

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, April 27, 2009

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

The prayer was offered by Pastor Chris Walstad, Bethel Assembly Church, Glen Ullin.

The roll was called and all members were present except Representatives Boe and Kempenich.

A quorum was declared by the Speaker.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KREIDT MOVED that the conference committee report on Engrossed SB 2075 as printed on HJ page 1155 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2075, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2075: A BILL for an Act to provide an appropriation to the state veterans' home for improvements associated with the new veterans' home and a geothermal heating system; to provide a contingent appropriation; to provide for a report to the budget section; 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 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; 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.; 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; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Bellew; Damschen; Delzer; Dosch; Drovdal; Keiser; Ruby; Weiler; Wrangham

ABSENT AND NOT VOTING: Boe; Kempenich

Engrossed SB 2075, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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: SB 2075.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SUKUT MOVED that the conference committee report on Engrossed HB 1253 as printed on HJ page 919 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1253, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1253: A BILL for an Act to amend and reenact section 47-16-39.1 of the North Dakota Century Code, relating to payment of oil and gas royalties.

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 8 YEAS, 84 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Clark; Hofstad; Johnson, N.; Keiser; Klemin; Martinson; Sukut; Vigesaa

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

ABSENT AND NOT VOTING: Boe; Kempenich

Reengrossed HB 1253 lost.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WEISZ MOVED that the conference committee report on Engrossed HB 1425 as printed on HJ page 1316 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1425, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1425: A BILL for an Act to provide for a legislative council study of the responsibility for the funding of nonfederal foster care and subsidized adoption costs.

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 56 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Boucher; Carlson; Clark; Conrad; Dahl; Delmore; Dosch; Drovda; Ekstrom; Frantsvog; Froelich; Glassheim; Grande; Gruchalla; Hawken; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nelson; Nottestad; Onstad; Potter; Schatz; Schneider; Sukut; Thoreson; Uglem; Wald; Wall; Williams; Winrich; Wolf; Zaiser

NAYS: Bellew; Belter; Boehning; Brandenburg; Conklin; Damschen; DeKrey; Delzer; Froseth; Griffin; Hanson; Hatlestad; Headland; Heller; Hofstad; Kilichowski; Kingsbury; Koppelman; Nathe; Pietsch; Pinkerton; Pollert; Porter; Ruby; Rust; Schmidt; Skarphol; Svedjan; Thorpe; Vig; Vigesaa; Weiler; Weisz; Wieland; Wrangham; Speaker Monson

ABSENT AND NOT VOTING: Boe; Kempenich

Reengrossed HB 1425 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GRANDE MOVED that the conference committee report on HB 1436 as printed on HJ pages 1273-1309 be adopted, which motion prevailed on a voice vote.

HB 1436 was placed on the Eleventh 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 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; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; 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.; Kerzman; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Berg; DeKrey; Klemin; Potter; Weisz

ABSENT AND NOT VOTING: Boe; Kempenich

Engrossed HB 1436 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. THORESON MOVED that the conference committee report on SB 2069 as printed on HJ page 1046 be adopted, which motion prevailed on a voice vote.

SB 2069, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2069: A BILL for an Act to amend and reenact subsection 1 of section 27-05.2-03 of the North Dakota Century Code, relating to fees collected by the clerk of district court for deposit in the civil legal services fund.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; 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.; 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; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Bellew; Dosch; Drovdal; Schatz

ABSENT AND NOT VOTING: Boe; Kempenich

SB 2069, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DAHL MOVED that the conference committee report on SB 2172 as printed on HJ pages 892-893 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. VIGESAA MOVED that the conference committee report on Engrossed SB 2223 as printed on HJ page 941 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2223, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to provide for regional public transportation pilot projects; 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 69 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Belter; Boehning; Delzer; Dosch; Drovdal; Froseth; Grande; Headland; Heller; Kasper; Klein; Kreidt; Nathe; Pollert; Ruby; Schatz; Skarphol; Svedjan; Thoreson; Wald; Weiler; Wrangham

