

## JOURNAL OF THE SENATE

## Sixty-first Legislative Assembly

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Bismarck, April 10, 2009

The Senate convened at 9:00 a.m., with President Dalrymple presiding.

The prayer was offered by Pastor Cecil Stanton, Faith Center Church of God of Prophecy, Bismarck.

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

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Thirty-fourth, Fifty-third, and Fifty-sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 569, line 42, after "Fifth," insert "Ninth,"

Page 932, line 44, after "Fifth," insert "Ninth,"

Page 978, line 10, after "Seventh," insert "Ninth,"

**SEN. ANDRIST MOVED** that the report be adopted, which motion prevailed.

**REPORT OF DELAYED BILLS COMMITTEE**

**MR. PRESIDENT:** Your **Delayed Bills Committee (Sen. Klein, Chairman)** has cast a vote of 4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a concurrent resolution urging the United States Department of Agriculture to implement livestock indemnity program regulations that account for the fair market value of newborn calves and their cost of production.

The resolution will be SCR 4036.

**SECOND READING OF HOUSE BILL**

**HB 1032:** A BILL for an Act to amend and reenact subsections 3 and 12 of section 49-22-03 of the North Dakota Century Code, relating to the energy conversion and transmission facility siting definitions.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1032 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1083:** A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-12 of the North Dakota Century Code, relating to the due date for sales tax returns in odd-numbered years; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Holmberg

**ABSENT AND NOT VOTING:** Marcellais

HB 1083 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1348:** A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the possession of a firearm at a public gathering.

**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 23 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Cook; Dever; Erbele; Hogue; Kilzer; Klein; Krauter; Lee, G.; Lyson; Miller; Nething; Nodland; O'Connell; Olafson; Potter; Schneider; Stenehjem; Triplett; Wanzek; Wardner; Warner

**NAYS:** Anderson; Andrist; Bakke; Behm; Dotzenrod; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Holmberg; Horne; Krebsbach; Lee, J.; Lindaas; Mathern; Nelson; Oehlke; Pomeroy; Robinson; Seymour; Taylor

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1348 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1503:** A BILL for an Act to create and enact a state disaster relief fund; to provide for an appropriation; and to provide a transfer.

**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 6 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Behm; Christmann; Dotzenrod; Heckaman; Schneider

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

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1503 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1419:** A BILL for an Act to amend and reenact sections 54-27.2-01, 54-27.2-02, and 54-27.2-03 of the North Dakota Century Code, relating to the maximum balance of, transfers to, and transfers from the budget stabilization fund; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Christmann; Olafson; Stenehjem

**NAYS:** 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; Nelson; Nething; Nodland; O'Connell; Oehlke; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1419 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1313:** A BILL for an Act to create a one-time investment spending fund; and provide for one-time spending reports.

**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 1 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Christmann

**NAYS:** 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; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1313 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1418:** A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to early childhood care workforce development, child care capacity, and quality improvement for early childhood facilities; 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 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Christmann; Erbele; Kilzer; Lyson

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HB 1418, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1407 and HB 1230 be laid over one legislative day, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that Reengrossed HB 1225, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Reengrossed HB 1225 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1304:** A BILL for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code, relating to allocation of oil and gas gross production taxes; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; 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; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

**NAYS:** Bowman

**ABSENT AND NOT VOTING:** Marcellais

Reengrossed HB 1304, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. COOK MOVED** that the Senate reconsider its action whereby it failed to concur in the House amendments to SB 2229, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2229 as printed on SJ pages 1171-1174, which motion prevailed on a voice vote.

Reengrossed SB 2229, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2229:** A BILL for an Act to amend and reenact sections 57-51-15 and 57-62-06 of the North Dakota Century Code, relating to allocation of oil and gas gross production taxes; to provide an appropriation; to provide an effective date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 17 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bakke; Behm; Bowman; Fiebiger; Heckaman; Horne; Krauter; Krebsbach; Lindaas; Mathern; Nelson; Pomeroy; Potter; Schneider; Taylor; Warner

**NAYS:** Anderson; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Lee, G.; Lee, J.; Lyson; Miller; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Seymour; Stenehjerm; Triplett; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Marcellais

Reengrossed SB 2229 lost.

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**CONSIDERATION OF AMENDMENTS**

**SCR 4033: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 1228-1229 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

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

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

SCR 4033 was declared adopted, and the title was agreed to on a voice vote.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 10:45 a.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Dalrymple presiding.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3032:** A concurrent resolution urging Congress, the President, and the North Dakota Congressional Delegation to resist efforts to increase income taxes for individuals, including increases by allowing existing reductions to expire; to permanently eliminate the alternative minimum tax; to reject efforts to increase capital gains taxes; and to consider elimination of capital gains taxes on sales of residential property.

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

HCR 3032 was declared adopted, and the title was agreed to on a verification vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3008:** A concurrent resolution directing the Legislative Council to study workers' compensation laws in this state and other states with respect to prior injuries, preexisting conditions, and degenerative conditions.

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

HCR 3008 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3013:** A concurrent resolution directing the Legislative Council to study the availability of legal representation to assist injured employees in understanding and pursuing Workforce Safety and Insurance decisions.

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

HCR 3013 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3058:** A concurrent resolution for the amendment of section 24 of article X of the Constitution of North Dakota, relating to the permitted growth of the foundation aid stabilization fund.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 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; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HCR 3058 was declared lost on a roll call vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3052:** A concurrent resolution to create and enact a new section to article V of the Constitution of North Dakota, relating to executive branch organization.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** O'Connell; Potter

**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; Nelson; Nething; Nodland; Oehlke; Olafson; Pomeroy; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Marcellais

Engrossed HCR 3052 was declared lost on a roll call vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3009:** A concurrent resolution urging Congress to adopt legislation or propose a constitutional amendment to reduce the length of presidential campaigns and limit the amount of campaign spending.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3009 was declared lost on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3029:** A concurrent resolution urging to the Environmental Protection Agency not to regulate greenhouse gases under the Clean Air Act.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

Engrossed HCR 3029 was declared lost on a roll call vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3025:** A concurrent resolution recognizing the Red River Valley Research Corridor and its accomplishments.

