

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

\* \* \* \* \*

Bismarck, February 19, 2009

The House convened at 8:30 a.m., with Speaker Monson presiding.

The prayer was offered by Pastor Craig Wentzel with Zoar Free Lutheran Church, Edmore.

The roll was called and all members were present.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Delzer, Chairman)** has carefully examined the Journal of the Thirty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 636, after line 7, insert:

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

## SIXTH ORDER OF BUSINESS

**SPEAKER MONSON DEEMED** approval of the amendments to HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1014, HB 1016, HB 1017, HB 1018, HB 1019, HB 1020, HB 1021, HB 1022, HB 1023, HB 1057, HB 1175, HB 1407, HB 1433, and HB 1540.

HB 1001, HB 1002, HB 1003, HB 1004, HB 1005, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1011, HB 1014, HB 1016, HB 1017, HB 1018, HB 1019, HB 1020, HB 1021, HB 1022, HB 1023, HB 1057, HB 1175, HB 1407, HB 1433, and HB 1540, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

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

Page 658, remove lines 49 through 57

Page 659, remove lines 1 through 59

Page 660, remove lines 1 through 10

## SIXTH ORDER OF BUSINESS

**SPEAKER MONSON DEEMED** approval of the amendments to HB 1003, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1016, HB 1017, HB 1018, HB 1019, HB 1020, HB 1021, HB 1022, HB 1023, HB 1057, HB 1175, HB 1407, HB 1433, and HB 1540.

HB 1003, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1016, HB 1017, HB 1018, HB 1019, HB 1020, HB 1021, HB 1022, HB 1023, HB 1057, HB 1175, HB 1407, HB 1433, and HB 1540, as amended, were placed on the Eleventh order of business on today's calendar.

## MOTION

**REP. CARLSON MOVED** that SB 2025, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1060:** A BILL for an Act to amend and reenact section 54-35-23 of the North Dakota Century Code, relating to extension of the committee on tribal and state relations.

## 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 86 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Drovdal; Ekstrom; Frantsvog; Froelich; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; 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; Zaiser; Speaker Monson

**NAYS:** Boehning; Delzer; Dosch; Froseth; Nathe

**ABSENT AND NOT VOTING:** Kelsh, S.; Metcalf; Schmidt

Engrossed HB 1060 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1059:** A BILL for an Act to amend and reenact sections 54-36-01 and 54-36-03 of the North Dakota Century Code, relating to the members and the powers and duties of the Indian affairs commission.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Heller; Kelsh, S.; Metcalf; Skarphol

Engrossed HB 1059 passed and the title was agreed to.

\*\*\*\*\*

### SEVENTH ORDER OF BUSINESS

#### MOTION

**REP. GRIFFIN MOVED** that the report of the Minority be subsituted for the report of the Majority on HB 1390.

#### REQUEST

**REP. GRIFFIN REQUESTED** a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on HB 1390, which request was granted.

### ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on HB 1390, the roll was called and there were 42 YEAS, 52 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Boucher; Brandenburg; Carlson; Conklin; Conrad; Delmore; Drovdal; Ekstrom; Froelich; Glassheim; Grande; Griffin; Gruchalla; Hanson; Headland; Holman; Hunskor; Kaldor; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pietsch; Potter; Schmidt; Schneider; Skarphol; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Berg; Boe; Boehning; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Frantsvog; Froseth; Hatlestad; Hawken; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman;

Kreidt; Kretschmar; Martinson; Meier, L.; Nathe; Nelson; Nottestad; Pinkerton; Pollert; Porter; Ruby; Rust; Schatz; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

The motion that the report of the Minority be substituted for the report of the Majority on HB 1390 failed, therefore, the report of the Majority was adopted.

#### SECOND READING OF HOUSE BILL

**HB 1390:** A BILL for an Act to amend and reenact section 32-42-01 of the North Dakota Century Code, relating to the definition of noneconomic damages; and to repeal section 32-42-02 of the North Dakota Century Code, relating to noneconomic damages in health care malpractice actions.

#### 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 31 YEAS, 63 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Boucher; Brandenburg; Conklin; Delmore; Delzer; Drovdal; Ekstrom; Glassheim; Grande; Griffin; Gruchalla; Hanson; Headland; Hunskor; Kelsch, R.; Kelsh, S.; Kerzman; Kroeber; Onstad; Pietsch; Schmidt; Schneider; Skarphol; Thorpe; Vig; Winrich; Wolf; Wrangham; Zaiser

**NAYS:** Bellew; Berg; Boe; Boehning; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Dosch; Frantsvog; Froelich; Froseth; Hatlestad; Hawken; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Speaker Monson

HB 1390 lost.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Schneider; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Delzer; Skarphol

**ABSENT AND NOT VOTING:** Grande; Schmidt

Reengrossed HB 1040 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1492:** A BILL for an Act to create and enact a new section to chapter 39-06 and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to restrictions on minors while driving; to amend and reenact subsection 1 of section 39-06-03, subdivision c of subsection 3 of section 39-06-14, sections 39-06-17 and 39-06-36, subsection 3 of section 39-06-42, section 39-06-43, subsection 1 of section 39-06.1-08, and subsection 3 of section 39-06.1-11 of the North Dakota Century Code, relating to minors driving motor vehicles; to repeal section

39-06-04 of the North Dakota Century Code, relating to instruction permits; to provide a penalty; to provide an appropriation; 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 42 YEAS, 52 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Clark; Conrad; Dahl; Delmore; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Klemin; Koppelman; Kroeber; Meier, L.; Metcalf; Mueller; Myxter; Nathe; Nelson; Nottestad; Pietsch; Pinkerton; Potter; Ruby; Schmidt; Schneider; Sukut; Thorpe; Wald; Winrich

**NAYS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Conklin; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froelich; Froseth; Grande; Headland; Hofstad; Johnson, D.; Kasper; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Kreidt; Kretschmar; Martinson; Meyer, S.; Mock; Onstad; Pollert; Porter; Rust; Schatz; Skarphol; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

Reengrossed HB 1492 lost.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1350:** A BILL for an Act to provide an appropriation to the department of commerce for a grant for construction of a great plains applied energy research center; and to provide for a report to the budget section.

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

**YEAS:** Bellew; Berg; Boe; Brandenburg; Carlson; Conklin; Conrad; Damschen; DeKrey; Dosch; Frantsvog; Froelich; Hawken; Hofstad; Johnson, N.; Karls; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Martinson; Meier, L.; Meyer, S.; Nathe; Nelson; Nottestad; Pinkerton; Porter; Ruby; Schatz; Schmidt; Svedjan; Thorpe; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser

**NAYS:** Amerman; Belter; Boehning; Boucher; Clark; Dahl; Delmore; Delzer; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Headland; Heller; Holman; Hunskor; Johnson, D.; Kaldor; Kasper; Kelsh, J.; Kelsh, S.; Kilichowski; Kreidt; Kroeber; Mock; Mueller; Myxter; Onstad; Pietsch; Pollert; Potter; Rust; Schneider; Skarphol; Sukut; Thoreson; Uglem; Vig; Wald; Winrich; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Metcalf

Engrossed HB 1350 lost.

\*\*\*\*\*

#### MOTION

**REP. CARLSON MOVED** that the House stand in recess until 11:15 a.m., which motion prevailed.

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

#### SECOND READING OF HOUSE BILL

**HB 1306:** A BILL for an Act to create and enact a new section to chapter 12-59, a new subdivision to subsection 2 of section 28-32-01, a new subsection to section 39-06.1-11, and five new sections to chapter 54-12 of the North Dakota Century Code, relating to the authority of the parole board to use the twenty-four seven sobriety program as an intermediate sanction or condition of parole, temporary restricted driver's permits, and establishment of a statewide twenty-four seven sobriety program by the attorney general; to amend and reenact subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to supervision of probationers; to provide an appropriation; and to provide a continuing 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Boe; Boucher

Reengrossed HB 1306 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1293:** A BILL for an Act to amend and reenact subsection 20 of section 48-01.2-01 and section 48-02.1-12 of the North Dakota Century Code, relating to the definition of a public improvement and bidding requirements.

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

**YEAS:** Bellew; Belter; Boehning; Brandenburg; Clark; Delzer; Dosch; Froseth; Headland; Heller; Kasper; Meier, L.; Nathe; Pollert; Porter; Ruby; Rust; Schatz; Thoreson; Wald; Weiler; Weisz; Wrangham

**NAYS:** Amerman; Berg; Boucher; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Drovdal; Ekstrom; Frantsvog; Froelich; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wall; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

HB 1293 lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1359:** A BILL for an Act to amend and reenact section 40-51.2-04 of the North Dakota Century Code, relating to exclusion from annexation.

**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 10 YEAS, 83 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Delzer; Dosch; Headland; Kasper; Nathe; Schatz; Thoreson; Weiler; Wrangham; Zaiser

**NAYS:** Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton;

Pollert; Porter; Potter; Ruby; Rust; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

HB 1359 lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1376:** A BILL for an Act to create and enact a new section to chapter 40-49 of the North Dakota Century Code, relating to referral of an ordinance adopted by a board of park commissioners.

### 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 18 YEAS, 75 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Boehning; DeKrey; Delzer; Dosch; Froseth; Gruchalla; Headland; Kasper; Kempenich; Ruby; Schatz; Skarphol; Thoreson; Weiler; Weisz; Wrangham

**NAYS:** Amerman; Berg; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Drovda; Ekstrom; Frantsvog; Froelich; Glassheim; Grande; Griffin; Hanson; Hatlestad; Hawken; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Rust; Schmidt; Schneider; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

HB 1376 lost.

