

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, April 2, 2009

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

The prayer was offered by Major Lee Morrison, The Salvation Army, Bismarck.

The roll was called and all members were present except Representatives Froelich and Nottestad.

A quorum was declared by the Speaker.

MOTION

REP. VIGESAA MOVED that Reengrossed SB 2244, which is on the Sixth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Reengrossed SB 2244 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to SB 2028, Reengrossed SB 2042, SB 2121, SB 2178, SB 2201, Engrossed SB 2212, SB 2216, Reengrossed SB 2229, Engrossed SB 2230, Reengrossed SB 2266, Engrossed SB 2336, Engrossed SB 2342, SB 2373, and SB 2391.

SB 2028, Reengrossed SB 2042, SB 2121, SB 2178, SB 2201, Engrossed SB 2212, SB 2216, Reengrossed SB 2229, Engrossed SB 2230, Reengrossed SB 2266, Engrossed SB 2336, Engrossed SB 2342, SB 2373, and SB 2391, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that House Rule 508 be suspended and the deadline be moved to the 59th legislative day, which motion prevailed.

SEVENTH ORDER OF BUSINESS

MOTION

REP. GRIFFIN MOVED that the report of the Minority be substituted for the report of the Majority on SB 2267.

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 SB 2267, 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 SB 2267, the roll was called and there were 40 YEAS, 52 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Froelich; Nottestad

The motion that the report of the Minority be substituted for the report of the Majority on SB 2267 failed, therefore, the report of the Majority was adopted.

SECOND READING OF SENATE BILL

SB 2267: A BILL for an Act to amend and reenact section 34-11.1-04 of the North Dakota Century Code, relating to whistleblower protection for public employees.

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; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantsvog; Froeth; 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; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: DeKrey; Kasper; Weisz

ABSENT AND NOT VOTING: Froelich; Nottestad

SB 2267, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to parity for public employees retirement system health insurance coverage of prosthetics; to require a report regarding coverage of prosthetics; to provide an appropriation; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 38 YEAS, 54 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Froelich; Nottestad

Reengrossed SB 2272 lost.

MOTION

REP. VIGASAA MOVED that SB 2283, SB 2047, SB 2155, SB 2286, SB 2358, SB 2396, SB 2198, SB 2154, SB 2260, SB 2278, SB 2393, SB 2069 and SB 2305, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2327: A BILL for an Act to amend and reenact section 18-01-04 of the North Dakota Century Code, relating to exemptions from the state fire code.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 32 YEAS, 59 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boucher; Conklin; Delmore; Dosch; Ekstrom; Glassheim; Griffin; Gruchalla; Hanson; Holman; Hunsakor; Kaldor; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kroeber; Meier, L.; Meyer, S.; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Winrich; Wolf; Zaiser

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

ABSENT AND NOT VOTING: Conrad; Froelich; Nottestad

SB 2327 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution directing the Legislative Council to study mass, public, and special needs transportation, including the creation of local passenger rail transportation and bus transportation within this state.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 60 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Boe; Boucher; Conklin; Conrad; Dahl; DeKrey; Delmore; Dosch; Drovda; Ekstrom; Frantsvog; Glassheim; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Onstad; Pietsch; Pinkerton; Potter; Ruby; Schmidt; Schneider; Sukut; Thorpe; Uglem; Vig; Wall; Weisz; Williams; Winrich; Wolf; Zaiser

NAYS: Bellew; Belter; Boehning; Brandenburg; Carlson; Clark; Damschen; Delzer; Froseth; Grande; Hatlestad; Headland; Heller; Kasper; Keiser; Kelsch, R.; Kempenich; Kreidt; Nathe; Pollert; Porter; Rust; Schatz; Skarphol; Svedjan; Thoreson; Vigasaa; Wald; Weiler; Wieland; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Nottestad

SCR 4010 was declared adopted and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2412: A BILL for an Act to provide an appropriation to the state department of health for providing a grant to the North Dakota fetal alcohol syndrome center; and to provide a report to the legislative council.