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

HCR 3025 was declared adopted on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3031:** A concurrent resolution directing the Legislative Council to study eminent domain laws as they relate to pipeline siting.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3031 was declared lost on a voice vote.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3037:** A concurrent resolution directing the Legislative Council to prepare and publish a four-year general fund budget report.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3037 was declared lost on a voice vote.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2028 as printed on SJ pages 1166-1167 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2028: Sens. Lyson, Olafson, Nelson.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2069 as printed on SJ page 1029 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2069: Sens. Nething, Lyson, Fiebiger.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do not concur in the House amendments to SB 2125 as printed on SJ pages 950-951 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2125: Sens. Wanzek, Miller, Heckaman.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LYSON MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2141 as printed on SJ page 791 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2141: Sens. Lyson, Hogue, Triplett.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2110 as printed on SJ page 708 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2110: Sens. Klein, Nodland, Behm.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LYSON MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2165 as printed on SJ pages 951-952 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2165: Sens. Freborg, Erbele, Pomeroy.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2178 as printed on SJ page 1168 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2178: Sens. Lyson, Nething, Fiebiger.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2212 as printed on SJ page 1169 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2212: Sens. Freborg, G. Lee, Bakke.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2248 as printed on SJ page 892 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2248: Sens. Klein, Miller, Behm.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2371 as printed on SJ pages 874-875 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2371: Sens. Miller, Wanzek, Behm.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ANDRIST MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2401 as printed on SJ page 952 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2401: Sens. Olafson, J. Lee, Bakke.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. DEVER MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2027 as printed on SJ pages 1202-1208 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2027: Sens. Cook, Dever, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2059 as printed on SJ page 690 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2059: Sens. Wanzek, Nodland, Horne.



**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2060 as printed on SJ page 1029 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2060: Sens. Potter, Andrist, Nodland.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2152 as printed on SJ page 932 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2152: Sens. Olafson, Nething, Schneider.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2161 as printed on SJ page 891 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2161: Sens. Lyson, Olafson, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2172 as printed on SJ pages 771-772 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2172: Sens. Lyson, Olafson, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2232 as printed on SJ page 952 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2232: Sens. Lyson, Olafson, Fiebiger.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2308 as printed on SJ pages 1030-1031 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a verification vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2308: Sens. Klein, Wanzek, Horne.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LYSON MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2316 as printed on SJ page 874 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2316: Sens. Lyson, Hogue, Triplett.

**MOTION**

**SEN. STENEHJEM MOVED** that the vote by which SB 2229, HB 1313, HB 1348, HB 1419, HB 1503, HCR 3009, HCR 3029, HCR 3031, HCR 3037, HCR 3052, and HCR 3058 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

**MOTION**

**SEN. STENEHJEM MOVED** that the vote by which SCR 4033, HB 1032, HB 1083, HB 1304, HB 1418, HCR 3008, HCR 3013, HCR 3025, and HCR 3032 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1032, HCR 3008, HCR 3013, HCR 3025, HCR 3032.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1083.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1304, HB 1418.

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

**MR. SPEAKER:** The Senate has failed to pass unchanged: HB 1313, HB 1348, HB 1419, HB 1503, HCR 3009, HCR 3029, HCR 3031, HCR 3037, HCR 3052, HCR 3058.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2363.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2002, SB 2006, SB 2008, SB 2011, SB 2013, SB 2017, SB 2023, SB 2075, SB 2162, SB 2237, SB 2324, SB 2402, SB 2438.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002**

Page 1, line 24, replace "7,216,641" with "7,416,641" and replace "20,361,322" with "20,561,322"

Page 2, line 6, replace "14,730,701" with "14,930,701" and replace "72,219,157" with "72,419,157"

Page 2, line 8, replace "14,900,831" with "15,100,831" and replace "70,488,696" with "70,688,696"

Page 2, line 22, replace "16,069,793" with "16,269,793" and replace "81,514,921" with "81,714,921"

Page 2, line 24, replace "15,914,960" with "16,114,960" and replace "83,559,728" with "83,759,728"

Page 2, line 25, replace "0" with "4.00" and replace "338.0" with "342.0"

Page 4, after line 1, insert:

"Parenting coordinator training	0	52,040"
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Page 4, line 6, replace "8,255,341" with "8,307,381"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98181.0203 FN 1**

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

**HOUSE AMENDMENTS TO SENATE BILL NO. 2006**

Page 1, line 2, after "commission" insert "; to amend and reenact section 57-43.3-06 of the North Dakota Century Code, relating to use of special funds received by the aeronautics commission; and to provide an expiration date"

Page 1, line 11, replace "103,918" with "84,502" and replace "906,650" with "887,234"

Page 1, line 15, replace "5,866,046" with "5,846,630" and replace "12,938,082" with "12,918,666"

Page 1, line 16, replace "5,866,046" with "5,846,630" and replace "12,388,082" with "12,368,666"

Page 1, after line 18, insert:

**"SECTION 2. AMENDMENT.** Section 57-43.3-06 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.3-06. Distribution of revenue.** The tax collected by the commissioner pursuant to section 57-43.3-04 must be deposited by the commissioner in the office of the state treasurer, who shall deposit such moneys in a special fund known as the state aeronautics commission special fund. These funds are appropriated to the commission, and must be disbursed by warrant-check prepared by the office of management and budget upon vouchers submitted by the commission and approved by the office of management and budget, for commission administration and the purpose of ~~matching of any funds made available by political subdivisions or airport authorities of this state, the state, or the United States, only~~ providing up to ninety percent of the project costs if the political subdivision or airport authority is not qualified for or does not receive any funds under section 2-05-06.5. These funds must be used for airport construction or improvement projects, including airport administration and terminal buildings, hangars, landing strips for aircraft, and purchase of sites for airports or landing fields and easements and for maintenance, clearing of sites, marking, lighting, and engineering and navigational aids, all related to aeronautics in amounts as the commission may determine and upon projects as the commission may approve.

