

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, April 28, 2009

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Pastor David Thompson, United Presbyterian Church, Jamestown.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WARDNER MOVED that the conference committee report on SB 2005 as printed on SJ page 1501 be adopted, which motion prevailed on a voice vote.

SB 2005, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2005 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2064 be moved to the bottom of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ERBELE MOVED that the conference committee report on SB 2195 as printed on SJ pages 1502-1503 be adopted, which motion prevailed on a voice vote.

SB 2195, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to amend and reenact subsection 3 of section 23-06.6-13 and section 23-06.6-20 of the North Dakota Century Code, relating to revisions and updates to the revised Uniform Anatomical Gift Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2195 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Reengrossed SB 2266 as printed on SJ pages 1503-1504 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2266, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2266: A BILL for an Act to amend and reenact section 15-11-39 of the North Dakota Century Code, relating to the nursing education consortium; to provide a statement of legislative intent; to provide an appropriation; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2266 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KLEIN MOVED that the conference committee report on Engrossed SB 2248 as printed on SJ page 1503 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2248, as amended, was placed on the Eleventh order.

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, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2248 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2371, as engrossed: Your conference committee (Sens. Miller, Wanzek, Behm and Reps. Uglem, Wall, Mueller) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 874-875, adopt amendments as follows, and place SB 2371 on the Seventh order:

That the House recede from its amendments as printed on pages 874 and 875 of the Senate Journal and pages 943 and 944 of the House Journal and that Engrossed Senate Bill No. 2371 be amended as follows:

Page 1, line 1, after "to" insert "provide for the control of invasive species; to"

Page 1, line 3, replace "and to amend and reenact" with "relating to the distribution of state appropriations for noxious weed control."

Page 1, remove lines 4 through 6

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 18

Page 5, line 21, remove "**Local**" and overstrike "**share**" and insert immediately thereafter "**Distribution**"

Page 5, line 25, remove "or invasive species"

Page 6, line 2, remove "or invasive species"

Page 6, line 3, overstrike the first "the" and insert immediately thereafter "a" and replace "the" with "a"

Page 6, replace lines 4 through 28 with:

"SECTION 4. County and city weed boards - Control of invasive species - Acceptance of funds.

1. If a county or a city weed board determines that an invasive species is present within its jurisdiction, the weed board shall notify the commissioner.
2. a. If funds for the control of invasive species are available to the commissioner, the commissioner may forward the funds to a weed board for the purpose of controlling the invasive species on public land and assisting private landowners in their efforts to voluntarily control the invasive species provided:
 - (1) The commissioner determines that, without intervention, the invasive species is likely to become a noxious weed during the ensuing five-year period; and
 - (2) The weed board files a plan with the commissioner detailing the manner in which and the time within which the funds are to be expended.
- b. Notwithstanding any other law, a county or a city weed board may accept funds under this subsection and implement a plan, approved by the commissioner, for the control of invasive species within its jurisdiction.
3. In addition to any funds available from the commissioner, a county or a city weed board may accept funds from any other source to control invasive species within its jurisdiction.
4. For purposes of this section, an invasive species means a plant species that has been introduced into this state and which the North Dakota state university extension service determines has caused or is likely to cause:
 - a. Economic harm;
 - b. Environmental harm; or
 - c. Harm to human health.

SECTION 5. ENVIRONMENT AND RANGELAND PROTECTION FUND - INVASIVE SPECIES CONTROL. The agriculture commissioner may use up to \$50,000 of the amount available to the commissioner from the environment and rangeland protection fund, in accordance with House Bill No. 1009, as approved by the sixty-first legislative assembly, for the purpose of controlling invasive species as provided by section 4 of this Act."

ReNUMBER accordingly

Engrossed SB 2371 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. MILLER MOVED that the conference committee report on Engrossed SB 2371 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2371, as amended, was placed on the Eleventh order.

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, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2371 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SCHNEIDER MOVED that the conference committee report on SB 2267 as printed on SJ page 1504 be adopted, which motion prevailed on a voice vote.

SB 2267, as amended, was placed on the Eleventh order.

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; 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, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2267 passed and the title was agreed to.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4037.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2005, SB 2195, SB 2248, SB 2266, SB 2267, SB 2371.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1035, HB 1151, HB 1295, HB 1304, HB 1347, HB 1360.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1305.

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

MR. SPEAKER: Your signature is respectfully requested on: SCR 4037.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3063.

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

MR. SPEAKER: The President has signed: SB 2044, SB 2059, SB 2060, SB 2110, SB 2125, SB 2141, SB 2158.

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

MR. SPEAKER: The President has signed: SB 2069, SB 2154, SB 2161, SB 2165, SB 2172, SB 2208, SB 2212, SB 2223, SB 2242, SB 2250, SB 2255, SB 2260, SB 2316, SB 2359, SCR 4018, SCR 4033, SCR 4035.

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

MR. SPEAKER: The President has signed: HB 1040, HB 1110, HB 1188, HB 1252, HB 1489, HCR 3019.

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

MR. SPEAKER: The President has signed: HB 1116, HCR 3067.

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

MR. PRESIDENT: The Speaker has signed: HB 1040, HB 1053, HB 1073, HB 1110, HB 1175, HB 1188, HB 1194, HB 1235, HB 1252, HB 1489, HB 1490, HB 1510.

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

MR. PRESIDENT: The Speaker has signed: HCR 3019.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

MOTION

SEN. CHRISTMANN MOVED that SB 2199 and SB 2064 be moved to the top of the Seventh order, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2199, as reengrossed: Your conference committee (Sens. Cook, Hogue, Anderson and Reps. Belter, Drovdal, J. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1281-1284, adopt amendments as follows, and place SB 2199 on the Seventh order:

That the House recede from its amendments as printed on pages 1281-1284 of the Senate Journal and pages 1357-1360 of the House Journal and that Reengrossed Senate Bill No. 2199 be amended as follows:

Page 1, line 1, after "Act" insert "to create a property tax relief sustainability fund;"

Page 1, line 4, replace "and" with a comma and after "57-15-31" insert ", and 57-38-30 and subsection 1 of section 57-38-30.3"

Page 1, line 5, after "districts" insert ", corporate income tax rates, and income tax rates for individuals, estates, and trusts", after the first semicolon insert "to repeal section 15.1-27-20.1 of the North Dakota Century Code, relating to the effect of the general fund levy of school districts on state aid allocations;", and after the second semicolon insert "to provide for transfers;"

Page 2, line 22, after "4." insert "The authority for a levy of up to a specific number of mills under this section approved by electors of a school district before July 1, 2009, is terminated effective for taxable years after 2012. If the electors of a school district subject to this subsection have not approved a levy for taxable years after 2012 of up to a specific number of mills under this section by December 31, 2012, the school district levy limitation for subsequent years is subject to the limitations under section 57-15-01.1 or this section."

Page 2, line 23, replace "2010" with "2012"

Page 2, line 24, after "of" insert "up to"

Page 2, line 25, replace "2010" with "2012"

Page 3, after line 29, insert:

"SECTION 4. AMENDMENT. Section 57-38-30 of the North Dakota Century Code is amended and reenacted as follows:

57-38-30. Imposition and rate of tax on corporations. A tax is hereby imposed upon the taxable income of every domestic and foreign corporation which must be levied, collected, and paid annually as in this chapter provided:

1. a. For the first ~~three~~ twenty-five thousand dollars of taxable income, at the rate of two and ~~six-tenths~~ one-tenth percent.
- b. On all taxable income ~~above three~~ exceeding twenty-five thousand dollars and not ~~in excess of eight~~ exceeding fifty thousand dollars, at the rate of ~~four and one-tenth~~ five and twenty-five hundredths percent.
- c. On all taxable income ~~above eight~~ exceeding fifty thousand dollars and not ~~in excess of twenty thousand dollars~~, at the rate of ~~five and six-tenths~~ six and four-tenths percent.
- ~~d. On all taxable income above twenty thousand dollars and not in excess of thirty thousand dollars, at the rate of six and four-tenths percent.~~
- ~~e. On all taxable income above thirty thousand dollars, at the rate of six and one-half percent.~~
2. A corporation that has paid North Dakota alternative minimum tax in years beginning before January 1, 1991, may carry over any alternative minimum tax credit remaining to the extent of the regular income tax liability of the corporation for a period not to exceed four taxable years.