ABSENT AND NOT VOTING: Boe; Kempenich

Engrossed SB 2223, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KOPPELMAN MOVED that the conference committee report on Engrossed SB 2250 as printed on HJ page 987 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. CLARK MOVED that the conference committee report on SCR 4035 as printed on HJ pages 1363-1364 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PORTER MOVED that the conference committee report on Engrossed SB 2165 as printed on HJ pages 1027-1028 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2165, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to an apprentice hunter program; and to amend and reenact section 20.1-03-01.1 and subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to hunting licenses and requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Boucher; Delmore; Gruchalla; Hanson; Kelsh, S.; Kroeber; Metcalf; Mueller; Myxter; Schneider; Thorpe; Wall; Winrich

ABSENT AND NOT VOTING: Boe; Kempenich

Engrossed SB 2165, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. VIGESAA MOVED that Rep. Nathe replace Rep. Pollert on the House Conference Committee on Engrossed SB 2333, which motion prevailed.

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

MR. PRESIDENT: The Speaker has appointed Rep. Nathe to replace Rep. Pollert on the Conference Committee on SB 2333.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2267.

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

MR. PRESIDENT: Your signature is respectfully requested on: 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 House has adopted the conference committee report and subsequently passed: SB 2069, SB 2223.

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: SB 2165.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2172, SB 2250, SCR 4035.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1253.

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 1425, HB 1436.

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

MR. PRESIDENT: The Speaker has signed: SB 2044, SB 2059, SB 2060, SB 2110, SB 2125, SB 2141, SB 2152, SB 2158, SB 2232, SB 2401.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3067.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1116.

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 2373.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2075.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2075.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The President has signed: SB 2075.

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.

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 0938 and place HB 1151 on the Seventh order.

Engrossed HB 1151 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.

REPORT OF CONFERENCE COMMITTEE

SB 2373: Your conference committee (Sens. Miller, Hogue, Triplett and Reps. Belter, Brandenburg, Winrich) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1209, adopt amendments as follows, and place SB 2373 on the Seventh order:

That the House recede from its amendments as printed on page 1209 of the Senate Journal and page 968 and page 1101 of the House Journal and that Senate Bill No. 2373 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a grape and wine program committee; to provide a report to the legislative assembly; to provide an appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the grape and wine program committee for the purpose of providing matching funds for grape research, for the biennium beginning July 1, 2009, and ending June 30, 2011. The grape and wine program committee may spend funds appropriated under this section for grants only after consultation with the main research center and only to the extent of \$4 for each \$1 provided from other sources. The grape and wine program committee may spend additional funds from gifts, grants, or donations and those additional funds are appropriated to the grape and wine program committee.

SECTION 2. Grape and wine program committee.

1. The grape and wine program committee is a seven-member committee that shall advise the agriculture commissioner on the commissioner's efforts to provide producer education, marketing, and promotion of the grape and wine industry in this state. In addition, the committee shall advise the vice president for agriculture and university extension at North Dakota state university and the director of the North Dakota agricultural experiment station on priorities for research for the grape and wine industry in this state.
2. The committee consists of:
 - a. The agriculture commissioner or the commissioner's designee;
 - b. The vice president for agriculture at North Dakota state university or the vice president's designee;
 - c. An individual appointed by the governor representing the grape or wine industry in this state;
 - d. An individual appointed by the commissioner of the department of commerce;
 - e. An individual appointed by the state board of agricultural research and education; and
 - f. Two individuals appointed by the North Dakota grape growers association.
3. All members of the committee shall serve for a term of two years, beginning July first of each odd-numbered year, and may be reappointed for additional terms.

4. If any member of the committee resigns or ceases to be a member of the class the member represents, that individual's membership on the committee ceases and the appropriate appointing authority may appoint a new member for the remainder of the term.
5. The North Dakota grape growers association shall designate as chairman one of the two individuals the association appoints to the committee unless the committee elects a different chairman from the members on the committee. The committee shall meet at least once every two years and at the call of the chairman.
6. Members of the committee are entitled up to the per diem compensation provided to members of the legislative assembly under subsection 1 of section 54-03-20 and expense reimbursement.