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

Re-number accordingly

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

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

**HOUSE AMENDMENTS TO SENATE BILL NO. 2008**

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

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

Re-number accordingly

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

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

**HOUSE AMENDMENTS TO SENATE BILL NO. 2011**

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

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

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

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

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

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

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

Page 2, after line 2, insert:

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

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

Page 2, after line 25, insert:

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

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

Renumber accordingly

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

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

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2013**

Page 1, line 2, remove the second "and"

Page 1, line 3, after "fund" insert "; and to amend and reenact section 15-05-09 of the North Dakota Century Code, relating to board of university and school lands oil and gas leases"

Page 1, line 13, replace "728,113" with "593,432" and replace "3,228,437" with "3,093,756"

Page 1, line 18, replace "4,682,024" with "4,547,343" and replace "13,806,148" with "13,671,467"

Page 1, line 19, replace "3.00" with "2.00" and replace "21.75" with "20.75"

Page 1, remove lines 20 through 23

Page 2, line 31, replace "\$43,500,000" with "\$35,000,000"

Page 2, after line 31, insert:

**"SECTION 6. FULL-TIME EQUIVALENT AUTHORIZATION.** One full-time equivalent position relating to minerals management included in section 1 of this Act is authorized only for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 7. AMENDMENT.** Section 15-05-09 of the North Dakota Century Code is amended and reenacted as follows:

**15-05-09. Leases for oil, gas, and other products.** The board of university and school lands may lease ~~any~~ lands under its control believed to contain oil, gas, coal, cement materials, sodium sulfate, sand and gravel, road material, building stone, chemical substances, metallic ores, or colloidal or other clays and may ~~make and establish~~ adopt rules and ~~regulations~~ for development and drilling operations. The commissioner of university and school lands shall review each oil and gas lease held by production on the effective date of this Act and take the steps necessary to sever those lands outside the spacing unit of the well holding the lease by production from the leasehold."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98032.0303 FN 1**

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

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2017**

Page 1, line 11, replace "\$350,058" with "\$361,851" and replace "918,388" with "906,595"

Page 1, line 13, replace "\$132,358" with "\$144,151" and replace "1,510,505" with "1,498,712"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98036.0201 FN 1**

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

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2023**

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

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

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

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

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

Page 1, after line 16, insert:

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

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

Renumber accordingly

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

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

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2075**

Page 1, line 5, replace "\$1,118,134" with "\$350,000"

Page 1, line 7, replace "an irrigation system," with "including"

Page 1, line 8, remove "moving and adding a bathroom to the gazebo,"

Page 1, line 13, remove "status of the" and replace "project" with "projects"

Page 1, line 15, remove "total expenditures for"

Page 1, line 16, replace "project" with "projects" and replace "exceed \$500,000" with "are complete"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes funding for the irrigation system and for moving and remodeling the gazebo and reduces funding for the remaining projects to provide a total of \$350,000. The amendment also requires the Veterans' Home to report to the Budget Section regarding the construction projects when they are complete, rather than when total expenditures exceed \$500,000.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2162**

Page 1, line 1, after "enact" insert "a new section to chapter 50-06 and"

Page 1, line 2, after "to" insert "criminal history record checks and to"

Page 1, line 3, after "reenact" insert "subdivision g of subsection 2 of section 12-60-24 and"

Page 1, line 7, after "to" insert "criminal history record checks,"

Page 1, after line 13, insert:

**"SECTION 1. AMENDMENT.** Subdivision g of subsection 2 of section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

- g. ~~The department of human services for carecheck registrations under section 50-11.1-06.2 criminal history record checks authorized under section 2 of this Act.~~

**SECTION 2.** A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

**Criminal history record checks.** The department may require criminal history record checks as the department determines appropriate for:

1. Employees of the department upon hiring;
2. Providers licensed by the department under chapter 50-12, as well as for any employees of those providers; and
3. Providers holding and applicants for early childhood services licensure, nonlicensed holders of a self-declaration, and in-home providers under chapter 50-11.1. The department also may require criminal history records checks for staff members of those providers and for household members of a provider if the provider is providing early childhood services within the provider's home and the household member resides within that home."

Page 2, line 9, replace "two" with "three"

Page 10, remove lines 28 through 31

Page 11, remove lines 1 through 7

Page 11, line 8, replace "3." with "2."

Page 11, line 27, replace "Applicants" with "Upon a determination by the department that a criminal history record check is appropriate, a provider holding or an applicant", replace the first "or" with an underscored comma, and after "self-declaration" insert an underscored comma

Page 12, line 10, after "the" insert "provider or"

Page 12, line 20, after the first "the" insert "provider or"

Page 13, line 2, replace the first "or" with an underscored comma and after "denial" insert ", or revocation"

Page 19, line 11, replace "7" with "9"

Page 23, line 29, replace "3" with "5"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2237**

Page 1, line 2, replace "; to provide an appropriation; and to provide an" with a period

Page 1, remove line 3

Page 1, line 13, replace "shall" with "may"

Page 3, line 4, after "to" insert "establish," and after "Any" insert "funds contributed under this subsection and any"

Page 3, line 5, replace "chapter" with "section"

Page 3, remove lines 9 through 14

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2324**

Page 1, line 2, remove the first "and"

Page 1, line 13, after "elections" insert "; and to provide for a legislative council study"

Page 20, line 13, overstrike "One" and insert immediately thereafter "Three" and overstrike "challenger" and insert immediately thereafter "challengers"

Page 20, line 14, overstrike "is" and insert immediately thereafter "are"

Page 20, line 16, overstrike "one" and insert immediately thereafter "three", overstrike "challenger" and insert immediately thereafter "challengers", and overstrike "is" and insert immediately thereafter "are"

Page 22, line 8, overstrike "In addition to the poll challenger, not more than two poll checkers appointed by the" and insert immediately thereafter "The"

Page 22, line 9, overstrike "be in"

Page 22, line 10, overstrike "attendance at each" and insert immediately thereafter "appoint poll checkers to a"

Page 22, line 12, overstrike "The poll" and insert immediately thereafter "Poll" and overstrike "and poll checkers"

Page 22, line 16, overstrike "before the third" and insert immediately thereafter "one"

Page 34, after line 28, insert:

**"SECTION 31. LEGISLATIVE COUNCIL STUDY OF RESIDENCY STATUS.**

During the 2009-10 interim, the legislative council shall consider studying the rules for determining residency status under state law, including an examination of the determination of residency for voting and higher education tuition purposes; for obtaining game and fish licenses, motor vehicle registrations, and motor vehicle operator's licenses; and for taxation purposes. 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

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2402**

Page 5, line 5, after "2008" insert ", for ad valorem property taxes and for taxable years beginning after December 31, 2009, for mobile home taxes"

ReNUMBER accordingly

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2438**

In lieu of the amendments as printed on pages 945 and 946 of the House Journal, Reengrossed Senate Bill No. 2438 is amended as follows:

Page 1, line 1, replace "54-60" with "4-01"

Page 1, line 2, after the semicolon insert "to provide a continuing appropriation;"

Page 1, line 5, replace "54-60" with "4-01"

Page 1, line 9, replace "department of commerce" with "agriculture commissioner"

Page 1, line 11, replace "department" with "commissioner"

