

## JOURNAL OF THE HOUSE

## Sixty-first Legislative Assembly

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Bismarck, April 28, 2009

The House convened at 8:00 a.m., with Speaker Monson presiding.

The prayer was offered by Father Daniel Maloney, Chaplain with Annunciation Monastery, Bismarck.

The roll was called and all members were present except Representatives Brandenburg, Froelich, and Zaiser.

A quorum was declared by the Speaker.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4037:** A concurrent resolution recognizing and appreciating the flood fighting and cleanup efforts in this state during the spring of 2009.  
Was read the first time.

**MOTION**

**REP. CARLSON MOVED** that the rules be suspended, that SCR 4037 not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. Nething, Stenehjem, O'Connell and Reps. Carlson, Boucher introduced:  
(Approved by the Delayed Bills Committee)

**SENATE CONCURRENT RESOLUTION NO. 4037**

A concurrent resolution recognizing and appreciating the flood fighting and cleanup efforts in this state during the spring of 2009.

**WHEREAS**, record amounts of snowfall were followed by catastrophic flooding in the spring of 2009 on the Red, Missouri, Souris, Cannonball, James, Pipestem, Sheyenne, Knife, Heart, Des Lacs, and Park Rivers and Big Beaver Creek and other rivers and creeks throughout the state; and

**WHEREAS**, flood fighting efforts involved the North Dakota National Guard, Army, Coast Guard, Air Force, Army Corps of Engineers, county and city leaders and employees, and hundreds of volunteers, including many college and high school students; and

**WHEREAS**, our National Guard and all volunteers were supported in flood fighting efforts through supportive employers and educational institutions; and

**WHEREAS**, flood fighting efforts were organized and supported by fraternal and service organizations, employers, churches and other religious organizations, and the American Red Cross, Salvation Army, and other nonprofit organizations by providing food, shelter, and support for the flood fighting efforts; and

**WHEREAS**, the cleanup process is being completed through organizations and individuals moved to help their neighbors in a time of need, including Operation Blessing, the Billy Graham Rapid Response Team, Samaritan's Purse, the Nechama Jewish Response Team, and many local churches and other groups;

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

That the Sixty-first Legislative Assembly recognizes and appreciates the flood fighting and cleanup efforts during the spring of 2009; and

**BE IT FURTHER RESOLVED**, that the Sixty-first Legislative Assembly recognizes, and requests the Governor to proclaim, June 14, 2009, as a day of recognition to express appreciation for the great and noble effort to fight and clean up after the floods during the spring of 2009; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the groups and organizations identified in this resolution.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4037:** A concurrent resolution recognizing and appreciating the flood fighting and cleanup efforts in this state during the spring of 2009.

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

SCR 4037 was declared adopted and the title was agreed to on a voice vote.

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**MOTION**

**REP. CARLSON MOVED** that SCR 4037 be messaged to the House immediately, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KASPER MOVED** that the conference committee report on Engrossed HB 1035 as printed on HJ page 1062 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1035, as amended, was placed on the Eleventh 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, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Kelsh, J.; Kerzman; Winrich

**ABSENT AND NOT VOTING:** Brandenburg; Zaiser

Reengrossed HB 1035 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. NOTTESTAD MOVED** that the conference committee report on Engrossed HB 1151 as printed on HJ page 938 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1151, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1151:** A BILL for an Act to create and enact a new section to chapter 65-03 of the North Dakota Century Code, relating to reporting requirements in safety grant programs; to amend and reenact subsection 31 of section 65-01-02 and sections 65-01-13, 65-03-04, and 65-04-15 of the North Dakota Century Code, relating to definition of wages, information fund, safety grant awards, and confidentiality of employer files for workforce safety and insurance purposes; and to repeal section 65-03-03 of the North Dakota Century Code, relating to rules for mine foremen.

