

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

Bismarck, March 19, 2009

The House convened at 1:00 p.m., with Speaker Monson presiding.

The prayer was offered by Pastor John Fanella, Beulah Congregational Church, Beulah.

The roll was called and all members were present except Representatives Bellew, Metcalf, and Porter.

A quorum was declared by the Speaker.

POINT OF PERSONAL PRIVILEGE

REP. R. KELSCH: Mr. Speaker: I rise on a point of personal privilege.

Rep. Todd Porter and I are proud to honor the team, the coaches and the Mandan Braves boys' basketball program today and we are pleased to have them with us in the Chamber today.

On Saturday, March 14, 2009, the Mandan Braves boys basketball team defeated the West Fargo Packers by a score of 57 to 46. The state championship capped off an excellent season in which the Mandan Braves had a record of 24 wins and only one loss. This is the fifth state boy's basketball title for the Mandan Braves. The last championship came in 1981, when Rep. Todd Porter's brother, Tracy, played on the team.

In addition to the team victory, Mandan Coach Jason Horner, was voted the Coach of the Year in his first year coaching the Braves. Mandan Junior Brian Kielpinski, was named MVP of the tournament and Kielpinski, Jordan Maurer and Jordan Thilmony were named to the "All-Tournament Team".

Not only are these young men outstanding on the court, they also excel in the classroom and are active in the community.

District 34, the City of Mandan, and the State of North Dakota are very proud of Coach Horner, his assistant coaches, and all of the Mandan boys basketball players for their accomplishments. Congratulations to the Class A Champions, the Mandan Boys Basketball team!

MOTION

REP. VIGESAA MOVED that the remarks of Rep. R. Kelsch be printed in the Journal, which motion prevailed.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Delzer, Chairman)** has carefully reexamined the Journal of the 28th and 33rd Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 491, line 35, replace "REP" with "SEN"

Page 689, replace lines 19 through 21 with "HB 1004, HB 1005, HB 1011, HB 1014, HB 1213, HB 1284, HB 1553, HB 1554 and HCR 3033."

Page 689, replace lines 22 through 24 with "HB 1001, HB 1002, HB 1004, HB 1005, HB 1011, HB 1014, HB 1213, HB 1284, HB 1553, HB 1554 and HCR 3033,"

Page 689, line 25, delete "HB 1540,"

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

MOTION

REP. VIGESAA MOVED that SB 2316 be returned to the House floor from the **Senate Committee of the Whole** for the purpose of reconsideration, which motion failed on a verification vote.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to SB 2082, Engrossed SB 2087, SB 2161, Engrossed SB 2176, Reengrossed SB 2202, SB 2219, Engrossed SB 2250, SB 2288, and Reengrossed SB 2415.

Reengrossed SB 2415, as amended, was rereferred to the **Appropriations Committee**.

SB 2082, Engrossed SB 2087, SB 2161, Engrossed SB 2176, Reengrossed SB 2202, SB 2219, Engrossed SB 2250, and SB 2288, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2248: A BILL for an Act 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.

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, 3 NAYS, 0 EXCUSED, 3 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; 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; Pinkerton; Pollert; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Delzer; Kasper; Weisz

ABSENT AND NOT VOTING: Bellew; Metcalf; Porter

Engrossed SB 2248, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2371: A BILL for an Act to provide for the control of invasive species; to amend and reenact sections 63-01.1-06 and 63-01.1-07.6 of the North Dakota Century Code or in the alternative to amend and reenact section 16 of House Bill No. 1026, as approved by the sixty-first legislative assembly, relating to the distribution of state appropriations for noxious weed control.

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, 0 NAYS, 0 EXCUSED, 3 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; 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; 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: Bellew; Metcalf; Porter

Engrossed SB 2371, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to create and enact a new section to chapter 54-34.3 of the North Dakota Century Code, relating to the promotion of life science industries.

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, 0 NAYS, 0 EXCUSED, 3 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; 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; 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: Bellew; Metcalf; Porter

Engrossed SB 2372, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2404: A BILL for an Act to provide a lien for oil and gas owners to secure payment for the sale of oil and gas.

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; 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.; 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; 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: Bellew; Kaldor; Metcalf; Porter

Engrossed SB 2404, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to amend and reenact section 15-10-12.1 of the North Dakota Century Code, relating to authority of the state board of higher education to authorize campus improvements financed by donations, gifts, grants, and bequests.

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 20 YEAS, 70 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Clark; Delmore; Ekstrom; Glassheim; Gruchalla; Hawken; Hofstad; Holman; Johnson, N.; Kilichowski; Kroeber; Meyer, S.; Myxter; Potter; Thorpe; Wall; Williams; Winrich; Wolf

NAYS: Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Conklin; Conrad; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froelich; Froseth; Grande;

Griffin; Hanson; Hatlestad; Headland; Heller; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Mock; Mueller; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Kaldor; Metcalf; Porter

Engrossed SB 2076 lost.