Page 1, line 13, replace "department's" with "commissioner's" and replace "department" with "commissioner"

Page 1, line 16, replace "department" with "commissioner"

Page 1, line 18, replace "department" with "commissioner"

Page 1, line 20, replace "department" with "commissioner"

Page 1, line 21, replace "department" with "commissioner"

Page 2, replace lines 1 through 5 with:

"a. Increased efficiencies in soil and nutrient preservation;

- b. Decreased reliance on tillage and other soil-depleting practices;
- c. Increased efficiencies in the use of water;
- d. Increased efficiencies in the use of other necessary and measurable agricultural inputs;
- e. Increased yield efficiencies; and"

Page 2, line 7, replace "54-60" with "4-01"

Page 2, line 9, after "**Duties**" insert "**- Powers**"

Page 2, line 10, after "**Compensation**" insert "**- Continuing appropriation**"

Page 2, line 11, replace "department of commerce" with "agriculture commissioner"

Page 2, line 12, after the underscored period insert:

"a."

Page 2, line 13, replace "a." with "(1)"

Page 2, line 14, replace "b." with "(2)"

Page 2, line 16, replace "c." with "(3)" and replace "agriculture commissioner" with "commissioner of the department of commerce"

Page 2, line 17, replace "d." with "(4)"

Page 2, line 19, replace "e." with "(5)"

Page 2, line 21, replace "f." with "(6)"

Page 2, line 22, replace "g." with "(7)"

Page 2, after line 23, insert:

"b. If both houses of the legislative assembly are controlled by the same party, the committee also must include one member of the legislative assembly from the minority party, appointed by the chairman of the legislative council."

Page 3, line 3, replace "department" with "commissioner"

Page 3, line 6, after "3." insert "The committee may accept gifts, grants, and donations of money, property, and services. All moneys received as gifts, grants, or donations are appropriated on a continuing basis to the agriculture commissioner for the purpose of carrying out this section."

4."

Renumber accordingly

#### **HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2438**

That the amendments to Reengrossed Senate Bill No. 2438 as printed on pages 1030-1032 of the House Journal be amended as follows:

Page 1031 of the House Journal, after line 38, insert:

"Page 3, line 2, remove "and""

Page 1031 of the House Journal, after line 39, insert:

"Page 3, line 5, after "certification" insert ";

- f. Explore the standards held by international private sector certifying groups which have the potential to increase sales of North Dakota products; and



- g. Report to the legislative council on the status of committee activities"

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2015, SB 2020, SB 2021, SB 2332, SB 2333.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015**

Page 1, line 2, after "rehabilitation" insert "; to provide for payment of correctional officer training expenses by other agencies; to provide contingent appropriations; and to declare an emergency"

Page 1, line 12, replace "23,925,378" with "13,763,178" and replace "152,075,644" with "141,913,444"

Page 1, line 13, replace "3,549,748" with "2,246,518" and replace "26,497,916" with "25,194,686"

Page 1, line 14, replace the first "1,525,000" with "1,372,519" and replace the second "1,525,000" with "1,372,519"

Page 1, line 15, replace "29,000,126" with "17,382,215" and replace "180,098,560" with "168,480,649"

Page 1, line 16, replace "5,949,241" with "1,781,948" and replace "30,000,193" with "25,832,900"

Page 1, line 17, replace "23,050,885" with "15,600,267" and replace "150,098,367" with "142,647,749"

Page 1, line 18, replace "27.00" with "0.00" and replace "738.29" with "711.29"

Page 2, line 2, replace "1,525,000" with "1,372,519"

Page 2, line 4, replace "636,000" with "595,500"

Page 2, line 5, replace "2,161,000" with "1,968,019"

Page 2, after line 14, insert:

**SECTION 4. Payment of correctional officer training costs.** Any state agency, institution, or department that hires a correctional officer from the department of corrections and rehabilitation shall pay to the department of corrections and rehabilitation fifteen percent of the cost of training a new correctional officer. This section applies only to correctional officers who are hired by another agency and who had been employed by the department of corrections and rehabilitation for one year or less.

**SECTION 5. DEPARTMENT OF CORRECTIONS AND REHABILITATION SHARE OF SALARY EQUITY POOL.** The office of management and budget shall provide at least twenty-nine percent of any general fund salary equity pool that is appropriated for salary equity increases for state employees, for the biennium beginning July 1, 2009, and ending June 30, 2011, to the department of corrections and rehabilitation. The department of corrections and rehabilitation may provide salary equity increases only to employees classified in pay grades one through fourteen.

**SECTION 6. CONTINGENT FUNDING - MISSOURI RIVER CORRECTIONAL CENTER REPAIRS.** Section 1 of this Act includes \$93,592 from the general fund for roof repairs for the dining and kitchen area at the Missouri River correctional center which may be spent only if the Missouri River correctional center is not relocated to the state penitentiary as part of the prison expansion project, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 7. HEART OF AMERICA CORRECTION AND TREATMENT CENTER.** The department of corrections and rehabilitation shall distribute, in twenty-four equal payments, the sum of \$1,628,813 from the general fund appropriated in the adult services line item in section 1 of this Act to the heart of America correction and treatment center for inmate-related treatment services, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 8. CONTINGENT FUNDING - PROGRAMS AND PROJECTS.**

Section 1 of this Act includes \$225,041 for a summer replacement boiler, \$18,928 for conversion of the energy management system from analog to digital, \$15,774 for heating and cooling equipment replacement, and \$160,000 for temporary housing of sexual offenders from the general fund which may be spent only to the extent that federal funds appropriated in section 9 of this Act are not available for these purposes.