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 77 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Ekstrom; Frantsvog; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Heller; 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; Onstad; Pietsch; Pinkerton; Porter; Potter; Ruby; Schatz; Schmidt; Schneider; Sukut; Svedjan;

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

NAYS: Bellew; Boehning; Brandenburg; Delzer; Dosch; Drovdal; Froseth; Headland; Kasper; Kempenich; Pollert; Rust; Skarphol; Thoreson; Weiler

ABSENT AND NOT VOTING: Froelich; Nottestad

Engrossed SB 2412 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to create and enact sections 14-12.2-03.1, 14-12.2-12.1, 14-12.2-12.2, 14-12.2-32.1, 14-12.2-46.3, 14-12.2-46.4, 14-12.2-47.1, 14-12.2-47.2, 14-12.2-47.3, 14-12.2-47.4, 14-12.2-47.5, 14-12.2-47.6, 14-12.2-47.7, 14-12.2-47.8, 14-12.2-47.9, 14-12.2-47.10, 14-12.2-47.11, 14-12.2-47.12, and 14-12.2-47.13 of the North Dakota Century Code, relating to the Uniform Interstate Family Support Act; to amend and reenact sections 14-12.2-01, 14-12.2-02, 14-12.2-03, 14-12.2-04, 14-12.2-05, 14-12.2-06, 14-12.2-07, 14-12.2-08, 14-12.2-09, 14-12.2-10, 14-12.2-11, 14-12.2-12, 14-12.2-13, 14-12.2-14, 14-12.2-15, 14-12.2-16, 14-12.2-17, 14-12.2-18, 14-12.2-19, 14-12.2-20, 14-12.2-22, 14-12.2-23, 14-12.2-24, 14-12.2-25, 14-12.2-26, 14-12.2-28, 14-12.2-29, 14-12.2-30, 14-12.2-31, 14-12.2-32, 14-12.2-33, 14-12.2-33.1, 14-12.2-33.2, 14-12.2-33.3, 14-12.2-33.4, 14-12.2-33.5, 14-12.2-34, 14-12.2-35, 14-12.2-36, 14-12.2-37, 14-12.2-38, 14-12.2-39, 14-12.2-40, 14-12.2-41, 14-12.2-43, 14-12.2-44, 14-12.2-45, 14-12.2-46, 14-12.2-46.1, 14-12.2-48, and 14-12.2-49 of the North Dakota Century Code, relating to the Uniform Interstate Family Support Act; to repeal section 14-12.2-47 of the North Dakota Century Code, relating to proceedings to determine parentage; to provide for application; 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 88 YEAS, 4 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; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; 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; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser

NAYS: Damschen; Headland; Weisz; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Nottestad

SB 2072 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2133: A BILL for an Act to create and enact a new section to chapter 37-15 of the North Dakota Century Code, relating to telephone services at the veterans' home; and to amend and reenact sections 37-15-10 and 37-15-14.1 of the North Dakota Century Code, relating to admission to and fees paid by residents of the veterans' home.

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 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; 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; 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: Froelich; Nottestad

SB 2133 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to provide for contracting with a statewide charitable food recovery and distribution organization; and to provide an appropriation.

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 54 YEAS, 37 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boucher; Conklin; Conrad; Delmore; Ekstrom; Frantsvog; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Onstad; Pietsch; Pinkerton; Potter; Rust; Schmidt; Schneider; Thorpe; Vig; Williams; Winrich; Wolf; Zaiser

NAYS: Bellew; Belter; Berg; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Froseth; Grande; Headland; Heller; Kasper; Keiser; Kempenich; Kreidt; Pollert; Porter; Ruby; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Froelich; Nottestad; Wald

SB 2231 passed and the title was agreed to.

MOTION

REP. VIGESAA MOVED that SB 2242, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

REP. VIGESAA MOVED that SB 2355, which is on the Fourteenth order, be laid over one legislative day, which motion failed.

SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to provide a short-term shelter and assessment pilot program for at-risk youth; to provide a report to the legislative council; to provide for a legislative council study; 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 69 YEAS, 21 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Boe; Boucher; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Pietsch; Pinkerton; Porter; Potter; Schatz; Schmidt; Sukut; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Bellew; Belter; Boehning; Brandenburg; Delzer; Froseth; Grande; Headland; Heller; Kasper; Kempenich; Klein; Kreidt; Pollert; Ruby; Rust; Skarphol; Svedjan; Thoreson; Wald; Wrangham

ABSENT AND NOT VOTING: Froelich; Nottestad; Onstad; Schneider

Engrossed SB 2355, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2415: A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code, relating to a reciprocal licensure and classification system to carry a firearm or dangerous weapon concealed; to provide an effective date; and to provide application.