**ROLL CALL**

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

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

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

**ABSENT AND NOT VOTING:** Brandenburg; Zaiser

Reengrossed HB 1151 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WEISZ MOVED** that the conference committee report on Engrossed HB 1295 as printed on HJ page 984 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1295, as amended, was placed on the Eleventh 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, and has committee recommendation of DO PASS, the roll was called and there were 74 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Conrad; Ekstrom; Frantsvog; Glassheim; Gruchalla; Hanson; Hunskor; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Metcalf; Myxter; Onstad; Pinkerton; Thorpe; Wald; Winrich

**ABSENT AND NOT VOTING:** Brandenburg; Zaiser

Reengrossed HB 1295 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SKARPHOL MOVED** that the conference committee report on Engrossed HB 1304 as printed on HJ pages 1348-1352 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1304, as amended, was placed on the Eleventh 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, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Brandenburg; Zaiser

Reengrossed HB 1304 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SKARPHOL MOVED** that the conference committee report on Engrossed HB 1305 as printed on HJ page 1270 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1305, as amended, was placed on the Eleventh order.

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

**HB 1305:** A BILL for an Act to provide an appropriation to the state water commission for water project grants; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Winrich

**ABSENT AND NOT VOTING:** Brandenburg; Zaiser

Reengrossed HB 1305 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KOPPELMAN MOVED** that the conference committee report on Engrossed HB 1347 as printed on HJ page 1141 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1347, as amended, was placed on the Eleventh 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, and has committee recommendation of DO PASS, the roll was called and there were 60 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehning; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Glassheim; Grande; Griffin; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Metcalf; Mock; Nathe; Nelson; Nottestad; Pietsch; Pollert; Porter; Ruby; Rust; Schatz; Skarphol; Sukut; Svedjan; Thoreson; Uglem; Vigesaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

**NAYS:** Amerman; Boe; Boucher; Delmore; Ekstrom; Froelich; Gruchalla; Hanson; Hawken; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kerzman; Kretschmar; Kroeber; Martinson; Meyer, S.; Mueller; Myxter; Onstad; Pinkerton; Potter; Schmidt; Schneider; Thorpe; Vig; Wall; Williams; Winrich; Wolf

**ABSENT AND NOT VOTING:** Brandenburg; Zaiser

Reengrossed HB 1347 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. WALL MOVED** that the conference committee report on HB 1360 as printed on HJ page 1089 be adopted, which motion prevailed on a voice vote.

HB 1360 was placed on the Eleventh order.

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

**HB 1360:** A BILL 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.

#### **ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Brandenburg; Clark; Zaiser

Engrossed HB 1360 passed and the title was agreed to.

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#### **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 President has signed: HB 1040, HB 1110, HB 1188, HB 1252, HB 1489, HCR 3019.

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

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

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on April 28, 2009: HCR 3019.

#### **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.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 28, 2009: 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 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:** 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 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 HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)**

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

**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.

**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, Hunskor) 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 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 1449, as engrossed:** Your conference committee (Sens. Erbele, Triplett, Hogue and Reps. Keiser, DeKrey, Pinkerton) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1177, adopt amendments as follows, and place HB 1449 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1012 and 1013 of the Senate Journal and page 1177 of the House Journal and that Engrossed House Bill No. 1449 be amended as follows:

Page 1, line 1, after "49-02-27" insert "and subdivision a of subsection 5 of section 49-22-03"

Page 1, line 2, after "facilities" insert "and to the definition of energy conversion facility; and to provide for a legislative council study of the development of wind and other natural resources"



Page 1, line 8, overstrike "may" and insert immediately thereafter "shall"

Page 1, line 9, overstrike "may" and insert immediately thereafter "must"

Page 1, line 15, overstrike "and"

Page 1, line 17, after "restored" insert "; and"

f. Present and future natural resource development"

Page 1, line 19, replace "the facility remaining after" with "underground foundation not removed during"

Page 1, line 20, replace "remaining portion of the facility" with "such underground foundation"

Page 1, line 21, replace "The facility includes any cables, foundations, buildings, or other ancillary" with:

**"SECTION 2. AMENDMENT.** Subdivision a of subsection 5 of section 49-22-03 of the North Dakota Century Code is amended and reenacted as follows:

- a. Generation ~~of one hundred thousand kilowatts or more~~ exceeding sixty megawatts of electricity;

