

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, March 6, 2009

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

The prayer was offered by Father Patrick Schumacher, St. Joseph Catholic Church, Mandan.

The roll was called and all members were present except Representatives Amerman, Boe, Carlson, J. Kelsh, Kilichowski, and Monson.

A quorum was declared by the Speaker.

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 27th, 33rd and 35th Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 485, after line 9, insert:

"MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HCR 3018."

Page 729, line 54, replace "Vigessa" with "Vigesaa"

Page 752, after line 17, insert:

"MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)
MR. SPEAKER: The President has signed: SB 2025."

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

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 5, 2009, I have signed the following: HB 1031, HB 1089, HB 1095, HB 1096, HB 1102, HB 1103, HB 1104, HB 1105, HB 1107, HB 1108, HB 1138, HB 1143, HB 1144, and HB 1146.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to Engrossed SB 2033, SB 2099, Engrossed SB 2110, Engrossed SB 2117, Engrossed SB 2158, and Engrossed SB 2419.

Engrossed SB 2033, SB 2099, Engrossed SB 2110, Engrossed SB 2117, Engrossed SB 2158, and Engrossed SB 2419, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2433: A BILL for an Act to amend and reenact subsection 4 of section 65-05.1-04 of the North Dakota Century Code, relating to work searches by disabled workers.

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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

Engrossed SB 2433, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2432: A BILL for an Act to amend and reenact subsections 1 and 3 of section 65-05-28.2 of the North Dakota Century Code, relating to preferred providers for work-related injuries.

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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

Engrossed SB 2432 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2431: A BILL for an Act to amend and reenact subsection 3 of section 65-05-28 of the North Dakota Century Code, relating to independent medical examinations required by workforce safety and insurance.

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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

Engrossed SB 2431, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2059: A BILL for an Act to create and enact two new sections to chapter 65-02 of the North Dakota Century Code, relating to workforce safety and insurance payment of an injured employee's attorney's fees for a case review or settlement proposal; to provide for a report to the legislative assembly; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 1 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

NAYS: Clark

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

Engrossed SB 2059, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to amend and reenact section 57-39.2-04.5 of the North Dakota Century Code, relating to a sales and use tax exemption for materials used in compressing, processing, gathering, or refining of gas; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2037 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to amend and reenact subdivision m of subsection 1 of section 50-10.2-02 of the North Dakota Century Code, relating to advance notice requirements of any transfer or discharge of a resident from a nursing home, swing-bed hospital, or basic care or assisted living facility.

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, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Dahl; Kelsh, J.; Kilichowski; Monson

SB 2045 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2086: A BILL for an Act to amend and reenact section 24-02-42 of the North Dakota Century Code, relating to scholarship allowances.

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 86 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser

NAYS: Weiler; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2086 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2088: A BILL for an Act to repeal section 57-51.1-07.4 of the North Dakota Century Code, relating to transfer of oil and gas gross production tax and oil extraction tax revenues.

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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2088 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2105: A BILL for an Act to amend and reenact sections 13-04.1-13, 13-05-10, 13-08-15, and 13-09-21 of the North Dakota Century Code, relating to enforcement actions for money brokers, collection agencies, deferred presentment service providers, and money transmitters; and to provide a penalty.

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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2105 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2107: A BILL for an Act to amend and reenact section 52-04-01.1 of the North Dakota Century Code, relating to electronic filing of employer unemployment contribution and wage reports; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Meyer, S.; Porter; Ruby; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2107 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to amend and reenact section 52-06-01 of the North Dakota Century Code, relating to eligibility for unemployment compensation benefits.

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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

Engrossed SB 2108 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to amend and reenact section 26.1-25.1-07 of the North Dakota Century Code, relating to insurance credit scores.

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 69 YEAS, 19 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Brandenburg; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vigesaa; Wald; Wall; Weisz; Wieland; Acting Speaker Delzer

NAYS: Boucher; Clark; Conklin; Froelich; Hanson; Hunskor; Kerzman; Koppelman; Meier, L.; Mock; Pinkerton; Schmidt; Vig; Weiler; Williams; Winrich; Wolf; Wrangham; Zaiser

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2109 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2115: A BILL for an Act to amend and reenact section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives.

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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

Engrossed SB 2115 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2164: A BILL for an Act to amend and reenact subsection 4 of section 43-13-01 and section 43-13-13.2 of the North Dakota Century Code, relating to optometrists dispensing therapeutic pharmaceutical agents.

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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2164 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2167: A BILL for an Act to provide for a state policy for reuse, recycling, or resale of state-provided medical equipment.

