for viable and" and replace "agriculture" with "agricultural practices"

Page 1, replace lines 6 through 21 with:

"WHEREAS, in order to accommodate the food needs of a growing world population, it will be important that agricultural producers having operations of all sizes and types explore ways to improve their management practices and focus on using inputs and resources in the most effective and efficient ways possible; and

WHEREAS, in order for present-day agricultural producers to leave a legacy of rich, fertile, and productive land to future generations, they should be encouraged to consider incorporating, in their production practices, both the latest scientific research findings and emerging technologies;

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

That the Sixty-first Legislative Assembly recognizes that agricultural producers of all sizes and types should be encouraged to pursue effective and efficient practices, in order to ensure that agriculture remains viable and sustainable for multiple generations yet to come; and"

Re-number accordingly

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

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

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

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

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

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

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

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

MOTION

SEN. CHRISTMANN MOVED that the absent members be excused, which motion prevailed.

MOTION

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

REPORT OF STANDING COMMITTEE

SCR 4034: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4034 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4035: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4035 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1003, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1003 was placed on the Sixth order on the calendar.

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

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

Page 1, line 4, remove "and"

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

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

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

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

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

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

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

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

Page 3, remove lines 11 through 14

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

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

SECTION 9. LEGISLATIVE INTENT - LEGAL SERVICE STAFF TRAVEL. It is the intent of the sixty-first legislative assembly that the office of the attorney general

continue the practice of state agencies paying directly for requested legal service staff travel.

SECTION 10. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the attorney general, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

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

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

Any federal funds appropriated under this section are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds beyond that required by the federal American Recovery and Reinvestment Act of 2009.

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

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

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98004.0207 FN 4

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

REPORT OF STANDING COMMITTEE

HB 1010, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1010 was placed on the Sixth order on the calendar.

Page 1, line 3, replace the first "and" with "to create and enact a new subsection to section 26.1-36-23 of the North Dakota Century Code, relating to the continuation of insurance;"

Page 1, line 4, after "salary" insert "; and to declare an emergency"

Page 1, line 12, replace "419,738" with "688,433" and replace "6,206,485" with "6,475,180"

Page 1, line 13, replace "(115,113)" with "(76,113)" and replace "2,063,264" with "2,102,264"

Page 1, line 15, replace "380,000" with "500,000" and replace "6,870,000" with "6,990,000"

Page 1, line 16, replace "854,625" with "1,282,320" and replace "15,309,749" with "15,737,444"

Page 1, after line 17, insert:

"SECTION 2. APPROPRIATION - TRANSFER - STATE BONDING FUND. There is appropriated out of any moneys in the insurance regulatory trust fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, which the office of management and budget shall transfer to the state bonding fund, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 1, line 19, replace "\$6,500,000" with "\$6,820,000"

Page 1, line 21, replace "\$300,000" with "\$620,000"

Page 1, line 22, remove "Funding"

Page 1, remove line 23

Page 2, remove lines 19 through 24

Page 2, after line 30, insert:

"SECTION 10. A new subsection to section 26.1-36-23 of the North Dakota Century Code is created and enacted as follows:

- a. Notwithstanding any other provision of this section, an employee or member who does not have an election of continuation coverage as described in this section in effect on the effective date of the American Recovery and Reinvestment Act of 2009 [Pub. L. 111-5], but who would be an assistance-eligible individual under title III of the Act if the election were in effect, may elect continuation coverage. The employer or the group policyholder shall provide employees or members with additional written notice of the right to elect coverage under this subsection. The employer or group policyholder shall provide the notice to the employee or member within sixty days of the date of enactment of the American Recovery and Reinvestment Act of 2009 or within fourteen days of the effective date of this Act, whichever is later. The employee or member may make the election in writing no later than sixty days after the date the employer or the group policyholder provides the notice to the employee or member as required by section 3001(a)(7) of the American Recovery and Reinvestment Act of 2009 or this subsection.
- b. Continuation coverage elected under this subsection commences with the first period of coverage beginning on or after the date of the reenactment of the American Recovery and Reinvestment Act of 2009 and may not extend beyond the period of continuation coverage that would have been required if the coverage had instead been elected under subsection 4.
- c. The period beginning on the date that the enrollee was involuntarily terminated and ending when the coverage starts must be disregarded for the purpose of determining whether a preexisting condition exclusion period applies.
- d. An employee or member electing continuation under this subsection shall pay to the group policyholder or the employer, on a monthly basis in advance, the amount of contribution required by the policyholder or employer, but not more than the group rate for the insurance being continued under the group policy on the due date of each payment. The employee's or member's written election of continuation, together with the contribution required to establish contributions on a monthly basis in advance, must be given to the policyholder or employer within thirty-one days of the date the employee's or member's insurance would otherwise terminate.
- e. Continuation of insurance under this subsection terminates at the earlier of the date when the employee or member fails to satisfy subsection 2 or when the employee or member fails to satisfy any requirement of subsection 6.
- f. Except as otherwise provided in this subsection, this section applies to an employee or member electing continuation coverage.