SECTION 3. REPORT TO SIXTY-SECOND AND SIXTY-THIRD LEGISLATIVE ASSEMBLIES. The grape and wine program committee shall report to the sixty-second and sixty-third legislative assemblies on the progress of research, producer education, marketing, and promotion of the grape and wine industry in this state.

SECTION 4. EXPIRATION DATE. This Act is effective through June 30, 2013, and after that date is ineffective."

Renumber accordingly

SB 2373 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.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Delzer, Chairman)** has carefully reexamined the Journal of the 58th Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1170, line 48, replace "failed to pass" with "passed"

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

MOTION

REP. KRETSCHMAR MOVED that the House reconsider its action whereby Reengrossed HB 1478 failed to pass, which motion lost on a verification vote.

MOTION

REP. VIGESAA MOVED that Rep. Delzer replace Rep. Kempenich on the House Conference Committee on HB 1004, which motion prevailed.

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

MR. PRESIDENT: The Speaker has appointed Rep. Delzer to replace Rep. Kempenich on the Conference Committee on HB 1004.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1478.

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 2016.

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 2002, SB 2006, SB 2017, SB 2023, SB 2225, SB 2230.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: 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: SB 2152, SB 2232, SB 2401.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1116, HCR 3067.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker 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 Senate has adopted the conference committee report and subsequently failed to pass: SB 2311.

REPORT OF CONFERENCE COMMITTEE

HB 1011, as engrossed: Your conference committee (Sens. Bowman, Krebsbach, Mathern and Reps. Dosch, Berg, Kaldor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1004, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on page 1004 of the House Journal and pages 773 and 774 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

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

Page 1, line 13, replace "256,883" with "281,883" and replace "2,080,561" with "2,105,561"

Page 1, line 15, replace "156,883" with "181,883" and replace "1,763,362" with "1,788,362"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98012.0302 FN 1

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

Engrossed HB 1011 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1017, as engrossed: Your conference committee (Sens. Christmann, Grindberg, Krauter and Reps. Wald, Porter, Kroeber) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1138, adopt amendments as follows, and place HB 1017 on the Seventh order:

That the Senate recede from its amendments as printed on page 1138 of the House Journal and page 978 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 2, after "department" insert "; 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"

Page 1, line 12, replace "1,946,918" with "2,566,824" and replace "20,960,381" with "21,580,287"

Page 2, line 2, replace "1,002,993" with "1,622,899" and replace "58,844,032" with "59,463,938"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Section 20.1-02-05.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-02-05.1. Land acquisitions - Statewide land acquisition plan. The director shall establish a comprehensive statewide land acquisition plan that must be approved by the budget section of the legislative council. Every land acquisition made by the department exceeding ten acres [4.05 hectares] or ten thousand dollars must be approved by the budget section. Prior to any land acquisition, the department shall have the land in question appraised by a certified appraiser. The department may not acquire any land for an amount that exceeds the appraised value except for parcels or tracts of land less than forty acres [16.19 hectares] which may be acquired for up to two hundred percent of the appraised value.

SECTION 3. A new section to chapter 20.1-04 of the North Dakota Century Code is created and enacted as follows:

Gun dog training area - Permit. Notwithstanding section 20.1-04-12, a professional trainer may apply to and obtain from the department a permit designating a specific training area, not to exceed forty acres [16.19 hectares], as an exempt training area.

1. In the exempt training area, a professional trainer may train or run any gun dog or allow the gun dog to run loose at any time.
2. The fee for the permit may not exceed ten dollars per year.

SECTION 4. AMENDMENT. Subsection 5 of section 20.1-17-01 of the North Dakota Century Code is amended and reenacted as follows:

5. Develop rules to prevent the movement of aquatic nuisance species into or within the state. In addition to requirements under chapter 28-32, the department shall conduct a cost-benefit analysis for any rule proposed for adoption under this chapter."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98017.0205 FN 1

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

Engrossed HB 1017 was placed on the Seventh order of business on the calendar.

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

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 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.