SECOND READING OF SENATE BILL

SB 2185: A BILL for an Act to amend and reenact section 14-02.4-21 of the North Dakota Century Code, relating to requirements of the labor department regarding discriminatory complaints.

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, 54 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bellew; Kaldor; Metcalf; Porter

SB 2185 lost.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to amend and reenact section 26.1-08-12 of the North Dakota Century Code, relating to comprehensive health association of North Dakota eligibility provisions.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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; 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; 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: Bellew; Metcalf; Porter

Engrossed SB 2214 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2236: A BILL for an Act to create and enact a new section to chapter 47-10 of the North Dakota Century Code, relating to the power of a trustee to transfer property.

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 80 YEAS, 10 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Boe; Boehning; Brandenburg; Carlson; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; 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; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Mock; Mueller; Myxter; Nathe; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Amerman; Boucher; Conklin; Froelich; Kasper; Kerzman; Kilichowski; Meyer, S.; Schmidt; Thorpe

ABSENT AND NOT VOTING: Bellew; Metcalf; Nelson; Porter

SB 2236 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code, relating to required notice to be posted at abortion facilities.

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 83 YEAS, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Ekstrom; Hatlestad; Hawken; Johnson, N.; Winrich; Wolf

ABSENT AND NOT VOTING: Bellew; Klemin; Metcalf; Nelson; Porter

Engrossed SB 2265 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2269: A BILL for an Act to amend and reenact section 57-38-01.26 of the North Dakota Century Code, relating to angel fund investment income tax credits; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 90 YEAS, 0 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; 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; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; 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: Bellew; Metcalf; Nelson; Porter

Engrossed SB 2269 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to create and enact chapter 57-33.2 of the North Dakota Century Code, relating to taxation of generation, distribution, and transmission of electric power; to amend and reenact sections 10-13-04, 17-05-12, 49-21.1-01.1, 57-06-03, 57-06-17.3, and 57-60-06 of the North Dakota Century Code, relating to references to assessment and imposition of taxes against centrally assessed electric power companies and taxation of rural electric cooperatives and cooperative electrical generating plants; to repeal chapters 57-33 and 57-33.1 of the North Dakota Century Code, relating to taxation of rural electric cooperatives and cooperative electrical generating plants; to provide a penalty; to provide a continuing appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 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; 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; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; 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: Bellew; Metcalf; Nelson; Porter

Engrossed SB 2297 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2322: A BILL for an Act to amend and reenact section 1-08-12, subsection 1 of section 44-06-13.1, and subsection 1 of section 44-06-13.2 of the North Dakota Century Code, relating to electronic signatures and discipline of notaries public.

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 89 YEAS, 1 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; 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.; Kelsh, S.; Kempenich; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; 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: Froseth

ABSENT AND NOT VOTING: Bellew; Metcalf; Nelson; Porter

Engrossed SB 2322 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2366: A BILL for an Act to amend and reenact section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks.

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 48 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Clark; Conrad; Damschen; Delmore; Ekstrom; Frantsvog; Froseth; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hunsakor; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kerzman; Kingsbury; Klemm; Kretschmar; Kroeber; Martinson; Meyer, S.; Mock; Mueller; Myxter; Nottestad; Onstad; Pietsch; Pinkerton; Potter; Schneider; Sukut; Thorpe; Uglem; Vig; Vigasaa; Wald; Wieland; Winrich; Wolf; Zaiser

NAYS: Belter; Berg; Boehning; Brandenburg; Carlson; Conklin; Dahl; DeKrey; Delzer; Dosch; Drovdal; Froelich; Grande; Hatlestad; Headland; Heller; Hofstad; Holman; Johnson, D.; Kaldor; Kelsch, R.; Kempenich; Kilichowski; Klein; Koppelman; Kreidt; Meier, L.; Nathe; Pollert; Ruby; Rust; Schatz; Schmidt; Skarphol; Svedjan; Thoreson; Wall; Weiler; Weisz; Williams; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Metcalf; Nelson; Porter

Engrossed SB 2366 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2369: A BILL for an Act to provide for a legislative council study of allocation of property tax relief among renters.

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 34 YEAS, 56 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Conrad; Dahl; Delmore; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Hatlestad; Holman; Hunsakor; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kroeber; Meyer, S.; Mock; Mueller; Myxter; Nottestad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser

NAYS: Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Conklin; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Grande; Hanson; Hawken; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Nathe; Onstad; Pietsch; Pollert; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Bellew; Metcalf; Nelson; Porter

Engrossed SB 2369 lost.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1128, HB 1147, HB 1181, HB 1280, HB 1389, HB 1545.