**SECTION 3. LEGISLATIVE COUNCIL STUDY - DEVELOPMENT OF WIND AND OTHER NATURAL RESOURCES.** During the 2009-10 interim, the legislative council shall study the development of wind resources and other natural resources in the same location. The study must include a review of laws relating to the siting and decommissioning of wind energy conversion facilities, the desirability of an environmental assessment as a condition of siting, and the desirability of regulation to address the effects of wind energy conversion facilities on water, soil, cultural resources, and future development of other natural resources. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Page 1, remove line 22

Renumber accordingly

Engrossed HB 1449 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2005:** Your conference committee (Sens. Wardner, Holmberg, Mathern and Reps. Nelson, Kreidt, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1210-1211, adopt amendments as follows, and place SB 2005 on the Seventh order:

That the House recede from its amendments as printed on pages 1210 and 1211 of the Senate Journal and pages 1120 and 1121 of the House Journal and that Senate Bill No. 2005 be amended as follows:

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

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

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98024.0103 FN 2**

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

SB 2005 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2097, as engrossed:** Your conference committee (Sens. J. Lee, Dever, Heckaman and Reps. Uglem, Damschen, Potter) recommends that the **HOUSE RECEDE** from the

House amendments on SJ page 651, adopt amendments as follows, and place SB 2097 on the Seventh order:

That the House recede from its amendments as printed on page 651 of the Senate Journal and pages 752 and 753 of the House Journal and that Engrossed Senate Bill No. 2097 be amended as follows:

Page 1, line 11, remove the overstrike over "~~a person responsible for the child's welfare~~", remove "~~an adult~~", and overstrike "to any act" and insert immediately thereafter ", or by any individual who acts"

Renumber accordingly

Engrossed SB 2097 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2195:** Your conference committee (Sens. Erbele, J. Lee, Marcellais and Reps. Porter, Weisz, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 932, adopt amendments as follows, and place SB 2195 on the Seventh order:

That the House recede from its amendments as printed on page 932 of the Senate Journal and page 1010 of the House Journal and that Senate Bill No. 2195 be amended as follows:

Page 1, line 1, after "reenact" insert "subsection 3 of section 23-06.6-13 and"

Page 1, line 2, after the first "to" insert "revisions and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 3 of section 23-06.6-13 of the North Dakota Century Code is amended and reenacted as follows:

3. When a hospital refers an individual at or near death to a procurement organization, the organization may conduct any reasonable examination necessary to ensure the medical suitability of a part that is or could be the subject of an anatomical gift for transplantation, therapy, research, or education from a donor or a prospective donor. During the examination period, measures necessary to ensure the medical suitability of the part may not be withdrawn unless the hospital or procurement organization knows that the individual expressed a contrary intent or the measures are contrary to reasonable medical standards."

Page 2, line 4, after the underscored period insert "If involved in resolving the conflict, the agent or other person authorized by law shall make the decision in accordance with the agent's or person's knowledge of the prospective donor's wishes and religious or moral beliefs as stated orally or as contained in the declaration or advance health care directive."

Page 2, line 5, after the underscored period insert "If the conflict is not resolved expeditiously, the direction of the declaration or advance directive controls."

Page 2, line 10, replace "contraindicated" with "contrary to reasonable medical standards"

Page 2, line 11, remove "by appropriate end-of-life care"

Renumber accordingly

SB 2195 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2201:** Your conference committee (Sens. Cook, Miller, Dotzenrod and Reps. Belter, Skarphol, Pinkerton) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1169, adopt amendments as follows, and place SB 2201 on the Seventh order:

That the House recede from its amendments as printed on pages 1168 and 1169 of the Senate Journal and page 922 and page 1094 of the House Journal and that Senate Bill No. 2201 be amended as follows:

Page 1, line 2, after "Code" insert "and a new section to Senate Bill No. 2184, as approved by the sixty-first legislative assembly" and after "veterans" insert "and to declare Senate Bill No. 2184, as approved by the sixty-first legislative assembly, to be an emergency"

Page 1, line 3, after "57-02-08" insert "and subdivision c of subsection 1 of section 57-55-10" and after "Code" insert "and section 2 of Senate Bill No. 2184, as approved by the sixty-first legislative assembly"

Page 1, line 4, replace "exemption" with "and mobile home tax exemptions", after "veterans" insert "and the effective date of Senate Bill No. 2184, as approved by the sixty-first legislative assembly", and remove "and"

Page 1, line 5, after "date" insert "; and to declare an emergency"

Page 1, line 16, after "veteran's" insert "disability compensation rating for"

Page 1, line 17, replace "disability" with "disabilities as"

Page 5, after line 11, insert:

**"SECTION 3. AMENDMENT.** Subdivision c of subsection 1 of section 57-55-10 of the North Dakota Century Code is amended and reenacted as follows:

- c. If it is owned and used as living quarters by a disabled veteran or unremarried surviving spouse who meets the requirements of subsection 20 of section 57-02-08 or section 1 of this Act.