\*\*\*\*\*

### MOTION

**REP. VIGESAA MOVED** that HB 1284 be moved to the top of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1284:** A BILL for an Act to create and enact chapter 26.1-33.4 of the North Dakota Century Code, relating to the national conference of insurance legislators Life Settlements Model Act; to amend and reenact subsection 21 of section 10-04-02 of the North Dakota Century Code, relating to the definition of the term viatical settlement contract; to repeal chapter 26.1-33.3 of the North Dakota Century Code, relating to viatical settlement contracts; 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; 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; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Boe

Engrossed HB 1284 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1397:** A BILL for an Act to amend and reenact sections 10-04-02, 26.1-33.3-01, 26.1-33.3-02, 26.1-33.3-03, 26.1-33.3-04, 26.1-33.3-05, 26.1-33.3-06, 26.1-33.3-07, 26.1-33.3-08, 26.1-33.3-09, 26.1-33.3-10, 26.1-33.3-11, 26.1-33.3-12, 26.1-33.3-13, 26.1-33.3-14, 26.1-33.3-15, 26.1-33.3-16, and 26.1-33.3-17 of the North Dakota Century Code, relating to revisions to viatical settlement law and references to the viatical settlement law; and to provide a penalty.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Boe

HB 1397 lost.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1400:** A BILL for an Act to create and enact two new sections to chapter 15-20.1, two new sections to chapter 15.1-06, a new section to chapter 15.1-07, chapter 15.1-18.2, six new sections to chapter 15.1-21, sections 15.1-21-02.2, 15.1-21-02.3, 15.1-21-02.4, and 15.1-21-02.5, two new sections to chapter 15.1-27, three new sections to chapter 15.1-37, and sections 15.1-37-02, 15.1-37-03, 15.1-37-04, 15.1-37-05, and 15.1-37-06 of the North Dakota Century Code, relating to school personnel, program and course requirements, assessments, career development facilitation, state aid payments, and early childhood education; to amend and reenact sections 15.1-06-04, 15.1-09.1-10, 15.1-21-02, 15.1-21-02.1, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-19, 15.1-27-35, 15.1-27-41, 15.1-32-18, and 15.1-37-01 of the North Dakota Century Code and section 55 of chapter 163 of the 2007 Session Laws, relating to school calendars, course requirements, state aid payments, special education, and early childhood education; to provide for teacher compensation increases; to provide for the distribution of transportation grants, reorganization planning grants, regional education association grants, baseline recalculation grants, deferred maintenance grants, and contingency payments; to provide for a contingent transfer; to provide for reports to the legislative council; to repeal sections 15.1-21-02.2, 15.1-27-20.1, and 15.1-38-01.2 of the North Dakota Century Code, relating to high school graduation requirements, the minimum mill levy offset, and new immigrant English language learners; 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, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Schatz; Schmidt;

Schneider; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**NAYS:** Damschen; Delzer; Dosch; Drovdal; Froseth; Grande; Headland; Heller; Kasper; Kempenich; Ruby; Rust; Skarphol; Thorpe; Weiler; Wrangham

Engrossed HB 1400 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

#### REPORT OF STANDING COMMITTEE

**HB 1012: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). HB 1012 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for legislative council studies; to provide statements of legislative intent;" and replace "50-06-29, 50-24.1-02.3, and 50-29-04" with "25-04-05, 50-24.5-04, and 50-30-02"

Page 1, line 3, replace "the establishment of an aging and disability" with "developmental center admission screenings, the personal needs allowance for individuals in basic care facilities, and use of the health care trust fund."

Page 1, remove lines 4 through 6

Page 1, line 18, replace "7,790,774" with "2,148,542" and replace "19,303,132" with "13,660,900"

Page 1, line 19, replace "(13,570,832)" with "(13,582,286)" and replace "46,539,524" with "46,528,070"

Page 1, line 21, replace "(\$5,780,343)" with "(\$11,434,029)" and replace "65,842,656" with "60,188,970"

Page 1, line 22, replace "(14,635,996)" with "(16,622,573)" and replace "36,027,838" with "34,041,261"

Page 1, line 23, replace "8,855,653" with "5,188,544" and replace "29,814,818" with "26,147,709"

Page 2, line 4, replace "19,253,918" with "18,552,432" and replace "44,664,959" with "43,963,473"

Page 2, line 5, replace "5,439,280" with "4,364,279" and replace "73,251,082" with "72,176,081"

Page 2, line 7, replace "112,946,092" with "111,111,588" and replace "456,965,308" with "455,130,804"

Page 2, line 8, replace "227,633,993" with "189,244,935" and replace "1,344,821,814" with "1,306,432,756"

Page 2, line 11, replace "352,797,592" with "310,797,543" and replace "1,919,716,163" with "1,877,716,114"

Page 2, line 12, replace "248,526,112" with "223,418,640" and replace "1,375,189,679" with "1,350,082,207"

Page 2, line 13, replace "104,271,480" with "87,378,903" and replace "544,526,484" with "527,633,907"

Page 2, replace lines 18 through 30 with:

"Northwest human service center	\$7,493,897	\$715,235	\$8,209,132
North central human service center	16,782,604	2,135,169	18,917,773
Lake region human service center	9,817,355	823,712	10,641,067
Northeast human service center	22,107,349	3,509,556	25,616,905
Southeast human service center	26,061,630	3,699,225	29,760,855
South central human service center	14,683,811	573,509	15,257,320



West central human service center	20,687,272	3,675,196	24,362,468
Badlands human service center	9,798,789	964,207	10,762,996
State hospital	57,391,944	9,519,982	66,911,926
Developmental center	46,793,933	6,195,786	52,989,719
Total all funds	\$231,618,584	\$31,811,577	\$263,430,161
Less estimated income	112,757,229	12,094,114	124,851,343
Total general fund	\$118,861,355	\$19,717,463	\$138,578,818

Page 3, line 4, replace "141,437,021" with "112,284,910" and replace "721,512,545" with "692,360,434"

Page 3, line 5, replace "250,489,786" with "218,890,181" and replace "1,540,574,416" with "1,508,974,811"

Page 3, line 6, replace "391,926,807" with "331,175,091" and replace "2,262,086,961" with "2,201,335,245"

Page 3, line 7, replace "14.00" with "(6.50)" and replace "2237.38" with "2216.88"

Page 3, line 20, replace "3,943,692" with "2,793,692"

Page 3, line 22, replace "4,296,298" with "3,146,298"

Page 4, line 6, replace "\$3,000,000" with "\$4,324,506"

Page 4, replace lines 10 through 30 with:

**"SECTION 5. LEGISLATIVE COUNCIL STUDY - CHILD SUPPORT ENFORCEMENT.** During the 2009-10 interim, the legislative council shall consider studying the department of human services' child support enforcement program. The study should include the review of arrearages in terms of total owed and interest accrued and child support enforcement activities in other states. 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 6. LEGISLATIVE COUNCIL STUDY - LONG-TERM CARE.** During the 2009-10 interim, the legislative council shall study long-term care services in the state. The study must include a review of the department of human services' payment system and a review of the state department of health's survey and inspection programs and processes. 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 7. ADDITIONAL FEDERAL FUNDS - AMERICAN RECOVERY AND REINVESTMENT ACT - ACCEPTANCE - LIMITATION ON EXPENDITURE.** If the department of human services receives federal funds made available to the state from the American Recovery and Reinvestment Act or other federal action to stimulate the national economy or to address state fiscal recovery in excess of the federal funding appropriated by the sixty-first legislative assembly for any major program, the department of human services may accept the additional federal funds, but may not spend the funding until appropriated by the legislative assembly for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 8. SUPPLEMENTAL PAYMENTS - BASIC CARE AND NURSING HOME FACILITY SALARY AND BENEFIT INCREASES.** The funding appropriated in subdivision 2 of section 1 of this Act includes \$14,739,128, of which \$4,950,451 is from the general fund, \$1,000,000 is from the health care trust fund, and \$8,788,677 is from federal funds, for providing supplemental payments to basic care and skilled nursing care facilities to allow for a salary and benefit increase for each employee earning a salary that is less than the eightieth percentile of the salary range at each facility, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 9. SUPPLEMENTAL PAYMENTS - DEVELOPMENTAL DISABILITIES PROVIDER SALARY AND BENEFIT INCREASES.** The funding appropriated in subdivision 2 of section 1 of this Act includes \$18,929,151, of which \$7,000,000 is from the general fund and \$11,929,151 is from federal funds, for providing supplemental payments to developmental disabilities providers to allow for a salary and benefit increase for each employee earning a salary that is less than the ninetieth percentile of the salary range of each developmental disabilities provider, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 10. AMENDMENT.** Section 25-04-05 of the North Dakota Century Code is amended and reenacted as follows:

**25-04-05. Qualifications for admission to state facility - ~~Temporary Screening required prior to admission or readmission~~ - Educational or related services without charge for persons twenty-one years of age and under.**