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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2167 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2174: A BILL for an Act to provide for the creation of an autism spectrum disorder task force; to amend and reenact sections 23-09.4-01, 23-09.4-02, 23-09.4-03, 23-09.4-04, 23-09.4-05, 23-09.4-06, and 23-09.4-08 of the North Dakota Century Code, relating to residential care for children with autism spectrum disorder; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 1 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser

NAYS: Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

Engrossed SB 2174 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act to amend and reenact section 4-10.4-08 of the North Dakota Century Code or in the alternative to amend and reenact section 4.1-02-12 of the North Dakota Century Code, relating to the barley assessment.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 5 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; 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; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser

NAYS: Koppelman; Thoreson; Weiler; Wrangham; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2203 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2215: A BILL for an Act to amend and reenact section 53-06.1-01, subsection 2 of section 53-06.1-12, and section 53-06.1-12.3 of the North Dakota Century Code, relating to the definition of games of chance, excise tax on licensed organizations, and interest penalty and estimated taxes on licensed organizations.

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, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; 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; Zaiser; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2215 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2325: A BILL for an Act to create and enact three new subsections to section 57-39.2-01, subsection 9 to section 57-39.4-06, sections 57-39.4-11.1 and 57-39.4-14.1, subsection 4 to section 57-39.4-32, and sections 57-39.4-33.1 and 57-39.4-33.2 of the North Dakota Century Code, relating to the streamlined sales tax agreement; to amend and reenact subsection 1 of section 57-39.2-02.1, subsection 2 of section 57-39.2-04, subdivision a of subsection 26 of section 57-39.2-04, subdivision c of subsection 3 of section 57-39.2-04.1, section 57-39.4-05, subdivision d of subsection 2 of section 57-39.4-10, subsection 1 of section 57-39.4-11, subsection 4 of section 57-39.4-22, section 57-39.4-23, subsection 3 of section 57-39.4-28, sections 57-39.4-29 and

57-39.4-35, subsection 1 of section 57-40.2-01, subdivision a of subsection 12 of section 57-40.2-04, and subdivision c of subsection 3 of section 57-40.2-04.1 of the North Dakota Century Code, relating to the streamlined sales and use tax agreement; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 20 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Boehning; Boucher; Brandenburg; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Schmidt; Schneider; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Zaiser

NAYS: Bellew; Damschen; Heller; Karls; Kasper; Keiser; Kempenich; Kretschmar; Martinson; Meier, L.; Nelson; Ruby; Rust; Schatz; Skarphol; Thoreson; Wald; Weisz; Wrangham; Acting Speaker Delzer

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson

SB 2325 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2347: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to gross receipts from the sale of items delivered electronically; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 3 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

NAYS: Clark; Kasper; Thoreson

ABSENT AND NOT VOTING: Amerman; Boe; Carlson; Kelsh, J.; Kilichowski; Monson; Nelson; Wieland

SB 2347 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3044: A concurrent resolution directing the Legislative Council to study the allocation of wind rights.

HCR 3045: A concurrent resolution directing the Legislative Council to study severed and abandoned mineral rights.

HCR 3051: A concurrent resolution directing the Legislative Council to study imposition of criminal and civil penalties, fines, fees, and forfeitures by administrative rule.

The question being on the final adoption of the resolutions, which have been read.

HCR 3044, HCR 3045, and HCR 3051 were declared adopted on a voice vote, and the titles were agreed to.

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

MR. PRESIDENT: The House has passed unchanged: SB 2039, SB 2048, SB 2102, SB 2104, SB 2106, SB 2119, SB 2120, SB 2122, SB 2144, SB 2145.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2089.

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

MR. PRESIDENT: The House has failed to pass: SB 2310.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3044, HCR 3045, HCR 3051.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1036, HB 1062, HB 1078, HB 1086, HB 1127, HB 1131, HB 1136, HB 1199.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2031, SB 2032, SB 2057, SB 2073, SB 2074, SB 2077, SB 2079, SB 2080, SB 2093, SB 2113, SB 2180, SB 2193.

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

MR. SPEAKER: The President has signed: HB 1173, HB 1178, HB 1214, HB 1233, HB 1264, HB 1309, HB 1311, HB 1334, HB 1336, HB 1343.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Monday, March 9, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2026: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2026 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2135, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2135 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2140: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2140 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2149: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2149 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2150: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2150 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2254: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2299, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2299 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2377: Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2377 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2392, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2392 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2317: Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2317 was placed on the Sixth order on the calendar.

Page 2, remove lines 25 through 27

Page 2, line 28, replace "3." with "2."