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

MR. PRESIDENT: The Speaker has signed: HB 1025, HB 1030, HB 1036, HB 1061, HB 1062, HB 1072, HB 1078, HB 1084, HB 1087, HB 1098, HB 1099, HB 1115, HB 1117, HB 1118, HB 1122, HB 1132, HB 1137, HB 1141, HB 1149, HB 1150, HB 1163, HB 1164,

HB 1184, HB 1201, HB 1205, HB 1215, HB 1220, HB 1270, HB 1273, HB 1287, HB 1300, HB 1326, HB 1353, HB 1382, HB 1414, HB 1430, HB 1451, HB 1455, HB 1482, HB 1500.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 19, 2009: HB 1025, HB 1030, HB 1036, HB 1061, HB 1062, HB 1072, HB 1078, HB 1084, HB 1087, HB 1098, HB 1099, HB 1115, HB 1117, HB 1118, HB 1122, HB 1132, HB 1137, HB 1141, HB 1149, HB 1150, HB 1163, HB 1164, HB 1184, HB 1201, HB 1205, HB 1215, HB 1220, HB 1270, HB 1273, HB 1287, HB 1300, HB 1326, HB 1353, HB 1382, HB 1414, HB 1430, HB 1451, HB 1455, HB 1482, HB 1500.

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

MR. PRESIDENT: The House has passed unchanged: SB 2289, SB 2357, SB 2368, SB 2378.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2112, SB 2223, SB 2224, SB 2316, SB 2352, SB 2413, SB 2417.

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

MR. PRESIDENT: The House has passed unchanged: SB 2214, SB 2236, SB 2265, SB 2269, SB 2297, SB 2322.

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

MR. PRESIDENT: The House has failed to pass unchanged: SB 2076, SB 2185, SB 2369.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2371, SB 2372, SB 2404.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1002, HB 1004, HB 1007, HB 1011, HB 1059, HB 1219, HB 1342.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

Page 1, line 2, after the third semicolon insert "to provide a contingent appropriation; to provide an exemption;"

Page 1, line 16, replace "307,132" with "579,058" and replace "2,941,625" with "3,213,551"

Page 1, line 17, replace "1,096,769" with "1,123,769" and replace "3,155,950" with "3,182,950"

Page 1, line 19, replace "2,824,877" with "2,854,877" and replace "8,314,107" with "8,344,107"

Page 1, line 21, replace "1,308,778" with "1,637,704" and replace "14,419,682" with "14,748,608"

Page 1, line 22, replace "38,660" with "41,113" and replace "8,912,525" with "8,914,978"

Page 1, line 23, replace "1,270,118" with "1,596,591" and replace "5,507,157" with "5,833,630"

Page 1, line 24, replace "0.00" with "1.00" and replace the second "27.00" with "28.00"

Page 2, line 11, replace "1,328,618" with "1,655,091" and replace "5,869,157" with "6,195,630"

Page 2, line 12, replace "38,660" with "3,441,811" and replace "8,912,525" with "12,315,676"

Page 2, line 13, replace "1,367,278" with "5,096,902" and replace "14,781,682" with "18,511,306"

Page 2, after line 19, insert:

"SECTION 3. LOAN AUTHORIZATION - CONTINGENT APPROPRIATION - BUDGET SECTION APPROVAL. Subject to budget section approval, the secretary of state may borrow up to \$3,400,698 from the Bank of North Dakota, which is appropriated to the secretary of state for the purpose of implementing the North Dakota business development engine computer project, during the biennium beginning July 1, 2009, and ending June 30, 2011. The secretary of state may request budget section approval only if the revenues projected by the secretary of state and the office of management and budget to be generated as a result of provisions of chapter 102 of the

2007 Session Laws over the term of the proposed loan based on the trend of actual corporate charters granted are anticipated to be sufficient to repay the proposed loan, including interest over the term of the loan."

Page 2, after line 31, insert:

"SECTION 5. EXEMPTION - GENERAL SERVICES OPERATING FUND. Any unexpended and unobligated balance remaining in the secretary of state's general services operating fund on June 30, 2009, is not subject to the provisions of section 54-09-08, and any unexpended funds are available and may be expended by the secretary of state, during the biennium beginning July 1, 2009, and ending June 30, 2011, for the database and processing platform migration project."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98003.0303 FN 3

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

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1004

Page 1, line 12, replace "435,504" with "803,805" and replace "7,756,745" with "8,125,046"

Page 1, line 13, replace "(25,564)" with "(564)" and replace "784,985" with "809,985"

Page 1, line 15, replace "0" with "50,000" and replace "100,000" with "150,000"

Page 1, line 16, replace "499,940" with "943,241" and replace "8,741,730" with "9,185,031"

Page 1, line 17, replace "(312,198)" with "(272,972)" and replace "2,273,576" with "2,312,802"

Page 1, line 18, replace "812,138" with "1,216,213" and replace "6,468,154" with "6,872,229"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98005.0301 FN 1

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

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1007

Page 1, line 2, after "commissioner" insert "; and to provide legislative intent"

Page 1, line 11, replace "151,736" with "304,511" and replace "1,393,097" with "1,545,872"

Page 1, line 12, replace "(20,000)" with "63,100" and replace "289,230" with "372,330"

Page 1, line 13, replace "131,736" with "367,611" and replace "1,682,327" with "1,918,202"