SECTION 5. AMENDMENT. Subsection 1 of section 57-38-30.3 of the North Dakota Century Code is amended and reenacted as follows:

1. A tax is hereby imposed for each taxable year upon income earned or received in that taxable year by every resident and nonresident individual, estate, and trust. A taxpayer computing the tax under this section is only eligible for those adjustments or credits that are specifically provided for in this section. Provided, that for purposes of this section, any person required to file a state income tax return under this chapter, but who has not computed a federal taxable income figure, shall compute a federal taxable income figure using a pro forma return in order to determine a federal taxable income figure to be used as a starting point in computing state income tax under this section. The tax for individuals is equal to North Dakota taxable income multiplied by the rates in the applicable rate schedule in subdivisions a through d corresponding to an individual's filing status used for federal income tax purposes. For an estate or trust, the schedule in subdivision e must be used for purposes of this subsection.

a. Single, other than head of household or surviving spouse.	
If North Dakota taxable income is:	The tax is equal to:
Not over \$27,050 <u>\$33,950</u>	2.40% <u>1.84%</u>
Over \$27,050 <u>\$33,950</u> but not over \$65,550 <u>\$82,250</u>	\$568.05 <u>\$624.68</u> plus 3.92% <u>3.44%</u> of amount over \$27,050 <u>\$33,950</u>
Over \$65,550 <u>\$82,250</u> but not over \$136,750 <u>\$171,550</u>	\$2,077.25 <u>\$2,286.20</u> plus 4.34% <u>3.81%</u> of amount over \$65,550 <u>\$82,250</u>
Over \$136,750 <u>\$171,550</u> but not over \$297,350 <u>\$372,950</u>	\$5,167.33 <u>\$5,688.53</u> plus 5.04% <u>4.42%</u> of amount over \$136,750 <u>\$171,550</u>
Over \$297,350 <u>\$372,950</u>	\$13,261.67 <u>\$14,590.41</u> plus 5.54% <u>4.86%</u> of amount over \$297,350 <u>\$372,950</u>

- b. Married filing jointly and surviving spouse.

If North Dakota taxable income is:

Not over ~~\$45,200~~ \$56,750
 Over ~~\$45,200~~ \$56,750 but not
 over ~~\$109,250~~ \$137,050
 Over ~~\$109,250~~ \$137,050 but not
 over ~~\$166,500~~ \$208,850
 Over ~~\$166,500~~ \$208,850 but not
 over ~~\$297,350~~ \$372,950
 Over ~~\$297,350~~ \$372,950

The tax is equal to:

~~2.40%~~ 1.84%
~~\$949.20~~ \$1,044.20 plus ~~3.92%~~ 3.44%
 of amount over ~~\$45,200~~ \$56,750
~~\$3,450.96~~ \$3,806.52 plus ~~4.34%~~ 3.81%
 of amount over ~~\$109,250~~ \$137,050
~~\$5,944.64~~ \$6,542.10 plus ~~5.04%~~ 4.42%
 of amount over ~~\$166,500~~ \$208,850
~~\$12,539.45~~ \$13,795.32 plus ~~5.54%~~ 4.86%
 of amount over ~~\$297,350~~ \$372,950

c. Married filing separately.

If North Dakota taxable income is:

Not over ~~\$22,600~~ \$28,375
 Over ~~\$22,600~~ \$28,375 but not
 over ~~\$54,625~~ \$68,525
 Over ~~\$54,625~~ \$68,525 but not
 over ~~\$83,250~~ \$104,425
 Over ~~\$83,250~~ \$104,425 but not
 over ~~\$148,675~~ \$186,475
 Over ~~\$148,675~~ \$186,475

The tax is equal to:

~~2.40%~~ 1.84%
~~\$474.60~~ \$522.10 plus ~~3.92%~~ 3.44%
 of amount over ~~\$22,600~~ \$28,375
~~\$1,729.98~~ \$1,903.26 plus ~~4.34%~~ 3.81%
 of amount over ~~\$54,625~~ \$68,525
~~\$2,972.34~~ \$3,271.05 plus ~~5.04%~~ 4.42%
 of amount over ~~\$83,250~~ \$104,425
~~\$6,269.73~~ \$6,897.66 plus ~~5.54%~~ 4.86%
 of amount over ~~\$148,675~~ \$186,475

d. Head of household.

If North Dakota taxable income is:

Not over ~~\$36,250~~ \$45,500
 Over ~~\$36,250~~ \$45,500 but not
 over ~~\$93,650~~ \$117,450
 Over ~~\$93,650~~ \$117,450 but not
 over ~~\$151,650~~ \$190,200
 Over ~~\$151,650~~ \$190,200 but not
 over ~~\$297,350~~ \$372,950
 Over ~~\$297,350~~ \$372,950

The tax is equal to:

~~2.40%~~ 1.84%
~~\$761.25~~ \$837.20 plus ~~3.92%~~ 3.44%
 of amount over ~~\$36,250~~ \$45,500
~~\$3,011.33~~ \$3,312.28 plus ~~4.34%~~ 3.81%
 of amount over ~~\$93,650~~ \$117,450
~~\$5,528.53~~ \$6,084.06 plus ~~5.04%~~ 4.42%
 of amount over ~~\$151,650~~ \$190,200
~~\$12,871.84~~ \$14,161.61 plus ~~5.54%~~ 4.86%
 of amount over ~~\$297,350~~ \$372,950

e. Estates and trusts.

If North Dakota taxable income is:

Not over ~~\$1,800~~ \$2,300
 Over ~~\$1,800~~ \$2,300 but not
 over ~~\$4,250~~ \$5,350
 Over ~~\$4,250~~ \$5,350 but not
 over ~~\$6,500~~ \$8,200
 Over ~~\$6,500~~ \$8,200 but not
 over ~~\$8,900~~ \$11,150
 Over ~~\$8,900~~ \$11,150

The tax is equal to:

~~2.40%~~ 1.84%
~~\$37.80~~ \$42.32 plus ~~3.92%~~ 3.44%
 of amount over ~~\$1,800~~ \$2,300
~~\$133.84~~ \$147.24 plus ~~4.34%~~ 3.81%
 of amount over ~~\$4,250~~ \$5,350
~~\$231.49~~ \$255.83 plus ~~5.04%~~ 4.42%
 of amount over ~~\$6,500~~ \$8,200
~~\$352.45~~ \$386.22 plus ~~5.54%~~ 4.86%
 of amount over ~~\$8,900~~ \$11,150

f. For an individual who is not a resident of this state for the entire year, or for a nonresident estate or trust, the tax is equal to the tax otherwise computed under this subsection multiplied by a fraction in which:

- (1) The numerator is the federal adjusted gross income allocable and apportionable to this state; and
- (2) The denominator is the federal adjusted gross income from all sources reduced by the net income from the amounts specified in subdivisions a and b of subsection 2.

In the case of married individuals filing a joint return, if one spouse is a resident of this state for the entire year and the other spouse is a nonresident for part or all of the tax year, the tax on the joint return must be computed under this subdivision.

g. For taxable years beginning after December 31, ~~2004~~ 2009, the tax commissioner shall prescribe new rate schedules that apply in lieu of the schedules set forth in subdivisions a through e. The new schedules must be determined by increasing the minimum and maximum dollar amounts for each income bracket for which a tax is imposed by the cost-of-living adjustment for the taxable year as

determined by the secretary of the United States treasury for purposes of section 1(f) of the United States Internal Revenue Code of 1954, as amended. For this purpose, the rate applicable to each income bracket may not be changed, and the manner of applying the cost-of-living adjustment must be the same as that used for adjusting the income brackets for federal income tax purposes."

Page 5, after line 2, insert:

"7. For all purposes under law relating to allocation of funds among political subdivisions based on property tax levies, property taxes levied by a school district are the amount that would have been levied without the mill reduction grant provided to the school district under this chapter."

Page 5, line 5, replace "combined education" with "general fund"

Page 5, line 8, replace "combined education" with "general fund"

Page 5, line 18, remove "a or"

Page 5, line 19, replace "combined education" with "general fund"

Page 5, line 26, replace "combined" with "general fund"

Page 5, line 27, remove "education"

Page 5, line 30, after "district" insert "general fund"

Page 6, after line 6, insert:

"SECTION 7. Property tax relief sustainability fund. The property tax relief sustainability fund is a special fund in the state treasury. Moneys in the fund may be spent, pursuant to legislative appropriations, for property tax relief programs.

SECTION 8. REPEAL. Section 15.1-27-20.1 of the North Dakota Century Code is repealed."

Page 6, line 8, replace "permanent oil tax trust" with "general"

Page 6, after line 11, insert:

"SECTION 10. TRANSFER - PERMANENT OIL TAX TRUST FUND - GENERAL FUND. The office of management and budget shall transfer the sum of \$295,000,000 from the permanent oil tax trust fund to the general fund on July 1, 2009.

SECTION 11. TRANSFER - PERMANENT OIL TAX TRUST FUND - PROPERTY TAX RELIEF SUSTAINABILITY FUND. The office of management and budget shall transfer the sum of \$295,000,000 from the permanent oil tax trust fund to the property tax relief sustainability fund on July 1, 2010."

Page 6, line 12, remove "and" and after "3" insert ", 4, and 5"

Renumber accordingly

Reengrossed SB 2199 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on Reengrossed SB 2199 be adopted.

REQUEST

SEN. NETHING REQUESTED a verification vote on the motion to adopt the conference committee report on SB 2199, which request was granted.

REQUEST

SEN. COOK REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Reengrossed SB 2199, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Reengrossed SB 2199, the roll was called and there were 20 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Dever; Erbele; Freborg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lyson; Miller; Nodland; Oehlke; Olafson; Stenehjerm; Wanzek; Wardner

NAYS: Anderson; Bakke; Behm; Bowman; Dotzenrod; Fiebiger; Fischer; Flakoll; Grindberg; Heckaman; Horne; Krauter; Lee, J.; Lindaas; Marcellais; Mathern; Nelson; Nething; O'Connell; Pomeroy; Potter; Robinson; Schneider; Seymour; Taylor; Triplett; Warner

The conference committee report on Reengrossed SB 2199 was rejected.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DEVER MOVED that the conference committee report on Engrossed SB 2064 as printed on SJ pages 1501-1502 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2064, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 44-08-04, subsections 1, 2, 3, and 7 of section 54-03-20, subsection 1 of section 54-06-09, and section 54-35-10 of the North Dakota Century Code, relating to legislative compensation and state officer and employee lodging and mileage reimbursement; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2064 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2022, as engrossed: Your conference committee (Sens. Bowman, Krebsbach, Lindaas and Reps. Klein, Hawken, Williams) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1227 and place SB 2022 on the Seventh order.