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; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; 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; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Ruby; Thoreson

ABSENT AND NOT VOTING: Froelich; Nottestad

Engrossed SB 2415, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on expansion of basic care bed capacity and the moratorium on expansion of long-term care bed capacity; 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 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; 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; 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: Froelich; Nottestad

SB 2044, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2256: A BILL for an Act to amend and reenact section 32-12.2-13 of the North Dakota Century Code, relating to contracts between the state and a political subdivision; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; 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; 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; 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; Froelich; Nottestad

SB 2256, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2318: A BILL for an Act to create and enact section 26.1-18.1-03.1 of the North Dakota Century Code, relating to bond requirements for qualified programs of all-inclusive care or the elderly; and to amend and reenact section 26.1-18.1-01 of the North Dakota Century Code, relating to the regulation of qualified programs of all-inclusive care for the elderly.

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; Bellew; Belter; Berg; 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; 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; 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; Froelich; Nottestad

Engrossed SB 2318, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to exceptions for small cities from political subdivision audit requirements.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; 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; 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; 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; Froelich; Nottestad

SB 2295 passed and the title was agreed to.

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

MR. PRESIDENT: The Speaker has signed: SB 2052, SB 2085, SB 2124, SB 2139, SB 2160, SB 2291, SB 2366, SB 2399, SB 2420, SB 2429, SCR 4001, SCR 4002, SCR 4003, SCR 4006, SCR 4009, SCR 4019, SCR 4022, SCR 4026, SCR 4028.

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

MR. PRESIDENT: The House has failed to pass unchanged: SB 2272, SB 2327.

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

MR. PRESIDENT: The House has passed unchanged: SB 2072, SB 2133, SB 2231, SB 2295, SB 2412, SCR 4010.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2267, SB 2318, SB 2355, SB 2415.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2256.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1316, HB 1398.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2204, SB 2344, SB 2403, SB 2423.

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 1237, HB 1238.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1237

Page 1, line 15, replace "attorney general" with "director of the department of corrections and rehabilitation"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1238

Page 1, line 20, remove "Subject to the requirements of section 2 of this Act, a" and overstrike "county or city" and insert immediately thereafter "Subject to the requirements of section 2 of this Act, the governing body of a correctional facility"

Page 1, line 21, after "a" insert "regional correctional center," and after "county" insert an underscored comma

Page 2, line 1, remove the overstrike over "~~The~~", replace "A county or city" with "governing body of a correctional facility", after the second "a" insert "regional correctional center,", and after "county" insert an underscored comma

Page 2, line 4, overstrike "A city or county" and insert immediately thereafter "The governing body of a correctional facility"

Page 2, line 7, overstrike "A city or county" and insert immediately thereafter "The governing body of a correctional facility"

Page 2, line 9, overstrike "A city or county" and insert immediately thereafter "The governing body of a correctional facility"

Page 2, line 14, replace "A" with "The governing body of a"

Page 2, line 15, after "a" insert "regional correctional center," and after "county" insert an underscored comma

Page 3, line 7, replace "state warden" with "department of corrections and rehabilitation"

Page 4, line 22, replace "or" with an underscored comma and after "county" insert ", or regional correctional center"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1005, HB 1006, HB 1008, HB 1082, HB 1088, HB 1116, HB 1195, HB 1252, HB 1263, HB 1269, HB 1330, HB 1401, HB 1458, HB 1573.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005

Page 1, line 12, replace "121,052" with "146,165" and replace "946,507" with "971,620"

Page 1, line 15, replace "(\$96,257)" with "(\$71,144)" and replace "2,228,985" with "2,254,098"

Page 2, line 2, replace "seventy-eight" with "eighty-three", replace "nine" with "five", and after "fifty-three" insert "fifty"

Page 2, line 3, replace "eighty-two" with "eighty-seven", replace "eight" with "seven", and replace "forty-five" with "twenty-eight"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98006.0303 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. 1006

Page 1, line 16, replace "1,674,572" with "2,675,758" and replace "16,403,209" with "17,404,395"

Page 1, line 22, replace "10,753,819" with "11,755,005" and replace "40,735,270" with "41,736,456"

Page 2, line 1, replace "13,357,819" with "14,359,005" and replace "40,539,270" with "41,540,456"