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

Re-number accordingly

REPORT OF STANDING COMMITTEE

HCR 3046: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3046 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide for a legislative council study before placement of this measure on the ballot;"

Page 1, line 7, replace "2012" with "2014"

Page 1, line 13, replace "2010" with "2012"

Page 2, line 10, replace "2012" with "2014"

Page 2, line 20, replace "2012" with "2014"

Page 5, after line 29, insert:

"SECTION 7. LEGISLATIVE COUNCIL STUDY. During the 2009-10 interim, the legislative council shall study all aspects of the consequences of enactment of this measure, including fiscal and administrative analysis and statutory changes that would be required by enactment of this measure. If the legislative council determines that elimination of property taxes is not feasible or desirable, the study directed by this section must focus on property tax reform issues, including all aspects of the fiscal and administrative components of the property tax system. 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 5, line 30, after the comma insert "sections 1 through 6 of" and replace "becomes" with "become"

Page 5, line 31, replace "2012" with "2014"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HCR 3047: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3047 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "the superintendent of public instruction" with "certain state officials"

Page 1, line 5, replace "requires that the individual elected to the position of superintendent of public" with "sets forth the qualifications of certain state officials"

Page 1, line 6, remove "instruction be licensed to teach in this state"

Page 1, line 17, after the comma insert "unless otherwise provided"

Page 1, line 19, after the period insert:

"1."

Page 1, line 20, overstrike the period and remove "The"

Page 1, remove line 21

Page 1, line 22, remove "election." and overstrike "The attorney general must be licensed to practice law in this state" and insert immediately thereafter ", hold a master's degree in business administration, and have ten years experience in business or government."

2. To be eligible to hold the office of agriculture commissioner, an individual must hold a master's degree and have ten years' experience in production agriculture or in an agriculture-related business.
3. To be eligible to hold the office of attorney general, an individual must hold a juris doctor degree, be licensed to practice law in this state, and have ten years' experience in the legal profession.
4. To be eligible to hold the office of insurance commissioner, an individual must hold a baccalaureate degree, be licensed to provide insurance products in this state, and have five years' experience in the provision of insurance products.
5. To be eligible to hold the office of public service commissioner, an individual must hold a baccalaureate degree in a field related to natural resources or in engineering and have five years' experience in a business regulated by the public service commission.
6. To be eligible to hold the office of secretary of state, an individual must hold a master's degree in political science and have seven years' experience in government, politics, or a related field.
7. To be eligible to hold the office of state auditor, an individual must hold a baccalaureate degree, be licensed as a certified public accountant, and have seven years' experience in the accounting profession.
8. To be eligible to hold the office of state treasurer, an individual must hold a baccalaureate degree in business and have five years' experience in business.
9. To be eligible to hold the office of superintendent of public instruction, an individual must be licensed to teach in this state by the education standards and practices board, hold a doctoral degree, hold an administrator's credential on the day of the election and throughout the superintendent's term of office and have ten years' experience in the field of education"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3049: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3049 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3050: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (5 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3050 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3052: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3052 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "general" with "primary"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3053: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (6 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3053 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3054: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO PASS** (8 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3054 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3055: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (6 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3055 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3057: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3057 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3058: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3058 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "for the amendment of section 24 of article X of the Constitution of North Dakota, relating to the permitted growth of the foundation aid stabilization fund.

STATEMENT OF INTENT

This measure provides that if the deposits of oil extraction tax revenues into the foundation aid stabilization fund would cause the fund to increase by more than two percent each year, the excess amount must be deposited in the common schools trust fund.

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

That the following proposed amendment to section 24 of article X of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the primary election to be held in 2010, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 24 of article X of the Constitution of North Dakota is amended and reenacted as follows:

Section 24.

1. Twenty percent of the revenue from oil extraction taxes from taxable oil produced in this state must be allocated as follows:

- 4- a. Fifty percent must be deposited in the common schools trust fund; and
- 2- b. Fifty percent must be deposited in the foundation aid stabilization fund in the state treasury, ~~the interest,~~
2. Whenever the foundation aid stabilization fund reaches a level of one hundred million dollars, the foundation aid stabilization fund may not be allowed to grow by more than two percent per year. If in any year the amount to be deposited under this section would cause the foundation aid stabilization fund to exceed its permitted rate of growth, the excess taxes must be deposited in the common schools trust fund.
3. The income ~~of which~~ from the foundation aid stabilization fund may be expended upon order of the governor to meet any shortfalls in amounts appropriated for elementary and secondary education during a given biennium and any income not so expended must be transferred to the state general fund on July first of each odd-numbered year.
4. The principal of the foundation aid stabilization fund may be expended only upon order of the governor, who may direct such a transfer only to offset foundation aid reductions that were made by executive action pursuant to law due to a revenue shortage."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3059: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (8 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3059 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3060: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3060 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "general" with "primary"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3062: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (9 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3062 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk