

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, February 9, 2009

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Representative R. Kelsch.

A quorum was declared by the Speaker.

MOTION

REP. VIGESAA MOVED that we suspend the rules according to Rule 329 for the following bills: HB 1193, HB 1270, HB 1338, HB 1431, HB 1492, HB 1496, and HB 1518 which motion prevailed.

MOTION

REP. VIGESAA MOVED that HB 1044, which is on the Eleventh order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1044 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to HB 1071, Engrossed HB 1135, HB 1151, HB 1193, HB 1221, HB 1243, HB 1270, HB 1317, HB 1321, HB 1322, HB 1323, HB 1338, HB 1340, HB 1370, HB 1399, HB 1403, HB 1417, HB 1425, HB 1453, HB 1455, HB 1463, HB 1464, HB 1466, HB 1498, HB 1510, HB 1518, HB 1534, HB 1540, and HB 1562.

HB 1193, HB 1243, HB 1270, HB 1317, HB 1338, HB 1425, HB 1498, HB 1518, and HB 1540, as amended, were rereferred to the **Appropriations Committee**.

HB 1071, Engrossed HB 1135, HB 1151, HB 1221, HB 1321, HB 1322, HB 1323, HB 1340, HB 1370, HB 1399, HB 1403, HB 1417, HB 1453, HB 1455, HB 1463, HB 1464, HB 1466, HB 1510, HB 1534, and HB 1562, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Weiler, Carlson, Boucher, Nathe and Sens. Stenehjem, O'Connell introduced:

HCR 3018: A concurrent resolution declaring Monday, February 9, 2009, "North Dakota Close-Up Day".

Was read the first time.

MOTION

REP. VIGESAA MOVED that the rules be suspended, that HCR 3018 not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Weiler, Carlson, Boucher, Nathe and Sens. Stenehjem, O'Connell introduced:

HOUSE CONCURRENT RESOLUTION NO. 3018

A concurrent resolution declaring Monday, February 9, 2009, "North Dakota Close-Up Day".

WHEREAS, the North Dakota Close-Up program is designed to ignite interest in the democratic process and instill in young people the desire to become active participants in their government; and

WHEREAS, the North Dakota Close-Up program concentrates on the functions and structures of state government and defines constitutional responsibilities assigned to each of the three branches of government; and

WHEREAS, the focus of the 2009 North Dakota Close-Up program is the legislative branch of government; and

WHEREAS, the North Dakota Close-Up program has been in existence over two decades; and

WHEREAS, it is anticipated that nearly 100 North Dakota high school students will participate in the 2009 North Dakota Close-Up program;

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

That the Sixty-first Legislative Assembly declares Monday, February 9, 2009, "North Dakota Close-Up Day"; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the North Dakota Council of Educational Leaders.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3018: A concurrent resolution declaring Monday, February 9, 2009, "North Dakota Close-Up Day".

The question being on the final adoption of the resolution, which has been read.

HCR 3018 was declared adopted on a voice vote.

MOTION

REP. VIGESAA MOVED that HCR 3018 be messaged to the Senate immediately, which motion prevailed.

MOTION

REP. DEKREY MOVED that HB 1493 be returned to the House floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. KLEMIN REQUESTED the unanimous consent of the House to withdraw HB 1493. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to amend and reenact subdivision c of subsection 2 of section 16.1-07-15 of the North Dakota Century Code, relating to early voting precincts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kelsch, R.

Engrossed HB 1180 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1461: A BILL for an Act to amend and reenact subdivision c of subsection 2 of section 16.1-07-15 of the North Dakota Century Code, relating to restrictions applicable to early voting precincts; 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 69 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Griffin; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kempenich; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut;

Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Boe; Boucher; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Gruchalla; Hanson; Hunskor; Kelsh, S.; Kerzman; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Schmidt; Thorpe; Winrich

ABSENT AND NOT VOTING: Kelsch, R.

Engrossed HB 1461 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1516: A BILL for an Act to amend and reenact section 16.1-05-06 of the North Dakota Century Code, relating to the canvassing of ballots of voters whose eligibility to vote has been challenged.

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 44 YEAS, 49 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Damschen; DeKrey; Delzer; Dosch; Drovda; Grande; Hatlestad; Headland; Heller; Kasper; Keiser; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Svedjan; Thoreson; Uglem; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

NAYS: Amerman; Boe; Boucher; Conklin; Conrad; Dahl; Delmore; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Sukut; Thorpe; Vig; Vigesaa; Wall; Williams; Winrich; Wolf; Zaiser

ABSENT AND NOT VOTING: Kelsch, R.

Engrossed HB 1516 lost.

