

JOURNAL OF THE HOUSE

Sixty-second Legislative Assembly

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Bismarck, March 21, 2011

The House convened at 1:00 p.m., with Speaker Drovdal presiding.

The prayer was offered by Pastor Curt Dikoff, Child Evangelism Southwest Chapter.

The roll was called and all members were present except Representatives Belter, Boe, and Boehning.

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. Kretschmar, Chairman)** has carefully examined the Journal of the Forty-eighth and Forty-ninth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1011, line 52, replace "2114" with "2214"

Page 1015, delete lines 5 through 11

Page 1027, line 19, replace "Engrossed" with "Reengrossed"

Page 1032, line 36, after "**4002**" insert ", as engrossed"

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

SIXTH ORDER OF BUSINESS

SPEAKER DROVDAL DEEMED approval of the amendments to SB 2027, SB 2060, SB 2254, and Engrossed SCR 4002.

SB 2027, SB 2060, SB 2254, and Engrossed SCR 4002, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

SB 2169, as engrossed: REP. AMERMAN (Government and Veterans Affairs Committee) MOVED that the amendments on HJ pages 1030-1031 be adopted and then be placed on the Fourteenth order with **DO PASS**

REQUEST

REP. J. KELSH REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2169, the roll was called and there were 65 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bellew; Brabandt; Brandenburg; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Metcalf; Monson; Nathe; Nelson, J.; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Drovdal

NAYS: Amerman; Beadle; Conklin; Dahl; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Hunskor; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski;

Kroeber; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Belter; Boe; Boehning

The motion to adopt the amendments to Engrossed SB 2169 passed.

MOTION

REP. VIGESAA MOVED to suspend the rule and move SB 2169 to the top of the 14th order immediately, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2169: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to audio recording of floor sessions of 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 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

NAYS: Bellew; Delzer; Rust

ABSENT AND NOT VOTING: Belter; Boe; Boehning

Engrossed SB 2169, as amended, passed.

SECOND READING OF SENATE BILL

SB 2241: A BILL for an Act to amend and reenact subsection 2 of section 12.1-23-05 of the North Dakota Century Code, relating to the grading of theft offenses for theft of a prescription drug; to provide a penalty; 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 82 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Mock; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Skarphol; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovda

NAYS: Glassheim; Karls; Meier, L.; Meyer, S.; Monson; Schatz; Steiner; Weiler; Wrangham

ABSENT AND NOT VOTING: Belter; Boe; Boehning

SB 2241, as amended, passed and the emergency clause was declared carried.

POINT OF PERSONAL PRIVILEGE

REP. POLLERT rose on a point of personal privilege.

REMARKS OF REPRESENTATIVE POLLERT

MR. SPEAKER: Over the weekend there was a new girls' state Class B champion crowned and it was the first girls' state basketball title for the Cardinals of Carrington. The Carrington Cardinals defeated the Central Cass Squirrels 54-46 for the state Class B title. The Cardinals were lead offensively by Becca Scherr with 19 points, of which 13 of those points came in the final quarter. Co-MVP of the tournament, Emily Thompson, scored 18 points, blocked 3 shots, had 3 assists and grabbed 9 rebounds. The other co-MVP, Sierra Rosenau scored 11 points and wrestled down 8 rebounds.

The championship game was close throughout with the score at 48-45 with 48 seconds remaining. Both teams played very physically and the referees allowed contact, which is the way basketball is meant to be played. Carrington's tenacious zone defensive plus full court pressure proved too much for the very good #3 rated Central Cass Squirrels and Carrington earned the state Class B basketball championship.

On their way to the state title the fiery Cardinals of Carrington defeated Washburn 42-28 on opening day and in the semi-finals Carrington defeated the #2 rated Kenmare Honkers by a score of 62-27.

Join me, today, in congratulating the Carrington Cardinals girls' basketball team, and in the end, Mr. Speaker and members of the assembly, I have only 4 words, "How 'bout them Cardinals?!"