Page 2, line 2, replace "0.00" with "(2.00)" and replace "133.00" with "131.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98007.0202 FN 2

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

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008

Page 1, line 13, replace "943,713" with "1,404,750" and replace "6,618,641" with "7,079,678"

Page 1, line 19, replace "(450,000)" with "0" and replace "450,000" with "900,000"

Page 1, line 20, replace "2,863,803" with "3,774,840" and replace "15,651,087" with "16,562,124"

Page 1, line 21, replace "2,125,513" with "2,681,458" and replace "10,128,822" with "10,684,767"

Page 1, line 22, replace "738,290" with "1,093,382" and replace "5,522,265" with "5,877,357"

Page 1, line 23, replace "2.00" with "3.00" and replace "43.00" with "44.00"

Page 2, line 16, after "study" insert "public and private" and remove "that do not include the"

Page 2, line 17, remove "construction of a new facility" and replace the second "for the" with "subsequent to"

Page 2, line 18, remove "biennium beginning July 1, 2009, and ending"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98009.0201 FN 1

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

SENATE AMENDMENTS TO HOUSE BILL NO. 1082

In lieu of the amendments adopted by the Senate as printed on pages 656 and 657 of the Senate Journal, House Bill No. 1082 is amended as follows:

Page 3, line 24, overstrike "A" and insert immediately thereafter "For all motor vehicle fuel purchases during a calendar year, a" and overstrike ", for"

Page 3, line 25, overstrike "all motor vehicle fuel purchases during a calendar year,"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1088

Page 2, replace lines 3 through 6 with:

"b. A court of competent jurisdiction may issue an order or subpoena directing the tax commissioner to disclose state tax return information to a local, state, or federal law enforcement official conducting a criminal investigation if the court determines that the facts submitted by the applicant satisfy the following:"

Page 2, line 7, replace "reasonable" with "probable" and remove ", based upon information believed"

Page 2, line 8, remove "to be reliable," and after "committed" insert "and that the return or return information constitutes evidence of a criminal offense or may be relevant to a matter relating to the commission of the criminal offense"

Page 2, line 9, remove "There is reasonable cause to believe that the return or return"

Page 2, remove lines 10 and 11

Page 2, line 12, remove "(3)"

Page 2, line 14, replace "(4)" with "(3)"

Page 2, replace lines 16 through 31 with:

"c. Before obtaining an order under this subsection, a law enforcement official may request information from the tax commissioner as to whether a taxpayer, which is the subject of a criminal investigation for which a return or return information is or may be relevant to the commission of a criminal offense, has complied with the requirements of this chapter. For purposes of this request, the tax commissioner is limited to stating that the taxpayer has or has not complied with these requirements.

d. Except as required during court proceedings, tax return information disclosed to law enforcement under this section remains confidential during an active criminal investigation, after the investigation, after prosecution concludes, or until the time period for appeals has expired, whichever is later."

Page 3, remove lines 1 and 2

Page 3, replace lines 20 through 23 with:

"b. A court of competent jurisdiction may issue an order or subpoena directing the tax commissioner to disclose state tax return information to a local, state, or federal law enforcement official conducting a criminal investigation if the court determines that the facts submitted by the applicant satisfy the following:"

Page 3, line 24, replace "reasonable" with "probable" and remove ", based upon information believed"

Page 3, line 25, remove "to be reliable." and after "committed" insert "and that the return or return information constitutes evidence of a criminal offense or may be relevant to a matter relating to the commission of the criminal offense"

Page 3, line 26, remove "There is reasonable cause to believe that the return or return"

Page 3, remove lines 27 and 28

Page 3, line 29, remove "(3)"

Page 4, line 1, replace "(4)" with "(3)"

Page 4, replace lines 3 through 20 with:

"c. Before obtaining an order under this subsection, a law enforcement official may request information from the tax commissioner as to whether a taxpayer, which is the subject of a criminal investigation for which a return or return information is or may be relevant to the commission of a criminal offense, has complied with the requirements of this chapter. For purposes of this request, the tax commissioner is limited to stating that the taxpayer has or has not complied with these requirements.

d. Except as required during court proceedings, tax return information disclosed to law enforcement under this section remains confidential during an active criminal investigation, after the investigation, after prosecution concludes, or until the time period for appeals has expired, whichever is later."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1116