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 received 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 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

SB 2002, as engrossed: Your conference committee (Sens. Christmann, Kilzer, Warner and Reps. Kempenich, Berg, Kaldor) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1246 and place SB 2002 on the Seventh order.

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2006: Your conference committee (Sens. Krebsbach, Bowman, Seymour and Reps. Dosch, Thoreson, S. Meyer) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1246-1247 and place SB 2006 on the Seventh order.

SB 2006 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2016: Your conference committee (Sens. Grindberg, Holmberg, Seymour and Reps. Klein, Wald, Kroeber) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1226-1227 and place SB 2016 on the Seventh order.

SB 2016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2017, as engrossed: Your conference committee (Sens. Wardner, Holmberg, Seymour and Reps. Nelson, Kreidt, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1248-1249 and place SB 2017 on the Seventh order.

Engrossed SB 2017 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2023, as engrossed: Your conference committee (Sens. Christmann, Kilzer, Warner and Reps. Berg, Thoreson, S. Meyer) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1249, adopt amendments as follows, and place SB 2023 on the Seventh order:

That the House recede from its amendments as printed on page 1249 of the Senate Journal and page 1180 of the House Journal and that Engrossed Senate Bill No. 2023 be amended as follows:

Page 1, line 2, after "indigents" insert "; and to create and enact a new section to chapter 54-61 of the North Dakota Century Code, relating to contracting for public defenders"

Page 1, line 12, replace "214,904" with "209,669" and replace "11,425,600" with "11,420,365"

Page 1, line 15, replace "(\$34,608)" with "(\$39,843)" and replace "9,475,383" with "9,470,148"

Page 1, after line 16, insert:

"**SECTION 2.** A new section to chapter 54-61 of the North Dakota Century Code is created and enacted as follows:

Contract services. The commission on legal counsel for indigents shall contract for public defender services at a minimum level of fifty percent of its biennial caseload."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98042.0202 FN 1

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

Engrossed SB 2023 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2225, as engrossed: Your conference committee (Sens. Erbele, Dever, Heckaman and Reps. Berg, Kempenich, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1285-1286, adopt amendments as follows, and place SB 2225 on the Seventh order:

That the House recede from its amendments as printed on pages 1285 and 1286 of the Senate Journal and pages 1326 and 1327 of the House Journal and that Engrossed Senate Bill No. 2225 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 subsection to section 10-30.5-02 of the North Dakota Century Code, relating to the North Dakota development fund; to amend and reenact subsection 1 of section 6-09.14-01 of the North Dakota Century Code, relating to eligibility under the partnership in assisting community expansion program; to establish a grant program for early childhood facilities; to provide a report to the budget section; to provide an appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 6-09.14-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Business" means a corporation, limited liability company, partnership, individual, or association providing child care or involved in manufacturing, processing, value-added processing, and targeted industries as defined by the Bank of North Dakota.

SECTION 2. A new subsection to section 10-30.5-02 of the North Dakota Century Code is created and enacted as follows:

Moneys in the development fund may be used to provide financing to early childhood facilities licensed under chapter 50-11.1. Moneys also may be used to make grants or loans to match grants or loans made by county-authorized or city-authorized development corporations, job development authorities created under chapter 11-11.1 or 40-57.4, and regional planning councils for acquiring, leasing, or remodeling of real estate facilities or for acquiring equipment for establishing or expanding a licensed early childhood facility. In providing financing under this subsection, the corporation shall ensure funds are distributed fairly among for-profit early childhood facilities, nonprofit early childhood facilities, and public early childhood facilities. An award under this subsection may not exceed one hundred thousand dollars per award.

SECTION 3. DEPARTMENT OF COMMERCE - GRANTS FOR EARLY CHILDHOOD FACILITIES.