Engrossed SB 2022 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BOWMAN MOVED that the conference committee report on Engrossed SB 2022 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2022, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy;

Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2022 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2013, as reengrossed: Your conference committee (Sens. Wardner, Grindberg, Mathern and Reps. Kempenich, Dosch, S. Meyer) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1248, adopt amendments as follows, and place SB 2013 on the Seventh order:

That the House recede from its amendments as printed on page 1248 of the Senate Journal and pages 1317 and 1318 of the House Journal and that Reengrossed Senate Bill No. 2013 be amended as follows:

Page 1, line 13, replace "728,113" with "714,526" and replace "3,228,437" with "3,214,850"

Page 1, line 18, replace "4,682,024" with "4,668,437" and replace "13,806,148" with "13,792,561"

Page 1, remove lines 20 through 23

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

Page 2, after line 31, insert:

"SECTION 6. FULL-TIME EQUIVALENT AUTHORIZATION - BUDGET SECTION APPROVAL. Section 1 of this Act includes one full-time equivalent position relating to minerals management which may be filled only upon budget section approval.

SECTION 7. ADDITIONAL FUNDING - APPROPRIATION. In addition to the funds appropriated in the grants line item in section 1 of this Act, there is appropriated any additional funds that may be authorized by the sixty-first legislative assembly for deposit in the oil and gas impact grant fund to the land department for providing oil and gas impact grants, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98032.0307 FN 1

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WARDNER MOVED that the conference committee report on Reengrossed SB 2013 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2013, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distribution amounts from permanent funds; and to provide a transfer to the general fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2013 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2198, as engrossed: Your conference committee (Sens. J. Lee, Erbele, Heckaman and Reps. Pietsch, Nathe, Conklin) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1029-1030, adopt amendments as follows, and place SB 2198 on the Seventh order:

That the House recede from its amendments as printed on pages 1029 and 1030 of the Senate Journal and page 1047 of the House Journal and that Engrossed Senate Bill No. 2198 be amended as follows:

Page 4, line 22, replace "\$864,000" with "\$330,000"

Renumber accordingly

Engrossed SB 2198 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Engrossed SB 2198 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2198, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to create and enact five new sections to chapter 50-06.4 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the provision of services to individuals with traumatic brain injury; to amend sections 50-06.4-02 and 54-38-05 of the North Dakota Century Code, relating to joint meetings and duties of the department of human services; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebigler; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nothing; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

Reengrossed SB 2198 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2199.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2013, SB 2198.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2022, SB 2064.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1006, HB 1007, HB 1057.

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

MR. SPEAKER: The President has signed: HCR 3063.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 28, 2009: SB 2044, SB 2059, SB 2060, SB 2069, SB 2110, SB 2125, SB 2141, SB 2152, SB 2154, SB 2158, SB 2161, SB 2165, SB 2172, SB 2208, SB 2212, SB 2223, SB 2232, SB 2242, SB 2250, SB 2255, SB 2260, SB 2316, SB 2359, SB 2401.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 28, 2009: SCR 4018, SCR 4033, SCR 4035.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 6:00 p.m., which motion prevailed.

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ERBELE MOVED that the conference committee report on Engrossed HB 1425 as printed on SJ page 1505 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1151, as engrossed: Your conference committee (Sens. Andrist, Nodland, Potter and Reps. Nottestad, N. Johnson, Boe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 938 and place HB 1151 on the Seventh order.

Engrossed HB 1151 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ANDRIST MOVED that the conference committee report on Engrossed HB 1151 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on HB 1436 as printed on SJ pages 1506-1541 be adopted, which motion prevailed on a voice vote.

HB 1436, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1436: A BILL for an Act to amend and reenact section 1-02-06.1, subsection 2 of section 1-02-09, sections 1-02-09.2, 4-05.1-19, 15-10-42, 15-10-43, and 15-11-39, subsection 5 of section 15-39.1-05.2, subsection 3 of section 15.1-02-13, section 15.1-02-15, subsection 3 of section 15.1-06-08, subsection 4 of section 15.1-06-08.1, sections 15.1-21-10 and 16.1-01-17, subsection 5 of section 18-11-15, section 24-02-46, subsection 3 of section 25-01.3-02, subsection 3 of section 25-02-01.1, sections 26.1-36.4-06, 28-32-03, 28-32-06, and 28-32-07, subsection 1 of section 28-32-10, sections 28-32-15, 28-32-17, 28-32-18, 28-32-19, and 28-32-20, subsection 3 of section 34-11.1-01, subsection 2 of section 40-63-03, sections 44-04-18.6, 48-08-04, and 48-10-01, subsection 4 of section 49-23-03, subsections 3 and 4 of section 50-09-29, sections 52-02-18, 54-03-02, 54-03-04, and 54-03-19.2, subsection 2 of section 54-03-20, sections 54-03-26, 54-03-27, 54-03.1-02, 54-03.2-02, and 54-05.1-02, subsections 3 and 4 of section 54-06-25, sections 54-06-31, 54-35-01, 54-35-02, 54-35-02.1, 54-35-02.2, 54-35-02.3, 54-35-02.4, 54-35-02.5, 54-35-02.6, 54-35-02.7, 54-35-02.8, 54-35-03, 54-35-04, 54-35-05, 54-35-06, 54-35-07, 54-35-08, 54-35-09, 54-35-10, 54-35-11, 54-35-12, 54-35-15, 54-35-15.1, 54-35-16, 54-35-17, 54-35-18, 54-35-22, 54-35-23, 54-35.2-01, 54-35.2-02, 54-35.2-04, and 54-35.2-05, subsection 3 of section 54-40-01, sections 54-44.1-12.1, 54-52.1-08.2, 54-55-01, 54-55-04, 54-58-03, 54-59-07, 54-59-11, 54-59-12, and 54-59-23, subsection 10 of section 54-60-03, and sections 54-60-11, 54-62-03, 57-40.6-12, 61-24-04, 61-24.5-04, 65-02-30, and 65-06.2-09 of the North Dakota Century Code, relating to differentiation between the legislative management and the legislative council as an agency of the legislative branch; to repeal section 49-21-22.2 of the North Dakota Century Code, relating to the regulatory reform review commission; and to authorize replacement of obsolete terms.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Potter; Warner

ABSENT AND NOT VOTING: Triplett

HB 1436, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BOWMAN MOVED that the conference committee report on Engrossed HB 1011 as printed on SJ page 1504 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1011, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Triplett

Engrossed HB 1011, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1295, as engrossed: Your conference committee (Sens. Nodland, G. Lee, Potter and Reps. Weisz, R. Kelsch, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 984, adopt amendments as follows, and place HB 1295 on the Seventh order:

That the Senate recede from its amendments as printed on page 984 of the House Journal and page 757 of the Senate Journal and that Engrossed House Bill No. 1295 be amended as follows:

Page 1, line 1, after "to" insert "create and enact chapter 39-29.2 of the North Dakota Century Code, relating to unconventional vehicles; and to" and replace the comma with "and"

Page 1, line 2, remove ", subsection 2 of section 39-29-01, and subsection 1 of section"

Page 1, line 3, remove "39-29-09" and replace "off-highway vehicles" with "motorcycles"

Page 2, replace lines 25 through 30 with:

"SECTION 3. Chapter 39-29.2 of the North Dakota Century Code is created and enacted as follows:

39-29.2-01. Definitions. As used in this chapter unless the context otherwise requires:

1. "Identifying number" means the vehicle identification numbers and letters if any assigned by the manufacturer or by the department for the purpose of identifying a vehicle. The term includes any numbers or letters assigned by the manufacturer for the purpose of identifying a part of a vehicle or any number placed on a part in accordance with this chapter or rules of the department for the purpose of identifying the vehicle.
2. "Unconventional vehicle" means a motor vehicle that is designed to travel on at least three wheels in contact with the ground, has an unladen weight of at least three hundred pounds [136.08 kilograms] but less than eight thousand pounds [3628.7 kilograms], has a permanent upright seat or saddle for the driver which is mounted at least twenty-four inches [50.8 centimeters] from the ground, has a steering device for front wheel steering control, is capable of speeds in excess of sixty-five miles [104.61

kilometers] per hour, complies with equipment listed in chapter 39-21 or 39-27, as appropriate, and has an identifying number. The term does not include motor vehicles that otherwise may be registered under this title.

39-29.2-02. Certificate of title for unconventional vehicle. The department shall issue a certificate of title for an unconventional vehicle in accordance with section 39-05-05.

39-29.2-03. Registration of unconventional vehicle.