Page 1, line 4, after the second comma insert "43-10-15,"

Page 1, line 10, replace "shall" with "may" and remove "The seminars"

Page 1, remove lines 11 and 12

Page 2, after line 14, insert:

"SECTION 5. AMENDMENT. Section 43-10-15 of the North Dakota Century Code is amended and reenacted as follows:

43-10-15. License - Term - Renewal - Fee for renewal. A license to practice funeral service is valid ~~for one year~~ until the end of the year issued and may be renewed by the board upon the payment to the treasurer of the annual renewal fee before December thirty-first of each year. The amount of the fee may not exceed one hundred dollars. The board may refuse to renew a license for cause."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1195

Page 1, line 9, remove the underscored colon

Page 1, line 10, replace "(1) The" with "the"

Page 1, line 12, replace "(2) Entrance" with "entrance"

Page 1, line 14, replace "(3) A" with "a" and replace "paragraph 1 or 2" with "this subdivision"

Page 1, line 15, after the underscored period insert "The term does not include the uniform intermodal interchange and facilities access agreement administered by the intermodal association of North America or any other agreement providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment."

Page 1, line 21, after the first underscored comma insert "any portion of"

Page 2, line 2, after "unenforceable" insert "to the extent that the loss or damage:

- a. Occurs during the motor carrier's presence on the promisee's premises and is caused by or results from the negligent or intentional acts or omissions of the promisee; or
- b. Is caused by or results from defects of the equipment used to transport the promisee's property, unless the defects:
 - (1) Relate to equipment owned by the motor carrier or as to which the motor carrier has the responsibility to visually and audibly check before use; or
 - (2) Were caused by or resulted from the negligent or intentional acts or omissions of the motor carrier or the motor carrier's agency, employee, vendor, or subcontractor.
3. Under subsection 2, the motor carrier is responsible to visually and audibly check before use of equipment as listed in exhibit A of the uniform intermodal interchange and facilities access agreement that was in effect on November 4, 2008"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1252

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 14-03-20.2 of the North Dakota Century Code, relating to middle name options.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 14-03-20.2 of the North Dakota Century Code is created and enacted as follows:

14-03-20.2. Middle name options. One party or both parties to a marriage may elect to change the middle name by which that individual wishes to be known after the solemnization of the marriage by entering the new middle name in the space provided on the marriage license application. If an individual elects to change that individual's middle name, the middle name entry on the application must consist of the premarriage surname or former surname of that individual."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1263

Page 1, line 2, after "facilities" insert "; and to provide for a legislative council study"

Page 2, after line 9, insert:

"SECTION 2. LEGISLATIVE COUNCIL STUDY - BASIC CARE AND ASSISTED LIVING FACILITIES. During the 2009-10 interim, the legislative council shall study how the state laws and administrative rules regulate basic care and assisted living facilities. The study must include consideration of whether the state's designations of basic care and assisted living as care categories are outmoded or inconsistent with industry categories of care and a review of the definitions used in services offered by and the licensure and registration process used in regulating basic care and assisted living facilities. 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 HOUSE BILL NO. 1269

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-12.1 of the North Dakota Century Code, relating to discipline of an unlicensed assistive person practicing without registration; to"

Page 1, line 2, after "registration" insert "; and to provide for a legislative council study"

Page 1, line 7, remove "1."

Page 1, line 12, overstrike the third "or"

Page 1, line 13, after "treatment" insert "; or issue a nondisciplinary letter of concern to a licensee, registrant, or applicant"

Page 1, line 14, remove the overstrike over "4-" and remove "a."

Page 1, line 18, remove the overstrike over "2-" and remove "b."

Page 1, line 22, remove the overstrike over "3-" and remove "c."

Page 2, line 1, remove the overstrike over "4-" and remove "d."

Page 2, line 4, remove the overstrike over "5-" and remove "e."

Page 2, line 6, remove the overstrike over "6-" and remove "f."

Page 2, line 8, remove the overstrike over "7-", remove "g.", after "nursing" insert "or assisted in the practice of nursing", and after "license" insert "or registration"

Page 2, line 10, remove the overstrike over "8-" and remove "h."

Page 2, line 12, remove the overstrike over "9-" and remove "i."