**SECTION 4. AMENDMENT.** Section 2 of Senate Bill No. 2184, as approved by the sixty-first legislative assembly, is amended and reenacted as follows:

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

**SECTION 5.** A new section to Senate Bill No. 2184, as approved by the sixty-first legislative assembly, is created and enacted as follows:

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

Page 5, line 13, replace "\$2,700,000" with "\$3,000,000"

Page 5, line 17, replace "This Act is" with "Sections 1 through 3 of this Act are"

Page 5, after line 18, insert:

**"SECTION 8. EMERGENCY.** Sections 4 and 5 of this Act are declared to be an emergency measure."

Renumber accordingly

SB 2201 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2248, as engrossed:** Your conference committee (Sens. Klein, Miller, Behm and Reps. D. Johnson, Belter, Vig) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 892-893 and place SB 2248 on the Seventh order.

Engrossed SB 2248 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2266, as reengrossed:** Your conference committee (Sens. J. Lee, Erbele, Warner and Reps. R. Kelsch, Delzer, Hunsakor) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1208, adopt amendments as follows, and place SB 2266 on the Seventh order:

That the House recede from its amendments on page 1208 of the Senate Journal and page 1100 of the House Journal and that Reengrossed Senate House Bill No. 2266 be amended as follows:

Page 2, replace lines 28 through 31 with "that provides for a meaningful geographical distribution of basic simulation centers at nursing education sites to allow for regional use by students in urban and rural communities across the state. The initiative is intended to include a basic simulation model, essential equipment, and staff to serve the simulation laboratory in an integrated manner."

Page 3, remove lines 1 through 4

Page 3, line 5, replace "in the" with "from 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 \$500,000"

Page 3, remove lines 6 and 7

Page 3, line 8, remove "sum of \$2,590,198"

Renumber accordingly

Reengrossed SB 2266 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2267:** Your conference committee (Sens. Olafson, Nething, Schneider and Reps. Dahl, Boehning, Wolf) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 975, adopt amendments as follows, and place SB 2267 on the Seventh order:

That the House recede from its amendments as printed on page 975 of the Senate Journal and page 1011 of the House Journal and that Senate Bill No. 2267 be amended as follows:

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

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

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

Page 2, line 2, overstrike "state personnel"

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

Page 2, after line 11, insert:

"5. An employee of the state may appeal a claim of reprisal under this section in the manner prescribed for a classified employee under chapter 54-44.3. This subsection does not apply to an employee under the jurisdiction of the state board of higher education or the judicial branch of government.

#### SECTION 2. LEGISLATIVE COUNCIL STUDY - WHISTLEBLOWER LAWS.

During the 2009-10 interim, the legislative council shall consider studying the state's whistleblower protection laws, including whether the laws adequately address the public policy issues related to whistleblower protection. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly."

Renumber accordingly

SB 2267 was placed on the Seventh order of business on the calendar.

#### 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.

#### MOTION

**REP. VIGESAA MOVED** that the House stand in recess until 12:30 p.m., which motion prevailed.

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

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. DOSCH MOVED** that the conference committee report on Engrossed HB 1006 as printed on HJ page 1115 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1006, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

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

#### ROLL CALL

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

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

**NAYS:** Bellew; Kasper; Ruby

**ABSENT AND NOT VOTING:** Brandenburg; Zaiser

Reengrossed HB 1006 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KEMPENICH MOVED** that the conference committee report on Engrossed HB 1007 as printed on HJ pages 1003-1004 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1007, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

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

#### ROLL CALL

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

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

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

**ABSENT AND NOT VOTING:** Brandenburg; Headland; Zaiser

Reengrossed HB 1007 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KASPER MOVED** that the conference committee report on Reengrossed HB 1057 as printed on HJ page 1045 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1057, as amended, was placed on the Eleventh order.