SECOND READING OF HOUSE BILL

HB 1538: A BILL for an Act to amend and reenact section 16.1-13-10 and subsection 3 of section 44-02-02 of the North Dakota Century Code, relating to filling a vacancy in a legislative office and resignation of a member of the legislative assembly; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 26 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Boehning; Brandenburg; Drovda; Frantsvog; Griffin; Hatlestad; Hawken; Headland; Heller; Johnson, D.; Johnson, N.; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Nottestad; Pollert; Schatz; Sukut; Uglem; Wall; Wieland; Wrangham

NAYS: Amerman; Bellew; Belter; Berg; Boe; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Ekstrom; Froelich; Froseth; Glassheim; Grande; Gruchalla; Hanson; Hofstad; Holman; Hunskor; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Klein; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schmidt; Schneider; Skarphol; Svedjan; Thoreson; Thorpe; Vig; Vigesaa; Wald; Weiler; Weisz; Williams; Winrich; Wolf; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Kelsch, R.

Engrossed HB 1538 lost.

SECOND READING OF HOUSE BILL

HB 1576: A BILL for an Act to amend and reenact section 16.1-05-06 and subdivision a of subsection 2 of section 16.1-07-15 of the North Dakota Century Code, relating to the canvassing of ballots of voters whose eligibility to vote has been challenged and early voting precincts.

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 47 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Boehning; Brandenburg; Carlson; Clark; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Grande; Hatlestad; Headland; Heller; Karls; Kasper; Keiser; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

NAYS: Amerman; Berg; Boe; Boucher; Conklin; Conrad; Dahl; Delmore; Ekstrom; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Wall; Williams; Winrich; Wolf; Zaiser

ABSENT AND NOT VOTING: Kelsch, R.

Engrossed HB 1576 lost.

SECOND READING OF HOUSE BILL

HB 1282: A BILL for an Act to amend and reenact section 11-18-02.2 of the North Dakota Century Code, relating to statements of full consideration for property sales which must be filed with the state board of equalization or the recorder.

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 24 YEAS, 69 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Conklin; Delmore; Ekstrom; Froelich; Glassheim; Gruchalla; Hunskor; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kroeber; Metcalf; Mueller; Myxter; Onstad; Pinkerton; Schmidt; Thorpe; Vig; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Griffin; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Mock; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Kelsch, R.

HB 1282 was declared adopted.

SECOND READING OF HOUSE BILL

HB 1395: A BILL for an Act to amend and reenact section 16.1-04-01 of the North Dakota Century Code, relating to the establishment of precincts and designation of voting places.

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 14 YEAS, 78 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Clark; DeKrey; Delzer; Dosch; Grande; Kasper; Meier, L.; Ruby; Rust; Schneider; Thoreson; Weisz; Zaiser

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

ABSENT AND NOT VOTING: Berg; Kelsch, R.

HB 1395 lost.

SECOND READING OF HOUSE BILL

HB 1396: A BILL for an Act to amend and reenact section 16.1-11-27 of the North Dakota Century Code, relating to arrangement of names on ballots.

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, 86 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dosch; Kasper; Koppelman; Nathe; Thoreson; Weiler

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

ABSENT AND NOT VOTING: Kelsch, R.; Meier, L.

HB 1396 lost.

SECOND READING OF HOUSE BILL

HB 1423: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit for property tax purposes; 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 9 YEAS, 84 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Conrad; Drovdal; Kasper; Kempenich; Meyer, S.; Ruby; Thoreson; Zaiser

NAYS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Mock; Mueller;

Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Kelsch, R.

HB 1423 lost.

SECOND READING OF HOUSE BILL

HB 1428: A BILL for an Act to amend and reenact subdivisions c and f of subsection 1 of section 40-63-03 and subsection 5 of section 40-63-07 of the North Dakota Century Code, relating to extension of the duration of a renaissance zone program, available income tax credits for renaissance zone investments, and designation of additional blocks as part of a renaissance zone; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kelsch, R.

HB 1428 passed.

SECOND READING OF HOUSE BILL

HB 1432: A BILL for an Act to amend and reenact section 12.1-20-25 of the North Dakota Century Code, relating to sexual offenders near schools, public parks, and licensed early childhood facilities.

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 28 YEAS, 65 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Boehning; Boucher; Damschen; Dosch; Ekstrom; Gruchalla; Hanson; Hawken; Headland; Kasper; Kelsh, S.; Kempenich; Kerzman; Meier, L.; Myxter; Nathe; Pietsch; Pinkerton; Pollert; Ruby; Rust; Schatz; Skarphol; Thoreson; Vigesaa; Weiler

NAYS: Amerman; Berg; Boe; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Delzer; Drovdal; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Hatlestad; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, J.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Nelson; Nottestad; Onstad; Porter; Potter; Schmidt; Schneider; Sukut; Svedjan; Thorpe; Uglem; Vig; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Kelsch, R.

HB 1432 lost.