**SECTION 9. 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 department of corrections and rehabilitation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Summer replacement boiler	\$225,041
(from funds available through department of commerce)	
Energy management system conversion	18,928
(from funds available through department of commerce)	
Heating and cooling equipment replacement	15,574
(from funds available through department of commerce)	
Temporary housing of sexual offenders	160,000
(from funds available through department of commerce)	
Crime victims assistance	542,000
Crime victims compensation	78,313
Total federal funds	\$1,039,856

The department of corrections and rehabilitation 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 10. EMERGENCY.** Section 9 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98034.0203 FN 1**

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

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2020**

Page 1, line 4, after the first semicolon insert "to provide legislative intent;"

Page 1, line 20, replace "5,088,122" with "5,913,122" and replace "46,616,157" with "47,441,157"

Page 1, line 22, replace "5,188,122" with "6,013,122" and replace "47,453,957" with "48,278,957"

Page 2, line 1, replace "3,122,967" with "3,947,967" and replace "21,425,080" with "22,350,080"

Page 2, line 2, replace "1.00" with "3.00" and replace "267.33" with "269.33"

Page 2, line 23, replace "26,123,544" with "26,373,544" and replace "104,702,142" with "104,952,142"

Page 2, line 25, replace "26,573,544" with "26,823,544" and replace "105,152,142" with "105,402,142"

Page 2, line 27, replace "23,911,041" with "24,161,041" and replace "60,138,875" with "60,388,875"

Page 2, line 28, replace "6.00" with "7.00" and replace "353.39" with "354.39"

Page 3, line 2, replace "(\$12,786)" with "\$912,214" and replace "5,362,580" with "6,287,580"

Page 3, line 3, replace "73,454" with "293,454" and replace "2,340,602" with "2,560,602"

Page 3, line 7, replace "(276,861)" with "(211,861)" and replace "2,857,183" with "2,922,183"

Page 3, line 8, replace "970,624" with "1,150,624" and replace "6,547,962" with "6,727,962"

Page 3, line 9, replace "2,552,987" with "3,942,987" and replace "26,169,006" with "27,559,006"

Page 3, line 10, replace "1,252,305" with "2,177,305" and replace "14,266,816" with "15,191,816"

Page 3, line 11, replace "1,300,682" with "1,765,682" and replace "11,902,190" with "12,367,190"

Page 3, line 12, replace "0.00" with "1.70" and replace "95.56" with "97.26"

Page 3, line 24, replace "29,035,552" with "30,575,552" and replace "96,595,159" with "98,135,159"

Page 3, line 25, replace "10,019,165" with "10,944,165" and replace "112,819,662" with "113,744,662"

Page 3, line 26, replace "39,054,717" with "41,519,717" and replace "209,414,821" with "211,879,821"

Page 4, line 7, replace "0" with "925,000"

Page 4, line 17, replace "20,882,000" with "21,807,000"

Page 4, line 18, replace "3,350,000" with "4,275,000"

Page 5, after line 21, insert:

**"SECTION 8. PERMANENT OIL TAX TRUST FUND - DICKINSON RESEARCH CENTER - OPERATING POOL FUNDING.** The estimated income line item in subdivision 5 of section 1 of this Act includes \$925,000 from the permanent oil tax trust fund. This funding is available only for defraying the costs of operations of the Dickinson research center, for the biennium beginning July 1, 2009, and ending June 30, 2011."

ReNUMBER accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98039.0201 FN 1**

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

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2021**

Page 1, line 2, after the first semicolon insert "to provide a contingent appropriation;", after the second semicolon insert "to provide for a legislative council study; to provide statements of legislative intent; to provide for a report to the legislative council;", and replace "and" with "to create and enact a new subsection to section 54-59-05 of the North Dakota Century Code, relating to the powers of the information technology department;"

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

Page 1, line 14, replace "6,462,653" with "4,882,814" and replace "44,144,782" with "42,564,943"

Page 1, line 19, replace "2,238,371" with "(25,512)" and replace "2,466,325" with "202,442"

Page 1, line 22, replace "1,910,451" with "1,310,451" and replace "5,976,970" with "5,376,970"

Page 1, line 24, replace "2,508,533" with "2,408,533" and replace "3,709,239" with "3,609,239"

Page 2, line 1, replace "16,288,104" with "11,744,382" and replace "139,342,795" with "134,799,073"

Page 2, line 2, replace "7,974,129" with "8,205,993" and replace "120,980,899" with "121,212,763"

Page 2, line 3, replace "8,313,975" with "3,538,389" and replace "18,361,896" with "13,586,310"

Page 2, after line 4, 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 information technology department, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Statewide longitudinal data system	\$2,263,883
------------------------------------	-------------

The information technology department 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. CONTINGENT GENERAL FUND APPROPRIATION - BUDGET SECTION APPROVAL.** If the federal funds appropriated under section 2 of this Act are not available to provide the sum of \$2,263,883, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,263,883, or so much of the sum as may be necessary, to the information technology department for costs associated with a statewide longitudinal data system, for the biennium beginning July 1, 2009, and ending June 30, 2011. The information technology department may only spend the general fund moneys to the extent that federal funds are not available to provide the \$2,263,883 appropriated under section 2 of this Act and subject to approval by the budget section."

Page 2, line 14, replace "369,748" with "269,748"

Page 2, line 15, replace "1,200,000" with "600,000"

Page 2, remove line 16

Page 2, line 18, replace "2,606,386" with "969,748"

Page 3, replace lines 3 through 30 with:

**"SECTION 7. DEPARTMENT OF PUBLIC INSTRUCTION - STATEWIDE LONGITUDINAL DATA SYSTEM EXPENDITURES - APPROVAL.** The department of public instruction may spend only the federal funds appropriated in House Bill No. 1013 for costs associated with the statewide longitudinal data system upon approval of the expenditures by the information technology department, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 8. LEGISLATIVE COUNCIL STUDY - CRIMINAL JUSTICE INFORMATION SHARING INITIATIVE.** During the 2009-10 interim, the legislative council shall consider studying the value of the information technology department's criminal justice information sharing initiative. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

**SECTION 9. INFORMATION TECHNOLOGY DEPARTMENT - REVENUES FOR THE 2009-11 BIENNIUM.** The information technology department shall monitor its revenue collections by funding source for the 2009-11 biennium and provide a report

on revenue collections for the biennium to date by funding source to the appropriations committees of the sixty-second legislative assembly.

**SECTION 10. LEGISLATIVE INTENT - OUTSOURCING.** It is the intent of the sixty-first legislative assembly that the information technology department outsource 10 percent of its information technology services during the 2009-11 biennium and 20 percent of its information technology services during the 2011-13 biennium.

**SECTION 11. INFORMATION TECHNOLOGY DEPARTMENT OUTSOURCING - REPORT TO LEGISLATIVE COUNCIL.** The information technology department shall report to the legislative council at its November 2010 meeting on:

1. The department's current level of outsourcing of its information technology services.
2. Nonessential information technology services that could be considered for outsourcing.
3. The number of the department's employees who have resigned from the department to provide information technology consulting services in the private sector and the number of which have been rehired by the department.
4. The department's efforts to assist in the creation of North Dakota technology-related companies.