1. The superintendent may admit a person to the developmental center at westwood park, Grafton when all of the following conditions have been met:
  - a. Application for admission has been made on behalf of the person by a parent or guardian or the person or agency having legal custody, or by the person seeking admission, in accordance with procedures established by the department of human services.
  - b. A comprehensive evaluation of the person has been made within three months of the date of application, a report of which has been filed with the superintendent and which, together with such other information or reviews as the department of human services may require, indicates to the superintendent's satisfaction that the person is eligible for admission to the developmental center at westwood park, Grafton.
  - c. The person may be admitted without exceeding the resident capacity of the facility as specified in the professional standards adopted by the department of human services.
2. ~~The superintendent No person may admit be admitted or readmitted to the developmental center at westwood park, Grafton, temporarily for the purposes of observation, without commitment, unless that person has undergone a screening process at the developmental center to determine whether the admission or readmission is appropriate. Length of stay criteria may be established under rules as the department of human services may adopt; any. Any person who is suspected of being able to benefit from the services offered at the center, may be screened to ascertain whether or not that person is actually a proper case for care, treatment, and training in at the state facility developmental center. If in the opinion of the superintendent the person temporarily admitted to the developmental center at westwood park, Grafton screened under this subsection is a proper subject for institutional care, treatment, and training at the developmental center, that person may remain as a voluntary resident at such the center at the discretion of the superintendent if all other conditions for admission required by this section are met.~~
3. Notwithstanding any other provision of this chapter, no handicapped patient, twenty-one years of age or under, or the estate or the parent of such patient, may be charged for educational or related services provided at the developmental center at westwood park, Grafton. Except as provided in subsection 4, the department of human services has prior claim on all benefits accruing to such patients for medical and medically related services under entitlement from the federal government, medical or hospital insurance contracts, workforce safety and insurance, or medical care and disability programs. For purposes of this subsection, "related services" means transportation and such developmental, corrective, and other supportive services, as determined by the department of public instruction, as are required to assist a handicapped patient to benefit from special education. The cost of related services other than medical and medically related services must be paid by the developmental center at westwood park, Grafton, the school district of residence of the handicapped child, and other appropriate state agencies and political subdivisions of this state. The department of public instruction, the department of human services, the school district of residence, and other appropriate state agencies and political subdivisions, as determined by the department of public instruction, shall determine and agree to that portion of related services, other than medical and medically related services, for which each agency and political subdivision is liable. The department of public instruction may adopt rules necessary to implement this section.

4. Parents of a handicapped patient, twenty-one years of age or under, are not required to file, assist in filing, agree to filing, or assign an insurance claim when filing the claim would pose a realistic threat that the parents would suffer a financial loss not incurred by similarly situated parents of nonhandicapped children. Financial losses do not include incidental costs such as the time needed to file or assist in filing an insurance claim or the postage needed to mail the claim. Financial losses include:
  - a. A decrease in available lifetime coverage or any other benefit under an insurance policy.
  - b. An increase in premiums or the discontinuation of a policy.
  - c. An out-of-pocket expense such as the payment of a deductible amount incurred in filing a claim unless the developmental center pays or waives the out-of-pocket expense.

**SECTION 11. AMENDMENT.** Section 50-24.5-04 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.5-04. Services provided - Limit on cost.** Services provided under this chapter must be treated as necessary remedial care to the extent those services are not covered under the medical assistance program. The cost of the services provided under this chapter to a person residing in a basic care or adult family foster care facility for which the rate charged includes room and board is limited to the rate set for services in that facility, plus ~~sixty~~ seventy-five dollars, less that person's total income.

**SECTION 12. AMENDMENT.** Section 50-30-02 of the North Dakota Century Code is amended and reenacted as follows:

**50-30-02. North Dakota health care trust fund created - Uses - Continuing appropriation.**

1. There is created in the state treasury a special fund known as the North Dakota health care trust fund. The fund consists of revenue received from government nursing facilities for remittance to the fund under former section 50-24.4-30. The department shall administer the fund. The state investment board shall invest moneys in the fund in accordance with chapter 21-10, and the income earned must be deposited in the North Dakota health care trust fund. All moneys deposited in the North Dakota health care trust fund are available to the department for:
  - a. Transfer to the long-term care facility loan fund, as authorized by legislative appropriation, for making loans pursuant to the requirements of this chapter.
  - b. Payment, as authorized by legislative appropriation, of costs of other programs authorized by the legislative assembly.
  - c. Repayment of federal funds, which are appropriated and may be spent if the United States department of health and human services determines that funds were inappropriately claimed under former section 50-24.4-30.
2. The department shall continue to access the intergovernmental transfer program if permitted by the federal government and if use of the program is found to be beneficial.
3. Moneys in the fund may not be included in draft appropriation acts under section 54-44.1-06."

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 10

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98013.0113 FN 3**

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

**REPORT OF STANDING COMMITTEE**

**HB 1013: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1013 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "to create" with "to provide for the development and implementation of a future services plan for the school for the deaf;"

Page 1, remove line 5

Page 1, line 6, remove "levy reduction grants;" and after "15.1-02-02" insert "and subsection 6 of section 15.1-29-14"

Page 1, line 7, after "instruction" insert "and special education cost reimbursements"

Page 1, line 21, replace "2,283,467" with "1,330,606" and replace "13,699,001" with "12,746,140"

Page 1, line 22, replace "11,253,692" with "11,242,300" and replace "30,991,986" with "30,980,594"

Page 1, line 23, replace "110,960,000" with "100,800,000" and replace "837,125,879" with "826,965,879"

Page 2, line 2, replace "16,463,915" with "14,829,915" and replace "244,165,721" with "242,531,721"

Page 2, line 5, replace "144,016,074" with "131,257,821" and replace "1,180,107,587" with "1,167,349,334"

Page 2, line 6, replace "34,136,908" with "34,366,125" and replace "359,805,146" with "360,034,363"

Page 2, line 7, replace "109,879,166" with "96,891,696" and replace "820,302,441" with "807,314,971"

Page 2, line 8, replace "5.00" with "2.00" and replace "99.75" with "96.75"

Page 2, line 13, replace "656,518" with "501,421" and replace "3,285,012" with "3,129,915"

Page 2, line 16, replace "761,319" with "606,222" and replace "6,620,085" with "6,464,988"

Page 2, line 17, replace "58,442" with "35,230" and replace "1,939,695" with "1,916,483"

Page 2, line 18, replace "702,877" with "570,992" and replace "4,680,390" with "4,548,505"

Page 2, line 24, replace "738,561" with "569,456" and replace "5,503,734" with "5,334,629"

Page 2, line 26, replace "138,140" with "162,640" and replace "188,140" with "212,640"

Page 2, line 28, replace "1,099,626" with "955,021" and replace "7,429,082" with "7,284,477"

Page 2, line 29, replace "295,443" with "288,092" and replace "1,334,461" with "1,327,110"

Page 2, line 30, replace "804,183" with "\$666,929" and replace "6,094,621" with "5,957,367"

Page 3, line 5, replace "431,860" with "330,886" and replace "3,410,755" with "3,309,781"

Page 3, line 9, replace "399,460" with "298,486" and replace "4,161,253" with "4,060,279"

Page 3, line 10, replace "(23,275)" with "(35,546)" and replace "820,582" with "808,311"

Page 3, line 11, replace "422,735" with "334,032" and replace "3,340,671" with "3,251,968"

Page 3, line 17, replace "111,808,961" with "98,463,649" and replace "834,418,123" with "821,072,811"

Page 3, line 18, replace "34,467,518" with "34,653,901" and replace "363,899,884" with "364,086,267"

Page 3, line 19, replace "146,276,479" with "133,117,550" and replace "1,198,318,007" with "1,185,159,078"

Page 3, line 27, replace "125,000" with "226,000"

Page 3, line 28, replace "625,000" with "726,000"

Page 4, line 7, replace "761,200" with "862,200"

Page 5, line 10, replace "\$400,000" with "\$800,000"

Page 5, replace lines 21 through 30 with:

**"SECTION 9. GENERAL EDUCATIONAL DEVELOPMENT GRADUATE ASSESSMENT - FUNDING.** The department of public instruction shall make available, from funds appropriated in subdivision 1 of section 1 of this Act, for the state assessment program, amounts necessary, as requested by adult education providers to defray the costs of assessment testing of general educational development diploma graduates for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 10. TEACHER OF THE YEAR PROGRAM - FUNDING.** The department of public instruction shall administer a teacher of the year program for the biennium beginning July 1, 2009, and ending June 30, 2011. The department of public instruction shall assign responsibility to its department staff to coordinate the annual event, including preparation of application materials, distribution of materials to the selection committee, publicity, and planning of the event at which the recipient of the award is announced. The selection committee appointed by the department of public instruction may not include more than one representative from any education-related organization or association."

Page 6, remove lines 1 through 12

Page 6, line 24, replace "**SCHOOL DISTRICT - DEFERRED**" with "**SUPPLEMENTAL TRANSPORTATION AID PAYMENTS.**"

Page 6, remove line 25

Page 6, line 27, replace "\$10,000,000" with "\$5,000,000"

Page 6, replace lines 29 and 30 with "providing supplemental transportation aid payments, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 7, remove lines 1 and 2

Page 7, line 7, replace "forward to each eligible school district:" with "provide \$5,000,000 as supplemental transportation aid payments to school districts."

Page 7, remove lines 8 through 10

Page 7, line 16, replace "forward to each eligible school district:" with "provide \$5,000,000 as supplemental transportation aid payments to school districts."

Page 7, replace lines 17 through 19 with:

"4. The superintendent of public instruction shall pro rate the supplemental transportation payments according to the percentage of the total transportation formula amount that each school district is entitled to receive under 2009 House Bill No. 1400 as approved by the sixty-first legislative assembly.