1. Registration of an unconventional vehicle is governed by this chapter.
2. An individual may not operate an unconventional vehicle on public roadways unless the vehicle has been registered under this chapter.
3. The department shall design and furnish an application that must be used to register an unconventional vehicle. The registration must state the name and address of every owner of the unconventional vehicle and must be signed by at least one owner. A copy of the application is evidence of registration for the first thirty days after the date of application.
4. On receipt of an application and the appropriate fee, the department shall register an unconventional vehicle and assign a registration number and a certificate of registration. The certificate of registration must include information regarding the make, year, identifying number, and name and address of the owner.
5. The fee for registration of an unconventional vehicle is fifty dollars per year. For a duplicate or replacement registration number or registration card that is lost, mutilated, or becomes illegible, the department may charge a fee of not more than five dollars.
6. To renew a registration, the owner of an unconventional vehicle shall follow the procedure adopted by the department and pay the registration fee.
7. The department shall issue a plate in the same manner as a plate is issued to a motorcycle.
8. Funds collected from registration must be deposited in the motor vehicle registration fund.

39-29.2-04. Operation of unconventional vehicle. To operate an unconventional vehicle on a highway, the operator must be a licensed driver. An operator may operate an unconventional vehicle on any highway except an access-controlled highway."

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 6

Renumber accordingly

Engrossed HB 1295 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. NODLAND MOVED that the conference committee report on Engrossed HB 1295 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1295, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1295: A BILL for an Act to create and enact chapter 39-29.2 of the North Dakota Century Code, relating to unconventional vehicles; and to amend and reenact subdivision c of subsection 3 of section 39-06-14 and subsection 3 of section 39-27-05 of the North Dakota Century Code, relating to motorcycles.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Triplett

Engrossed HB 1295, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CHRISTMANN MOVED that the conference committee report on Engrossed HB 1017 as printed on SJ pages 1504-1505 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1017, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; to create and enact a new section to chapter 20.1-04 of the North Dakota Century Code, relating to permits for exempt training areas for gun dogs; and to amend and reenact section 20.1-02-05.1 and subsection 5 of section 20.1-17-01 of the North Dakota Century Code, relating to game and fish department land acquisitions and agency rules adopted under the Nonindigenous Aquatic Nuisance Prevention and Control Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Triplett

Engrossed HB 1017, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1035, as engrossed: Your conference committee (Sens. Nodland, Klein, Potter and Reps. Kasper, Keiser, Boe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1062, adopt amendments as follows, and place HB 1035 on the Seventh order:

That the Senate recede from its amendments as printed on page 1062 of the House Journal and page 894 of the Senate Journal and that Engrossed House Bill No. 1035 be amended as follows:

Page 1, line 1, after "reenact" insert "subdivision a of subsection 1 of section 65-02-03.1 and"

Page 1, line 2, after "to" insert "the workforce safety and insurance board of directors and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subdivision a of subsection 1 of section 65-02-03.1 of the North Dakota Century Code is amended and reenacted as follows:

- a. Six board members represent employers in this state which maintain active accounts with the organization. Two of the employer members must be employers with annual premiums, which at the time of the member's initial appointment were greater than twenty-five thousand dollars; one of the employer members must be an employer with an annual premium, which at the time of the member's initial appointment was ~~at least ten thousand dollars but~~ less than twenty-five thousand dollars; one of the employer members must be an employer with an

annual premium, which at the time of the member's initial appointment was less than ten thousand dollars; and two of the employer members must be employer at large representatives. Except for the employer at large representatives, each employer representative must be a principal owner, chief executive officer, or chief financial officer of the employer."

Page 1, line 10, after "surplus" insert "determined as of June thirtieth of each year"

Page 1, line 13, after "2." insert "If the level of financial reserves plus available surplus determined as of June thirtieth of any year is below one hundred twenty percent of the actuarially established discounted reserve the organization may not issue premium dividends and, notwithstanding section 65-04-01, the organization shall modify recommended premium rate levels so that the organization is estimated to come into compliance within the following two years.

3. If the level of financial reserves plus available surplus determined as of June thirtieth of any year is above one hundred forty percent of the actuarially established discounted reserve, the organization shall issue premium dividends in a fiscally prudent manner so that the organization is estimated to come into compliance with the requirements of subsection 1 within the following two years. However, premium dividends issued may not exceed fifty percent of the preceding year's premium in any given year.
4. If the level of financial reserves plus available surplus determined as of June thirtieth of any year is between one hundred twenty percent and one hundred thirty percent of the actuarially established discounted reserve, the organization may not issue premium dividends.
5. If the level of financial reserves plus available surplus determined as of June thirtieth of any year is one hundred thirty percent to one hundred forty percent of the actuarially established discounted reserve, the organization may issue premium dividends. However, premium dividends issued may not exceed forty percent of the preceding year's premium in any given year, and the level of financial reserves plus available surplus may not be reduced below one hundred thirty percent.
- 6."

Page 1, line 17, replace "3." with "7."

Renumber accordingly

Engrossed HB 1035 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. NODLAND MOVED that the conference committee report on Engrossed HB 1035 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1035, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 65-02-03.1 and section 65-04-02 of the North Dakota Century Code, relating to the workforce safety and insurance board of directors and workforce safety and insurance reserves.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Triplett

Engrossed HB 1035, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1305 be moved to the bottom of the Seventh order, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1304, as reengrossed: Your conference committee (Sens. Cook, Miller, Anderson and Reps. Skarphol, Drovdal, Williams) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1348-1352, adopt amendments as follows, and place HB 1304 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1348-1352 of the House Journal and pages 1178-1182 of the Senate Journal and that Reengrossed House Bill No. 1304 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code, relating to allocation of oil and gas gross production taxes; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-51-15 of the North Dakota Century Code is amended and reenacted as follows:

57-51-15. Apportionment and use of proceeds of tax. The gross production tax provided for in this chapter must be apportioned as follows:

1. First the tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and one-fifth of the tax on gas must be deposited with the state treasurer who shall credit:
 - a. Credit thirty-three and one-third percent of the revenues to the oil and gas impact grant fund, but not in an amount exceeding ~~six~~ eight million dollars per biennium, ~~including any amounts otherwise appropriated for oil and gas impact grants for the biennium by the legislative assembly, and who shall credit;~~
 - b. Allocate five hundred thousand dollars per fiscal year to each city in an oil-producing county which has a population of seven thousand five hundred or more and more than two percent of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota. The allocation under this subdivision must be doubled if the city has more than seven and one-half percent of its private covered employment engaged in the mining industry, according to data compiled by job service North Dakota; and
 - c. Credit the remaining revenues to the state general fund.
2. After deduction of the amount provided in subsection 1, annual revenue collected under this chapter from oil and gas produced in each county must be allocated as follows:
 - a. ~~The first one two million dollars of annual revenue after the deduction of the amount provided for in subsection 1 from oil or gas produced in any county must be allocated to that~~ the county.
 - b. ~~The second next one million dollars of annual revenue after the deduction for the amount provided for in subsection 1 from oil and gas produced in any county must be allocated seventy-five percent to that~~ the county and twenty-five percent to the state general fund.
 - c. ~~The third next one million dollars of annual revenue after the deduction of the amount provided for in subsection 1 from oil or gas produced in any county must be allocated fifty percent to that the~~ county and fifty percent to the state general fund. ~~All annual revenue~~

~~after the deduction of the amount provided for in subsection 1 above three million dollars from oil or gas produced in any county~~

- ~~d. The next fourteen million dollars must be allocated twenty-five percent to that the county and seventy-five percent to the state general fund. However, the~~
- ~~e. All annual revenue remaining after the allocation in subdivision d must be allocated ten percent to the county and ninety percent to the state general fund.~~
- 3. ~~The amount to which each county is entitled pursuant to this under subsection 2 must be limited based upon the population of allocated within the county according to the last official decennial federal census as follows:~~
 - ~~a. Counties having a population of three thousand or less shall receive no more than three million nine hundred thousand dollars for each fiscal year; however, a county may receive up to four million nine hundred thousand dollars under this subdivision for each fiscal year if during that fiscal year the county levies a total of at least ten mills for combined levies for county road and bridge, farm to market and federal aid road, and county road purposes. Any amount received by a county exceeding three million nine hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 but must be credited by the county treasurer to the county general fund.~~
 - ~~b. Counties having a population of over three thousand but less than six thousand shall receive no more than four million one hundred thousand dollars for each fiscal year; however, a county may receive up to five million one hundred thousand dollars under this subdivision for each fiscal year if during that fiscal year the county levies a total of at least ten mills for combined levies for county road and bridge, farm to market and federal aid road, and county road purposes. Any amount received by a county exceeding four million one hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 but must be credited by the county treasurer to the county general fund.~~
 - ~~e. Counties having a population of six thousand or more shall receive no more than so the first four million six hundred thousand dollars is allocated under subsection 4 for each fiscal year; however, a county may receive up to five million six hundred thousand dollars under this subdivision for each fiscal year if during that fiscal year the county levies a total of ten mills or more for combined levies for county road and bridge, farm to market and federal aid road, and county road purposes. Any and any amount received by a county exceeding four million six hundred thousand dollars under this subdivision is not subject to allocation under subsection 3 but must be credited by the county treasurer to the county general infrastructure fund and allocated under subsection 5.~~

~~Any allocations for any county pursuant to this subsection which exceed the applicable limitation for that county as provided in subdivisions a through c must be deposited instead in the state's general fund.~~

- ~~3. 4.~~ ~~a. Forty-five percent of all revenues as may by the legislative assembly be allocated to any county hereunder for allocation under this subsection must be credited by the county treasurer to the county general fund. However, the allocation to a county under this subdivision must be credited to the state general fund if during that fiscal year the county does not levy a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal-aid road, and county road purposes.~~
- ~~b. Thirty-five percent of all revenues allocated to any county for allocation under this subsection must be apportioned by the county treasurer no less than quarterly to school districts within the county on the average daily attendance distribution basis, as certified to the county treasurer by the county superintendent of schools. However, no school district may receive in any single academic year an amount~~

under this subsection greater than the county average per student cost multiplied by seventy percent, then multiplied by the number of students in average daily attendance or the number of children of school age in the school census for the county, whichever is greater. Provided, however, that in any county in which the average daily attendance or the school census, whichever is greater, is fewer than four hundred, the county is entitled to one hundred twenty percent of the county average per student cost multiplied by the number of students in average daily attendance or the number of children of school age in the school census for the county, whichever is greater. Once this level has been reached through distributions under this subsection, all excess funds to which the school district would be entitled as part of its thirty-five percent share must be deposited instead in the county general fund. The county superintendent of schools of each oil-producing county shall certify to the county treasurer by July first of each year the amount to which each school district is limited pursuant to this subsection. As used in this subsection, "average daily attendance" means the average daily attendance for the school year immediately preceding the certification by the county superintendent of schools required by this subsection.