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

**HB 1057:** A BILL for an Act to create and enact a new section to chapter 37-18 of the North Dakota Century Code, relating to department of veterans' affairs employees; to amend and reenact section 37-14-18 of the North Dakota Century Code, relating to county veterans' service officers; to provide for reports to the legislative council; and to provide an appropriation.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Froelich; Glassheim; Pinkerton; Rust; Schmidt

**ABSENT AND NOT VOTING:** Brandenburg; Zaiser

Reengrossed HB 1057 passed and the title was agreed to.

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#### **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 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:** Your signature is respectfully requested on: SCR 4037.

#### **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, subsequently passed, and the emergency clause carried: SB 2022, SB 2064.

#### **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.

**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.

**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.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2064, as engrossed:** Your conference committee (Sens. Dever, Oehlke, Nelson and Reps. Berg, Grande, Schneider) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1333-1334, adopt amendments as follows, and place SB 2064 on the Seventh order:

That the House recede from its amendments as printed on pages 1333 and 1334 of the Senate Journal and page 921 and pages 1356 and 1357 of the House Journal and that Engrossed Senate Bill No. 2064 be amended as follows:

Page 1, line 10, remove "sixty" and overstrike "dollars" and insert immediately thereafter "an amount established by policy by the director of the office of management and budget"

Page 1, line 11, after the period insert "The director shall establish a policy to set the lodging reimbursement at an amount equal to ninety percent of the rate established by the United States general services administration for lodging reimbursement in this state."

Page 2, replace lines 6 through 10 with:

- "2. a. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed ~~a maximum of nine hundred dollars~~ per calendar month the amount established under this subdivision by the director of the office of management and budget for lodging in state, ~~at the rates and in the manner and which may not exceed the rate~~ provided in section 44-08-04 for each calendar day



during the period of any organizational, special, or regular session. On August first of each even-numbered year, the director of the office of management and budget shall set the maximum monthly reimbursement for the subsequent two-year period at an amount equal to thirty times fifty-five percent of the daily lodging reimbursement in effect on that date as provided under subdivision d of subsection 2 of section 44-08-04."

Page 2, replace lines 30 and 31 with:

- "b. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed ~~nine hundred dollars per month~~ the maximum monthly reimbursement allowed under subdivision a of subsection 2."

Page 3, remove lines 1 through 9

Page 3, line 15, overstrike "which is payable every six months or" and insert immediately thereafter "paid" and overstrike ", at the"

Page 3, line 16, overstrike "member's option"

Page 3, line 31, overstrike "which is payable every six months or" and insert immediately thereafter "paid" and overstrike ", at the member's option"

Page 4, line 22, replace "the" with "a" and replace "of seventy cents per mile [1.61 kilometers]" with "equal to one and one-half times the mileage reimbursement amount established under subdivision c for travel by motor vehicle"

Page 6, line 29, remove "1,"

Page 6, line 30, after the second comma insert "section 1 of this Act becomes effective on August 1, 2009,"

Renumber accordingly

Engrossed SB 2064 was placed on the Seventh order of business on the calendar.

#### 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.

#### MOTION

**REP. VIGESAA MOVED** that the House stand in recess until 6:00 p.m., which motion prevailed.

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

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Delzer, Chairman)** has carefully examined the Journal of the 72nd Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1583, after line 15, insert:

**"REPORT OF STANDING COMMITTEE**

**SB 2012, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2012 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide an appropriation to the state treasurer; to provide for budget section reports; to provide for a state disaster relief fund; to create and enact a new section to chapter 24-01 and a new section to chapter 54-27 of the North Dakota Century Code, relating to the name of United States Highway 85 and transportation funding reports;"; after "39-04-19" insert ", 39-06-17", and after "54-27-19.1" insert ", 57-40.3-10"

Page 1, line 4, after "disasters" insert ", restricted operators' licenses,"

Page 1, line 6, remove "and" and replace "a transfer" with "transfers; to provide for legislative council studies; to provide legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "24,194,030" with "20,047,015" and replace "151,520,269" with "147,373,254"