SECOND READING OF HOUSE BILL

HB 1456: A BILL for an Act to amend and reenact subsections 6 and 7 of section 57-38-01.8 of the North Dakota Century Code, relating to transfer of a wind energy device installation 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 NOT PASS, the roll was called and there were 37 YEAS, 56 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Kelsch, R.

HB 1456 lost.

SECOND READING OF HOUSE BILL

HB 1458: A BILL for an Act to create and enact a new subsection to section 59-09-03 and a new section to chapter 59-18 of the North Dakota Century Code, relating to the definition of irrevocable in reference to a trust and a presumption against eligibility for assistance programs for certain transactions; and to amend and reenact sections 59-16-13 and 59-17-06 of the North Dakota Century Code, relating to the duty of a trustee to inform beneficiaries and the settlor.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kelsch, R.

HB 1458 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1469: A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the purchase and use of textbooks.

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 35 YEAS, 58 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Brandenburg; Clark; Damschen; DeKrey; Delzer; Dosch; Drovdal; Froseth; Grande; Hatlestad; Headland; Karls; Kasper; Kempenich; Kerzman; Klein; Koppelman;

Kretschmar; Meier, L.; Nathe; Nelson; Pinkerton; Pollert; Porter; Schatz; Skarphol; Sukut; Thoreson; Thorpe; Wald; Weiler; Weisz; Wieland; Wrangham

NAYS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Carlson; Conklin; Conrad; Dahl; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Kreidt; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nottestad; Onstad; Pietsch; Potter; Ruby; Rust; Schmidt; Schneider; Svedjan; Uglem; Vig; Vigesaa; Wall; Williams; Winrich; Wolf; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Kelsch, R.

HB 1469 lost.

SECOND READING OF HOUSE BILL

HB 1485: A BILL for an Act to amend and reenact section 57-51.1-07.2 of the North Dakota Century Code, relating to transfers to the permanent oil tax trust fund.

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 38 YEAS, 55 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Conklin; Conrad; Ekstrom; Froelich; Glassheim; Gruchalla; Hanson; Hawken; Holman; Hunskor; Johnson, N.; Kaldor; Kasper; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Kroeber; Metcalf; Mock; Mueller; Myxter; Nottestad; Onstad; Pinkerton; Potter; Schmidt; Thoreson; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Griffin; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Karls; Keiser; Kempenich; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Nathe; Nelson; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Kelsch, R.

HB 1485 lost.

SECOND READING OF HOUSE BILL

HB 1511: A BILL for an Act to provide for the establishment of a medicaid fraud control unit in the office of the attorney general.

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 32 YEAS, 61 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Boucher; Clark; Conklin; Conrad; Dosch; Ekstrom; Glassheim; Grande; Griffin; Gruchalla; Hanson; Holman; Kaldor; Kasper; Kelsh, S.; Kilichowski; Koppelman; Meier, L.; Mock; Onstad; Pinkerton; Potter; Rust; Schatz; Schneider; Thoreson; Vig; Wald; Winrich; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Dahl; Damschen; DeKrey; Delmore; Delzer; Drovdal; Frantsvog; Froelich; Froseth; Hatlestad; Hawken; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, J.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Schmidt; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Kelsch, R.

HB 1511 lost.

SECOND READING OF HOUSE BILL

HB 1536: A BILL for an Act to create and enact a new section to chapter 23-29 of the North Dakota Century Code, relating to a waste reduction fund and program; and to provide a continuing appropriation.

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, 69 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Boucher; Ekstrom; Glassheim; Griffin; Gruchalla; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Metcalf; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Winrich; Zaiser

NAYS: Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Frantsvog; Froseth; Grande; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Kelsch, R.

HB 1536 lost.

SECOND READING OF HOUSE BILL

HB 1520: A BILL for an Act to create a parks and recreation department county park matching grant pilot program; to provide an appropriation; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 81 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Conklin; Ekstrom; Kaldor; Kelsh, S.; Kerzman; Kilichowski; Kroeber; Myxter; Onstad; Schmidt; Zaiser

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

ABSENT AND NOT VOTING: Froelich; Kelsch, R.

HB 1520 lost.

SECOND READING OF HOUSE BILL

HB 1544: A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to disclosure of identity when on foreclosure 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 9 YEAS, 84 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Boehning; Brandenburg; Dosch; Headland; Meier, L.; Skarphol; Thoreson; Weiler

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

ABSENT AND NOT VOTING: Kelsch, R.

HB 1544 lost.

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.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 65 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Damschen; Delmore; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Glassheim; Grande; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nathe; Nottestad; Onstad; Pietsch; Pollert; Porter; Rust; Schatz; Schmidt; Skarphol; Sukut; Svedjan; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

NAYS: Amerman; Bellew; Conrad; Dahl; DeKrey; Ekstrom; Froelich; Griffin; Gruchalla; Holman; Kaldor; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Mock; Nelson; Pinkerton; Potter; Ruby; Schneider; Thoreson; Thorpe; Vig; Winrich; Wolf; Zaiser

ABSENT AND NOT VOTING: Kelsch, R.