Page 2, replace lines 15 through 18 with:

"SECTION 2. A new section to chapter 43-12.1 of the North Dakota Century Code is created and enacted as follows:

Unlicensed assistive person - Practice without a registration. If the board determines an unlicensed assistive person, whose registration has expired, violated subsection 7 of section 43-12.1-14 by practicing without a current registration for a period of up to four months from the initial date of employment, the action of the board in the case of a first violation is limited to the issuance of a letter of concern.

SECTION 3. LEGISLATIVE COUNCIL STUDY. During the 2009-10 interim, the legislative council shall study any steps necessary to enable the state department of health to administer the registry for certified nurse assistants and nurse assistants, and examine the possibility of one registry and a potential location for that registry. 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 HOUSE BILL NO. 1330

Page 10, line 11, replace "five" with "three"

Page 10, line 13, replace "five" with "three"

Page 10, line 15, replace "five" with "three"

Page 10, line 17, remove the overstrike over "d."

Page 10, line 18, after "as" insert "Fees", remove the overstrike over "set by the board" and insert immediately thereafter "under this subsection are not subject to chapter 28-32", and remove the overstrike over the overstruck period

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1401

Page 1, line 3, replace "and market" with "ratio"

Page 1, line 12, replace "and market" with "ratio"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1458

Page 4, line 3, remove "or the trustee's spouse, parent, descendant, or sibling, or their"

Page 4, line 4, remove "spouses"

Page 4, line 5, replace "if the transaction" with ". This presumption is a rebuttable presumption."

Page 4, remove lines 6 and 7

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1573

Page 1, line 2, after "programs" insert "and for funding of human services and other state programs"

Page 1, line 12, after the period insert "The study also must include a comprehensive review of funding for human services and other state programs, focusing on the feasibility of improving access to care and providers for clients through the use of a voucher system, including programs related to mental health services, addiction treatment, counseling services, and transition services."

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 12:30 p.m., Friday, April 3, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). SB 2005 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "; to provide for a contingent appropriation; and to declare an emergency"

Page 1, line 11, replace "75,317" with "70,717" and replace "560,680" with "556,080"

Page 1, line 13, replace "115,927" with "111,327" and replace "687,185" with "682,585"

Page 1, line 15, replace "120,927" with "116,327" and replace "687,185" with "682,585"

Page 1, after line 16, insert:

"SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SECOND LEGISLATIVE ASSEMBLY. The following amounts reflect one-time funding items approved by the sixtieth legislative assembly for the 2007-09 biennium and the 2009-11 one-time funding items included in the appropriation in section 1 of this Act:

One-Time Funding Description	2007-09	2009-11
Indian youth leadership program	\$0	\$40,000
Total general fund	\$0	\$40,000

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

SECTION 3. CONTINGENT PROGRAM FUNDING. Section 1 of this Act includes \$40,000 from the general fund for an Indian youth leadership program which the Indian affairs commission may spend only to the extent that federal funds appropriated in section 4 of this Act are not available for these purposes.

SECTION 4. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not

otherwise appropriated, to the Indian affairs commission, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Indian youth leadership program	<u>\$40,000</u>
Total federal funds	<u>\$40,000</u>

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

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

SECTION 5. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98024.0102 FN 2

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

REPORT OF STANDING COMMITTEE

SB 2007, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for contingent funding;"

Page 1, line 3, remove "and" and after "intent" insert "; to provide for a report to the budget section; and to declare an emergency"

Page 1, line 15, replace "2,810,639" with "2,685,740" and replace "11,643,754" with "11,518,855"

Page 1, line 16, replace "1,131,757" with "1,049,857" and replace "4,643,757" with "4,561,857"

Page 1, line 17, replace "(14,651,180)" with "(11,646,457)" and replace "294,597" with "3,299,320"

Page 1, line 20, replace "(\$10,598,696)" with "(\$7,800,772)" and replace "16,692,196" with "19,490,120"

Page 1, line 21, replace "(12,354,465)" with "(12,397,937)" and replace "11,076,861" with "11,033,389"

Page 1, line 22, replace "1,755,769" with "4,597,165" and replace "5,615,335" with "8,456,731"

Page 2, line 4, replace "198,888" with "184,321" and replace "1,006,054" with "991,487"

Page 2, line 5, replace "198,888" with "184,321" and replace "1,006,054" with "991,487"