Page 1, line 14, replace "4,359" with "11,410" and replace "405,700" with "412,751"

Page 1, line 15, replace "127,377" with "356,201" and replace "1,276,627" with "1,505,451"

Page 1, line 16, replace "0.00" with "1.00" and replace the second "11.00" with "12.00"

Page 1, after line 16, insert:

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

<u>One-Time Funding Description</u>	<u>2007-09</u>	<u>2009-11</u>
Discrimination study	\$0	\$60,000
Total general fund	\$0	\$60,000

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98008.0202 FN 1

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

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, line 11, replace "133,877" with "148,810" and replace "1,399,120" with "1,414,053"

Page 1, line 12, replace "123,006" with "148,006" and replace "681,441" with "706,441"

Page 1, line 13, replace "256,883" with "296,816" and replace "2,080,561" with "2,120,494"

Page 1, line 15, replace "156,883" with "196,816" and replace "1,763,362" with "1,803,295"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98012.0301 FN 1

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

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1059

Page 1, line 3, after "commission" insert "; and to provide a continuing appropriation"

Page 1, line 19, after "**duties**" insert "- **Continuing appropriation**"

Page 1, line 23, after the period insert "The commission may accept gifts, grants, donations, legacies, and devises from any source which are appropriated on a continuing basis for the purposes of the commission."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1219

Page 1, line 10, remove the overstrike over "~~section 39-08-01~~", replace "title 39" with "or has committed a moving violation as defined in section 39-06.1-09", and overstrike "may" and insert immediately thereafter "must"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1342

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

Page 1, line 4, after "crossings" insert "; and to provide an effective date"

Page 3, after line 6, insert:

"SECTION 5. EFFECTIVE DATE. This Act becomes effective on January 1, 2010."

Renumber accordingly

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

MR. SPEAKER: The President has signed: SB 2033, SB 2057.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2370, SB 2388, SB 2389, SB 2416.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1109, HB 1386, HB 1413, HB 1484, HB 1491, HB 1525, HB 1575, HCR 3051.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1361.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1361

Page 1, line 1, replace "11" with "9" and replace "43-55-01" with "43-55-08"

Page 1, line 7, replace "11" with "9" and replace "43-55-01" with "43-55-08"

Page 1, replace lines 9 and 10 with:

"9. Upon request of the secretary of state or attorney general, a professional employer organization promptly shall provide an audited financial statement verified by a certified public accountant licensed to practice in the jurisdiction in which the accountant is located."

Page 2, line 25, remove the overstrike over "A", remove "An audited", and overstrike "financial statement, verified by a certified public accountant"

Page 2, line 26, overstrike "licensed to practice in the jurisdiction in which the accountant is located,"

Page 2, line 27, remove "for the fiscal year ended"

Page 2, line 28, remove "immediately" and overstrike "before the date submitted to the secretary of state, which is"

Page 2, line 29, overstrike "prepared in accordance with generally accepted accounting principles."

Page 3, line 2, overstrike "A professional employer organization that has not had sufficient"

Page 3, overstrike lines 3 and 4

Page 3, line 5, overstrike "under this chapter and present a"

Page 3, line 7, replace "federal tax return" with "contribution and wage report to job service North Dakota"

Page 3, line 9, remove "operated long enough to"

Page 3, line 10, remove "have" and replace "federal tax return" with "contribution and wage report with job service North Dakota"

Page 3, line 12, after "year" insert "and may be renewed within sixty days before the expiration of the license by submitting to the secretary of state:

- a. The information required in subsection 2;
- b. The license fee provided in section 43-55-04; and
- c. A bond as provided under section 43-55-05"

Page 3, line 13, overstrike "a. Within sixty days before the expiration of a license, the licensee may apply to"

Page 3, overstrike lines 14 through 27

Page 3, line 28, overstrike "under this chapter;" and remove "and"

Page 3, line 29, overstrike "(2) A bond with a minimum value of" and remove "five percent of the wages, tips,"

Page 3, remove lines 30 and 31

Page 4, line 1, remove "to the secretary of state but not to exceed five" and overstrike "hundred thousand"

Page 4, overstrike lines 2 through 10

Page 4, line 11, overstrike "5."

Page 4, line 14, overstrike "6." and insert immediately thereafter "5."

Page 4, line 18, overstrike "**Financial capability**" and replace "and bond" with "Bond"

Page 4, line 19, overstrike the colon

Page 4, line 20, remove "a." and overstrike "A minimum working capital of one hundred thousand dollars as reflected in"

Page 4, overstrike line 21

Page 4, line 22, overstrike "application and each annual renewal;" and remove "and"

Page 4, line 23, remove "b.", overstrike "A" and insert immediately thereafter "a", after "of" insert "the greater amount of", remove the overstrike over "~~one~~" and insert immediately thereafter "hundred thousand dollars or", after "the" insert "total", and remove ", tips, and"

Page 4, line 24, remove "other compensation" and replace "federal tax return" with "contribution and wage report to job service North Dakota"

Page 4, remove lines 28 through 31

Page 5, remove lines 1 and 2

Page 5, line 3, replace "3." with "2." and remove "operated long enough to have"

Page 5, line 4, remove "completed a full fiscal year or" and replace "federal tax return" with "contribution and wage report with job service North Dakota"

Page 5, line 6, replace "4." with "3."

Page 5, line 9, overstrike "A bond provided under this"

Page 5, overstrike lines 10 and 11

Page 5, line 12, replace "5." with "4."

Page 5, line 23, after "and" insert "the" and replace "federal tax returns" with "contribution and wage report to job service North Dakota"

Renumber accordingly

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

MR. SPEAKER: The Senate has failed to pass unchanged: HB 1185.

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

MR. SPEAKER: The President has signed: HB 1038, HB 1067, HB 1121, HB 1128, HB 1142, HB 1147, HB 1168, HB 1181, HB 1245, HB 1280, HB 1294, HB 1318, HB 1323, HB 1341, HB 1351, HB 1383, HB 1389, HB 1475, HB 1495, HB 1545, HB 1567.

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

MR. SPEAKER: The Senate has failed to pass unchanged: HB 1068.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1159, HB 1176, HB 1234, HB 1272, HB 1505, HCR 3020.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1472.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1472

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

Page 1, line 9, replace "at least four members who represent for-profit early childhood service" with "a broad-based geographically distributed membership"

Page 1, remove line 10

Page 1, line 11, remove "childhood service providers"

Page 2, after line 20, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2013, and after that date is ineffective.

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

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1175, HB 1227, HB 1459, HB 1543.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1175

Page 1, line 1, after "chapter" insert "26.1 and a new section to chapter"

Page 1, line 9, after the first semicolon insert "to provide for a task force on child support enforcement;"

Page 4, after line 27, insert:

"SECTION 8. A new section to title 26.1 of the North Dakota Century Code is created and enacted as follows:

Child support insurance data match. Before paying a claim under a contract of insurance issued in this state, an insurer or government self-insurance pool may exchange information about the claimant with the department of human services or its designee. This section applies notwithstanding any provision of law making the information confidential. A person is immune from suit or any liability under any federal or state law, including chapter 12.1-13 or 44-04, for acting in good faith under this section. The court shall award reasonable attorney's fees and costs against any person that commences an action that is subsequently dismissed by reason of the immunity granted by this section."

Page 6, line 10, remove "on a one-time or ongoing basis"

Page 8, line 1, remove "and" and after "numbers" insert ", and other requested relevant income or asset information"

Page 8, line 6, after "subpoena" insert "if requested"

Page 11, after line 28, insert:

"SECTION 18. CHILD SUPPORT ENFORCEMENT TASK FORCE. The department of human services shall convene a child support enforcement task force to study the interaction of the business community and the child support enforcement program. The task force must include two members of the legislative assembly appointed by the chairman of the legislative council. The department shall extend invitations to representatives from the financial and insurance industries, employers, public utilities, and other business interests. The study must include strategies for encouraging voluntary participation in electronic data matches, the feasibility and desirability of mandatory data matches or mandatory electronic transfer of information, the identification of potential sources of income and asset information regarding child support obligors, the creation of a lien registry for property owned by a delinquent child support obligor, and the development of procedures for conducting data matches that are secure and limited to the information needed to assist in the establishment and enforcement of child support and medical support orders. The department of human services shall present the findings and recommendations of the task force, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Page 11, line 29, replace "13" with "14" and replace "14" with "15"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1227

Page 1, line 2, replace "provisional hunting licenses" with "an apprentice hunter program"

Page 1, line 3, remove "and subsection 1 of section 20.1-03-11"

Page 1, line 4, replace "hunting licenses and requirements" with "an online internet hunter safety education program"

Page 1, line 14, replace "sixteen" with "eighteen"

Page 1, replace lines 17 through 24 with:

"SECTION 2. A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Apprentice hunter validation. An individual born after December 31, 1961, who is sixteen years of age or older and who does not possess a hunter safety education course certificate of completion may be issued an apprentice hunter validation. An apprentice hunter validation is valid for only one license year in a lifetime. An individual in possession of an apprentice hunter validation may hunt small game and deer only when accompanied by an adult licensed to hunt in this state whose license was not obtained using an apprentice hunter validation. An apprentice hunter validation holder must obtain all required licenses and stamps. For purposes of this section, "accompanied" means to stay within a distance of another individual that permits uninterrupted visual contact in unaided verbal communication."

Page 2, remove lines 1 through 19

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1459

Page 1, line 2, after "engineers" insert "; to provide for the control or eradication of noxious weeds on publicly owned lands; and to provide for a legislative council study"

Page 1, after line 20, insert:

"SECTION 3. Publicly owned land - Noxious weed control or eradication.

1. The commissioner shall attempt to arrange a noxious weed control or eradication program with all state and federal agencies owning, controlling, or having jurisdiction over land within the state.
2. Each weed control officer shall attempt to arrange a noxious weed control or eradication program with political subdivisions owning or controlling public land within the weed control officer's jurisdiction.
3. If a federal agency does not control or eradicate noxious weeds on land under the jurisdiction of the agency and does not develop a management plan for controlling or eradicating the noxious weeds, the appropriate weed control office shall notify the agency of the failure to control or eradicate the noxious weeds. The federal agency shall provide a report to the weed control authorities detailing the methods used by the federal agency and showing cause why the federal agency is not controlling or eradicating the noxious weeds. The commissioner may specify the forms on which the federal agency report must be submitted.
4. Upon being notified by a weed board of the federal agency's failure to control or eradicate noxious weeds, the commissioner may hold a public hearing to determine the reason for the failure.

SECTION 4. LEGISLATIVE COUNCIL STUDY - WEED CONTROL PROGRAMS. During the 2009-10 interim, the legislative council shall consider studying the weed control programs of the army corps of engineers on federal land under its control, including whether the army corps of engineers is in compliance with federal and any applicable state weed control laws, whether the army corps of engineers sufficiently budgets funds to address weed control on army corps of engineers' land, and whether Congress provides proper funding for weed control on army corps of engineers' land. 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

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1543

Page 1, line 2, after "products" insert "; and to provide for a report to the legislative council regarding the procurement of North Dakota food products"

Page 1, after line 9, insert:

"SECTION 2. OFFICE OF MANAGEMENT AND BUDGET - PROCUREMENT OF NORTH DAKOTA FOOD PRODUCTS - REPORT TO LEGISLATIVE COUNCIL.

Before August 1, 2010, the office of management and budget shall report to the legislative council regarding its estimate of the total percentage of North Dakota products which represents the total food expenditures of state agencies, institutions of higher education under the control of the state board of higher education, and political subdivisions and the fiscal value of North Dakota products in comparison to out-of-state products utilized annually which are purchased by state agencies, institutions of higher education under the control of the state board of higher education, and political subdivisions."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1489.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489

Page 1, line 11, overstrike "or adapting a new facility"

Page 1, line 14, remove "or adapting a new facility"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1489

In addition to the amendments adopted by the Senate as printed on page 795 of the Senate Journal, Engrossed House Bill No. 1489 is further amended as follows:

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

Page 2, after line 2, insert:

"SECTION 2. LEGISLATIVE COUNCIL STUDY - INCENTIVES FOR VALUE-ADDED AGRICULTURE. During the 2009-10 interim, the legislative council shall consider studying the availability of tax incentives, grant programs, and any other direct or indirect public subsidization designed to encourage and promote value-added agriculture and any public and private benefits that accrue as a result of such availability. 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

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Friday, March 20, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2052: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2070: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2070 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098, as engrossed: 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). Engrossed SB 2098 was placed on the Sixth order on the calendar.

Page 3, line 8, remove "who is practicing within the professional scope"

Page 3, line 9, remove "of practice and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2124: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2124 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2152, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2152 was placed on the Sixth order on the calendar.

Page 6, remove lines 25 and 26

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2173: Political Subdivisions Committee (Rep. Wrangham, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2173 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2192, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2192 was placed on the Sixth order on the calendar.

Page 1, line 7, after "honor" insert "and remembrance"

Page 1, line 10, after "Columbia" insert ", and those veterans who are or were missing in action or prisoners of war"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2195: 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). SB 2195 was placed on the Sixth order on the calendar.

Page 2, replace lines 1 through 11 with "the attending physician, as expeditiously as possible, shall confer with an agent acting under the prospective donor's declaration or directive or, if none or the agent is not reasonably available, another person authorized by law other than this chapter to make health care decisions on behalf of the prospective donor. In resolving the conflict, the agent or other person authorized by law shall make the decision in accordance with the agent's or person's knowledge of the prospective donor's wishes and religious or moral beliefs, as stated orally, or as contained in the declaration or advance health care directive."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2218: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2218 was placed on the Sixth order on the calendar.

Page 2, remove lines 28 and 29

Page 2, line 30, replace "4." with "3."

Page 3, line 3, replace "5." with "4."

Page 3, line 22, replace "6." with "5."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2232, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2232 was placed on the Sixth order on the calendar.

Page 3, line 10, after "served" insert "personally upon the third party by a sheriff, or may be served" and replace "for the judgment" with "by"

Page 3, line 11, remove "creditor or a sheriff through", after "mail" insert "to the third party, return receipt requested,", after the second "or" insert "by", and replace "to" with "upon"

Renumber accordingly

REPORT OF STANDING COMMITTEE (MAJORITY)

SB 2267: Judiciary (Rep. D. DeKrey, Chairman) A **MAJORITY** of your committee (Reps. Dahl, Kingsbury, Klemin, Koppelman, Kretschmar, Hatlestad) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 23, overstrike "dismissed under this subsection" and insert immediately thereafter "claiming reprisal under this section"

Page 1, line 24, overstrike "state personnel board" and insert immediately thereafter "human resource management services division"

Page 2, line 2, overstrike "state personnel"

Page 2, line 3, overstrike "board" and insert immediately thereafter "human resource management services division"

Page 2, after line 11, insert:

"5. All permanent and temporary employees of the state may appeal claims of reprisal under this section in the manner prescribed for classified employees under chapter 54-44.3. This subsection does not apply to appointed officials, members of state boards and commissions, employees under the jurisdiction of the state board of higher education, and the chief deputy and personal secretary of an elected official, unless the individual is employed in a classified position."

Renumber accordingly

REPORT OF STANDING COMMITTEE (MINORITY)

SB 2267: Judiciary (Rep. D. DeKrey, Chairman) A **MINORITY** of your committee (Reps. Delmore, Griffin, Zaiser) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 34-01-20 and 34-11.1-04 of the North Dakota Century Code, relating to whistleblower protection for employees; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 34-01-20 of the North Dakota Century Code is amended and reenacted as follows:

34-01-20. Employer retaliation prohibited - Department of labor assistance - Civil action for relief - Penalty.

1. An employer may not discharge, discipline, ~~threaten~~ discriminate ~~intimidate, or penalize, discriminate against, threaten any of these prohibited actions against,~~ or otherwise retaliate against an employee regarding the employee's compensation or benefits, conditions, location, terms, duties, or privileges of employment because:

a. The employee, or a person acting on behalf of an employee, in good faith, reports a violation or suspected violation of federal, state, or

local law, ordinance, regulation, or rule to an employer, a governmental body, or a law enforcement official.

- b. The employee is requested by a public body or official to participate in an investigation, a hearing, or an inquiry.
 - c. The employee refuses an employer's order to perform an action that the employee believes violates local, state, or federal law, ordinance, rule, or regulation. The employee must have an objective basis in fact for that belief and shall inform the employer that the order is being refused for that reason.
 2. An employer who willfully violates this section is guilty of an infraction.
 3. An employee asserting a violation of this section may bring a civil action for injunctive relief or actual damages, or both, within one hundred eighty days after the alleged violation, completion of proceedings under subsection 4, or completion of any grievance procedure available to the employee under the employee's collective bargaining agreement, employment contract, or any public employee statute, rule, or policy, whichever is later.
 - a. If the court determines that a violation has or is occurring under this section, the court may order, ~~as the court deems appropriate,~~ reinstatement of the employee, backpay for no more than two years after the violation, reinstatement of fringe benefits, temporary or permanent injunctive relief, or any combination of these remedies. Interim earnings or amounts earnable with reasonable diligence by the employee, from the same employer, must reduce backpay otherwise allowable. In any action under this section, the court may award reasonable attorney's fees to the prevailing party as part of the costs of litigation.
 - b. An employee whose collective bargaining agreement, employment contract, or public employee rights provides a process through which recourse for conduct prohibited by subsection 1 is available must exercise that process to completion before commencing an action under this subsection, and if that process provides for judicial review by statutory appeal, then recourse under this subsection is not available.
 4. The department of labor shall receive complaints of violations of this section and may attempt to obtain voluntary compliance with this section through informal advice, negotiation, or conciliation. In order to receive assistance from the department of labor, a person claiming to be aggrieved by a violation of this section shall file a complaint with the department within three hundred days after the alleged act of wrongdoing. An employee is not prohibited from filing, or required to file, a complaint with the department of labor under this subsection before proceeding under other provisions of this section.

SECTION 2. AMENDMENT. Section 34-11.1-04 of the North Dakota Century Code is amended and reenacted as follows:

34-11.1-04. ~~Violations for misuse reported by employee — Reprisals~~
Employer retaliation prohibited - Furnishing false information - Department of
labor assistance - Civil action for relief.

- ~~1. An employee may, without fear of reprisal, report in writing to the employee's respective agency head, a state's attorney, the attorney general, or an employee organization the existence of:~~
 - ~~a. A job-related violation of local, state, or federal law, rule, regulation, or ordinance.~~
 - ~~b. The job-related misuse of public resources.~~
- ~~2. For having made a report under subsection 1, no employee will:~~
 - ~~a. Be dismissed from employment.~~