**SECTION 15. FUTURE SERVICES PLAN AND IMPLEMENTATION - SCHOOL FOR THE DEAF.** The department of public instruction and school for the deaf shall develop a plan for future services to be offered by the school for the deaf and begin implementing the plan for the biennium beginning July 1, 2009, and ending June 30, 2011. As part of the plan, the department of public instruction and school for the deaf shall:

1. Review the needs of all deaf and hearing-impaired persons throughout the state and develop a plan to provide comprehensive outreach services to all North Dakota citizens who are deaf or hearing-impaired.
2. Explore the development of partnerships with other states relating to the provision of residential and educational services to individuals who are deaf or hearing-impaired.
3. Review current research and national trends in the provision of services to students who are deaf or hearing-impaired.
4. Meet regularly with a transition team appointed by the superintendent of public instruction consisting of representation from the legislative assembly, parents of school for the deaf students, school for the deaf employees, members of the Devils Lake community, school for the deaf alumni, and others.
5. Explore the feasibility of implementing revenue-generating activities at the school for the deaf.
6. Develop a long-range site and facility plan for the school for the deaf campus."

Page 7, replace lines 26 through 30 with:

**"SECTION 17. AMENDMENT.** Subsection 6 of section 15.1-29-14 of the North Dakota Century Code is amended and reenacted as follows:

6. a. An amount equal to the state average per student elementary or high school cost, depending on the student's grade of enrollment, is payable to the admitting district or facility as part of the cost of educating the student for the school year. The payment may not exceed the actual per student cost incurred by the admitting district or facility.
- b. The remainder of the actual cost of educating the student not covered by other payments or credits must be paid by the state, within the limits of legislative appropriations, from funds appropriated for the payment of special education contract charges in the case of a student with disabilities or from state aid payments to schools in all other cases. For purposes of this subdivision, "actual costs" includes the cost of a summer program if the program is a condition of placement at a residential facility that has been determined by a placing agency or entity to be an appropriate placement for a student."

Page 8, remove lines 1 through 11

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98014.0109 FN 5**

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

#### **REPORT OF STANDING COMMITTEE (MINORITY)**

**HB 1015: Appropriations (Rep. K. Svedjan, Chairman)** A **MINORITY** of your committee (Reps. Kroeber, Onstad, Williams, Glassheim, Kaldor, S. Meyer, Ekstrom, Metcalf) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 3, replace "54-27.2-03 and" with "54-21-24 and 54-21-24.1 of the North Dakota Century Code, relating to leasing of office space by state agencies; to provide an appropriation for a statewide salary equity pool; to establish a statewide salary equity pool; to provide legislative intent; and to provide for a legislative council study."

Page 1, remove lines 4 and 5

Page 1, line 15, replace "2,303,519" with "1,433,263" and replace "17,517,285" with "16,647,029"

Page 1, line 16, replace "2,796,958" with "2,296,958" and replace "14,489,094" with "13,989,094"

Page 1, line 17, replace "3,225,279" with "775,279" and replace "4,870,298" with "2,420,298"

Page 1, line 19, replace "2,016,200" with "0" and replace "3,353,338" with "1,337,138"

Page 1, line 21, replace "9,700,000" with "(10,300,000)" and replace "20,000,000" with "0"

Page 1, after line 21, insert:

"Centers of excellence - 2007-09 awarded projects"	0	8,741,543	8,741,543
---	---	-----------	-----------

Page 2, line 1, replace "(\$34,407,044)" with "(\$51,501,957)" and replace "60,485,015" with "43,390,102"

Page 2, line 2, replace "(11,453,282)" with "(12,053,004)" and replace "13,775,833" with "13,176,111"

Page 2, line 3, replace "(\$22,953,762)" with "(\$39,448,953)" and replace "46,709,182" with "30,213,991"

Page 2, line 4, replace "1.00" with "(1.00)" and replace "133.50" with "131.50"

Page 2, remove lines 13 and 14

Page 2, line 16, replace "3,670,000" with "1,220,000"

Page 2, line 17, replace "156,041" with "126,041"

Page 2, line 18, replace "21,842,241" with "2,346,041"

Page 2, line 20, replace "21,842,241" with "2,346,041"

Page 2, after line 24, insert:

**"SECTION 3. PERMANENT OIL TAX TRUST FUND.** The estimated income line item in section 1 of this Act includes \$4,745,432 from the permanent oil tax trust fund for 2007-09 centers of excellence projects that have been awarded but have not yet received funding, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 3, remove lines 19 through 30

Page 4, remove lines 1 through 9

Page 4, line 12, replace "be" with "vary"

Page 4, line 13, after "equity" insert "and are not necessarily to be five percent annual increases for each employee"

Page 4, replace lines 26 through 31 with:

**"SECTION 10. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - STATEWIDE SALARY EQUITY POOL.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much of the sum as may be necessary, and from special funds, derived from federal funds or other income, the sum of \$4,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing statewide salary equity adjustments for classified state employees in accordance with provisions of section 11 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 11. STATEWIDE SALARY EQUITY POOL FOR CLASSIFIED STATE EMPLOYEES.** The statewide salary equity pool appropriation included in section 14 of this Act must be used for market equity compensation adjustments for classified state employees. The market equity adjustments are to begin with the month of July 2009, to be paid in August 2009.

The market equity adjustments are independent of any general salary increase provided by the legislative assembly.

The market equity increases are to be prioritized based on equity for employees whose salaries are furthest from their respective salary range midpoints effective July 1, 2009.

Probationary employees are eligible for the market equity increases. Employees whose documented performance levels do not meet standards are not eligible for the market equity increases.

Human resource management services shall provide a model base plan to each agency. Agencies may adopt the model plan, adopt the model plan with exceptions, or offer an alternative plan that meets the intent outlined in this section.

Upon adoption of an appropriate plan and application to human resource management services, the fiscal management division shall transfer to each eligible agency appropriated general fund or special fund spending authority from the statewide salary equity pool appropriation contained in section 10 of this Act.

**SECTION 12. AMENDMENT.** Section 54-21-24 of the North Dakota Century Code is amended and reenacted as follows:

**54-21-24. Additional office space may be obtained outside state capitol.** ~~In the event that~~ If office space in the state capitol building becomes insufficient to accommodate the various state departments, agencies, and boards, the director of the office of management and budget ~~may upon request of the department, agency, or board shall negotiate for, contract for, and obtain such additional office space outside the state capitol in the city of Bismarck or in the Bismarck area as is necessary in order to provide accommodations for all state departments, agencies, and boards. When office space is obtained in this manner, any the department, agency, or board which that occupies such the office space must be~~ is deemed to be located at the state capitol for purposes of statutes ~~which that~~ require that a department, agency, or board must be maintained at the state capitol, and the director shall charge an amount equal to the fair value of the office space and other services rendered to all departments ~~which that~~ receive and expend moneys from other than the general fund, except that for good cause the amounts charged may be waived by the director for a one-year period of time with ~~such~~ the waiver being subject to further annual renewals after proper application has been filed with the director. The department, agency, or board for which the office space is sought must approve the office space before the director may finalize a contract or lease for the office space.

**SECTION 13. AMENDMENT.** Section 54-21-24.1 of the North Dakota Century Code is amended and reenacted as follows:

**54-21-24.1. Lease of additional space by state agencies, departments, offices, officers, boards, and institutions.** ~~No~~ A lease or rental agreement or renewal of ~~such~~ the lease or rental agreement for the lease or rental of buildings or portions of buildings for use by ~~the state may be entered into by~~ state agencies, departments, offices, officers, boards, and institutions, other than institutions under the board of higher education, the adjutant general and department of transportation office and storage space for field engineering and maintenance crews, unless approved ~~may be entered by the director of the office of management and budget and unless the attorney general has determined subject to a determination of the legal sufficiency of such the lease or rental agreement. To assure~~ ensure economy, efficiency, and cooperation between the state and its political subdivisions, and to limit the number of locations of state offices for the convenience of ~~persons~~ individuals traveling to ~~such the~~ offices, the director shall promulgate rules ~~and regulations~~ governing the lease or rental of additional buildings or portions thereof of the buildings by ~~such~~ state agencies, departments, offices, officers, boards, and institutions other than those under the board of higher education, the adjutant general, and department of transportation office and storage space for field engineering and maintenance crews. The department, agency, or board for which the office space is sought must approve the office space before the director may finalize a contract or lease for the office space.



**SECTION 14. LEGISLATIVE COUNCIL STUDY - CAPITOL GROUNDS.** During the 2009-10 interim, the legislative council shall consider studying the capitol complex master plan, including a review of parking needs on the capitol grounds. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Page 5, remove lines 1 through 31

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98048.0118 FN 3**

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

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

**REPORT OF STANDING COMMITTEE (MAJORITY)**

**HB 1015: Appropriations (Rep. K. Svedjan, Chairman)** A **MAJORITY** of your committee (Reps. Svedjan, Kempenich, Skarphol, Wald, Hawken, Martinson, Delzer, Thoreson, Berg, Dosch, Pollert, Bellew, Kreidt, Nelson, Wieland) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 3, replace "54-27.2-03 and" with "54-21-24 and 54-21-24.1 of the North Dakota Century Code, relating to leasing of office space by state agencies; to provide an appropriation for a statewide critical salary funding pool and a statewide salary equity pool; to establish a statewide critical salary funding pool and a statewide salary equity pool; to provide for transfer of appropriation authority, subject to budget section approval; to provide legislative intent; and to provide for a legislative council study."