HCR 3009 was declared adopted.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

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

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Boe; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Rust; Schatz; Schmidt; Schneider; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Bellew; Belter; Boehning; Carlson; DeKrey; Delzer; Dosch; Drovdal; Froseth; Grande; Headland; Heller; Kasper; Keiser; Kempenich; Nathe; Pollert; Porter; Ruby; Skarphol; Svedjan; Wald; Weiler; Weisz; Wieland

ABSENT AND NOT VOTING: Kelsch, R.

HCR 3025 was declared adopted.

MOTION

REP. VIGESAA MOVED that HB 1547, HB 1046, and HB 1037 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1358: A BILL for an Act to amend and reenact sections 37-28-02 and 37-28-03 of the North Dakota Century Code, relating to adjusted compensation for domestic service by active component members.

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 39 YEAS, 54 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hawken; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Klemin; Kretschmar; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nottestad; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser

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

ABSENT AND NOT VOTING: Kelsch, R.

HB 1358 lost.

SECOND READING OF HOUSE BILL

HB 1066: A BILL for an Act to create and enact three new subdivisions to subsection 7 of section 57-38-30.3 and three new sections to chapter 57-38 of the North Dakota Century Code, relating to income tax credits for purchases of manufacturing machinery and equipment for the purpose of automating manufacturing processes, qualified expenditures for lean manufacturing, and qualified expenses for innovation; 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 25 YEAS, 68 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Berg; Dahl; DeKrey; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hawken; Johnson, N.; Kaldor; Keiser; Kelsh, S.; Kempenich; Meier, L.; Myxter; Porter; Ruby; Schatz; Schneider; Vig; Wall; Zaiser

NAYS: Amerman; Belter; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Damschen; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Karls; Kasper; Kelsh, J.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Rust; Schmidt; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Kelsch, R.

Engrossed HB 1066 lost.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act to create and enact a new subsection to section 57-35.3-05 of the North Dakota Century Code, relating to a financial institution tax credit for charitable gifts; to amend and reenact section 57-38-01.21 of the North Dakota Century Code, relating to the income tax credit for charitable gifts; 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 21 YEAS, 72 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Dosch; Ekstrom; Glassheim; Grande; Gruchalla; Hunskor; Johnson, N.; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Meier, L.; Metcalf; Mueller; Porter; Thorpe; Wald; Weiler

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Drovda; Frantsvog; Froelich; Froseth; Griffin; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Kaldor; Karls; Kasper; Kempenich; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meyer, S.; Mock; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Kelsch, R.

Engrossed HB 1203 lost.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to create and enact chapter 32-03.4 of the North Dakota Century Code, relating to the transfer of structured settlements; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kelsch, R.

Engrossed HB 1205 passed and the title was agreed to.

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

MR. PRESIDENT: The Speaker has signed: SRM 8501.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1088, HB 1110, HB 1145, HB 1184, HB 1186, HB 1207, HB 1214, HB 1215, HB 1241, HB 1253, HB 1265, HB 1271, HB 1288, HB 1309, HB 1333, HB 1334, HB 1336, HB 1437, HB 1448, HB 1500, HB 1549.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3018.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1402.

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

MR. SPEAKER: Your signature is respectfully requested on: SRM 8501.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2274, SB 2370, SB 2389.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Tuesday, February 10, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1067: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1067 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "employees of" with "engineers and geologists employed by" and after "service" insert "; and to declare an emergency"

Page 2, line 13, replace "Employees of" with "Engineers and geologists employed by"

Page 2, after line 13, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1112: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1112 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "or a rule adopted under this"

Page 1, line 12, remove "chapter"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1149: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1149 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "~~The commissioner shall employ~~"

Page 1, line 11, after "~~Bismarck~~" insert "an individual who has a baccalaureate degree in entomology, plant pathology, or biological sciences" and remove the overstrike over the overstruck period

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1161: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1161 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 section 39-06-03.1, subsection 2 of section 39-06-07, section 39-06-07.1, subsection 3 of section 39-06-19, and subsection 1 of section 39-06.2-08 of the North Dakota Century Code, relating to legal presence for obtaining an operator's license or nondriver identification card, license renewal fees, and commercial driver's license fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-03.1. Nondriver photo identification card issued by director - Release of information - Penalty - Public awareness.