REQUEST

REP. VIGESAA REQUESTED that the remarks of Rep. Pollert be printed in the Journal, which request was granted.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota Century Code, relating to a domestic violence fatality review commission.

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, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Brabandt; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klemin; Koppelman; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Sanford; Schmidt; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Bellew; Brandenburg; Delzer; Dosch; Heller; Klein; Kreidt; Rohr; Rust; Schatz; Skarphol; Weiler; Wrangham

ABSENT AND NOT VOTING: Belter; Boe; Boehning

SB 2247, as amended, passed.

SECOND READING OF SENATE BILL

SB 2285: A BILL for an Act to create and enact a new subsection to section 29-06-15 of the

North Dakota Century Code, relating to arrests without a warrant; 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Boe; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Devlin; Schatz

ABSENT AND NOT VOTING: Belter; Boehning

Engrossed SB 2285, as amended, passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to provide for a legislative management study relating to the feasibility and desirability of extending the sales tax exemption on purchases of tangible property to all charitable nonprofit organizations and comparative analysis of the efficacy of sales tax exemptions or rate reductions.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 71 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Conklin; DeKrey; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Hunskor; Kelsh, J.; Kilichowski; Kroeber; Meyer, S.; Mock; Ruby; Weisz; Winrich; Zaiser

NAYS: Anderson; Beadle; Boe; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Wieland; Williams; Wrangham; Speaker Drovdal

ABSENT AND NOT VOTING: Belter; Boehning

Engrossed SB 2184 lost.

SECOND READING OF SENATE BILL

SB 2066: A BILL for an Act to create and enact a new subsection to section 24-17-02 and a new subsection to section 24-17-03 of the North Dakota Century Code, relating to political signs.

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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Boe; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Keiser; Owens

ABSENT AND NOT VOTING: Belter; Boehning

SB 2066 passed.

SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to amend and reenact subsection 5 of section 43-35-13 and section 43-35-17 of the North Dakota Century Code, relating to fees to obtain and renew a water well contractor certificate; and to repeal sections 43-35-15, 43-35-15.1, 43-35-15.2, and 43-35-15.3 of the North Dakota Century Code, relating to water well monitoring certification.

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 71 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Dosch; Frantsvog; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Sanford; Schmidt; Sukut; Trottier; Wall; Weiler; Wieland; Williams; Winrich; Zaiser

NAYS: Bellew; Boe; Delzer; Devlin; Froseth; Headland; Kempenich; Monson; Pollert; Rohr; Ruby; Rust; Schatz; Skarphol; Steiner; Streyle; Thoreson; Vigesaa; Weisz; Wrangham; Speaker Drovdal

ABSENT AND NOT VOTING: Belter; Boehning

SB 2101 passed.

SECOND READING OF SENATE BILL

SB 2120: A BILL for an Act to create and enact sixteen new sections to chapter 16.1-07 of the North Dakota Century Code, relating to the adoption of the Uniform Military and Overseas Voters Act; to amend and reenact sections 16.1-07-01 and 16.1-07-05 of the North Dakota Century Code, relating to absentee voting; and to repeal sections 16.1-07-03 and 16.1-07-08.1 of the North Dakota Century Code, relating to absent voter ballots.

ROLL CALL

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

YEAS: Amerman; Anderson; Beadle; Bellew; Boe; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Belter; Boehning

Engrossed SB 2120 passed.

SECOND READING OF SENATE BILL

SB 2182: A BILL for an Act to amend and reenact section 51-12-01 of the North Dakota Century Code, relating to false and misleading advertising; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Boe; Streyle

ABSENT AND NOT VOTING: Belter; Boehning

SB 2182, as amended, passed.

SECOND READING OF SENATE BILL

SB 2256: A BILL for an Act to create and enact a new section to chapter 16.1-05 of the North Dakota Century Code, relating to election observers.

ROLL CALL

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

YEAS: Amerman; Anderson; Beadle; Bellew; Boe; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.;

Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Conklin

ABSENT AND NOT VOTING: Belter; Boehning

SB 2256 passed.

SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to provide for hunting on big game preserves; to provide a penalty; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 33 YEAS, 59 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Brabandt; Brandenburg; DeKrey; Delzer; Devlin; Froseth; Headland; Hogan; Hunskor; Kaldor; Karls; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Nelson, J.; Nelson, M.; Onstad; Paur; Rust; Schatz; Trottier; Wrangham; Zaiser; Speaker Drovdal

NAYS: Anderson; Beadle; Bellew; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Dosch; Frantsvog; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Monson; Nathe; Owens; Pietsch; Pollert; Porter; Rohr; Ruby; Sanford; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich

ABSENT AND NOT VOTING: Belter; Boehning

Engrossed SB 2332 lost.

MOTION

REP. VIGESAA MOVED that SCR 4007 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Constitutional Revision Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, SCR 4007 was rereferred.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2149, SB 2151, SB 2265, SB 2270, SB 2288, SB 2293, SB 2305, SB 2347, SB 2367, SCR 4005, SCR 4012, SCR 4016, SCR 4020, SCR 4021.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2082, SB 2129, SB 2138, SB 2173, SB 2185, SB 2219, SB 2231.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2232.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2159.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2321, SCR 4024.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1075, HB 1100, HB 1145, HB 1161, HB 1176, HB 1185, HB 1205, HB 1346, HB 1376, HB 1430, HCR 3007, HCR 3020, HCR 3022.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1270, HB 1386.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1270

Page 2, line 19, after "2." insert "a."

Page 2, line 20, remove "In all other cases, a license"

Page 2, replace line 21 with:

- "b. Notwithstanding subdivision a, the board shall impose the following additional requirements upon certain individuals granted a teaching license under this section.
- (1) If the individual received a teaching license or certificate from another state on or after January 1, 2002, and if the issuing state did not require that the individual pass a state test as a condition of licensure or certification, the board shall require that the individual, within two years from the date of licensure:
- (a) Pass all state licensure tests normally required of applicants from this state; and
- (b) Earn any college credits in native American or other multicultural courses as the board may prescribe.
- (2) If the individual received a teaching license or certificate from another state before January 1, 2002, the board shall require that the individual, within two years from the date of licensure, earn any college credits in native American or multicultural courses as the board may prescribe.
- c. In all other cases, a license granted under this section is valid for five years and is renewable if the licenseholder meets the reeducation requirements established for all five-year license renewals."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1386

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a legislative management study and a report from the insurance department.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - REPORT FROM INSURANCE DEPARTMENT.

1. During the 2011-12 interim, the legislative management shall consider studying whether steps can be taken to improve health care service providers' access to third-party payer reimbursement network systems in order to improve North Dakotans' access to health care services and to contain their health care costs and out-of-pocket expenses. For purposes

of this study, health care services include major medical as well as dental and vision services. The study may include consideration of:

- a. Whether it would improve patients' freedom of choice by allowing all health care service providers the opportunity to be included in network systems and negotiating deeper discounts with third-party payers;
 - b. Whether a third-party payer for health care services should have the ability to deny a health care service provider the right to provide services or to negotiate a contract for services that do not cover the the provider's entire scope of practice;
 - c. Whether current practices in preferred provider arrangements allow third-party payers to interfere with a patient's continuity of care; and
 - d. The positive or negative impact any changes in the current practice may have on:
 - (1) Insurance companies doing business in the state, including managed care companies and health management organizations; and
 - (2) Health insurance premiums.
2. As part of the study, the insurance department may assist the legislative management by gathering information regarding current practices, including whether health care providers are being denied provider contracts by insurance companies and other third-party payers. The department shall make periodic reports to the legislative management on the status of this information gathering.
 3. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1158, HB 1353.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1113, HB 1139, HB 1222, HB 1319, HB 1391, HB 1465, HCR 3032.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2142, SB 2148, SB 2208, SB 2233, SB 2237, SB 2251, SB 2259.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The President has signed: HB 1066, HB 1096, HB 1130, HB 1200, HB 1271, HB 1399, HCR 3024.