- b. ~~Have salary increases or employment related benefits withheld.~~
 - e. ~~Be transferred or reassigned.~~
 - d. ~~Be denied a promotion that the employee otherwise would have received.~~
 - e. ~~Be demoted.~~
 - f. ~~Be discriminated against in any term or condition of employment.~~
3. An employer may not discharge, discipline, intimidate, penalize, discriminate against, threaten any of these prohibited actions against, or otherwise retaliate against an employee regarding the employee's compensation or benefits, conditions, location, terms, duties, or privileges of employment because:
- a. The employee, or a person acting on behalf of an employee, reports to the employer, employee organization, the attorney general, the state auditor, the labor commissioner, or a law enforcement official:
 - (1) A violation or suspected violation of federal, state, or local law, ordinance, regulation, or rule; or
 - (2) A job-related misuse of public resources.
 - b. The employee is requested by a public body or official to participate in an investigation, a hearing, or an inquiry.
 - c. The employee refuses an employer's order to perform an action the employee believes violates local, state, or federal law, ordinance, rule, or regulation. The employee must have an objective basis in fact for this belief and shall inform the employer that the order is being refused for that reason.
2. An employee who intentionally furnishes false information is subject to disciplinary action, including suspension or dismissal as determined by the employee's appointing authority or designee. An employee dismissed under this subsection may appeal first to the ~~state personnel board~~ human resource management services division and then to the district court in the manner prescribed by chapter 28-32, or to other appropriate offices and then to district court if the employee is not under the jurisdiction of the ~~state personnel board~~ human resource management services division.
3. An employee asserting a violation of subsection 1 may bring a civil action for injunctive relief or actual damages, or both, within one hundred eighty days after the alleged violation, completion of proceedings under subsection 4, or completion of any grievance procedure available to the employee under the employee's collective bargaining agreement, employment contract, or any public employee statute, rule, or policy, whichever is later.
- a. If the court determines that a violation has or is occurring under subsection 1, the court may order reinstatement of the employee, backpay for no more than two years after the violation, reinstatement of fringe benefits, temporary or permanent injunctive relief, or any combination of these remedies. Interim earnings or amounts earnable with reasonable diligence by the employee, from the same employer, must reduce backpay otherwise allowable. In any action under this section, the court may award reasonable attorney's fees to the prevailing party as part of the costs of litigation.
 - b. An employee whose collective bargaining agreement, employment contract, or public employee rights provide a process through which recourse for conduct prohibited by subsection 1 is available shall exercise that process to completion before commencing an action under this subsection, and if that process provides for judicial review by statutory appeal, then recourse under this subsection is not available.

4. The department of labor shall receive complaints of violations of subsection 1. In order to receive assistance from the department of labor under this subsection, an employee claiming to be aggrieved by a violation of subsection 1 shall file a complaint with the department within three hundred days after the alleged act of wrongdoing. Except as provided under this section, an employee is not prohibited from filing, or is not required to file, a complaint with the department of labor under this subsection before proceeding with any other legal remedy available.
- a. An executive branch state employee whose collective bargaining agreement, employment contract, or public employee rights provides a process through which recourse for conduct prohibited by subsection 1 is available:
- (1) May file a complaint with the department of labor for assistance in obtaining voluntary assistance under subdivision c; and
 - (2) May not file a complaint under this subsection seeking an administrative decision.
- b. Except as provided under subdivision a, if an executive branch state employee files a complaint of violation of subsection 1 with the department of labor, upon receipt of the complaint, the department of labor shall establish whether the employee seeks assistance in obtaining voluntary assistance or whether the employee seeks an administrative decision.
- (1) If the employee seeks voluntary assistance, the department of labor shall review the complaint to determine whether the complaint may be substantiated. If the department determines the complaint may be substantiated, the department shall attempt to obtain voluntary compliance with this section through informal advice, negotiation, or conciliation. A department of labor determination under this paragraph is not an appealable order.
 - (2) If the employee seeks an administrative decision, the department of labor shall review the complaint and shall issue an administrative decision. The department of labor decision may order reinstatement of the employee, backpay for no more than two years after the violation, reinstatement of fringe benefits, temporary or permanent injunctive relief, or any combination of these remedies. Interim earnings or amounts earnable with reasonable diligence by the employee, from the same employer, must reduce backpay otherwise allowable. Additionally, the decision may award reasonable attorney's fees to the prevailing party. A party may appeal the decision in the manner prescribed by chapter 28-32. If an employee seeks an administrative decision under this paragraph, the employee may not bring a separate civil action for injunctive relief or actual damages.
- c. If an employee not covered under subdivision b files a complaint of violation of subsection 1 with the department of labor, the department shall review the complaint to determine whether the complaint may be substantiated. If the department determines the complaint may be substantiated, the department shall attempt to obtain voluntary compliance with this section through informal advice, negotiation, or conciliation. A department of labor determination under this subdivision is not an appealable order."

Renumber accordingly

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

REPORT OF STANDING COMMITTEE

SB 2270, as engrossed: Political Subdivisions Committee (Rep. Wrangham, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2270 was placed on the Sixth order on the calendar.

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

Page 1, line 12, replace "thirty" with "twenty"

Page 2, after line 9, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2272, as reengrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2272 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2283, as reengrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2283 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2291: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2291 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2399, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2399 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2420, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2420 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2429, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2429 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2327: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2327 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4010: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SCR 4010 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4019, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SCR 4019 was placed on the Tenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to establishment and use of a legacy fund; and to provide an effective date.

Was read the first time and referred to the **Constitutional Revision Committee**.

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

Buell J. Reich, Chief Clerk