Page 1, remove lines 4 and 5

Page 1, line 15, replace "2,303,519" with "1,433,263" and replace "17,517,285" with "16,647,029"

Page 1, line 16, replace "2,796,958" with "2,296,958" and replace "14,489,094" with "13,989,094"

Page 1, line 17, replace "3,225,279" with "775,279" and replace "4,870,298" with "2,420,298"

Page 1, line 19, replace "2,016,200" with "0" and replace "3,353,338" with "1,337,138"

Page 1, line 21, replace "9,700,000" with "(10,300,000)" and replace "20,000,000" with "0"

Page 1, after line 21, insert:

"Centers of excellence - 2007-09	0	8,741,543	8,741,543
awarded projects"			

Page 2, line 1, replace "(\$34,407,044)" with "(\$51,501,957)" and replace "60,485,015" with "43,390,102"

Page 2, line 2, replace "(11,453,282)" with "(12,053,004)" and replace "13,775,833" with "13,176,111"

Page 2, line 3, replace "(\$22,953,762)" with "(\$39,448,953)" and replace "46,709,182" with "30,213,991"

Page 2, line 4, replace "1.00" with "(1.00)" and replace "133.50" with "131.50"

Page 2, remove lines 13 and 14

Page 2, line 16, replace "3,670,000" with "1,220,000"

Page 2, line 17, replace "156,041" with "126,041"

Page 2, line 18, replace "21,842,241" with "2,346,041"

Page 2, line 20, replace "21,842,241" with "2,346,041"

Page 2, after line 24, insert:

**"SECTION 3. PERMANENT OIL TAX TRUST FUND.** The estimated income line item in section 1 of this Act includes \$4,745,432 from the permanent oil tax trust fund for 2007-09 centers of excellence projects that have been awarded but have not yet received funding, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 3, remove lines 19 through 30

Page 4, remove lines 1 through 9

Page 4, line 12, replace "be" with "vary"

Page 4, line 13, after "equity" insert "and are not necessarily to be five percent annual increases for each employee"

Page 4, replace lines 26 through 31 with:

**"SECTION 10. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - STATEWIDE CRITICAL SALARY FUNDING POOL.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,950,000, or so much of the sum as may be necessary, and from special funds, derived from federal funds or other income, the sum of \$4,500,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing funding for classified state employees in accordance with provisions of sections 11 and 12 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 11. STATEWIDE CRITICAL SALARY FUNDING POOL.** The statewide critical salary funding pool appropriation included in section 10 of this Act may be used only for critical state employee position authorization and funding and the funding related to the filling of vacant employee positions.

**SECTION 12. TRANSFERS OF STATEWIDE CRITICAL SALARY FUNDING POOL APPROPRIATION AUTHORITY - BUDGET SECTION APPROVAL.** An executive branch agency or institution may submit a request to the office of management and budget for a transfer of spending authority and full-time equivalent authorization from the statewide critical salary funding pool appropriation in section 10 of this Act to the agency or institution for:

1. Restoration of a critical state employee full-time equivalent position.
2. Restoration of funding for a critical vacant full-time equivalent employee position.

The office of management and budget shall review any request and, if approved, transfer, subject to budget section approval, the amount of appropriation authority and related full-time equivalent position authorization from the statewide critical salary funding pool to the state agency or institution making the request.

**SECTION 13. AGENCY LINE ITEM TRANSFERS.** An executive branch agency or institution may, pursuant to section 54-16-04, request a line item transfer from another line item of the agency's or institution's budget to the salaries and wages line item to provide, if necessary, additional salaries and wages funding to restore funding for a critical full-time equivalent position, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 14. APPROPRIATION - OFFICE OF MANAGEMENT AND BUDGET - STATEWIDE SALARY EQUITY POOL.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much of the sum as may be necessary, and from special funds, derived from federal funds or other income, the sum of \$4,000,000, or so much of the sum as may be necessary, to the office of management and budget for the purpose of providing statewide salary equity adjustments for classified state employees in accordance with provisions

of section 15 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 15. STATEWIDE SALARY EQUITY POOL FOR CLASSIFIED STATE EMPLOYEES.** The statewide salary equity pool appropriation included in section 14 of this Act must be used for market equity compensation adjustments for classified state employees. The market equity adjustments are to begin with the month of July 2009, to be paid in August 2009. The market equity adjustments are independent of any general salary increase provided by the legislative assembly.

The market equity increases are to be prioritized based on equity for employees whose salaries are furthest from their respective salary range midpoints effective July 1, 2009.

Probationary employees are eligible for the market equity increases. Employees whose documented performance levels do not meet standards are not eligible for the market equity increases.

Human resource management services shall provide a model base plan to each agency. Agencies may adopt the model plan, adopt the model plan with exceptions, or offer an alternative plan that meets the intent outlined in this section.

Upon adoption of an appropriate plan and application to human resource management services, the fiscal management division shall transfer to each eligible agency appropriated general fund or special fund spending authority from the statewide salary equity pool appropriation contained in section 14 of this Act.

**SECTION 16. AMENDMENT.** Section 54-21-24 of the North Dakota Century Code is amended and reenacted as follows:

**54-21-24. Additional office space may be obtained outside state capitol.** ~~In the event that~~ If office space in the state capitol building becomes insufficient to accommodate the various state departments, agencies, and boards, the director of the office of management and budget ~~may upon request of the department, agency, or board shall negotiate for, contract for, and obtain such~~ additional office space outside the state capitol in the city of Bismarck or in the Bismarck area as is necessary in order to provide accommodations for all state departments, agencies, and boards. When office space is obtained in this manner, ~~any~~ the department, agency, or board ~~which that~~ occupies ~~such the~~ office space ~~must be~~ is deemed to be located at the state capitol for purposes of statutes ~~which that~~ require that a department, agency, or board must be maintained at the state capitol, and the director shall charge an amount equal to the fair value of the office space and other services rendered to all departments ~~which that~~ receive and expend moneys from other than the general fund, except that for good cause the amounts charged may be waived by the director for a one-year period of time with ~~such the~~ waiver being subject to further annual renewals after proper application has been filed with the director. The department, agency, or board for which the office space is sought must approve the office space before the director may finalize a contract or lease for the office space.

**SECTION 17. AMENDMENT.** Section 54-21-24.1 of the North Dakota Century Code is amended and reenacted as follows:

**54-21-24.1. Lease of additional space by state agencies, departments, offices, officers, boards, and institutions.** ~~No~~ A lease or rental agreement or renewal of ~~such the~~ lease or rental agreement for the lease or rental of buildings or portions of buildings for use by ~~the state may be entered into by~~ state agencies, departments, offices, officers, boards, and institutions, other than institutions under the board of higher education, the adjutant general and department of transportation office and storage space for field engineering and maintenance crews, unless approved ~~may be entered by~~ the director of the office of management and budget ~~and unless the attorney general has determined~~ subject to a determination of the legal sufficiency of ~~such the~~ lease or rental agreement. To ~~assure~~ ensure economy, efficiency, and cooperation between the state and its political subdivisions, and to limit the number of locations of state offices for the convenience of ~~persons~~ individuals traveling to

~~such~~ the offices, the director shall promulgate rules ~~and regulations~~ governing the lease or rental of additional buildings or portions ~~thereof~~ of the buildings by ~~such~~ state agencies, departments, offices, officers, boards, and institutions other than those under the board of higher education, the adjutant general, and department of transportation office and storage space for field engineering and maintenance crews. The department, agency, or board for which the office space is sought must approve the office space before the director may finalize a contract or lease for the office space."

Page 5, replace lines 1 through 31 with:

**"SECTION 18. LEGISLATIVE COUNCIL STUDY - CAPITOL GROUNDS.** During the 2009-10 interim, the legislative council shall consider studying the capitol complex master plan, including a review of parking needs on the capitol grounds. 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

#### **STATEMENT OF PURPOSE OF AMENDMENT - LC 98048.0117 FN 2**

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

#### **REPORT OF STANDING COMMITTEE**

**HB 1235, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1235 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 subsection 9 of section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax rate reduction for horizontal wells; to provide an effective date; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Subsection 9 of section 57-51.1-03 of the North Dakota Century Code is amended and reenacted as follows:

9. The first seventy-five thousand barrels or the first four million five hundred thousand dollars of gross value at the well, whichever is less, of oil produced during the first eighteen months after completion, from a horizontal well drilled and completed in the Bakken formation after June 30, 2007, and before July 1, 2008 April 30, 2009, is subject to a reduced tax rate of two percent of the gross value at the well of the oil extracted under this chapter. A well eligible for a reduced tax rate under this subsection is eligible for the exemption for horizontal wells under subsection 3, if the exemption under subsection 3 is effective during all or part of the first twenty-four months after completion.

**SECTION 2. EFFECTIVE DATE.** This Act is effective for wells drilled and completed after April 30, 2009.

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

Renumber accordingly

#### **MOTION**

**REP. WEISZ MOVED** that Engrossed HB 1175, which is on the Eleventh order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Weisz's motion, Engrossed HB 1175 was rereferred.

#### **MOTION**

**REP. D. JOHNSON MOVED** that the House reconsider its action whereby Engrossed HB 1350 failed to pass, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1350:** A BILL for an Act to provide an appropriation to the department of commerce for a grant for construction of a great plains applied energy research center; and to provide for a report to the budget section.