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

MR. PRESIDENT: The Speaker has signed: SB 2142, SB 2148, SB 2208, SB 2233, SB 2237, SB 2251, SB 2259.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 22, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HCR 3045: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3045 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2065: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2065 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "or meal attended at the request of and"

Page 1, remove line 17

Page 1, line 18, remove "commissions"

Page 1, line 20, replace "an" with "a higher education"

Page 1, line 21, remove "state or any of its subdivisions, agencies, bureaus, boards, or"

Page 1, line 22, replace "commissions" with "institution"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2073, as engrossed: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2073 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 16.1-08.1-01,"

Page 1, line 3, after "to" insert "the definition of direct expenditures and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
2. "Candidate" means an individual who seeks nomination for election or election to public office, and includes:
 - a. A person holding public office;
 - b. A person who has publicly declared that person's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
 - c. A person who has formed a campaign or other committee for that person's candidacy for public office;

- d. A person who has circulated a nominating petition to have that person's name placed on the ballot; and
 - e. A person who has, in any manner, solicited or received a contribution for that person's candidacy for public office, whether before or after the election for that office.
3. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription, loan, advance, deposit of money, or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes. The term includes funds received by a candidate for public office or a political party or committee which are transferred or signed over to that candidate, party, or committee from another candidate, party, or political committee or other source. The term "anything of value" includes any good or service of more than a nominal value. The term "nominal value" means the cost, price, or worth of the good or service is trivial, token, or of no appreciable value. The term "contribution" does not include:
- a. A loan of money from a bank or other lending institution made in the regular course of business.
 - b. Time spent by volunteer campaign or political party workers.
 - c. Money spent by a candidate on the candidate's own behalf.
 - d. Money or anything of value received for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
 - e. Money or anything of value received by a candidate in that person's personal capacity, including pursuant to a contract or agreement made for personal or private employment purposes, and not received for a political purpose or to influence the performance of that person's official duty.
 - f. Contributions of products or services for which the actual cost or fair market value are reimbursed by a payment of money.
4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code, and for purposes of this chapter "corporations" includes nonprofit corporations.
5. "Direct expenditure" means an expenditure made by a corporation, cooperative corporation, limited liability company, or association for the specific purpose of promoting passage or defeat of an initiated or referred measure without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of a measure committee.
6. "Expenditure" means a gift, transfer, conveyance, provision, loan, advance, payment, distribution, disbursement, outlay, or deposit of money or anything of value, except a loan of money from a bank or other lending institution made in the regular course of business, made for the direct purpose of influencing the passage or defeat of a measure or the nomination for election, or election, of any individual to office. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.

- ~~6-7.~~ "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
- ~~7-8.~~ "Person" means an individual, partnership, political committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
- ~~8-9.~~ "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes and includes the following:
- a. A political action committee, derived from a corporation, cooperative corporation, limited liability company, or an association that is prohibited from making direct contributions for political purposes under section 16.1-08.1-03.3, and which solicits or receives contributions or makes expenditures for political purposes;
 - b. A candidate committee, established to support an individual candidate seeking statewide office, that solicits or receives contributions for political purposes;
 - c. An organization governed by section 527 of the Internal Revenue Code [26 U.S.C. 527], which solicits or receives contributions or makes expenditures for political purposes;
 - d. A multicandidate political committee, established to support multiple groups or slates of candidates seeking public office, that solicits or receives contributions for political purposes; and
 - e. A measure committee that solicits or receives contributions for the purpose of aiding or opposing a measure to be voted upon by the voters of the state.
- ~~9-10.~~ "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.
- ~~10-11.~~ "Political purpose" means any activity undertaken in support of or in opposition to 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 does not include activities undertaken in the performance of a duty of a state office or any position taken in any bona fide news story, commentary, or editorial.
- ~~11-12.~~ "Public office" means every office to which persons can be elected by vote of the people under the laws of this state."