Page 2, line 11, replace "1,954,657" with "4,781,486" and replace "6,621,389" with "9,448,218"

Page 2, line 12, replace "(12,354,465)" with "(9,239,932)" and replace "11,076,861" with "14,191,394"

Page 2, line 13, replace "(\$10,399,808)" with "(\$4,458,446)" and replace "17,698,250" with "23,639,612"

Page 2, line 21, replace "0" with "3,039,414"

Page 2, line 24, replace "Carpet and floor tile repairs" with "General fund salary funding of new facility positions" and replace "20,000" with "502,240"

Page 2, line 28, replace "228,488" with "3,750,142"

Page 2, line 29, replace "288,488" with "710,728"

Page 2, line 30, replace "0" with "3,039,414"

Page 3, after line 4, insert:

"SECTION 3. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the veterans' home, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Thermal imager (funds from the department of commerce)	\$5,500
Electronic health records system	98,400
Bobcat utility vehicle	14,691
Geothermal heating system (funds from the department of commerce)	3,039,414
Total federal funds	<u>\$3,158,005</u>

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

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

SECTION 4. CONTINGENT FUNDING - EQUIPMENT AND PROJECTS. Section 1 of this Act includes \$5,500 for a thermal imager, \$98,400 for an electronic health care records system, and \$3,039,414 for a geothermal heating system in the new veterans' home facility from the general fund which may be spent only to the extent that federal funds appropriated in section 3 of this Act are not available for these purposes.

SECTION 5. VETERANS' HOME SHARE OF SALARY EQUITY POOL. The office of management and budget shall provide three-fourths of one percent of any general fund salary equity pool that is appropriated for salary equity increases for classified state employees, for the biennium beginning July 1, 2009, and ending June 30, 2011, to the veterans' home."

Page 3, after line 16, insert:

"SECTION 8. REPORT TO BUDGET SECTION - VETERANS' HOME CONSTRUCTION PROJECT. The veterans' home construction project manager shall provide a quarterly written summary report to the budget section regarding the status of the veterans' home construction project during the 2009-10 interim.

SECTION 9. EMERGENCY. The appropriation for the geothermal heating system of \$3,039,414 from the general fund in section 1 of this Act and section 3 of this Act are declared to be emergency measures."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98026.0204 FN 3

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

REPORT OF STANDING COMMITTEE

SB 2010, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2010 was placed on the Sixth order on the calendar.

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

Page 1, line 11, replace "107,359" with "100,470" and replace "699,336" with "692,447"

Page 1, line 13, replace "234,450" with "157,000" and replace "1,839,728" with "1,762,278"

Page 1, line 14, replace "386,992" with "302,653" and replace "2,831,109" with "2,746,770"

Page 1, line 16, replace "229,824" with "145,485" and replace "1,385,623" with "1,301,284"

Page 2, remove line 1

Page 2, line 2, replace "10,000" with "\$10,000" and replace "0" with "\$0"

Page 2, line 3, replace "67,450" with "0"

Page 2, after line 10, insert:

"SECTION 4. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the council on the arts, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Grants to arts organizations for salary support	\$175,000
Grants to arts organizations for maintenance or expansion of current artistic contracts	80,000
Administrative support for new one-time grant programs	35,000
Total federal funds	\$290,000

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

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

SECTION 5. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98029.0203 FN 2

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

REPORT OF STANDING COMMITTEE

SB 2016: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). SB 2016 was placed on the Sixth order on the calendar.

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

Page 1, line 12, replace "3,785,051" with "2,565,816" and replace "36,785,481" with "35,566,246"

Page 1, line 13, replace "(1,727,677)" with "(1,927,677)" and replace "11,424,804" with "11,224,804"

Page 1, line 19, replace "\$285,451" with "(\$1,133,784)" and replace "63,696,582" with "62,277,347"

Page 1, line 20, replace "266,969" with "(952,266)" and replace "61,931,140" with "60,711,905"

Page 1, line 21, replace "\$18,482" with "(\$181,518)" and replace "1,765,442" with "1,565,442"

Page 1, after line 22, insert:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to job service North Dakota, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Workforce Investment Act programs	\$5,068,883
State unemployment insurance and employment services	2,984,613
Unemployment compensation benefit increase - Administration	1,039,443
Total federal funds	\$9,092,939

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

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

Page 2, line 6, after "funds" insert ", except funds under the federal American Recovery and Reinvestment Act of 2009,"