**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 68 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Berg; Boe; Boucher; Brandenburg; Carlson; Conklin; Conrad; Damschen; DeKrey; Delzer; Dosch; Ekstrom; Frantsvog; Froelich; Gruchalla; Hawken; Headland; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Meyer, S.; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Ruby; Rust; Schatz; Schmidt; Schneider; Svedjan; Thorpe; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Amerman; Belter; Boehning; Clark; Dahl; Delmore; Drovda; Froseth; Glassheim; Grande; Griffin; Hanson; Hatlestad; Heller; Kasper; Kelsh, J.; Kroeber; Mock; Potter; Skarphol; Sukut; Thoreson; Vig; Wald; Winrich

**ABSENT AND NOT VOTING:** Metcalf

Engrossed HB 1350 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1473:** A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to adoption and voter initiative of budgets of cities, counties, and school districts in biennial cycles; 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 36 YEAS, 57 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Brandenburg; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovda; Froelich; Froseth; Grande; Gruchalla; Headland; Heller; Kasper; Keiser; Kempenich; Koppelman; Kreidt; Meier, L.; Nathe; Pollert; Ruby; Schatz; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Wald; Weiler; Wrangham

**NAYS:** Amerman; Boe; Boucher; Carlson; Conklin; Conrad; Delmore; Ekstrom; Frantsvog; Glassheim; Griffin; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Kretschmar; Kroeber; Martinson; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Rust; Schmidt; Svedjan; Uglem; Vig; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Metcalf

HB 1473 lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1515:** A BILL for an Act to provide an appropriation to the department of transportation to pave access roadways to Lake Sakakawea.

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

**YEAS:** Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Delzer; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Griffin; Hatlestad; Hawken; Heller; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Klein; Kroeber;

Martinson; Meyer, S.; Mueller; Nathe; Onstad; Pinkerton; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Sukut; Thorpe; Vig; Wald; Weiler; Williams; Wolf; Wrangham; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Dosch; Glassheim; Grande; Gruchalla; Hanson; Headland; Hofstad; Holman; Johnson, D.; Keiser; Kempenich; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Meier, L.; Mock; Myxter; Nelson; Nottestad; Pietsch; Pollert; Ruby; Skarphol; Svedjan; Thoreson; Uglem; Vigesaa; Wall; Weisz; Wieland; Winrich; Speaker Monson

**ABSENT AND NOT VOTING:** Metcalf

Engrossed HB 1515 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1481:** A BILL for an Act providing an appropriation to the state historical society; and to provide contingent borrowing authority for a heritage center addition.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 57 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Boe; Boucher; Clark; Conrad; Delmore; Dosch; Ekstrom; Frantsvog; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunsakor; Johnson, N.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pinkerton; Porter; Potter; Schmidt; Schneider; Thorpe; Vig; Wald; Wall; Weiler; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Boehning; Brandenburg; Carlson; Conklin; Dahl; Damschen; DeKrey; Delzer; Drovda; Froelich; Grande; Hatlestad; Headland; Heller; Kasper; Kempenich; Koppelman; Kreidt; Pietsch; Pollert; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Weisz; Wieland; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Kerzman; Metcalf

HB 1481 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden; to provide for a transfer; and to amend and reenact section 55-08-14.1 of the North Dakota Century Code, relating to recreational grants.

#### 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 87 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Delzer; Kasper; Ruby; Wrangham

**ABSENT AND NOT VOTING:** Belter; Metcalf

HB 1019 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

#### 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 88 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Froelich; Kasper; Weiler; Wolf

**ABSENT AND NOT VOTING:** Metcalf

Engrossed HB 1001 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to provide for a transfer; to provide legislative intent; and to amend and reenact sections 16.1-01-15 and 54-09-05 of the North Dakota Century Code, relating to interest earnings on the election fund and to the salary of the secretary of state.

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

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

**NAYS:** Bellew; Kasper; Weiler

**ABSENT AND NOT VOTING:** Metcalf; Pinkerton

Engrossed HB 1002 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; to provide legislative intent; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

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

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

**NAYS:** Kasper

**ABSENT AND NOT VOTING:** Metcalf; Pinkerton

Engrossed HB 1004 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

**ROLL CALL**

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

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; 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:** Metcalf; Pinkerton

Engrossed HB 1005 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner; and to provide for a legislative council study.

**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; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; 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:** Metcalf

Engrossed HB 1011 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** DeKrey; Delzer; Porter; Ruby; Schatz; Wald

**ABSENT AND NOT VOTING:** Metcalf

Engrossed HB 1014 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1213:** A BILL for an Act to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to smoking restrictions in public places and places of employment; 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 33 YEAS, 59 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Brandenburg; Clark; Conrad; Delmore; Ekstrom; Glassheim; Gruchalla; Hanson; Hatlestad; Holman; Hunsdor; Johnson, N.; Kaldor; Keiser; Kelsh, S.; Kingsbury; Klemin; Kretschmar; Kroeber; Metcalf; Mock; Mueller; Myxter; Nottestad; Potter; Schneider; Svedjan; Thorpe; Uglem; Vig; Winrich; Speaker Monson

**NAYS:** Amerman; Bellew; Belter; Berg; Boehning; Carlson; Conklin; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovda; Frantsov; Froelich; Froeth; Grande; Griffin; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kempenich; Kerzman; Kilichowski; Klein; Koppelman; Kreidt; Martinson; Meier, L.; Meyer, S.; Nathe; Nelson; Onstad; Pietsch; Pinkerton; Pollert; Porter; Ruby; Rust; Schatz; Schmidt; Skarphol; Sukut; Thoreson; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Boe; Hawken

Engrossed HB 1213 lost.

\*\*\*\*\*

**REPORT OF STANDING COMMITTEE**

**HB 1175: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1175 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "title 26.1 and two new sections to"

Page 5, remove lines 1 through 23

Page 7, line 27, overstrike "law" and insert immediately thereafter "this code"

Page 8, line 22, remove the overstrike over "~~and~~"

Page 8, line 23, after "Certain" insert "information contained in"

Page 8, line 25, after the comma insert "subject to safeguards on privacy and information security."

Page 8, line 26 after the second underscored comma insert "and" and remove ", and other"

Page 8, line 27, remove "relevant information"

Page 8, line 30, after "companies" insert ", pursuant to an administrative subpoena"

Page 9, line 2, remove "and"

Page 9, remove lines 3 through 6

Page 10, line 2, replace "Exchange electronic records" with "Upon agreement, exchange information"

Page 11, line 22, replace "twenty-four" with "seven business days"

Page 11, line 23, remove "hours"

Page 11, remove lines 30 and 31

Page 12, remove lines 1 through 6

Page 13, line 3, replace "8, 14, 15, and 16" with "13 and 14"

Renumber accordingly

#### MOTION

**REP. VIGESAA MOVED** that the House stand in recess until 3:30 p.m., which motion prevailed.

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

#### SIXTH ORDER OF BUSINESS

**SPEAKER MONSON DEEMED** approval of the amendments to HB 1012, HB 1013, HB 1175, and HB 1235.

HB 1012, HB 1013, HB 1175, and HB 1235, as amended, were placed on the Eleventh order of business on today's calendar.

#### SECOND READING OF HOUSE BILL

**HB 1553:** A BILL for an Act to provide for the regulation of sexually oriented businesses; 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 37 YEAS, 56 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Brandenburg; Carlson; Damschen; DeKrey; Frantsvog; Froseth; Grande; Gruchalla; Hanson; Hofstad; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Metcalf; Mueller; Pietsch; Pinkerton; Ruby; Rust; Skarphol; Svedjan; Thorpe; Uglem; Vigesaa; Wald; Wieland; Zaiser

**NAYS:** Amerman; Berg; Boe; Boehning; Boucher; Clark; Conklin; Conrad; Dahl; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Froelich; Glassheim; Griffin; Hatlestad; Headland; Heller; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kreidt; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Myxter; Nathe; Nelson; Nottestad; Onstad; Pollert; Porter; Potter; Schatz; Schmidt; Schneider; Sukut; Thoreson; Vig; Wall; Weiler; Weisz; Williams; Winrich; Wolf; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1553 lost.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1554:** A BILL for an Act to amend and reenact section 40-47-01.1 of the North Dakota Century Code, relating to extraterritorial zoning jurisdiction of cities.

#### 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 52 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Boe; Boucher; Brandenburg; Conrad; Damschen; DeKrey; Delzer; Dosch; Drovdal; Froelich; Froseth; Griffin; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Kaldor; Kasper; Kelsh, J.; Kempenich; Kreidt; Kretschmar; Meier, L.; Metcalf; Nathe; Nelson; Pietsch; Pinkerton; Pollert; Ruby; Rust; Schatz; Schmidt; Skarphol; Svedjan; Thoreson; Thorpe; Uglem; Vig; Wald; Weiler; Weisz; Wolf; Wrangham; Speaker Monson

**NAYS:** Berg; Boehning; Carlson; Clark; Conklin; Delmore; Ekstrom; Frantsvog; Glassheim; Grande; Gruchalla; Johnson, N.; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kroeber; Martinson; Meyer, S.; Mock; Mueller; Myxter; Nottestad; Onstad; Porter; Potter; Schneider; Sukut; Vigasaa; Wall; Wieland; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Dahl; Hawken

Engrossed HB 1554 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3033:** A concurrent resolution designating June 19 as Juneteenth National Freedom Day.