1. The director shall issue a nondriver color photo identification card to any North Dakota resident who fulfills the requirements of this section. An application for an identification card must be made on a form furnished by the director. Within thirty days from receipt of a complete application that includes the applicant's social security number, the director shall determine whether to issue and, if appropriate, issue a nondriver photo identification card to an applicant. The application must provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.6. If requested on the identification card application, the identification card issued by the director must include a statement making an anatomical gift under chapter 23-06.6. If the person is under the age of eighteen or at least the age of eighteen and under the age of twenty-one, the photo must be against the same color background required on a motor vehicle operator's license for an operator of that age. Subject to the provisions of subsection 1 of section 39-06-19, identification cards expire eight years from the date of issue and may be renewed. The application must contain such other information as the director may require to improve identity security. The director may require an applicant for an identification card to provide a social security card and proof of residence address.
2. To confirm the identity, date of birth, and legal presence of the applicant, the director or examining officer shall require satisfactory evidence be provided by the applicant. Satisfactory evidence includes a certified copy of the applicant's birth certificate or other evidence reasonably calculated to permit the determination of the date of birth and, identification, and legal presence of the applicant by the director or examining officer.
3. The fee is eight dollars. Fees collected pursuant to this section must be paid monthly into the highway fund in the state treasury.
4. Any information obtained by the director from an applicant for the issuance, renewal, or replacement of an identification card issuable pursuant to this chapter may only be released in accordance with the provisions of section 39-16-03.
5. It is a class B misdemeanor for any person, except the director or the director's authorized agent, to print or otherwise produce or reproduce cards or their components, which may be utilized as identification cards issued pursuant to this section.
6. The director may advertise the availability and the use of the card.
7. Identification cards issued pursuant to this section are sufficient identification for all identification purposes.
8. The director shall cancel any card upon determining that the holder is not entitled to the issuance of the card under the laws of this state, or the holder has failed to give the required or correct information to the director, or has committed fraud in making the application, or the fee was in the form of an insufficient or no-account check. Upon cancellation, the holder shall surrender the card to the director. When a cancellation is in effect, any law enforcement officer may take custody of the card.

9. A duplicate card may be obtained by making an application and paying an eight dollar fee. For a cardholder who has reached the age of eighteen or twenty-one, a replacement card may be obtained by making an application and paying an eight dollar fee.
10. The director may not withhold the issuance of a nondriver color photo identification card without reasonable cause.

SECTION 2. AMENDMENT. Subsection 2 of section 39-06-07 of the North Dakota Century Code is amended and reenacted as follows:

2. Every application must state the full name, date of birth, sex, social security number, residence and mailing address, and briefly describe the applicant. In signing the application the applicant is deemed to have certified that all information contained on the application is true and correct. The application must be accompanied by the proper fee. The application must also provide for the voluntary identification of the applicant as a donor under the provisions of chapter 23-06.6. The application must contain such other information as the director may require to improve identity security. The director may require an applicant for a license or instruction permit to provide a social security card and proof of residence address.

SECTION 3. AMENDMENT. Section 39-06-07.1 of the North Dakota Century Code is amended and reenacted as follows:

39-06-07.1. Proof of name and, date of birth, and legal presence for operator's license application. The name ~~and, date of birth, and legal presence~~ on all applications must be verified by a birth certificate or other satisfactory evidence. Applicants must produce documents which will be acceptable as listed below:

1. Certified birth certificate; or
2. Any other documentary evidence which confirms to the satisfaction of the director the true identity ~~and, date of birth, and legal presence~~ of the applicant.

SECTION 4. AMENDMENT. Subsection 3 of section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

3. An applicant for renewal must present the application with fee for renewal of license to the director not before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. ~~After the initial application for a license in this state, the~~ The director may not require an applicant for renewal, replacement, or a substitute to provide a social security card unless the applicant is changing the distinguishing number on the license to the applicant's social security number and proof of residence address. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.

SECTION 5. AMENDMENT. Subsection 1 of section 39-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

1. The application for a commercial driver's license or commercial driver's instruction permit must include the following:
 - a. The full name and current mailing address of the person;
 - b. A physical description of the person, including sex, height, weight, and eye and hair color;
 - c. Date of birth;
 - d. The applicant's social security number;
 - e. The person's signature;

- f. The certifications including those required by 49 CFR part 383.71(a);
- g. Any other information required by the director; and
- h. A consent to release driving record information.

The application must be accompanied by an application fee of fifteen dollars. The application must contain any other information as the director may require to improve identity security. The director may require an applicant for a commercial license or commercial instruction permit to provide a social security card and proof of residence address."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1218: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1218 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1242: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1242 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "An employer of or a" with "A"

Page 1, line 7, after "positively" insert "for drugs and a blood alcohol technician for an employee who has tested positive for alcohol,"

Page 1, line 9, replace "social security" with "commercial driver's license"

Page 1, line 10, remove ", other"

Page 1, line 11, remove "than the social security number,"

Page 1, line 12, replace "A report is a permanent record" with "The director may not provide the information in a report to a requester after ten years from the date of the test"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1326: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1326 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 create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to requested certification by livestock producers and processors; and to provide a continuing appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:

State board of animal health - Certification of livestock - Fees - Continuing appropriation.