**SECTION 12. AMENDMENT.** Section 15.1-02-18 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-02-18. Statewide longitudinal data system committee - Membership - Powers and duties - Report to interim committee - Continuing appropriation.**

1. The statewide longitudinal data system committee consists of ~~the~~:
  - a. ~~The~~ chancellor of the board of higher education or chancellor's designee, ~~the~~.
  - b. ~~The~~ superintendent of public instruction or superintendent of public instruction's designee, ~~the~~.
  - c. ~~The~~ chief information officer or chief information officer's designee, ~~the~~.
  - d. ~~The~~ director of the department of career and technical education or the director's designee, ~~the~~.
  - e. ~~The~~ director of job service North Dakota or the director's designee, ~~the director~~.
  - f. ~~The commissioner of the department of commerce or the director's commissioner's~~ designee, ~~the~~.
  - g. ~~The~~ director of the department of human services or the director's designee, ~~and one person appointed by the governor~~.
  - h. The director of the North Dakota educational technology council.
  - i. The director of the North Dakota council of educational leaders or the director's designee.
  - j. The director of the North Dakota workforce development council or the director's designee.
- ~~2.~~ 2. The governor shall appoint the chair of the committee. The committee may appoint advisory committees that would serve in an advisory capacity to the committee.
- ~~3.~~ 3. The committee shall ~~plan and propose~~ manage a longitudinal data system which:

- a. Provides for dissemination of management information to stakeholders and partners of state education, training, and employment systems; and
  - b. Uses data from educational and workforce systems as central sources of longitudinal data.
4. The information technology department, at the direction of the committee, shall maintain a statewide longitudinal data system among education, workforce, and training entities. The department and the committee, subject to federal and state privacy laws, may enter interagency agreements, including agreements designating authorized representatives of the educational agencies participating in the system pursuant to the Family Educational Rights and Privacy Act (FERPA) [20 U.S.C. 1232g; 34 CFR 99].
  - ~~3.~~ 5. The committee shall recommend policies, procedures, and guidelines to protect the privacy and security of personal information as provided by state and federal law set policy and adopt rules relating to access to and the collection, storage, and sharing of information and the systems necessary to perform those functions, subject to applicable federal and state privacy laws and interagency agreements and restrictions relating to confidential information required to conform with applicable federal and state privacy laws. The committee shall provide operational oversight for information-sharing activities and make recommendations for and provide oversight of information-sharing budgets. The committee may authorize studies to benefit and improve workforce training and education.
  4. 6. The committee shall provide a report to the information technology committee, interim committee on education issues, and interim committee on economic development prior to the sixty-first legislative assembly on the status of the statewide longitudinal data system plan. The report shall must include recommendations for further development, cost proposals, proposals for legislation, and data sharing governance, including recommendations concerning the long-term role and administration of the followup information in North Dakota for education and training program.
  7. The committee may solicit and receive moneys from public and private sources and those funds are appropriated on a continuing basis for the support of the longitudinal data system.
  8. The information technology department shall provide staff and other necessary support to the committee.

**SECTION 13.** A new subsection to section 54-59-05 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding any other provision of law, may enter a contract with an information technology vendor to provide professional services to the department for a term of up to five years. However, the department may not renew any such contract with a vendor under this subsection beyond a total of five years.

**SECTION 14. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure."

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 5

ReNUMBER accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98040.0205 FN 3**

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

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2332**

In lieu of the amendments adopted by the House as printed on page 967 of the House Journal, Engrossed Senate Bill No. 2332 is amended as follows:

Page 1, line 3, replace "repeal" with "amend and reenact"

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

Page 1, line 10, remove "The health information technology office is established in the state department of"

Page 1, remove lines 11 through 24

Page 2, remove lines 1 through 11

Page 2, line 12, remove "represent a single interest."

Page 2, line 15, replace "4." with "2."

Page 2, line 22, after the underscored semicolon insert "and"

Page 2, line 24, replace "; and" with an underscored period

Page 2, replace lines 25 through 30 with:

**"SECTION 2. AMENDMENT.** Section 23-01-31 of the North Dakota Century Code is amended and reenacted as follows:

**23-01-31. North Dakota health information technology steering committee.**

The North Dakota health information technology steering committee consists of the state health officer or the state health officer's designee, the governor or the governor's designee, the executive director of the department of human services or the executive director's designee, and nine individuals appointed by the governor to represent state government interests, and individuals appointed by the state health officer to represent health information technology stakeholders.

**SECTION 3. PLANNING AND IMPLEMENTATION GRANTS.** The state department of health may accept planning and implementation grants under the federal American Recovery and Reinvestment Act of 2009 and disburse the funds to the health information technology office, which may distribute the funds to nonprofit providers with broad stakeholder group representation to improve quality and efficiency through the health information technology office. The state department of health may accept grants to establish loan programs for the purchase of certified electronic health record technology used to exchange health information and provide the funds to the health information technology office, to provide the funds to nonprofit providers with broad stakeholder group representation to improve quality and efficiency through the health technology information office. The grants require a twenty percent match of nonfederal funds by the nonprofit providers, beginning January 1, 2010. The granting authority of the health information technology office is limited to the biennium beginning July 1, 2009, and ending June 30, 2011. Before October 2010, the health information technology office shall report to the legislative council on the status of the current grant and potential funding needs for the 2011-13 biennium.

**SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the state department of health for the purpose of defraying the costs of the health information technology office and advisory committee, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 5. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, and from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, the sum of \$20,000,000, or so much of the sum as may be necessary, as planning and implementation grants to be accepted by the state department of health as provided in section 3 of this Act. The state department of health may spend funds under this section subject to budget section approval of the plan developed by the health information technology office. Any general fund moneys appropriated under this section are not part of the agency's 2011-13 base budget.

**SECTION 6. EMERGENCY.** This Act is declared to be an emergency measure."

Page 3, remove lines 1 through 5

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2333**

In lieu of the amendments adopted by the House as printed on page 967 of the House Journal, Engrossed Senate Bill No. 2333 is amended as follows:

Page 1, line 2, remove "and" and after "appropriation" insert "; and to provide a contingent appropriation"

Page 4, replace lines 7 through 18 with:

**"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS.**

There is appropriated out of any federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, to the state department of health for the purpose of providing funds to local public health units for providing immunization services statewide, according to a funding formula established by the state health council in consultation with local public health units, 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. CONTINGENT GENERAL FUND APPROPRIATION.** If the federal funds appropriated under section 2 of this Act are not available to provide the sum of \$1,200,000, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, to the state department of health for the purpose of providing funds to local public health units for providing immunization services statewide, according to a funding formula established by the state health council in consultation with local public health units, for the biennium beginning July 1, 2009, and ending June 30, 2011. The state department of health may only spend the general fund moneys to the extent that federal funds are not available to provide the \$1,200,000 appropriated under section 2 of this Act.