Page 1, line 17, replace "29,107,351" with "18,107,351" and replace "203,805,014" with "192,805,014"

Page 1, line 18, replace "96,855,896" with "122,267,450" and replace "645,576,994" with "670,988,548"

Page 1, line 19, replace "16,653,601" with "14,853,601" and replace "69,066,101" with "67,266,101"

Page 1, line 20, replace "166,810,878" with "175,275,417" and replace "1,069,968,378" with "1,078,432,917"

Page 1, line 21, replace "3.00" with "2.00" and replace "1,055.50" with "1,054.50"

Page 1, replace lines 22 through 24 with:

**"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 department of transportation, for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

Highway infrastructure	\$170,126,497
Grants to rural transit programs	5,956,174
Total federal funds	\$176,082,671

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

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

**SECTION 3. APPROPRIATION - STATE TREASURER - WEATHER-RELATED COST-SHARING PROGRAM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$71,500,000, or so much of the sum as may be necessary, to the state treasurer for the purpose of providing weather-related cost-sharing funds, for the period beginning with the effective date of this Act and ending June 30, 2009. The state treasurer shall distribute the funds appropriated under this section before June 30, 2009, as follows:

1. Ten million to townships in accordance with the formula used to distribute funds to townships under section 54-27-19.1, except that organized townships are not required to provide matching funds to receive distributions under this section.
2. Fifty-four million to counties and cities in accordance with the formula used to distribute funds to counties and cities under subsection 2 of section 54-27-19.
3. Seven million five hundred thousand to the state highway fund.

**SECTION 4. State disaster relief fund - Creation - Uses.** There is created in the state treasury a state disaster relief fund. Moneys in the fund are to be used subject to legislative appropriations for providing funding for defraying the expenses of state disasters, including providing funds required to match federal funds for expenses associated with presidential-declared disasters in the state. Any interest or other fund earnings must be deposited in the fund.

**SECTION 5. APPROPRIATION - TRANSFER.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, which the office of management and budget shall transfer to the state disaster relief fund during the period beginning with the effective date of this Act and ending June 30, 2009.

**SECTION 6. APPROPRIATION - ADJUTANT GENERAL - BUDGET SECTION APPROVAL.** There is appropriated out of any moneys in the state disaster relief fund in the state treasury, not otherwise appropriated, the sum of \$43,000,000, or so much of the sum as may be necessary, to the adjutant general for the purpose of providing emergency relief funding, for the period beginning with the effective date of this Act and ending June 30, 2011. The adjutant general may use up to \$20,000,000 of the funds appropriated in this section for the purpose of providing emergency snow removal grants to counties, cities, and townships in accordance with section 7 of this Act. The adjutant general may use up to \$23,000,000 of the funds appropriated in this section for paying costs relating to the 2009 flood disaster in accordance with section 8 of this Act.

**SECTION 7. EMERGENCY SNOW REMOVAL GRANTS - GUIDELINES - BUDGET SECTION REPORT.** A political subdivision may apply to the department of emergency services for an emergency snow removal grant for reimbursement of a portion of the costs incurred by the political subdivision for the period January 2009 through March 2009 that exceed two hundred percent of the average costs incurred for these months in 2004 through 2008, as follows:

1. For counties and townships, fifty percent of the excess costs.
2. For cities with a population of five thousand or less, fifty percent of the excess costs.
3. For cities with a population of more than five thousand, twenty-five percent of the excess costs.

Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services shall distribute these grants prior to June 30, 2009, and shall report to the budget section regarding the grants awarded under this section.

**SECTION 8. EMERGENCY FLOOD RELIEF GRANTS - GUIDELINES - BUDGET SECTION REPORT - BUDGET SECTION APPROVAL.** A political subdivision receiving federal emergency relief funding for road repairs or improvements relating to the 2009 flood disaster may apply to the department of emergency services for an emergency flood relief grant of up to fifty percent of the local match required to receive the federal emergency relief funding. Each political subdivision requesting reimbursement under this section must submit the request in accordance with rules developed by the department of emergency services. The department of emergency services may distribute up to \$13,000,000 of grants under this section. Any additional grant expenditures require budget section approval. The department of emergency services shall report to the budget section on grants awarded under this section in the fourth quarter of calendar year 2009 and the third quarter of calendar year 2010.