Page 4, line 5, remove "in"

Page 4, line 6, remove "exchange for any meal or food item provided"

Page 4, line 7, after "committee" insert "at which a meal is served"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2085, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2085 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 3 to section 4.1-47-05 and"

Page 1, line 2, remove "the process by"

Page 1, line 3, remove "which the noxious weed list is amended and"

Page 1, remove lines 14 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2134, as reengrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed SB 2134 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2157, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2157 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "a"

Page 1, line 1, replace "subdivisions" with "subdivision"

Page 1, line 2, remove "and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10"

Page 1, line 3, remove "and demerit points"

Page 1, line 7, replace "Two" with "A"

Page 1, line 7, replace "subdivisions" with "subdivision"

Page 1, line 8, replace "are" with "is"

Page 1, remove line 9

Page 1, remove lines 12 through 15

Page 2, remove lines 6 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2193, as engrossed: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2193 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "two" with "seven"

Page 1, line 19, remove "political subdivision that has zoning or subdivision regulation authority or"

Page 1, line 20, replace "taxing authority over" with "city, county, or township directly affected by"

Page 2, line 16, replace "two" with "seven"

Page 2, line 23, replace "two" with "seven"

Page 2, line 25, remove "political subdivision that has zoning or subdivision"

Page 2, line 26, replace "regulation authority or taxing authority over" with "city, county, or township directly affected by"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2213: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2213 was placed on the Sixth order on the calendar.

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

Page 1, line 10, overstrike "not more than"

Page 1, line 11, after "period" insert "and upon approval of the employee's supervisor and the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2246: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Sixth order on the calendar.

Page 3, line 15, after "dollar" insert "and fifty cents"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2255, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2255 was placed on the Sixth order on the calendar.

Page 2, line 21, remove the overstrike over "~~In addition, the dealer shall maintain that person's~~"

Page 2, line 22, remove the overstrike over "~~business records in one central location.~~"

Page 2, line 22, remove "All records or copies of records related to the"

Page 2, remove lines 23 and 24

Page 3, line 6, remove "A dealer license may not be issued until the applicant furnishes proof satisfactory to"

Page 3, remove lines 7 through 22

Page 3, line 23, remove "3."

Page 3, line 25, remove "The licensee must furnish proof satisfactory to the director that the premises"

Page 3, remove line 26

Page 3, line 27, replace "4." with "2."

Page 3, line 28, remove "if there is a primary established place of business in this state"

Page 3, line 29, remove "with a"

Page 3, remove lines 30 and 31

Page 4, remove lines 1 and 2

Page 4, line 3, remove "primary and secondary lots or equipment shows"

Page 4, line 4, replace "5." with "3."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2296, as engrossed: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2296 was placed on the Sixth order on the calendar.

Page 1, line 8, after after the fourth underscored comma insert "steam."

Page 1, line 8, after "consumption" insert "as well as square footage"

Page 1, line 9, after "each" insert "occupied"

Page 1, line 9, replace "that" with "or group of buildings which"

Page 1, line 11, after "provide" insert "electronic"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2345, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2345 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2349, as engrossed: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2349 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", campaign"

Page 1, remove line 2

Page 1, line 3, remove "financial interests"

Page 1, line 5, remove ", **CAMPAIGN**"

Page 1, remove line 6

Page 1, line 7, remove "**INTERESTS**"

Page 1, line 8, remove ", campaign contribution and expenditure reporting requirements, and reporting of"

Page 1, line 9, remove "legislative travel and financial interests"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4003, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4003 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Initiative" insert ", its private enterprise partners,"

Page 1, line 13, after the semicolon insert "and

WHEREAS, North Dakota telecommunication companies have played and will continue to play an important role in supporting the Northern Tier Network Technology Initiative;"

Page 1, line 17, after "Initiative" insert ", its private enterprise partners,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4018: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SCR 4018 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4019, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4019 was placed on the Tenth order on the calendar.

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

Buell J. Reich, Chief Clerk