#### ROLL CALL

The question being on the final passage of the amended resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 55 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Berg; Boucher; Conklin; Conrad; Dahl; Delmore; Drovdal; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Schmidt; Schneider; Svedjan; Thoreson; Thorpe; Uglem; Vig; Wall; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Boe; Boehning; Brandenburg; Carlson; Clark; Damschen; DeKrey; Delzer; Dosch; Froseth; Grande; Hatlestad; Headland; Heller; Karls; Kasper; Keiser; Kempenich; Klein; Klemin; Koppelman; Kreidt; Nathe; Pollert; Ruby; Rust; Schatz; Sukut; Vigasaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Hawken; Skarphol

Engrossed HCR 3033 was declared adopted and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1221:** A BILL for an Act to provide an appropriation to the department of emergency services for providing grants to eligible political subdivisions that have experienced damage or destruction due to a tornado; 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 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Delzer; Dosch; Weiler

**ABSENT AND NOT VOTING:** Hawken

Reengrossed HB 1221 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1259:** A BILL for an Act to create and enact two new sections to chapter 54-17 of the North Dakota Century Code, relating to an affordable housing fund; to amend and reenact sections 54-17-07.1 and 54-60.1-01 of the North Dakota Century Code, relating to the advisory board to the industrial commission and business incentives; to create a transfer; 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 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; Drovda; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hatlestad; Holman; Hunsford; Johnson, N.; Kaldor; Keiser; Kelsch, J.; Kelsch, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Sukut; Thorpe; Vig; Vigasaa; Winrich; Wolf; Zaiser

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

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1259 lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1407:** A BILL for an Act to amend and reenact sections 39-04-19, 39-04-39, 54-27-19, 54-27-19.1, and 57-40.3-10 of the North Dakota Century Code, relating to the collection and distribution of highway funds; and to repeal section 39-04.2-03 of the North Dakota Century Code, relating to the registration fee for the public transportation fund.

**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 89 YEAS, 4 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; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Delzer; Drovdal; Kasper; Thoreson

**ABSENT AND NOT VOTING:** Hawken

Reengrossed HB 1407 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1262:** A BILL for an Act to amend and reenact subsection 9 of section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax exemption for production from horizontal wells; 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 5 YEAS, 86 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Boe; Conklin; Meyer, S.; Onstad; Pinkerton

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

**ABSENT AND NOT VOTING:** Hawken; Headland; Schneider

HB 1262 lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1526:** A BILL for an Act to amend and reenact sections 54-27-19, 57-40.3-10, and 57-40.4-03 of the North Dakota Century Code, relating to allocation of motor vehicle excise tax revenues to the highway tax distribution fund; 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 27 YEAS, 65 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Conrad; DeKrey; Delmore; Ekstrom; Froelich; Hanson; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Metcalf; Meyer, S.; Mueller; Myxter; Onstad; Pinkerton; Schmidt; Schneider; Thorpe; Vig; Weisz; Wolf

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad;

Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Mock; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Monson

**ABSENT AND NOT VOTING:** Conklin; Hawken

HB 1526 lost.

\*\*\*\*\*

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

**HB 1433:** A BILL for an Act to amend and reenact section 50-24.4-16 of the North Dakota Century Code, relating to nursing home rates; to provide an appropriation; to provide legislative intent; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 63 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Boe; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Ekstrom; Frantsovog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hatlestad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Klein; Klemin; Kroeber; Martinson; Meier, L.; Meyer, S.; Mueller; Myxter; Nathe; Nottestad; Onstad; Pietsch; Pinkerton; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Williams; Winrich; Wolf; Zaiser

**NAYS:** Bellew; Belter; Berg; Boehning; Brandenburg; Delzer; Drovda; Grande; Hanson; Headland; Heller; Hofstad; Keiser; Kingsbury; Koppelman; Kreidt; Kretschmar; Metcalf; Mock; Nelson; Pollert; Porter; Potter; Thoreson; Weiler; Wieland; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Amerman; Hawken; Kelsh, J.

Engrossed HB 1433 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

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

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to create and enact a new subsection to section 31-13-03 of the North Dakota Century Code, relating to DNA testing; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; and to provide for a legislative council study.

#### **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 88 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantsovog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; 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

**NAYS:** Froelich; Keiser

**ABSENT AND NOT VOTING:** Amerman; Conrad; Hawken; Kerzman

Engrossed HB 1003 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; to provide for a transfer; to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the tax commissioner's salary; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide legislative intent; and to provide for a report to the legislative assembly.

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

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

**NAYS:** Bellew; Froelich; Kasper; Weiler

**ABSENT AND NOT VOTING:** Hawken; Heller; Kilichowski; Pinkerton

Engrossed HB 1006 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

**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 55 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** DeKrey; Hawken

Engrossed HB 1007 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 3 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; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Kasper; Mueller; Thoreson

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1008 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to provide for a livestock health permit inspection program; to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the agriculture commissioner; to provide for transfers; and to provide for a legislative council study.

**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 62 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Boe; Brandenburg; Carlson; Clark; Dahl; Damschen; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Hanson; Hatlestad; Heller; Hofstad; Johnson, D.; Kaldor; Karls; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemm; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Mock; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Wieland; Williams; Winrich; Wrangham; Speaker Monson

**NAYS:** Amerman; Bellew; Boehning; Boucher; Conklin; Conrad; DeKrey; Delmore; Delzer; Froelich; Griffin; Gruchalla; Headland; Holman; Hunskor; Johnson, N.; Kasper; Kelsh, J.; Kerzman; Kilichowski; Koppelman; Metcalf; Meyer, S.; Mueller; Myxter; Schmidt; Weiler; Weisz; Wolf; Zaiser

**ABSENT AND NOT VOTING:** Hawken; Kelsh, S.

Engrossed HB 1009 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to provide for fund transfers; to provide for making payments of insurance premiums tax collections to fire departments; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the commissioner's salary.

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

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



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

**NAYS:** Weiler

**ABSENT AND NOT VOTING:** Damschen; Hawken

Engrossed HB 1010 passed and the title was agreed to.

\*\*\*\*\*

#### **MOTION**

**REP. VIGESAA MOVED** that HB 1047 be moved to the top of the calendar, which motion prevailed.

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

**HB 1047:** A BILL for an Act to amend and reenact subdivision c of subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to hazardous chemicals preparedness and response program fees.

#### **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 5 YEAS, 85 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Gruchalla; Kroeber; Porter; Potter; Schneider

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

**ABSENT AND NOT VOTING:** Damschen; Hawken; Schmidt; Williams

HB 1047 lost.

\*\*\*\*\*

#### **MOTION**

**REP. VIGESAA MOVED** that the House stand in recess until 6:10 p.m., which motion prevailed.

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

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR**

**HCR 3001:** A concurrent resolution directing the Legislative Council to continue its study of North Dakota Century Code provisions that relate to agriculture.

**HCR 3004:** A concurrent resolution directing the Legislative Council to study Indian education issues.

**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.

**HCR 3014:** A concurrent resolution urging Congress not to replace "navigable water" with "waters of the United States" in any Clean Water Act-related legislation considered by Congress.

- HCR 3016:** A concurrent resolution urging school districts to offer students a course in financial literacy.
- HCR 3020:** A concurrent resolution recognizing the North Dakota Council for the Social Studies as the official voice of and organization for social studies teachers in this state.
- HCR 3021:** A concurrent resolution urging the United States Fish and Wildlife Service not to list the black-tailed prairie dog, *Cynomys ludovicianus*, as a threatened or endangered species under the Endangered Species Act.
- HCR 3022:** A concurrent resolution urging Congress not to enact any unfunded education mandates.
- HCR 3023:** A concurrent resolution directing the Legislative Council to study the criminal offenses in the North Dakota Century Code for which a monetary amount triggers the grading of the offense, with particular emphasis on the grading of theft offenses contained in North Dakota Century Code Chapter 12.1-23.
- HCR 3026:** A concurrent resolution urging the United States Drug Enforcement Administration to allow North Dakota to regulate industrial hemp farming without requiring federal applications, licenses, or fees.
- HCR 3028:** A concurrent resolution urging Congress to support the responsible use of the beneficial qualities of biotechnology such as pharmaceuticals, anti-immune disease control, biodegradable plastics, and other potential benefits to people and the global environment through high-yield agricultural production.
- HCR 3036:** A concurrent resolution directing the Legislative Council to prepare and publish an annual pocket brochure of pertinent state economic indicators and state government statistics.
- HCR 3037:** A concurrent resolution directing the Legislative Council to prepare and publish a four-year general fund budget report.
- HCR 3041:** A concurrent resolution to recognize the American Foundation for Suicide Prevention and the American Foundation for Suicide Prevention - North Dakota Chapter for their efforts in understanding and preventing suicide through research and education and for providing programs and resources for individuals with mood disorders and those impacted by suicide and to recognize depression as a mental illness and how individuals who suffer from depression may be at an increased risk of suicidal behavior.
- HCR 3042:** A concurrent resolution expressing support for the public awareness of multiple sclerosis and urging the Congress of the United States to join in the movement in creating a world free of multiple sclerosis.
- HCR 3043:** A concurrent resolution directing the Legislative Council to study laboratory safety at institutions of higher education.

The question being on the final adoption of the resolutions, which have been read.

HCR 3001, HCR 3004, HCR 3013, HCR 3014, HCR 3016, HCR 3020, HCR 3021, HCR 3022, HCR 3023, HCR 3026, HCR 3028, HCR 3036, HCR 3037, HCR 3041, HCR 3042, and HCR 3043 were declared adopted on a voice vote, and the titles were agreed to.

\*\*\*\*\*

#### REQUEST

**REP. KROEBER REQUESTED** the unanimous consent of the House to withdraw the minority report of HB 1015. There being no objection, it was so ordered by the Speaker. The majority report of HB 1015 was adopted and was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

- HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide statements of legislative intent; to provide an appropriation; to provide for transfers; and to provide an exemption.