General fund amounts appropriated under this section reflect one-time funding and are not a part of the agency's base budget for the 2011-13 biennium.

**SECTION 4. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes the \$3.8 million general fund appropriation for regional public health networks and reduces and changes the funding source for providing funds to local public health units for immunization services from \$2 million from the general fund to \$1.2 million of federal funds available to the state under the federal American Recovery and Reinvestment Act of 2009. The amendment also provides a \$1.2 million contingent general fund appropriation for the local public health units for immunization services if the federal funds are not available and that all funding is one-time funding.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause failed: SB 2030.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030**

Page 1, line 2, remove "phase one of"

Page 1, line 3, after the semicolon insert "to provide legislative intent; to provide for a legislative council study;"

Page 1, line 6, replace "\$22,465,804" with "\$28,465,804"

Page 1, line 9, remove "phase one of"



Page 1, line 11, remove the second "and" and after the fourth comma insert "the secondary road project, and relocation of the Missouri River correctional facility,"

Page 1, line 14, replace "three-member" with "five-member"

Page 1, after line 23, insert:

**"SECTION 3. BID REQUIREMENTS.** The department of corrections and rehabilitation may not accept a bid for the prison expansion project provided for in section 1 of this Act, if bid costs relating to construction contingency, renovation contingency, site contingency, architectural fees, furniture and fixtures, and information technology-related costs exceed twenty percent of the total construction and renovation bid.

**SECTION 4. BID OPTIONS.** If bids received for the prison expansion project are more than the amount appropriated in section 1 of this Act, the department of corrections and rehabilitation shall remove one housing pod from the project to reduce the costs to the level appropriated for the project.

**SECTION 5. LEGISLATIVE INTENT - SALE OF MISSOURI RIVER CORRECTIONAL CENTER LAND.** It is the intent of the sixty-first legislative assembly that the existing Missouri River correctional center land not be sold for at least two years after the relocation of the Missouri River correctional center to the state penitentiary site.

**SECTION 6. LEGISLATIVE COUNCIL STUDY - USE OF MISSOURI RIVER CORRECTIONAL CENTER LAND.** During the 2009-10 interim, the legislative council shall consider studying possible future uses of the existing Missouri River correctional center land. The study must include consideration of the best marketing methods to use for each possible land use identified. 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

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2063.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SCR 4032.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2027, SB 2028, SB 2059, SB 2060, SB 2069, SB 2110, SB 2125, SB 2141, SB 2152, SB 2161, SB 2165, SB 2172, SB 2178, SB 2212, SB 2232, SB 2248, SB 2308, SB 2316, SB 2371, and SB 2401 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2027:** Sens. Cook; Dever; Nelson  
**SB 2028:** Sens. Lyson; Olafson; Nelson  
**SB 2059:** Sens. Wanzek; Nodland; Horne  
**SB 2060:** Sens. Potter; Andrist; Nodland  
**SB 2069:** Sens. Nething; Lyson; Fiebiger  
**SB 2110:** Sens. Klein; Nodland; Behm  
**SB 2125:** Sens. Wanzek; Miller; Heckaman  
**SB 2141:** Sens. Lyson; Hogue; Triplett  
**SB 2152:** Sens. Olafson; Nething; Schneider  
**SB 2161:** Sens. Lyson; Olafson; Nelson  
**SB 2165:** Sens. Freborg; Erbele; Pomeroy  
**SB 2172:** Sens. Lyson; Olafson; Nelson  
**SB 2178:** Sens. Lyson; Nething; Fiebiger  
**SB 2212:** Sens. Freborg; G. Lee; Bakke  
**SB 2232:** Sens. Lyson; Olafson; Fiebiger  
**SB 2248:** Sens. Klein; Miller; Behm  
**SB 2308:** Sens. Klein; Wanzek; Horne  
**SB 2316:** Sens. Lyson; Hogue; Triplett  
**SB 2371:** Sens. Miller; Wanzek; Behm  
**SB 2401:** Sens. Olafson; J. Lee; Bakke

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2229 and wishes to inform you that the Senate does now concur with the House amendments to SB 2229 and subsequently failed to pass the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2229.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1023, HB 1042, HB 1044, HB 1088, HB 1093, HB 1171, and HB 1207.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1035, HB 1039, HB 1041, HB 1151, HB 1186, HB 1188, HB 1207, HB 1239, HB 1252, HB 1265, HB 1295, HB 1301, HB 1308, HB 1322, HB 1327, HB 1330, HB 1338, HB 1347, HB 1360, and HB 1368 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1035:** Reps. Kasper; Keiser; Boe  
**HB 1039:** Reps. Klemin; Dahl; Wolf  
**HB 1041:** Reps. Kingsbury; Dahl; Delmore  
**HB 1151:** Reps. Nottestad; N. Johnson; Thorpe  
**HB 1186:** Reps. Koppelman; Klemin; Delmore  
**HB 1188:** Reps. Porter; Damschen; Hanson  
**HB 1207:** Reps. Klemin; Kretschmar; Griffin  
**HB 1239:** Reps. Hofstad; DeKrey; Myxter  
**HB 1252:** Reps. Dahl; Boehning; Wolf  
**HB 1265:** Reps. L. Meier; D. Johnson; Myxter  
**HB 1295:** Reps. Weisz; R. Kelsch; Delmore  
**HB 1301:** Reps. Nottestad; Ruby; Gruchalla  
**HB 1308:** Reps. Hatlestad; Kingsbury; Griffin  
**HB 1322:** Reps. Damschen; Keiser; S. Kelsh  
**HB 1327:** Reps. Weisz; Hofstad; Holman  
**HB 1330:** Reps. Kasper; Clark; Thorpe  
**HB 1338:** Reps. Hatlestad; Koppelman; Kilichowski  
**HB 1347:** Reps. Koppelman; Boehning; Zaiser  
**HB 1360:** Reps. Wall; Karls; Mock  
**HB 1368:** Reps. N. Johnson; Sukut; Schneider

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1399, HB 1400, HB 1425, HB 1437, and HB 1449 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1399:** Reps. Karls; Schatz; J. Kelsh  
**HB 1400:** Reps. R. Kelsch; Wall; Mueller  
**HB 1425:** Reps. Weisz; Bellew; Potter  
**HB 1437:** Reps. Uglem; Frantsvog; Potter  
**HB 1449:** Reps. Keiser; DeKrey; Pinkerton

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1043, HB 1045, HB 1071, HB 1217, HB 1240, HB 1256, HB 1289, HB 1306, HB 1339, HB 1452, HB 1530, HB 1556, HB 1562.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2046, SB 2319, SB 2425, SCR 4027.