**SECTION 9. APPROPRIATION - TRANSFER - STATE HIGHWAY FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,600,000, which the office of management and budget shall transfer to the state highway fund for the purpose of defraying the expenses of highway projects in the Devils Lake area, for the biennium beginning July 1, 2009, and ending June 30, 2011.

**SECTION 10. USE OF HIGHWAY FUNDING - REPORT TO THE BUDGET SECTION.** The department of transportation shall coordinate with the department of emergency services to compile information regarding the use of state, federal, emergency, and other highway funding by the department of transportation, counties, cities, and townships during the biennium beginning July 1, 2009, and ending June 30, 2011. The department of transportation shall provide periodic reports to the budget section regarding the use of funds during the 2009-10 interim.

**SECTION 11. HIGHWAY FUNDING - ONE-TIME FUNDING.** Any highway funding received by the state, counties, cities, and townships in excess of the amounts received through distributions from the highway tax distribution fund under section 54-27-19 or existing federal highway aid programs is considered one-time funding for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 2, remove lines 1 through 29

Page 3, replace lines 4 through 10 with:

"**SECTION 13.** A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

**Theodore Roosevelt expressway - United States highway 85.** Notwithstanding any previous designation, the department shall designate United States highway 85 as the Theodore Roosevelt expressway and at a minimum shall place signs along the highway designating that name and may use any appropriate signs donated to the department."

Page 9, after line 13, insert:

"**SECTION 16. AMENDMENT.** Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

**39-06-17. Restricted licenses - Penalty for violation.**

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.

3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. A child may operate an automobile that is not the parent's or guardian's to take the road test. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
  - a. The child is at least fourteen years of age.
  - b. The child is qualified to operate an automobile safely.
  - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
  - d. The child has:
    - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
    - (2) Successfully completed a course at an approved commercial driver training school.
  - e. The child has driving experience of at least one hour at night, one hour during winter conditions, and one hour on a gravel, dirt, or loose surface highway to which the parent or guardian of the child must attest.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.
6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
  - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.

- b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity."

Page 12, after line 17, insert:

**"SECTION 19.** A new section to chapter 54-27 of the North Dakota Century Code is created and enacted as follows:

**Report on transportation funding and expenditures.** Each county, city, and township shall provide to the tax commissioner an annual report on funding and expenditures relating to transportation projects and programs. The report must be provided within thirty-one days after the close of a calendar year. The report must contain by fund the beginning balance, revenues by major source, expenditures by major category, the ending balance, and any other information requested by the tax commissioner.

**SECTION 20. AMENDMENT.** Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

**57-40.3-10. (Effective through June 30, 2009 2011) Transfer of revenue.** All moneys collected and received under this chapter after moneys are deposited in the state aid distribution fund under section 57-39.2-26.1 must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited as follows:

1. ~~Ten~~ Twenty-five percent to the highway fund.
2. ~~Ninety~~ Seventy-five percent to the state general fund.

**(Effective after June 30, 2009 2011) Transfer of revenue.** All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund."

Page 13, after line 13, insert:

**"SECTION 23. LEGISLATIVE COUNCIL STUDY - FARGO DISTRICT OFFICE SITE.** During the 2009-10 interim, the legislative council shall consider studying the feasibility and desirability of relocating the Fargo district office facility. The study, if conducted, must include a review of the estimated value of the current site property, the best use of the current property, and potential locations for a new district office facility. 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 24. LEGISLATIVE COUNCIL STUDY - FEDERAL TRANSPORTATION MATCHING FUNDS.** During the 2009-10 interim, the legislative council shall consider studying the potential options for matching federal highway construction funding. 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 25. LEGISLATIVE INTENT - HIGHWAY-RELATED FUNDING ALLOCATIONS.** It is the intent of the sixty-first legislative assembly that the department of transportation allocate highway-related funding to township, city, county, and state road projects to the extent possible in a proportion similar to distribution proportions of state highway tax distribution fund allocations to these entities for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 13, after line 15, insert:

**"SECTION 27. EMERGENCY.** Sections 2, 3, 4, 5, 6, 7, and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT - LC 98031.0225 FN 8**

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

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

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DAMSCHEN MOVED** that the conference committee report on Engrossed HB 1090 as printed on HJ page 1382 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1090, as amended, was placed on the Eleventh order.