**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 89 YEAS, 4 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; Griffin; Gruchalla; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Speaker Monson

**NAYS:** Grande; Weiler; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1016 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1017:** A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; 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

**NAYS:** Delzer; Koppelman

**ABSENT AND NOT VOTING:** Hawken; Kelsh, J.

Engrossed HB 1017 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

**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 86 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem;

Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Bellew; Delzer; Grande; Headland; Kasper; Pollert

**ABSENT AND NOT VOTING:** Boucher; Hawken

Engrossed HB 1018 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide legislative intent; to provide an exemption; to provide a line of credit; and to provide an appropriation for repayment of the line of credit.

#### 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 89 YEAS, 4 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; Dosch; Drovda; Ekstrom; Frantsov; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Delzer; Froelich; Kasper; Weiler

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1020 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1021:** A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance; and to authorize and provide an appropriation for additional full-time equivalent positions for workforce safety and insurance.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Froelich

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1021 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies; and to provide a transfer.

**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; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; 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:** Hawken

Engrossed HB 1022 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1023:** A BILL for an Act to provide an appropriation for defraying the expenses of various state departments and institutions; 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 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Kasper; Weiler

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1023 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1057:** A BILL for an Act to create and enact a new section to chapter 37-18 of the North Dakota Century Code, relating to department of veterans' affairs employees; to amend and reenact section 37-14-18 of the North Dakota Century Code, relating to county veterans' service officers; 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 88 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser;

Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Weiler; Weisz; Wieland; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Boehning; Delzer; Drovdal; Wall; Williams

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1057 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1175:** A BILL for an Act to create and enact two new sections to chapter 50-09 of the North Dakota Century Code, relating to child support enforcement; to amend and reenact subsection 5 of section 14-09-08.2, subsections 1, 2, and 9 of section 14-09-09.3, subsection 3 of section 14-09-09.10, subsections 4 and 5 of section 14-09-09.24, subsection 5 of section 14-09-09.33, subsections 9 and 10 of section 14-09-25, sections 20.1-01-26.1 and 34-15-06, subsection 1 of section 35-34-06, subsection 2 of section 50-09-02.1, subsections 1 and 5 of section 50-09-08.2, subsection 2 of section 50-09-14, and sections 50-09-36 and 50-24.1-02.1 of the North Dakota Century Code and section 12 of chapter 135 of the 2005 Session Laws, relating to child support enforcement; to provide a penalty; 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 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsovog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; 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; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

**NAYS:** Conklin; Delzer; Kelsch, R.; Ruby

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1175 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1540:** A BILL for an Act to amend and reenact subsection 3 of section 50-01.2-03.2 of the North Dakota Century Code, relating to the funding of economic assistance programs in counties with federally recognized Indian reservation land; 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 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Drovdal; Ekstrom; Frantsovog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider;

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

**NAYS:** Dosch

**ABSENT AND NOT VOTING:** Hawken

Engrossed HB 1540 passed and the title was agreed to.

\*\*\*\*\*

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

**HB 1012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide for legislative council studies; to provide statements of legislative intent; and to amend and reenact sections 25-04-05, 50-24.5-04, and 50-30-02 of the North Dakota Century Code, relating to developmental center admission screenings, the personal needs allowance for individuals in basic care facilities, and use of the health care trust fund.

#### **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 82 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Conrad; Kaldor; Kilichowski; Pinkerton; Porter; Potter; Schatz; Thorpe; Wolf

**ABSENT AND NOT VOTING:** Hawken; Ruby

Engrossed HB 1012 passed and the title was agreed to.

\*\*\*\*\*

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

**HB 1013:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, North Dakota vision services - school for the blind, and the state library; to provide an appropriation; to provide for the distribution of funding for gifted and talented programs and other grants; to provide a contingent appropriation; to provide for the development and implementation of a future services plan for the school for the deaf; to amend and reenact section 15.1-02-02 and subsection 6 of section 15.1-29-14 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction and special education cost reimbursements; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Hawken; Ruby

Engrossed HB 1013 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1235:** A BILL for an Act to amend and reenact subsection 9 of section 57-51.1-03 of the North Dakota Century Code, relating to an oil extraction tax rate reduction for horizontal wells; to provide an effective date; 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 67 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Hatlestad; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

**NAYS:** Amerman; Conklin; Conrad; Delmore; Froelich; Griffin; Gruchalla; Hanson; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kroeber; Mock; Mueller; Myxter; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Winrich; Wolf; Zaiser

**ABSENT AND NOT VOTING:** Hawken; Ruby

Engrossed HB 1235 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

### SECOND READING OF HOUSE BILL

**HB 1015:** A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption; to provide for various transfers; to amend and reenact sections 54-21-24 and 54-21-24.1 of the North Dakota Century Code, relating to leasing of office space by state agencies; to provide an appropriation for a statewide critical salary funding pool and a statewide salary equity pool; to establish a statewide critical salary funding pool and a statewide salary equity pool; to provide for transfer of appropriation authority, subject to budget section approval; to provide legislative intent; and to provide for a legislative council study.

### 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 62 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Boe; Hawken

Engrossed HB 1015 passed and the title was agreed to.

\*\*\*\*\*



**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HCR 3007.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2092.

**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 1003, HB 1006, HB 1007, HB 1008, HB 1009, HB 1010, HB 1016, HB 1017, HB 1018, HB 1020, HB 1021, HB 1022, HB 1057, HB 1078, HB 1171, HB 1175, HB 1219, HB 1222, HB 1230, HB 1276, HB 1278, HB 1295, HB 1316, HB 1348, HB 1351, HB 1353, HB 1386, HB 1389, HB 1398, HB 1407, HB 1413, HB 1416, HB 1460, HB 1484, HB 1496, HB 1499, HB 1505, HB 1514, HB 1515, HB 1551.

**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 1001, HB 1002, HB 1004, HB 1005, HB 1011, HB 1014, HB 1040, HB 1043, HB 1044, HB 1059, HB 1060, HB 1091, HB 1231, HB 1284, HB 1304, HB 1306, HB 1317, HB 1327, HB 1329, HB 1339, HB 1382, HB 1412, HB 1425, HB 1434, HB 1451, HB 1475, HB 1481, HB 1490, HB 1491, HB 1495, HB 1543, HB 1554, HB 1556, HB 1575.

**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 1012, HB 1013, HB 1015, HB 1019, HB 1235, HB 1540, HCR 3001, HCR 3004, HCR 3011, HCR 3013, HCR 3014, HCR 3016, HCR 3017, HCR 3020, HCR 3021, HCR 3022, HCR 3023, HCR 3026, HCR 3028, HCR 3029, HCR 3031, HCR 3033, HCR 3036, HCR 3037, HCR 3039, HCR 3041, HCR 3042, HCR 3043.

**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 1023, HB 1221, HB 1270, HB 1369, HB 1394, HB 1400, HB 1419, HB 1433, HB 1482.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2092.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HCR 3007.

**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 2007, SB 2019, SB 2027, SB 2040, SB 2155, SB 2163, SB 2198, SB 2202, SB 2221, SB 2244, SB 2245, SB 2247, SB 2278, SB 2298, SB 2344, SB 2357, SB 2404, SB 2411, SB 2415, SB 2422, SB 2425, SB 2428.

**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 2004, SB 2012, SB 2014, SB 2018, SB 2021, SB 2030, SB 2075, SB 2121, SB 2199, SB 2201, SB 2225, SB 2228, SB 2229, SB 2230, SB 2239, SB 2243, SB 2265, SB 2266, SB 2283, SB 2332, SB 2333, SB 2372, SB 2373, SB 2380, SB 2402, SB 2412, SCR 4001, SCR 4009, SCR 4010, SCR 4014.

**MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2003, SB 2015, SB 2062, SB 2393.

**REP. VIGESSA STATED:** Monday, January 19, 2009 was Martin Luther King Day and Monday, February 16, 2009 was President's Day, both official state holidays. Both days are paid holidays for most state employees. Legislative Assembly employees were required to work on Martin Luther King Day and President's Day. The Legislative Assembly will be in recess on Monday and Tuesday, February 23-24, 2009. Legislative Assembly employees will be paid for those two days.

Additionally, employees of the House have worked many hours of uncompensated overtime since the session began. In recognition of the uncompensated overtime, employees will be paid for Friday, February 20, 2009, even though the House will be in recess on that day.

#### MOTION

**REP. VIGESAA MOVED** that the rules be suspended and that the Chief Clerk of the House transmit all the bills and resolutions passed today to the Senate immediately, which motion prevailed.

#### MOTION

**REP. VIGESAA MOVED** that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, February 25, 2009, which motion prevailed.

#### FIRST READING OF SENATE BILLS

**SB 2208:** A BILL for an Act to amend and reenact section 4-10.2-08 of the North Dakota Century Code or in the alternative to amend and reenact section 4.1-09-16 of the North Dakota Century Code, relating to oilseed assessments; to provide an effective date; and to declare an emergency.  
Was read the first time and referred to the **Agriculture Committee**.

**SB 2248:** A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to certified pesticide applicators; to amend and reenact sections 4-35-05, 4-35-08, 4-35-09, 4-35-09.1, 4-35-12, 4-35-14, 4-35-15, 4-35-16, 4-35-18, 4-35-19, 4-35-20, 4-35-22, 4-35-23, and 4-35-24 of the North Dakota Century Code, relating to pesticides; to repeal sections 4-35-17 and 4-35-29 of the North Dakota Century Code, relating to license plates for vehicles used in the application of certain pesticides and priority liability; and to provide a penalty.  
Was read the first time and referred to the **Agriculture Committee**.

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

**Buell J. Reich, Chief Clerk**