1. a. At the request of a livestock producer, the board shall provide inspection and verification services for the purpose of certifying that livestock have been or are being raised according to standards and protocols articulated by the producer.
- b. At the request of a livestock processor, the board shall provide inspection and verification services for the purpose of certifying that

the meat products and manner of processing meet or exceed standards, descriptions, or specifications articulated by the processor.

- c. The board shall determine the nature and scope of the inspection and verification services necessary to provide the certification requested under this subsection.
2. The board may establish and charge fees for the requested services. The board shall forward all moneys received under this section to the state treasurer for deposit in the agriculture commissioner's operating fund."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1337: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1337 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1341: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1341 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 of a state employee tuition reimbursement pool program."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. STATE EMPLOYEE TUITION REIMBURSEMENT POOL - LEGISLATIVE COUNCIL STUDY. During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of an appropriation to the office of management and budget for a state employee tuition reimbursement pool program. The study must address the amount to be allocated to the pool and the agencies that would be authorized to reimburse state employees for tuition costs of eligible and approved education programs. 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 1349: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1349 was placed on the Sixth order on the calendar.

Page 1, line 16, after "employee" insert ", if approved by a supervisor,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1407, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1407 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "57-39.2-26.1,"

Page 11, remove lines 1 through 30

Page 12, remove lines 1 through 31

Page 13, remove lines 1 through 22

Page 14, line 10, replace "\$70,000,000" with "\$20,000,000" and remove "\$50,000,000 to the"

Page 14, remove line 11

Page 14, line 12, remove "sixty-first legislative assembly and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1409: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1409 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1418: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1418 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "department of human services establishment of a" and remove "rating system"

Page 1, line 4, remove "care"

Page 1, line 8, remove "**and rating system**"

Page 1, replace lines 10 through 24 with:

1. The department shall provide voluntary, progressive training opportunities leading to credentials and shall provide supports for the early childhood care and education workforce. The department shall implement a registry to track workforce participation.
2. The department shall implement a voluntary quality improvement process for licensed early childhood facilities. The department may provide a quality incentive payment and a

Page 2, line 2, remove "care" and replace "shall" with "may"

Page 2, line 3, replace "to meet" with "for"

Page 2, line 4, remove "and rating system criteria"

Page 2, line 5, remove "as defined by"

Page 2, line 6, remove "the rating system"

Page 2, line 8, replace "shall" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1431: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1431 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 39-08 and a new paragraph to"

Page 1, remove line 2

Page 1, line 3, remove "to a penalty for failure to submit to testing; to"

Page 1, line 4, remove "39-08-22,"

Page 4, remove lines 1 through 11

Page 5, line 21, remove "five hundred"

Page 6, remove lines 7 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1440: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1440 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1457: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1457 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1459: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1459 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 legislative findings and a declaration concerning lands around Lake Oahe managed by the army corps of engineers."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE FINDINGS AND DECLARATION OF INTENT.

The legislative assembly finds and declares that:

1. The economy and well-being of the residents of North Dakota are dependent upon agriculture.
2. The United States, through the army corps of engineers, has acquired certain lands around Lake Oahe.
3. The army corps of engineers has failed to control weeds and manage this land properly.
4. The failure to control weeds on land managed by the army corps of engineers is a public nuisance and jeopardizes the public health, safety, and general welfare of the citizens of North Dakota.

SECTION 2. CONGRESS URGED TO TRANSFER CERTAIN LANDS - DUTIES OF SECRETARY OF STATE. The legislative assembly urges the Congress of the United States to enact legislation to transfer lands around Lake Oahe, excluding lands adjoining the Standing Rock Reservation, owned by the United States, through the army corps of engineers, to the state of North Dakota. The secretary of state shall forward copies of this Act to each member of the North Dakota congressional delegation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1491: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1491 was placed on the Sixth order on the calendar.

Page 4, line 11, overstrike "fifteen" and insert immediately thereafter "five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1492: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1492 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "Operate a wireless or cellular communications device" with "Manually operate an electronic device, which is not permanently affixed to the motor vehicle"

unless the device is designed for use in the motor vehicle by the manufacturer of the motor vehicle."

Page 2, line 5, replace "a person's" with "an individual's"

Page 2, line 16, replace "Has presented certification" with "Submits an affidavit signed by that individual and" and after "guardian" insert "which states"

Page 2, line 18, after the second "driving" insert "and of which at least four hours must consist of driving on a gravel, dirt, or aggregate surface road"

Page 2, line 25, replace "passenger is a sibling" with "passengers are siblings"

Page 2, line 29, replace "Operate a wireless or cellular communications device" with "Manually operate an electronic device, which is not permanently affixed to the motor vehicle unless the device is designed for use in the motor vehicle by the manufacturer of the motor vehicle."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1496: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1496 was placed on the Sixth order on the calendar.