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

**HB 1090:** A BILL for an Act to create and enact a new chapter to title 50 of the North Dakota Century Code, relating to child care assistance; and to provide a penalty.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Berg; Keiser; Thorpe; Zaiser

Reengrossed HB 1090 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DEKREY MOVED** that the conference committee report on HB 1216 as printed on HJ pages 851-852 be adopted, which motion prevailed on a voice vote.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. N. JOHNSON MOVED** that the conference committee report on Reengrossed HB 1368 as printed on HJ pages 1372-1373 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1368, as amended, was placed on the Eleventh order.

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

**HB 1368:** A BILL for an Act to create and enact chapter 18-13 of the North Dakota Century Code, relating to reduced ignition propensity standards for cigarettes; to provide a penalty; to provide an appropriation; to provide an effective date; and to provide an expiration date.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 40 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boucher; Carlson; Conrad; Dahl; Delmore; Ekstrom; Froelich; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Pinkerton; Potter; Ruby; Schmidt; Schneider; Sukut; Uglem; Vig; Wald; Winrich; Wolf

**NAYS:** Bellew; Belter; Boehning; Brandenburg; Clark; Conklin; Damschen; DeKrey; Delzer; Dosch; Drovdal; Frantsvog; Froseth; Hatlestad; Headland; Heller; Kasper; Kempenich; Kilichowski; Klein; Kreidt; Kretschmar; Meier, L.; Nathe; Pietsch; Pollert; Porter; Rust;

Schatz; Skarphol; Svedjan; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Monson

**ABSENT AND NOT VOTING:** Berg; Keiser; Thorpe; Zaiser

Reengrossed HB 1368 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KARLS MOVED** that the conference committee report on Engrossed HB 1399 as printed on HJ pages 1143-1144 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1399 was placed on the Eleventh order.

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

**HB 1399:** A BILL 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.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 70 YEAS, 20 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Schmidt; Schneider; Sukut; Uglem; Vig; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham

**NAYS:** Bellew; Boehning; Damschen; Delzer; Dosch; Drovdal; Froseth; Headland; Heller; Kempenich; Klein; Ruby; Rust; Schatz; Skarphol; Svedjan; Thoreson; Wald; Weiler; Speaker Monson

**ABSENT AND NOT VOTING:** Berg; Keiser; Thorpe; Zaiser

Reengrossed HB 1399 passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. HEADLAND MOVED** that the conference committee report on HB 1412 as printed on HJ page 1144 be adopted, which motion prevailed on a voice vote.

HB 1412 was placed on the Eleventh order.

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

**HB 1412:** A BILL for an Act to amend and reenact section 57-40.6-02 of the North Dakota Century Code, relating to the fee imposed for emergency services communications; to provide for a legislative council study; and to provide an expiration date.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 66 YEAS, 23 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Belter; Boe; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Ekstrom; Frantsvog; Froelich; Glassheim; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Onstad; Pietsch; Pinkerton; Potter; Schmidt; Schneider; Sukut; Uglem; Vig; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Speaker Monson



**NAYS:** Bellew; Boehning; Delzer; Dosch; Drovdal; Froseth; Grande; Heller; Kasper; Kempenich; Meier, L.; Nathe; Nottestad; Pollert; Ruby; Rust; Schatz; Skarphol; Svedjan; Thoreson; Wald; Weiler; Wrangham

**ABSENT AND NOT VOTING:** Berg; Keiser; Porter; Thorpe; Zaiser

Engrossed HB 1412 passed and the title was agreed to.

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**MOTION**

**REP. VIGESAA MOVED** that HB 1449 be moved to the bottom of the Seventh order, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KEMPENICH MOVED** that the conference committee report on Engrossed SB 2002 as printed on HJ page 1178 be adopted, which motion prevailed on a voice vote.

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

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

**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 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 and subsequently passed: HB 1090, HB 1368, HB 1399, HB 1412.

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

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

**MOTION**

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

**MOTION**

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

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

**Buell J. Reich, Chief Clerk**