The countywide allocation to school districts under this subdivision is subject to the following:

- (1) The first three hundred fifty thousand dollars is apportioned entirely among school districts in the county.
 - (2) The next three hundred fifty thousand dollars is apportioned seventy-five percent among school districts in the county and twenty-five percent to the county infrastructure fund.
 - (3) The next two hundred sixty-two thousand five hundred dollars is apportioned two-thirds among school districts in the county and one-third to the county infrastructure fund.
 - (4) The next one hundred seventy-five thousand dollars is apportioned fifty percent among school districts in the county and fifty percent to the county infrastructure fund.
 - (5) Any remaining amount is apportioned to the county infrastructure fund except from that remaining amount the following amounts are apportioned among school districts in the county:
 - (a) Four hundred ninety thousand dollars, for counties having a population of three thousand or fewer.
 - (b) Five hundred sixty thousand dollars, for counties having a population of more than three thousand and fewer than six thousand.
 - (c) Seven hundred thirty-five thousand dollars, for counties having a population of six thousand or more.
- c. Twenty percent of all revenues allocated to any county hereunder for allocation under this subsection must be paid apportioned no less than quarterly by the state treasurer to the incorporated cities of the county. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census. A city may not receive an allocation for a fiscal year under this subsection and subsection 5 which totals more than seven hundred fifty dollars per capita. Once this level has been reached through distributions under this subsection, all excess funds to which any city would be entitled except for this limitation must be deposited instead in that county's general fund. ~~Provided, however, that in~~ In determining the population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of determining the per capita limitation in this section subdivision must be increased by adding to the population of the city

~~as determined by the last official decennial federal census a number to be determined as follows:~~

- ~~a. Seasonal employees of state and federal tourist facilities within five miles [8.05 kilometers] of the city must be included by adding the months all such employees were employed during the prior year and dividing by twelve.~~
- ~~b. Seasonal employees of all private tourist facilities within the city and seasonal employees employed by the city must be included by adding the months all such employees were employed during the prior year and dividing by twelve.~~
- ~~e. The number of visitors to the tourist attraction within the city or within five miles [8.05 kilometers] of the city which draws the largest number of visitors annually must be included by taking the smaller of either of the following:~~
 - ~~(1) The total number of visitors to that tourist attraction the prior year divided by three hundred sixty five; or~~
 - ~~(2) Four hundred twenty eight hundred percent. If a city receives a direct allocation under subsection 1, the allocation to that city under this subsection is limited to sixty percent of the amount otherwise determined for that city under this subsection and the amount exceeding this limitation must be reallocated among the other cities in the county.~~

- 5. a. Forty-five percent of all revenues allocated to a county infrastructure fund under subsections 3 and 4 must be credited by the county treasurer to the county general fund. However, the allocation to a county under this subdivision must be credited to the state general fund if during that fiscal year the county does not levy a total of at least ten mills for combined levies for county road and bridge, farm-to-market and federal aid road, and county road purposes.
- b. Thirty-five percent of all revenues allocated to the county infrastructure fund under subsections 3 and 4 must be allocated by the board of county commissioners to or for the benefit of townships in the county on the basis of applications by townships for funding to offset oil and gas development impact to township roads or other infrastructure needs or applications by school districts for repair or replacement of school district vehicles necessitated by damage or deterioration attributable to travel on oil and gas development-impacted roads. An organized township is not eligible for an allocation of funds under this subdivision unless during that fiscal year that township levies at least ten mills for township purposes. For unorganized townships within the county, the board of county commissioners may expend an appropriate portion of revenues under this subdivision to offset oil and gas development impact to township roads or other infrastructure needs in those townships. The amount deposited during each calendar year in the county infrastructure fund which is designated for allocation under this subdivision and which is unexpended and unobligated at the end of the calendar year must be transferred by the county treasurer to the county road and bridge fund for use on county road and bridge projects.
- c. Twenty percent of all revenues allocated to any county infrastructure fund under subsections 3 and 4 must be allocated by the county treasurer no less than quarterly to the incorporated cities of the county. Apportionment among cities under this subsection must be based upon the population of each incorporated city according to the last official decennial federal census. A city may not receive an allocation for a fiscal year under this subsection and subsection 4 which totals more than seven hundred fifty dollars per capita. Once this per capita limitation has been reached, all excess funds to which a city would otherwise be entitled must be deposited instead in that county's general fund. If a city receives a direct allocation under subsection 1, the allocation to that city under this subsection is limited

to sixty percent of the amount otherwise determined for that city under this subsection and the amount exceeding this limitation must be reallocated among the other cities in the county.

6. Within sixty days after the end of each fiscal year, the board of county commissioners of each county that has received an allocation under this section shall file a report for the fiscal year with the tax commissioner, in a format prescribed by the tax commissioner, showing:

a. The amount received by the county in its own behalf, the amount of those funds expended for each purpose to which funds were devoted, and the share of county property tax revenue expended for each of those purposes, and the amount of those funds unexpended at the end of the fiscal year; and

b. The amount available in the county infrastructure fund for allocation to or for the benefit of townships or school districts, the amount allocated to each organized township or school district and the amount expended from each such allocation by that township or school district, the amount expended by the board of county commissioners on behalf of each unorganized township for which an expenditure was made, and the amount available for allocation to or for the benefit of townships or school districts which remained unexpended at the end of the fiscal year.

Within sixty days after the time when reports under this subsection were due, the tax commissioner shall provide a report to the legislative council compiling the information from reports received under this subsection.

In developing the format for reports under this subsection, the tax commissioner shall consult the energy development impact office and at least two county auditors from oil-producing counties.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2009."

Renumber accordingly

Reengrossed HB 1304 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on Reengrossed HB 1304 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1304, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Triplett

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

REPORT OF CONFERENCE COMMITTEE

HB 1347, as engrossed: Your conference committee (Sens. Lyson, Nething, Schneider and Reps. Koppelman, Boehning, Zaiser) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1141, adopt amendments as follows, and place HB 1347 on the Seventh order:

That the Senate recede from its amendments as printed on page 1141 of the House Journal and page 980 of the Senate Journal and that Engrossed House Bill No. 1347 be amended as follows:

Page 1, line 1, remove "subdivision a of subsection 2 of"

Page 1, replace lines 5 through 20 with:

"SECTION 1. AMENDMENT. Section 16.1-10-02 of the North Dakota Century Code is amended and reenacted as follows:

16.1-10-02. Use of state or political subdivision services or property for political purposes.

1. No person may use any property belonging to or leased by, or any service which is provided to or carried on by, either directly or by contract, the state or any agency, department, bureau, board, commission, or political subdivision thereof, for any political purpose.
2. The following definitions must be used for the purposes of this section:
 - a.
 - (1) "Political purpose" means any activity undertaken in support of or in opposition to a statewide initiated or referred measure, a constitutional amendment or measure, a political subdivision ballot measure, or the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. ~~The term~~
 - (2) "Political purpose" does not include activities undertaken:
 - (a) Undertaking activities in the performance of a duty of a state public office or a position taken in any bona fide news story, commentary, or editorial;
 - (b) Discussing or taking a position at a public meeting in support of or in opposition to a measure or amendment; or
 - (c) Hosting a public forum at which support of or opposition to a measure or amendment is presented.
 - b. "Property" includes, but is not limited to, motor vehicles, telephones, typewriters, adding machines, postage or postage meters, funds of money, and buildings. However, nothing in this section may be construed to prohibit any candidate, political party, committee, or organization from using any public building for such political meetings as may be required by law, or to prohibit such candidate, party, committee, or organization from hiring the use of any public building for any political purpose if such lease or hiring is otherwise permitted by law.
 - c. "Services" includes, but is not limited to, the use of employees during regular working hours for which such employees have not taken annual or sick leave or other compensatory leave.

3. This section may not be construed to limit the freedom of speech of any officer or employee of the state or a political subdivision in that individual's personal capacity."