Page 2, after line 11, insert:

"SECTION 6. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98035.0104 FN 3

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

REPORT OF STANDING COMMITTEE

SB 2019, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). Engrossed SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 2, after "education" insert "; to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to counselor position requirements; to provide an effective date; and to declare an emergency"

Page 1, line 12, replace "643,124" with "594,338" and replace "4,218,816" with "4,170,030"

Page 1, line 17, replace "0" with "206,000" and replace the second "3,000,000" with "3,206,000"

Page 1, line 18, replace "3,784,110" with "3,941,324" and replace "36,623,778" with "36,780,992"

Page 1, line 20, replace "4,056,860" with "4,214,074" and replace "25,860,896" with "26,018,110"

Page 1, after line 21, insert:

"SECTION 2. A new section to chapter 15.1-06 of the North Dakota Century Code is created and enacted as follows:

Counselor positions - Requirement.

1. Each school district shall have available one full-time equivalent counselor for every three hundred students in grades seven through twelve.

2. Up to one-third of the full-time equivalency requirement established in subsection 1 may be met by career advisors.
3. For purposes of this section, a "career advisor" means an individual who holds a certificate in career development facilitation issued by the department of career and technical education under section 1 of this Act or an individual who is provisionally approved by the department of career and technical education under this section to serve as a career advisor.

SECTION 3. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The department of career and technical education may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009, for the period beginning with the effective date of this Act and ending June 30, 2011.

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

SECTION 4. EFFECTIVE DATE. Section 2 of this Act becomes effective on July 1, 2010.

SECTION 5. EMERGENCY. Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98038.0203 FN 3

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

REPORT OF STANDING COMMITTEE

SB 2022, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2022 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "670,584" with "639,277" and replace "6,836,802" with "6,805,495"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98041.0201 FN 1

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

REPORT OF STANDING COMMITTEE

SB 2087, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2087 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 986 of the House Journal, Engrossed Senate Bill No. 2087 is amended as follows:

Page 1, line 16, replace "begins to reduce" with "reduces"

Page 1, line 17, replace "under consideration" with "by fifty percent from the total number of applicants or candidates"

Page 1, line 19, after "the" insert "applicant or"

Page 1, line 21, after the underscored period insert "If the total number of applicants or candidates for the position is six or fewer, however, the board or board search committee shall notify each applicant or candidate who will be interviewed for the position that any record relating to the applicant or candidate will become an open record within two weeks unless the applicant or candidate elects to withdraw from consideration for the position."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2237, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2237 was placed on the Sixth order on the calendar.

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

Page 1, remove line 3

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

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

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

Page 3, remove lines 9 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2319, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2319 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2332, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2332 was placed on the Sixth order on the calendar.

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

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

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

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

Page 1, remove lines 11 through 24

Page 2, remove lines 1 through 11

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

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

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

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

Page 2, replace lines 25 through 30 with:

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

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

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

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

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

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

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

Page 3, remove lines 1 through 5

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2333, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SB 2333 was placed on the Sixth order on the calendar.

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

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

Page 4, replace lines 7 through 18 with:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS.

There is appropriated out of any federal funds made available to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, to the state department of health for the purpose of providing funds to local public health units for providing immunization services statewide, according to a funding formula established by the state health council in consultation with local public health units, for the period beginning with the effective date of this Act and ending June 30, 2011.

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

SECTION 3. CONTINGENT GENERAL FUND APPROPRIATION. If the federal funds appropriated under section 2 of this Act are not available to provide the sum of \$1,200,000, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, to the state department of health for the purpose of providing funds to local public health units for providing immunization services statewide, according to a funding formula established by the state health council in consultation with local public health units, for the biennium beginning July 1, 2009, and ending June 30, 2011. The state department of health may only spend the general fund moneys to the extent that federal funds are not available to provide the \$1,200,000 appropriated under section 2 of this Act.

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

REPORT OF STANDING COMMITTEE

SB 2425, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2425 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4013: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (7 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4013 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4027: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SCR 4027 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4032: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4032 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "or governing body"

Page 1, line 17, after "law" insert ", ordinance, or resolution"

Page 1, line 20, remove "or"

Page 1, line 21, remove "the governing body"

Renumber accordingly

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

Buell J. Reich, Chief Clerk