SECTION 11. EMERGENCY. Sections 2 and 10 of this Act are declared to be an emergency measure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98011.0201 FN 1

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

REPORT OF STANDING COMMITTEE

HB 1018, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1018 was placed on the Sixth order on the calendar.

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

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

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

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

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

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

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

Page 2, after line 27, insert:

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

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

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

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

SECTION 6. EMERGENCY. Section 5 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98018.0202 FN 1

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

REPORT OF STANDING COMMITTEE

HB 1022, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1022 was placed on the Sixth order on the calendar.

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Subdivision 1.

RETIREMENT AND INVESTMENT OFFICE

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

Subdivision 2.

PUBLIC EMPLOYEES RETIREMENT SYSTEM

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

Subdivision 3.

BILL TOTAL

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

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

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

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

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

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

REPORT OF STANDING COMMITTEE

HB 1023, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1023 was placed on the Sixth order on the calendar.

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

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

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

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

REPORT OF STANDING COMMITTEE

HB 1032, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1032 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1043: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1043 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1045, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1045 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1071, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1071 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1083: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1083 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1170: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1170 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "or can be determined upon reasonable inquiry" and insert immediately thereafter "in the office of the county recorder in the county in which the mineral interest is located"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1171, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1171 was placed on the Sixth order on the calendar.

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

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

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

Page 1, remove line 4

Page 1, line 5, remove "education;"

Page 1, replace lines 12 through 24 with:

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

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

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

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

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

Page 2, remove lines 1 through 7

Page 2, remove lines 14 through 30

Page 3, remove lines 27 and 28

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1180, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1180 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "The" with "Unless a location established as an early voting precinct is an establishment open to routine activity attended by the public for purposes other than voting, the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1188: Natural Resources Committee (Sen. Lyson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**

(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1188 was placed on the Sixth order on the calendar.

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

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

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

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

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1217, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1217 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1231: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1231 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1239, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1239 was placed on the Sixth order on the calendar.

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

"1."

Page 1, line 13, remove "If the"

Page 1, remove lines 14 through 16

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

"2."

Page 1, after line 19, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1240, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1240 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1255, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1255, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1256, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1256 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1286, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1286 was placed on the Sixth order on the calendar.

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1289: Appropriations Committee (Sen. Holmberg, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1289 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1339: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1339 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1370, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1370 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 38-18.1 of the North Dakota Century Code, relating to perfecting title to dormant minerals; and to"

Page 1, line 2, remove "; and"

Page 1, line 3, remove "to provide a penalty"

Page 2, line 25, after the period insert "A statement of claim filed after July 31, 2009, by a person other than the owner of record of the mineral interest is not effective to preserve a mineral interest unless accompanied by a reference to the name of the record owner under whom the owner of the mineral interest claims."

Page 2, line 28, remove "- Penalty"

Page 2, line 29, remove "1."

Page 3, line 7, replace "a." with "1."

Page 3, line 10, replace "(1)" with "a."

Page 3, line 11, remove "which is dated and notarized to confirm that the"

Page 3, line 12, remove "statement was signed before the first publication of notice"

Page 3, line 13, replace "(2)" with "b."

Page 3, line 17, replace "b." with "2."

Page 3, line 20, remove "the following."

Page 3, line 21, replace "(1) An" with "an"

Page 3, line 24, replace "; and" with an underscored period

Page 3, remove lines 25 through 31

Page 4, line 11, after "inquiry" insert "as defined in subsection 6"

Page 4, line 25, remove the overstrike over "entitled" and remove "required"

Page 4, after line 28, insert:

6. To constitute a reasonable inquiry as provided in subsection 2, the owner or owners of the surface estate or the owner's authorized agent must conduct a search of:

a. The county recorder's records for the existence of any uses as defined in section 38-18.1-03 by the owner of the mineral interest;

b. The clerk of court's records for the existence of any judgments, liens, or probate records which identify the owner of the mineral interest;

c. The social security death index for the last-known residence of the owner of the mineral interest, if deceased; and

d. One or more public internet databases to locate or identify the owner of the mineral interest or any known heirs of the owner. The owner or owners of the surface estate are not required to conduct internet searches on private fee internet databases.