Renumber accordingly

Engrossed HB 1347 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. NETHING MOVED that the conference committee report on Engrossed HB 1347 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1347, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1347: A BILL for an Act to amend and reenact section 16.1-10-02 of the North Dakota Century Code, relating to the use of state or political subdivision services or property for political purposes; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 5 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Cook; Dever; Klein; Miller; Wanzek

NAYS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Wardner; Warner

ABSENT AND NOT VOTING: Triplett

Engrossed HB 1347, as amended, lost.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1151, HB 1425.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1011, HB 1017, HB 1035, HB 1295, HB 1304, HB 1436.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: HB 1347.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1216.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2002.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1090, HB 1368, HB 1399, HB 1412.

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

MR. PRESIDENT: The Speaker has signed: SCR 4037.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, April 29, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4038: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE**

CALENDAR WITHOUT RECOMMENDATION (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4038 was placed on the Sixth order on the calendar.

Page 1, line 15, after "state" insert "after June 30, 2011,"

Page 1, line 17, after the underscored period insert "On July 1, 2011, the state treasurer shall transfer to the public health investment trust fund all tobacco settlement dollars obtained by the state before July 1, 2011, which are unexpended and unobligated on July 1, 2011."

Page 1, line 20, remove ", including immunization programs, cancer"

Page 1, line 21, remove "screening and prevention, diabetes screening and control, and aging services"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2007, as engrossed: Your conference committee (Sens. Kilzer, Bowman, Mathern and Reps. Kreidt, Nelson, Metcalf) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1224-1225, adopt amendments as follows, and place SB 2007 on the Seventh order:

That the House recede from its amendments as printed on pages 1224 and 1225 of the Senate Journal and pages 1121 and 1122 of the House Journal and that Engrossed Senate Bill No. 2007 be amended as follows:

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

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

Page 1, line 15, replace "2,810,639" with "2,705,740" and replace "11,643,754" with "11,538,855"

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 "(14,685,871)" and replace "294,597" with "259,906"

Page 1, line 19, replace the first "110,088" with "90,088" and replace the second "110,088" with "90,088"

Page 1, line 20, replace "(\$10,598,696)" with "(\$10,840,186)" and replace "16,692,196" with "16,450,706"

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 "1,557,751" and replace "5,615,335" with "5,417,317"

Page 2, line 4, replace "198,888" with "204,321" and replace "1,006,054" with "1,011,487"

Page 2, line 5, replace "198,888" with "204,321" and replace "1,006,054" with "1,011,487"

Page 2, line 11, replace "1,954,657" with "1,762,072" and replace "6,621,389" with "6,428,804"

Page 2, line 12, replace "(12,354,465)" with "(12,279,346)" and replace "11,076,861" with "11,151,980"

Page 2, line 13, replace "(\$10,399,808)" with "(\$10,517,274)" and replace "17,698,250" with "17,580,784"

Page 2, line 23, replace "110,088" with "90,088"

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 "690,728"

Page 2, line 29, replace "288,488" with "690,728"

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	<u>14,691</u>
Total federal funds	\$118,591

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 and \$98,400 for an electronic health care records system 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."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98026.0207 FN 3

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

Engrossed SB 2007 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2021, as engrossed: Your conference committee (Sens. Christmann, Fischer, Robinson and Reps. Thoreson, Dosch, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1255-1258, adopt amendments as follows, and place SB 2021 on the Seventh order:

That the House recede from its amendments as printed on pages 1255-1258 of the Senate Journal and pages 1244-1247 of the House Journal and that Engrossed Senate Bill No. 2021 be amended as follows:

Page 1, line 2, after the first semicolon insert "to provide a contingent appropriation;"; after the second semicolon insert "to provide for a legislative council study; to provide for a report;"; and remove "and"

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

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

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

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

Page 2, line 1, replace "16,288,104" with "12,344,382" and replace "139,342,795" with "135,399,073"

Page 2, line 2, replace "7,974,129" with "5,900,401" and replace "120,980,899" with "118,907,171"

Page 2, line 3, replace "8,313,975" with "6,443,981" and replace "18,361,896" with "16,491,902"

Page 2, after line 4, insert:

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

Statewide longitudinal data system	\$2,263,883
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The information technology department may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section, for the period beginning with the effective date of this Act and ending June 30, 2011.

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

SECTION 3. CONTINGENT GENERAL FUND APPROPRIATION - BUDGET SECTION APPROVAL. If the federal funds appropriated under section 2 of this Act are not available to provide the sum of \$2,263,883, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,263,883, or so much of the sum as may be necessary, to the information technology department for costs associated with a statewide longitudinal data system, for the biennium beginning July 1, 2009, and ending June 30, 2011. The information technology department may spend the general fund moneys only to the extent that federal funds are not available to provide the \$2,263,883 appropriated under section 2 of this Act and subject to approval by the budget section."

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

Page 2, line 16, replace "936,638" with "353,600"

Page 2, line 18, replace "2,606,386" with "1,923,348"

Page 3, after line 2, insert:

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

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

SECTION 9. INFORMATION TECHNOLOGY DEPARTMENT OUTSOURCING - REPORT TO INFORMATION TECHNOLOGY COMMITTEE. The information technology department shall report to the information technology committee on:

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

The information technology committee shall incorporate the information received in its report to the legislative council."

Page 5, after line 5, insert:

"SECTION 11. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98040.0207 FN 1

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

Engrossed SB 2021 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2308, as engrossed: Your conference committee (Sens. Klein, Stenehjem, Horne and Reps. Dahl, Grande, Schneider) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1030-1031, adopt amendments as follows, and place SB 2308 on the Seventh order:

That the House recede from its amendments as printed on pages 1030 and 1031 of the Senate Journal and pages 1155-1157 of the House Journal and that Engrossed Senate Bill No. 2308 be amended as follows:

Page 1, line 1, after "to" insert "create and enact section 50-25.1-15.1 of the North Dakota Century Code, relating to abandonment of an infant at a fire station; and to"

Page 1, line 6, remove the overstrike over "~~from firefighters death benefit fund~~" and remove "to deceased"

Page 1, line 7, remove "firefighter's survivor"

Page 1, line 16, after "payment" insert "and evidence of a line of duty death" and remove "governing body of a municipality having a paid"

Page 1, line 17, replace "department or the governing body" with "chief or fire chief's designee", after "city" insert "fire department, rural fire department,", and replace "that does not have a" with an underscored period

Page 1, remove lines 18 through 22

Page 2, after line 4, insert:

- "2. "Line of duty death" means a death that was due to an injury sustained while performing firefighter duties if the death occurred within forty-eight hours of participating in an emergency response or training event. Death from a heart attack or stroke is deemed to be a line of duty death if it occurs within forty-eight hours of an emergency response or training event."

Page 2, line 5, replace "2." with "3."

Page 2, after line 8, insert:

"**SECTION 3.** Section 50-25.1-15.1 of the North Dakota Century Code is created and enacted as follows:

50-25.1-15.1. Abandoned infant - Fire station procedure - Reporting immunity.

1. As used in this section:
 - a. "Abandoned infant" means an abandoned infant as defined in section 27-20-02 and which has been left at a fire station in an unharmed condition.
 - b. "Fire station" means a fire station that is open and operating twenty-four hours a day seven days a week and which is continually staffed with full-time, paid firefighters who are licensed as emergency medical services professionals under chapter 23-27.
2. A parent of an infant may abandon the infant by leaving the infant with an appropriate individual at any fire station. An agent of the parent may leave an abandoned infant with an appropriate individual at a fire station with the parent's consent. Neither the parent nor the agent is subject to prosecution under sections 14-07-15 and 14-09-22 for leaving the abandoned infant at a fire station.
3. A fire station shall accept an infant abandoned or left under this section. The fire station may request information regarding the parents and shall provide the parent or the agent with a medical history form and an envelope with the fire station's return address. Neither the parent nor the agent is required to provide any information.
4. The fire station shall provide the parent or the agent with a numbered identification bracelet to link the parent or the agent to the abandoned infant. Possession of an identification bracelet does not entitle the bracelet holder to take custody of the abandoned infant on demand. If an individual possesses a bracelet linking the individual to an abandoned infant left at a fire station under this section and parental rights have not been terminated, possession of the bracelet creates a presumption that the individual has standing to participate in a protection services action brought under this chapter or chapter 27-20. Possession of the bracelet does not create a presumption of maternity, paternity, or custody.
5. The fire station may provide the parent or the agent with any relevant information, including:
 - a. Information about the safe place for abandoned infant programs;
 - b. Information about adoption and counseling services; and
 - c. Information about whom to contact if reunification is sought.
6. Within twenty-four hours of receiving an abandoned infant under this section, the fire station shall report to the department that an abandoned infant has been left at the fire station. The report may not be made before the parent or the agent leaves the fire station.
7. The fire station and the fire station employees and agents are immune from any criminal or civil liability for accepting an abandoned infant under this section.
8. Upon receiving a report of an abandoned infant left at a fire station under this section, the department shall proceed as required under this chapter if it appears that the abandoned infant was not harmed, except the department may not attempt to identify or contact the parent or the agent. If it appears the abandoned infant was harmed, the department shall initiate an assessment of the matter as required by law.

9. If an individual claiming to be the parent or the agent contacts the department and requests to be reunited with the abandoned infant, the department may identify or contact the individual as required under this chapter and all other applicable laws. If an individual contacts the department seeking information only, the department may attempt to obtain information regarding the identity and medical history of the parents and may provide information regarding the procedures in an abandoned infant case. The individual is under no obligation to respond to the request for information, and the department may not attempt to compel response to investigate the identity or background of the individual."