Page 1, line 22, replace "general" with "agricultural fuel tax" and replace "\$100,000" with "\$75,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1523: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1523 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1526: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1526 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1528: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1528 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1529: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1529 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1567: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1567 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "guides and" and after "outfitters" insert "; to provide an expiration date; and to declare an emergency"

Page 1, line 9, replace "refers an individual to a licensed guide or" with "acts as a booking agent for a person that legally conducts business as an" and replace "person" with "booking agent"

Page 1, line 10, replace "a licensed guide or" with "an"

Page 1, line 15, after the period insert "For purposes of this section, a booking agent means a person that receives only a fee for referring or marketing the services of a legal outfitter in this state."

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2011, and after that date is ineffective.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE (MAJORITY)

HB 1575: Government and Veterans Affairs (Rep. B. Grande, Chairman) A MAJORITY of your committee (Reps. Grande, Boehning, Dahl, Froseth, Karls, Kasper, L. Meier, Nathe, Schneider) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee**.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by peace officers employed by the bureau of criminal investigation in the defined benefit retirement plan; to amend and reenact subsection 11 of section 54-52-01, subsection 3 of section 54-52-05, and subsection 3 of section 54-52-17 of the North Dakota Century Code, relating to participation by peace officers employed by the bureau of criminal investigation in the defined benefit retirement plan; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 11 of section 54-52-01 of the North Dakota Century Code is amended and reenacted as follows:

11. "Peace officer" means a participating member who is a peace officer as defined in section 12-63-01 and is employed as a peace officer by the bureau of criminal investigation or by a political subdivision and, notwithstanding subsection 12, for persons employed after August 1, 2005, is employed thirty-two hours or more per week and at least twenty weeks each year of employment. Participating members of the law enforcement retirement plan created by this chapter who begin employment after August 1, 2005, are ineligible to participate concurrently in any other retirement plan administered by the public employees retirement system.

SECTION 2. AMENDMENT. Subsection 3 of section 54-52-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Each employer, at its option, may pay all or a portion of the employee contributions required by subsection 2 and sections 54-52-06.1, 54-52-06.2, ~~and 54-52-06.3,~~ and section 3 of this Act or the employee contributions required to purchase service credit on a pretax basis pursuant to subsection 5 of section 54-52-17.4. Employees may not receive the contributed amounts directly once the employer has elected to pay the employee contributions. The amount paid must be paid by the employer in lieu of contributions by the employee. If the state determines not to pay the contributions, the amount that would have been paid must continue to be deducted from the employee's compensation. If contributions are paid by the employer, they must be treated as employer contributions in determining tax treatment under this code and the federal Internal Revenue Code. If contributions are paid by the employer, they may not be included as gross income of the employee in determining tax treatment under this code and the Internal Revenue Code until they are distributed or made available. The employer shall pay these employee contributions from the same source of funds used in paying compensation to the employee or from the levy authorized by subsection 5 of section 57-15-28.1. The employer shall pay these contributions by effecting an equal cash reduction in the gross salary of the employee or by an offset against future salary increases or by a contribution of a reduction in gross salary and offset against future salary increases. If employee contributions are paid by the employer, they must be treated for the purposes of this chapter in the same manner and to the same extent as employee contributions made prior to the date on which employee contributions were assumed by the employer.

An employer exercising its option under this subsection shall report its choice to the board in writing.

SECTION 3. A new section to chapter 54-52 of the North Dakota Century Code is created and enacted as follows:

Contribution by peace officers employed by the bureau of criminal investigation - Employer contribution. Each peace officer employed by the bureau of criminal investigation who is a member of the public employees retirement system is assessed and shall pay monthly four percent of the employee's monthly salary. The assessment must be deducted and retained out of the employee's salary in equal monthly installments. The peace officer's employer shall contribute an amount determined by the board to be actuarially required to support the level of benefits specified in section 54-52-17. The employer's contribution must be paid from funds appropriated for salary or from any other funds available for such purposes. If the peace officer's assessment is paid by the employer under subsection 3 of section 54-52-05, the employer shall contribute, in addition, an amount equal to the required peace officer's assessment.