SECTION 5. A new section to chapter 38-18.1 of the North Dakota Century Code is created and enacted as follows:

Perfecting title in surface owner.

1. Upon completion of the procedure provided in section 38-18.1-06, the owner or owners of the surface estate may maintain an action in district court in the county in which the minerals are located and obtain a judgment in quiet title in the owner or owners of the surface estate. This action must be brought in the same manner and is subject to the same procedure as an action to quiet title pursuant to chapter 32-17.

2. In an action brought under this section, the owner or owners of the surface estate shall submit evidence to the district court establishing that all procedures required by this chapter were properly completed and that a reasonable inquiry as defined by subsection 6 of section 38-18.1-06 was conducted. If the district court finds that the surface owner has complied with all procedures of the chapter and has conducted a reasonable inquiry, the district court shall issue its findings of fact, conclusions of law, and enter judgment perfecting title to the mineral interest in the owner or owners of the surface estate.

3. A judgment obtained by the owner or owners of the surface estate in compliance with this section is deemed conclusive except for fraud, misrepresentation, or other misconduct.
4. A mineral lessee that obtains a lease from the owner of the surface estate, which owner has obtained a judgment to minerals pursuant to this section, is deemed a bona fide purchaser and its lease remains effective in the event the judgment is subsequently vacated for any reason. Further, the lessee is not liable to any third party for lease bonus, royalties, or any other proceeds paid to the surface owner under the lease before the judgment being vacated.
5. Absent fraud or misrepresentation, the owner or owners of the surface estate which obtain a judgment under this section and lease minerals to a lessee are entitled to retain all lease bonus, royalties, or any other proceeds paid to the surface owner under the lease before the judgment being vacated."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1377, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1377 was placed on the Sixth order on the calendar.

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY. During the 2009-10 interim, the legislative council shall consider studying the establishment of a searchable database of state expenditures. The study must include an analysis of the information to be reported in the database and the current information available on state agencies' websites. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1394, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1394 was placed on the Sixth order on the calendar.

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

Page 3, after line 2, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1425, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1425, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1449, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1449 was placed on the Sixth order on the calendar.

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

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

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

Page 1, remove line 22

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1481: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1481 was placed on the Sixth order on the calendar.

Page 1, replace line 2 with "legislative intent."

Page 1, line 6, after the comma insert "out of any moneys in the permanent oil tax trust fund in the state treasury, the sum of \$7,000,000, or so much of the sum as may be necessary,"

Page 1, replace lines 9 through 24 with:

"SECTION 2. CONSTRUCTION AUTHORIZATION. Section 1 of this Act includes \$25,000,000, of which \$18,000,000 is from the general fund and \$7,000,000 is from the permanent oil tax trust fund, which the state historical society shall use for site work and for construction of the heritage center building addition enclosed structure. Construction may not begin until May 1, 2010, and until the state historical society certifies to the budget section that fifty percent of the federal or special funds required to complete the project, up to \$6,000,000, has been pledged to the state historical society.

SECTION 3. LEGISLATIVE INTENT - USE OF FEDERAL FUNDS AND OTHER INCOME. It is the intent of the sixty-first legislative assembly that the \$12,000,000 of special funds derived from federal funds or other income to the state historical society included in section 1 of this Act be used for renovating the existing heritage center building, finishing the lower level of the heritage center addition, and developing exhibits.

SECTION 4. LEGISLATIVE INTENT - ADDITIONAL FUNDING. It is the intent of the sixty-first legislative assembly that the sixty-second legislative assembly provide additional funding of \$14,700,000 from the general fund to complete the upper level of the heritage center addition."

Page 2, line 5, replace "30,000,000" with "37,000,000"

Page 2, line 6, replace "30,000,000" with "37,000,000"

Page 2, line 7, replace "12,000,000" with "19,000,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 90850.0101 FN 1

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

REPORT OF STANDING COMMITTEE

HB 1490: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1490 was placed on the Sixth order on the calendar.

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

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

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

Page 2, remove lines 6 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1499, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1499 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike the first comma and after "trainer" insert "or a person who is required to be licensed as a nonresident amateur trainer"

Page 1, line 10, overstrike "fourteenth" and insert immediately thereafter "twenty-second"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1509, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1509 was placed on the Sixth order on the calendar.