Renumber accordingly

Engrossed SB 2308 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2391: Your conference committee (Sens. Erbele, Dever, Krauter and Reps. Damschen, Nathe, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1210, adopt amendments as follows, and place SB 2391 on the Seventh order:

That the House recede from its amendments as printed on page 1210 of the Senate Journal and page 1101 of the House Journal and that Senate Bill No. 2391 be amended as follows:

Page 1, line 11, after "department" insert ", in consultation with a nongovernmental entity that provides alternatives-to-abortion services," and remove "with a nongovernmental"

Page 1, line 12, remove "entity that provides alternatives-to-abortion services to conduct statewide marketing"

Page 1, line 23, replace "\$500,000" with "\$100,000"

Page 2, line 2, replace "designate \$400,000 of this appropriation for alternatives-to-abortion services and" with "use this funding to inform the public about the alternatives-to-abortion program. Funding for the alternatives-to-abortion program also is appropriated to the department of human services in House Bill No. 1012."

Page 2, remove lines 3 and 4

Renumber accordingly

SB 2391 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1006, as engrossed: Your conference committee (Sens. Wardner, Bowman, Krauter and Reps. Dosch, Thoreson, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1115, adopt amendments as follows, and place HB 1006 on the Seventh order:

That the Senate recede from its amendments as printed on page 1115 of the House Journal and page 954 of the Senate Journal and that Engrossed House Bill No. 1006 be amended as follows:

Page 1, line 16, replace "1,674,572" with "2,181,888" and replace "16,403,209" with "16,910,525"

Page 1, line 22, replace "10,753,819" with "11,261,135" and replace "40,735,270" with "41,242,586"

Page 2, line 1, replace "13,357,819" with "13,865,135" and replace "40,539,270" with "41,046,586"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98007.0203 FN 1

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

Engrossed HB 1006 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1007, as engrossed: Your conference committee (Sens. Christmann, Kilzer, Krauter and Reps. Kempenich, Dosch, S. Meyer) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1003-1004, adopt amendments as follows, and place HB 1007 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1003 and 1004 of the House Journal and page 773 of the Senate Journal and that Engrossed House Bill No. 1007 be amended as follows:

Page 1, line 11, replace "151,736" with "270,643" and replace "1,393,097" with "1,512,004"

Page 1, line 12, replace "(20,000)" with "(6,900)" and replace "289,230" with "302,330"

Page 1, line 13, replace "131,736" with "263,743" and replace "1,682,327" with "1,814,334"

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 "252,333" and replace "1,276,627" with "1,401,583"

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

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98008.0203 FN 1

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

Engrossed HB 1007 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1057, as reengrossed: Your conference committee (Sens. Dever, Cook, Horne and Reps. Kasper, Nathe, Amerman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1045, adopt amendments as follows, and place HB 1057 on the Seventh order:

That the Senate recede from its amendments as printed on page 1045 of the House Journal and page 774 of the Senate Journal and that Reengrossed House Bill No. 1057 be amended as follows:

Page 1, line 4, after the semicolon insert "to provide for reports to the legislative council;"

Page 1, line 11, after the first period insert "The veterans' affairs commissioner may work directly with county veterans' service officers."

Page 1, line 13, replace "The county" with "By August 1, 2011, all county veterans' service officers must be accredited by the national association of county veterans' service officers."

Page 1, remove line 14

Page 1, line 15, remove "veterans' affairs within two years of appointment."

Page 1, line 23, after the period insert "A county veterans' service officer may not serve as a conservator for an individual who is receiving benefits or services from the department of veterans' affairs or the United States department of veterans' affairs, except if the individual is the spouse or an immediate family member of the officer, or unless the conservator is appointed by the county under chapter 11-21."

Page 2, line 5, replace "a person" with "an individual who is" and after "department" insert ", except if the individual is the spouse or an immediate family member of the employee"

Page 2, after line 9, insert:

"SECTION 4. REPORTS TO LEGISLATIVE COUNCIL. By December 1, 2009, the commissioner of veterans' affairs shall provide to the legislative council a report regarding the number of county veterans' service officers accredited in accordance with the requirements of section 1 of this Act, the agency or organization through which each officer has been accredited, and an accountability report with respect to the use of the funds granted under section 5 of this Act for the training program offered through the

department of veterans' affairs to county veterans' service officers. The commissioner shall present followup reports to the legislative council by July 1, 2010, and December 1, 2010. By December 1, 2010, the board of county commissioners of each county shall report to the legislative council the status of the county's compliance with section 1 of this Act."

Renumber accordingly

Reengrossed HB 1057 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1090, as engrossed: Your conference committee (Sens. Dever, Erbele, Pomeroy and Reps. Damschen, Hofstad, Kilichowski) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1382, adopt amendments as follows, and place HB 1090 on the Seventh order:

That the Senate recede from its amendments as printed on page 1382 of the House Journal and page 1265 of the Senate Journal and that Engrossed House Bill No. 1090 be amended as follows:

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

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

Page 4, line 3, replace "Child care assistance may be paid for up to two years for" with "Subject to the availability of funding, the department may expand child care assistance to include"

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

Renumber accordingly

Engrossed HB 1090 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1216: Your conference committee (Sens. Lyson, Freborg, Schneider and Reps. DeKrey, Porter, Hunsakor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 643 and place HB 1216 on the Seventh order.

HB 1216 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1305, as engrossed: Your conference committee (Sens. Fischer, Holmberg, Lindaas and Reps. Skarphol, Hawken, Onstad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1270, adopt amendments as follows, and place HB 1305 on the Seventh order:

That the Senate recede from its amendments as printed on page 1270 of the House Journal and page 1182 of the Senate Journal and that Engrossed House Bill No. 1305 be amended as follows:

Page 1, line 6, replace "\$2,200,000" with "\$2,792,000"

Page 1, line 7, replace "\$1,750,000" with "\$864,000"

Page 1, line 8, replace "\$100,000" with "\$985,000"

Page 1, line 9, replace "Renwick Dam project" with "Burke, Divide, and Williams water district water supply project, providing a grant of up to \$593,000 to assist in the local cost-share of the Wildrose water supply project"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 90671.0305 FN 2

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

Engrossed HB 1305 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1360: Your conference committee (Sens. G. Lee, Flakoll, Taylor and Reps. Wall, Karls, Mock) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1089, adopt amendments as follows, and place HB 1360 on the Seventh order:

That the Senate recede from its amendments as printed on page 1089 of the House Journal and page 879 of the Senate Journal and that House Bill No. 1360 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-09.1 of the North Dakota Century Code, relating to the rights of regional education association employees; and to amend and reenact subsection 11 of section 15-39.1-04, section 15-39.1-23, subsection 17 of section 65-01-02, and section 65-04-04 of the North Dakota Century Code, relating to the rights of regional education association employees, the inclusion of teachers employed by regional education associations in the teachers' fund for retirement, to provide a date by which workforce safety and insurance premiums paid by regional education associations are due, and to reconcile references to other education entities.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 11 of section 15-39.1-04 of the North Dakota Century Code is amended and reenacted as follows:

11. "Teacher" means:
 - a. All persons licensed by the education standards and practices board who are contractually employed in teaching, supervisory, administrative, or extracurricular services by a state institution, multidistrict special education unit, area career and technology center, regional education association, school board, or other governing body of a school district of this state, including superintendents, assistant superintendents, business managers, principals, assistant principals, and special teachers. For purposes of this subdivision, "teacher" includes persons contractually employed by one of the above employers to provide teaching, supervisory, administrative, or extracurricular services to a separate state institution, state agency, multidistrict special education unit, area career and technology center, regional education association, school board, or other governing body of a school district of this state under a third-party contract.
 - b. The superintendent of public instruction, assistant superintendents of public instruction, county superintendents, assistant superintendents, supervisors of instruction, the professional staff of the department of career and technical education, the professional staff of the center for distance education, the executive director and professional staff of the North Dakota education association who are members of the fund on July 1, 1995, the professional staff of an interim school district, and the professional staff of the North Dakota high school activities association who are members of the fund on July 1, 1995.
 - c. The executive director and professional staff of the North Dakota council of school administrators who are members of the fund on July 1, 1995, and licensed staff of teachers centers, but only if the person was previously a member of and has credits in the fund.
 - d. Employees of institutions under the control and administration of the state board of higher education who are members of the fund on July 16, 1989.

SECTION 2. AMENDMENT. Section 15-39.1-23 of the North Dakota Century Code is amended and reenacted as follows:

15-39.1-23. Penalties for failure to make required reports and payments.

Except for unintentional reporting errors, an employing body failing to file reports required by the board or failing to pay over for credit to the fund the amounts required to be paid by this chapter is subject to a civil penalty of two hundred fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after the report was required to be filed or the payment became due. The board, if satisfied

the delay or underpayment was unintentional and excusable, may waive, or if paid, refund all or part of the two hundred fifty dollar penalty and may reduce the interest rate charge to the investment return rate used in the most recent actuarial valuation, compounded annually, but may not waive the entire amount of the interest. The penalty must be paid to the fund and deposited in the same manner as other receipts under this chapter.