1. During the biennium beginning July 1, 2009, and ending June 30, 2011, the department of commerce shall establish and implement a grant program to provide matching grants to North Dakota early childhood facilities.
2. A recipient of a grant under this section shall use the grant funds for technical assistance, a business plan, or infrastructure. A grant awarded under this section for infrastructure may not exceed \$5,000 per recipient and a grant awarded under this section for technical assistance or a business plan may not exceed \$10,000 per recipient.
3. To receive a grant under this section, an applicant shall establish the applicant has available \$1 of matching funds for every \$3 of grant funds. The matching funds must be in cash and may come from private or public sources, or from a combination of private and public sources.
4. In making awards under this program, the department shall ensure funds are fairly distributed between for-profit early childhood facilities, nonprofit early childhood facilities, and public early childhood facilities.

SECTION 4. REPORT TO THE BUDGET SECTION. The department of commerce shall report to the budget section during the second quarter of calendar year 2010 on the status of the financing provided to early childhood facilities under section 2 of this Act and the grants to early childhood facilities under section 3 of this Act.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,250,000, or so much of the sum as may be necessary, to the department of commerce for deposit in the North Dakota development fund for the purpose of providing financing to early childhood facilities, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 6. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing early childhood facility grants under section 3 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 7. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$70,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of administering sections 2 and 3 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011.

SECTION 8. EXPIRATION DATE. Sections 1 and 2 of this Act are effective through July 31, 2011, and after that date are ineffective."

Renumber accordingly

Engrossed SB 2225 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2230, as engrossed: Your conference committee (Sens. Dever, J. Lee, Heckaman and Reps. Uglem, Damschen, Holman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1169-1170, adopt amendments as follows, and place SB 2230 on the Seventh order:

That the House recede from its amendments as printed on pages 1169 and 1170 of the Senate Journal and page 1099 of the House Journal and that Engrossed Senate Bill No. 2230 be amended as follows:

Page 1, line 4, after "**APPROPRIATION**" insert "- **FEDERAL FISCAL STIMULUS FUNDS**" and replace "out of any moneys in the" with "from federal fiscal stimulus funds made available to the state under the federal American Recovery and Reinvestment Act of 2009"

Page 1, line 5, remove "general fund in the state treasury" and replace "\$2,000,000" with "\$1,000,000"

Page 1, line 9, remove "Grants must be awarded based on a"

Page 1, replace lines 10 through 12 with "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 2. APPROPRIATION - DOMESTIC VIOLENCE GRANTS. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the state department of health for providing grants and related administrative costs to domestic violence sexual assault organizations as defined in North Dakota Century Code section 14-07.1-01, for the biennium beginning July 1, 2009, and ending June 30, 2011. Grants must be awarded based on a funding system developed by the state department of health with input from the North Dakota council on abused women's services."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 90362.0303 FN 1

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

Engrossed SB 2230 was placed on the Seventh order of business on the calendar.

MOTION

REP. VIGESAA MOVED that the House stand in recess until 6:15 p.m., which motion prevailed.

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do concur in the Senate amendments to HCR 3063 as printed on HJ page 1530, which motion prevailed on a voice vote.

HCR 3063, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3063: A concurrent resolution affirming North Dakota's sovereignty under the 10th Amendment to the Constitution of the United States and to demand the federal government halt its practice of assuming powers and imposing mandates on the states for purposes not enumerated in the Constitution of the United States.

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3063 passed and the title was agreed to on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOSCH MOVED that the conference committee report on Engrossed HB 1011 as printed on HJ page 1004 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1011, as amended, was placed on the Eleventh 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, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 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.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.;

Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; 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; Johnson, N.; Keiser; Kempenich; Zaiser

Reengrossed HB 1011 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WALD MOVED that the conference committee report on Engrossed HB 1017 as printed on HJ page 1138 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1017, as amended, was placed on the Eleventh 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, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Damschen; DeKrey; Delzer; Gruchalla; Pinkerton; Potter; Ruby; Thorpe; Weisz

ABSENT AND NOT VOTING: Brandenburg; Keiser; Kempenich; Zaiser

Reengrossed HB 1017 passed and the title was agreed to.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: 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 1011, HB 1017.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4037.

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

MR. SPEAKER: The Senate has failed to pass unchanged: HB 1225.

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 2097.

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 2201.

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., Tuesday, April 28, 2009, which motion prevailed.

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.

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

Buell J. Reich, Chief Clerk