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

**MR. SPEAKER:** The President has signed: HB 1231, HB 1346, HB 1350.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 9, 2009, I have signed the following: SB 2085, SB 2160, SB 2297, SB 2300, SB 2370, SB 2403, and SB 2423.

Also, on April 10, 2009, I have signed the following: SB 2368.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, April 13, 2009, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1009, 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 1009 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "section" with "sections 4-01-19 and" and after "to" insert "marketing program revenue and"

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

Page 1, line 13, replace "1,145,262" with "1,649,478" and replace "8,130,102" with "8,634,318"

Page 1, line 14, replace "1,065,577" with "1,302,999" and replace "5,779,960" with "6,017,382"

Page 1, line 17, replace "78,623" with "283,623" and replace "2,378,325" with "2,583,325"

Page 1, line 20, replace "3,293,462" with "4,240,100" and replace "20,380,612" with "21,327,250"

Page 1, line 21, replace "2,141,162" with "2,620,208" and replace "13,529,488" with "14,008,534"

Page 1, line 22, replace "1,152,300" with "1,619,892" and replace "6,851,124" with "7,318,716"

Page 1, line 23, replace "2.00" with "5.00" and replace "69.50" with "72.50"

Page 2, line 3, replace "\$3,529,556" with "\$3,578,548"

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

Page 3, line 5, replace "agriculture commissioner" with "state board of animal health" and replace ", within the commissioner's 2009-11 biennium appropriation" with "increase the number of"

Page 3, remove line 6

Page 3, line 8, replace "commissioner" with "board"

Page 3, after line 9, insert:

**"SECTION 8. OFFICE SPACE LEASE FUNDING.** The operating expenses line item of 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.

**SECTION 9. PROJECT SAFE SEND - 2009 FLOOD PESTICIDE CLEANUP.** The operating expenses line item of section 1 of this Act includes the sum of \$40,000 from the general 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. EMERGENCY.** The sum of \$40,000 for project safe send included in the operating expenses line item of section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98010.0204 FN 3**

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

**REPORT OF STANDING COMMITTEE**

**HB 1019, 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 1019 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 3, after "reenact" insert "subsection 5 of section 55-08-05 and"

Page 1, line 4, after "grants" insert "and concession agreements; to provide legislative intent; and to declare an emergency"

Page 1, line 16, replace "233,516" with "292,752" and replace "2,182,685" with "2,241,921"

Page 1, line 17, replace "2,013,331" with "3,222,777" and replace "12,912,192" with "14,121,638"

Page 1, line 18, replace "(855,725)" with "(543,415)" and replace "7,780,799" with "8,093,109"

Page 1, line 20, replace "2,226,522" with "3,807,514" and replace "23,711,076" with "25,292,068"

Page 1, line 21, replace "(1,504,114)" with "(1,200,063)" and replace "11,844,003" with "12,148,054"

Page 1, line 22, replace "3,730,636" with "5,007,577" and replace "11,867,073" with "13,144,014"

Page 1, line 23, replace "0" with "2.50" and replace "50.50" with "53.00"

Page 2, line 4, replace "404,254" with "490,854" and replace "1,141,108" with "1,227,708"

Page 2, line 7, replace "4,254" with "90,854" and replace "1,141,108" with "1,227,708"

Page 2, line 9, replace "204,254" with "290,854" and replace "1,141,108" with "1,227,708"

Page 2, line 14, replace "3,934,890" with "5,298,431" and replace "13,008,181" with "14,371,722"

Page 2, line 15, replace "(1,704,114)" with "(600,063)" and replace "11,844,003" with "12,948,054"

Page 2, line 16, replace "2,230,776" with "4,698,368" and replace "24,852,184" with "27,319,776"

Page 2, line 22, replace "2,010,514" with "2,359,768"

Page 2, line 25, replace "0" with "86,600"

Page 2, line 29, replace "2,485,514" with "2,921,368"

Page 3, after line 18, insert:

**"SECTION 6. AMENDMENT.** Subsection 5 of section 55-08-05 of the North Dakota Century Code is amended and reenacted as follows:

5. Provide facilities for the sale to the public of food, nonintoxicating beverages, except beer and wine sales as provided in subsections 6 and 7, and other merchandise and personal services of a suitable nature, and

make buildings, structures, and other recreational facilities available for use and occupancy by the public, or contract for the lease of the buildings, structures, and facilities to a concessionaire to be operated on the terms and compensation basis as the director determines to be in the best interest of the state. The duration of a concession agreement may not exceed twenty years. A bond must be required of each concessionaire in the amount the director determines, conditioned upon the faithful performance of all duties under the lease and proper accounting for all funds."

Page 4, after line 11, insert:

**"SECTION 8. LEGISLATIVE INTENT - FEDERAL FISCAL STIMULUS FUNDS.** It is the intent of the sixty-first legislative assembly that the Fort Abraham Lincoln foundation be encouraged to seek federal fiscal stimulus funds for architectural and archeological services at Fort Abraham Lincoln.

**SECTION 9. 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 parks and recreation department, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Turtle River state park pedestrian bridge	\$300,000
Turtle Mountain scenic byway acquisition/trails	200,000
Fort Abraham Lincoln CCC building rehabilitation	<u>300,000</u>
Total federal funds	\$800,000

The parks and recreation department 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 10. EMERGENCY.** Section 9 of this Act is declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT - LC 98019.0213 FN 6

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

#### REPORT OF STANDING COMMITTEE

**HB 1090, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1090 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "including a postsecondary education program in the pursuit of"

Page 1, line 9, remove "a one-year, two-year, or four-year degree"

Page 4, line 3, remove "Child care assistance may be paid for up to two years for an eligible caretaker who"

Page 4, remove line 4

Page 4, line 5, remove "or four-year degree or certificate."

Page 4, line 24, after "investigation" insert "as provided under section 50-11.1-06.2 and"

Renumber accordingly

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

**Fran A. Gronberg, Secretary**