In addition, a school district, multidistrict special education unit, area career and technology center, and regional education association may not share in the apportionment of any money from the state for any year unless the school ~~board, or an officer thereof,~~ district, multidistrict special education unit, area career and technology center, or regional education association has made the reports required by the board as permitted by this chapter, and has paid over for credit to the fund the amounts required to be paid under this chapter.

SECTION 3. A new section to chapter 15.1-09.1 of the North Dakota Century Code is created and enacted as follows:

Rights of employees. Any individual employed by the board of a regional education association has the same statutory rights as those accorded to an individual employed by a public school district for the same purpose.

SECTION 4. AMENDMENT. Subsection 17 of section 65-01-02 of the North Dakota Century Code is amended and reenacted as follows:

17. "Employer" means a person who engages or receives the services of another for remuneration unless the person performing the services is an independent contractor under the "common law" test. The term includes:
 - a. The state and all political subdivisions thereof.
 - b. All public and quasi-public corporations in this state.
 - c. Every person, partnership, limited liability company, association, and private corporation, including a public service corporation.
 - d. The legal representative of any deceased employer.
 - e. The receiver or trustee of any person, partnership, limited liability company, association, or corporation having one or more employees as herein defined.
 - f. The president, vice presidents, secretary, or treasurer of a business corporation, but not members of the board of directors of a business corporation who are not also officers of the corporation.
 - g. The managers of a limited liability company.
 - h. The president, vice presidents, secretary, treasurer, or board of directors of an association or cooperative organized under chapter 6-06, 10-12, 10-13, 10-15, 36-08, or 49-21.
 - i. The clerk, assessor, treasurer, or any member of the board of supervisors of an organized township, if the person is not employed by the township in any other capacity.
 - j. A multidistrict special education unit.
 - k. An area career and technology center.
 - l. A regional education association.

SECTION 5. AMENDMENT. Section 65-04-04 of the North Dakota Century Code is amended and reenacted as follows:

65-04-04. Employers obligated to pay premiums - Premium and certificates to be mailed. Each employer subject to this title shall pay into the fund annually the amount of premiums determined and fixed by the organization for the employment or occupation of the employer. The amount must be determined by the classifications, rules, and rates made and published by the organization and must be

based on a proportion of the annual expenditure of money by the employer for the service of persons subject to the provisions of this title. The organization shall mail to the employer a certificate specifying that the payment has been made. The certificate, attested by the seal of the organization, is prima facie evidence of the payment of the premium. Notwithstanding the provisions of section 65-04-15, the certificate may reflect the employer has paid the minimum premium and has no employees for the period indicated on the certificate. If an employer defaults on premium payments after a certificate has been issued, the organization may revoke that employer's certificate. The organization shall provide that premiums to be paid by school districts, multidistrict special education units, area career and technology centers, and regional education associations, townships, and all public corporations or agencies, except municipal corporations, fall due at the end of the fiscal year of that entity, and that premiums to be paid by all municipal corporations fall due at the end of the calendar year, and may make provisions so that premiums of other employers fall due on different or specified dates. For the purpose of effectuating different or specified due dates the organization may carry new or current risks for a period of less than one year and not to exceed eighteen months, either by request of the employer or action of the organization. An employer subject to this chapter shall display in a conspicuous manner at the workplace and in a sufficient number of places to reasonably inform employees of the fact, a certificate of premium payment showing compliance with this chapter and the toll-free telephone number used to report unsafe working conditions and actual or suspected workforce safety and insurance fraud. Any employer subject to this chapter is liable to pay a civil penalty of two hundred fifty dollars for failure to display the notice of compliance and the toll-free telephone number as required by this section."

Renumber accordingly

HB 1360 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1368, as reengrossed: Your conference committee (Sens. Hogue, Miller, Anderson and Reps. N. Johnson, Sukut, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1272-1273, adopt amendments as follows, and place HB 1368 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1272 and 1273 of the House Journal and pages 879 and 880 of the Senate Journal and that Reengrossed House Bill No. 1368 be amended as follows:

Page 1, line 8, replace "state tax commissioner" with "attorney general"

Page 1, line 9, replace "and affix stamps on" with "or sell"

Page 5, line 2, remove "the wholesale or retail dealers can establish that state"

Page 5, line 3, remove "tax stamps were affixed to the cigarettes before August 1, 2010, and if"

Page 6, line 8, after "certification" insert "or recertification"

Page 9, line 8, replace the first underscored comma with "or" and remove ", or affixing tax stamps to"

Renumber accordingly

Reengrossed HB 1368 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1399, as engrossed: Your conference committee (Sens. G. Lee, Flakoll, Taylor and Reps. Karls, Wall, J. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1143-1144, adopt amendments as follows, and place HB 1399 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1143 and 1144 of the House Journal and pages 833 and 834 of the Senate Journal and that Engrossed House Bill No. 1399 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to the preservation of American Indian languages; to provide a legislative council report; to provide an appropriation; and to provide a continuing appropriation."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. American Indian language preservation committee - Membership - Meetings.**

1. The American Indian language preservation committee consists of:
 - a. The executive director of the Indian affairs commission, who shall serve as the chairman;
 - b. The superintendent of public instruction or the superintendent's designee;
 - c. An individual employed as a faculty member at a tribal college, appointed by the governor;
 - d. The director of the state historical society;
 - e. The chairman of the North Dakota humanities council;
 - f. The chairman of the university of North Dakota department of Indian studies or the chairman's designee; and
 - g. One individual with experience in the development of curriculum pertaining to and the teaching of American Indian languages at the elementary or high school levels, appointed by the governor.
2. The committee shall meet at least quarterly, at the call of the chairman.

SECTION 2. Duties. The committee shall:

1. Develop a process for the orderly preservation of American Indian languages spoken by the members of tribes located in this state, including:
 - a. The creation or acquisition of audio recordings, picture dictionaries, and pronunciation guides;
 - b. The translation of existing materials; and
 - c. The acquisition, development, and dissemination of instructional materials for elementary and high school students, individuals enrolled in institutions of higher education, and other adults;
2. Pursue working relationships aimed at American Indian language preservation with public and private sector entities, including institutions of higher education, in this state and in other states and provinces; and
3. Seek the active participation of American Indians residing in this state on an individual and a tribal basis.

SECTION 3. Powers - Continuing appropriation.

1. The committee may:
 - a. Accept gifts, grants, and donations of money, property, and services to carry out this Act;
 - b. Expend moneys received under this section to carry out this Act; and
 - c. Contract with any person for any purpose related to this Act.
2. Any moneys received by the committee under this section are appropriated to the committee on a continuing basis.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys from the federal fiscal stabilization - other government services funds made available to the governor under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, the sum of \$18,000, or so much of the sum as may be necessary, to the Indian affairs commission for the purpose of providing matching funds

to the American Indian language preservation committee, for the biennium beginning July 1, 2009, and ending June 30, 2011. Each dollar provided to the committee under this section is contingent upon the committee demonstrating that it has matched each \$1 to be provided under this section with \$3, or the equivalent thereof in-kind, from nonstate sources for the purposes set forth in this Act.

SECTION 5. LEGISLATIVE COUNCIL REPORT. Before September 2010, the chairman of the American Indian language preservation committee shall provide a report to the legislative council regarding the work of the committee, together with any recommendations for ongoing preservation efforts."

Renumber accordingly

Engrossed HB 1399 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1412: Your conference committee (Sens. Cook, Miller, Anderson and Reps. Headland, Kretschmar, J. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1144, adopt amendments as follows, and place HB 1412 on the Seventh order:

That the Senate recede from its amendments as printed on page 1144 of the House Journal and page 982 of the Senate Journal and that House Bill No. 1412 be amended as follows:

Page 1, line 2, after "communications" insert "; to provide for a legislative council study; and to provide an expiration date"

Page 1, line 15, remove "maximum", remove the overstrike over "~~does not exceed one dollar~~", and remove "will be assessed"

Page 1, line 16, remove "the fee"

Page 2, line 2, remove the overstrike over "~~for an initial six year period~~"

Page 2, remove the overstrike over lines 3 through 14

Page 2, line 15, remove the overstrike over "~~question to the electors.~~" and remove "Once established by this section, the maximum fee may"

Page 2, remove lines 16 through 22

Page 2, line 23, remove the overstrike over "~~5.~~" and remove "3."

Page 2, line 25, remove the overstrike over "~~6.~~" and remove "4."

Page 3, line 7, remove the overstrike over "~~7.~~" and remove "5."

Page 3, line 9, replace "pursuant to subsection 2" with "under this section"

Page 3, after line 9, insert:

"8. Political subdivisions within an intrastate multicounty public safety answering point may exceed the maximum fee of one dollar to an amount not to exceed one dollar and fifty cents. The governing body of the political subdivision may increase the fee by resolution subject to a vote in that political subdivision at the next general election.

SECTION 2. LEGISLATIVE COUNCIL STUDY - EMERGENCY SERVICES COMMUNICATION. During the 2009-10 interim, the legislative council shall consider studying the equity of the 911 fee structure, including consideration of fees, taxes, assessments for services, equity of services, and payments among residents within service areas; fee collection methods; and current and future funding of emergency services communications in the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through June 30, 2012, and after that date is ineffective."

Renumber accordingly

HB 1412 was placed on the Seventh order of business on the calendar.

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

Fran A. Gronberg, Secretary