Page 1, line 2, after "leases" insert "; to provide a contingent effective date; and to declare an emergency"

Page 1, line 8, remove "Must be written in a clear and coherent manner using words with common"

Page 1, remove lines 9 and 10

Page 1, line 11, remove "b."

Page 1, line 23, replace "c." with "b." and replace "five" with "ten"

Page 2, line 1, replace "d." with "c."

Page 2, line 3, replace "e." with "d."

Page 2, line 4, after the underscored period insert "When a wind energy facility is being constructed and when it is completed, the property owner must make accommodations to the developer, owner, or operator of the facility for the facility's business operations to allow the construction and operation of the wind energy facility."

Page 2, line 5, replace "f." with "e."

Page 2, line 7, replace "g." with "f."

Page 2, line 11, replace "h." with "g."

Page 2, line 14, replace "i." with "h."

Page 2, line 17, replace "j." with "i."

Page 2, line 18, after "years" insert ", unless the property owner receives the normal lease payments that would have occurred if the turbine had been operating during that time. For the purposes of this subdivision, the term "normal lease payments" means payments at least equal to the periodic payments received by the property owner in the last calendar year that the turbine was in full operation"

Page 2, line 19, replace "k." with "j."

Page 2, line 22, replace "l." with "k."

Page 2, line 25, replace "property" with "general liability" and replace "on the" with "relating to events occurring on the wind energy facility project site. At minimum, the insurance must"

Page 2, line 26, remove "facility and" and remove the second "and"

Page 2, line 27, remove "waive subrogation actions against the property owner"

Page 3, replace lines 4 through 7 with:

"SECTION 2. CONTINGENT EFFECTIVE DATE. Subdivision h of subsection 1 of section 1 of this Act becomes effective if Senate Bill No. 2245 as enacted by the sixty-first legislative assembly does not become effective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1540, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1540, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1551, as amended, Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1551, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3025: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3025 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3029, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3029 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3030, as engrossed: Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3030 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "urging Congress to use common sense principles for congressional action on climate change legislation.

WHEREAS, if federal action is taken on greenhouse gas reduction programs, the programs should be developed and implemented by the United States Congress on a bipartisan basis and not by federal agencies acting unilaterally to implement policy outside of the Congress; and

WHEREAS, federal action aimed to reduce emissions of carbon dioxide should not impede economic growth, new job creation, or lower the standard of living for all Americans; and

WHEREAS, federal action should incorporate a fully transparent cost-benefit assessment yielding a net positive outcome and achieving wide consensus as part of any carbon dioxide emission reduction program so that consumers can be made aware of the potential economic impacts of policies before their implementation; and

WHEREAS, federal action should encourage the rapid research, development, demonstration, and deployment, through public-private partnerships, of a broad

spectrum of supply-side and demand-side technologies and practices, including energy efficiency, renewable technologies, fossil energy technologies with and without carbon capture and storage, carbon sequestration, and nuclear energy; and

WHEREAS, federal action should allow the utility sector to continue to supply consumers with adequate supplies of clean, affordable, and reliable energy and to recover all costs necessary to achieve any greenhouse gas reduction levels sought by public policies; and

WHEREAS, federal action should involve all sectors of the economy, all sources and sinks, and all types of greenhouse gases; and

WHEREAS, federal action should recognize that climate variability is a global phenomenon that requires comprehensive, long-term, and worldwide responses; and

WHEREAS, federal action should recognize that the timeframe for implementation of any greenhouse gas reduction requirements must be scientifically based and tied to technology availability, reliability, and economic feasibility in order to avoid unacceptable impacts on consumers; and

WHEREAS, federal action should allow greater access to onshore and offshore public lands for the development of domestic energy resources such as renewables, oil and gas, oil shale, and coal that can be used in power generation technologies that can keep America a leader in economic development; and

WHEREAS, federal action should recognize and protect existing and past investment decisions for generation resources such that the net costs of owning and operating existing resources are not increased as a result of any program and that any carbon emission reduction program must be limited in its impact to future investment decisions and tailored to the actual net future growth in demand for energy after application and full use of existing resources;

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

That the Sixty-first Legislative Assembly urges the Congress of the United States to use common sense principles for congressional action on climate change legislation; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President, the North Dakota Congressional Delegation, and the Majority and Minority Leaders of the United States House of Representatives and the United States Senate."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3031: Natural Resources Committee (Sen. Lyson, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the Fourteenth order on the calendar.

The Senate stood adjourned pursuant to Senator Christmann's motion.

Fran A. Gronberg, Secretary