SECTION 4. AMENDMENT. Subsection 3 of section 54-52-17 of the North Dakota Century Code is amended and reenacted as follows:

3. Retirement dates are defined as follows:
 - a. Normal retirement date, except for a national guard security officer or firefighter or a peace officer or correctional officer employed by the bureau of criminal investigation or by a political subdivision, is:
 - (1) The first day of the month next following the month in which the member attains the age of sixty-five years; or
 - (2) When the member has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.
 - b. Normal retirement date for a national guard security officer or firefighter is the first day of the month next following the month in which the national guard security officer or firefighter attains the age of fifty-five years and has completed at least three consecutive years of employment as a national guard security officer or firefighter immediately preceding retirement.
 - c. Normal retirement date for a peace officer or correctional officer employed by a political subdivision is:
 - (1) The first day of the month next following the month in which the peace officer or correctional officer attains the age of fifty-five years and has completed at least three consecutive years of employment as a peace officer or correctional officer immediately preceding retirement; or
 - (2) When the peace officer or correctional officer has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.
 - d. Normal retirement date for a peace officer employed by the bureau of criminal investigation is:
 - (1) The first day of the month next following the month in which the peace officer attains the age of fifty-five years and has completed at least three consecutive years of employment as a peace officer immediately preceding retirement; or
 - (2) When the peace officer has a combined total of years of service credit and years of age equal to eighty-five and has not received a retirement benefit under this chapter.
 - e. Postponed retirement date is the first day of the month next following the month in which the member, on or after July 1, 1977, actually

severs or has severed the member's employment after reaching the normal retirement date.

- e- f. Early retirement date, except for a national guard security officer or firefighter or a peace officer or correctional officer employed by the bureau of criminal investigation or by a political subdivision, is the first day of the month next following the month in which the member attains the age of fifty-five years and has completed three years of eligible employment. For a national guard security officer or firefighter, early retirement date is the first day of the month next following the month in which the national guard security officer or firefighter attains the age of fifty years and has completed at least three years of eligible employment. For a peace officer or correctional officer employed by the bureau of criminal investigation or by a political subdivision, early retirement date is the first day of the month next following the month in which the peace officer or correctional officer attains the age of fifty years and has completed at least three years of eligible employment.
- f- g. Disability retirement date is the first day of the month after a member becomes permanently and totally disabled, according to medical evidence called for under the rules of the board, and has completed at least one hundred eighty days of eligible employment. For supreme and district court judges, permanent and total disability is based solely on a judge's inability to perform judicial duties arising out of physical or mental impairment, as determined pursuant to rules adopted by the board or as provided by subdivision a of subsection 3 of section 27-23-03. A member is eligible to receive disability retirement benefits only if the member:
- (1) Became disabled during the period of eligible employment; and
 - (2) Applies for disability retirement benefits within twelve months of the date the member terminates employment.

A member is eligible to continue to receive disability benefits as long as the permanent and total disability continues and the member submits the necessary documentation and undergoes medical testing required by the board, or for as long as the member participates in a rehabilitation program required by the board, or both. If the board determines that a member no longer meets the eligibility definition, the board may discontinue the disability retirement benefit. The board may pay the cost of any medical testing or rehabilitation services it deems necessary and these payments are appropriated from the retirement fund for those purposes.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$185,946, or so much of the sum as may be necessary, and \$15,164 in other funds, or so much of the sum as may be necessary, to the attorney general for the purpose of implementing this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

REPORT OF STANDING COMMITTEE (MINORITY)

HB 1575: Government and Veterans Affairs (Rep. B. Grande, Chairman) A **MINORITY** of your committee (Reps. Amerman, Conklin, Winrich, Wolf) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee**.

Page 1, line 1, after "enact" insert "a new section to chapter 39-03.1, a new section to chapter 54-52, and"

Page 1, line 2, after "to" insert "public employee supplemental retiree benefit payments and"

Page 1, after line 7, insert:

"SECTION 1. A new section to chapter 39-03.1 of the North Dakota Century Code is created and enacted as follows:

Supplemental retiree benefit payment. The board shall authorize an additional payment equal to seventy-five percent of the August retirement allowance to each eligible retiree in pay status as of August 1, 2009, including joint and survivor and term certain beneficiaries, under this chapter. The board may make only one payment to each retiree under this section."

Page 1, after line 17, insert:

"**SECTION 3.** A new section to chapter 54-52 of the North Dakota Century Code is created and enacted as follows:

Supplemental retiree benefit payment. The board shall authorize an additional payment equal to seventy-five percent of the August retirement allowance to each eligible retiree in pay status as of August 1, 2009, including judicial retirees and beneficiaries and including joint and survivor and term certain beneficiaries, under this chapter. The board may make only one payment to each retiree under this section."

Page 9, after line 28, insert:

"**SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$227,000, or so much of the sum as may be necessary, to the highway patrolmen's retirement fund for the purpose of funding benefit enhancements contained under section 1 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 7. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,354,000, or so much of the sum as may be necessary, to the public employees retirement fund for the purpose of funding benefit enhancements contained under section 3 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 10, line 2, replace "in" with "under section 5 of"

Renumber accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

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

Buell J. Reich, Chief Clerk