

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, March 20, 2013

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

The prayer was offered by Reverend Sharon Korsmo, retired ELCA pastor, Bismarck.

The roll was called and all members were present except Representative Monson.

A quorum was declared by the Speaker.

MOTION

REP. VIGESAA MOVED that HCR 3040, which is on the Sixth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HCR 3040 was rereferred.

MOTION

REP. CARLSON MOVED that the House reconsider its action whereby Engrossed SB 2308 failed to pass, which motion prevailed on a verification vote.

MOTION

REP. VIGESAA MOVED that Engrossed SB 2308 be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2308 was rereferred.

SECOND READING OF SENATE BILL

SB 2190: A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to biosimilar biological products.

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 76 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Becker; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, S.; Kempenich; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looysen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Nathe; Nelson, J.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

NAYS: Amerman; Beadle; Boschee; Gruchalla; Guggisberg; Haak; Hogan; Holman; Hunsakor; Kelsh, J.; Kreun; Muscha; Nelson, M.; Onstad; Oversen; Silbernagel; Zaiser

ABSENT AND NOT VOTING: Hanson

Reengrossed SB 2190 passed.

SECOND READING OF SENATE BILL

SB 2312: A BILL for an Act to amend and reenact section 15-05-01 of the North Dakota Century Code, relating to coal leases on state land.

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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Klemin

ABSENT AND NOT VOTING: Hanson

SB 2312 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3032: A concurrent resolution to amend and reenact section 18 of article X of the Constitution of North Dakota, relating to constitutional authorization for the legislative assembly to provide by law for direct payments to North Dakota residents.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 27 YEAS, 66 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Beadle; Bellew; Boe; Boschee; Delmore; Dosch; Glassheim; Gruchalla; Guggisberg; Hatlestad; Keiser; Kelsh, J.; Kelsh, S.; Laning; Louser; Nelson, M.; Onstad; Oversen; Owens; Porter; Ruby; Schmidt; Strinden; Sukut; Toman; Zaiser

NAYS: Anderson; Becker; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Grande; Haak; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Larson; Looysen; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Paur; Pollert; Rohr; Rust; Sanford; Schatz; Silbernagel; Skarphol; Steiner; Streyle; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

ABSENT AND NOT VOTING: Hanson

HCR 3032 was declared lost on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3036: A concurrent resolution to amend and reenact section 18 of article X of the Constitution of North Dakota, relating to constitutional authorization for the legislative assembly to provide by law for direct payments to North Dakota residents.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 29 YEAS, 64 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Beadle; Bellew; Boschee; Delmore; Dosch; Glassheim; Gruchalla; Guggisberg;

Haak; Hatlestad; Hogan; Hunskor; Johnson, N.; Kelsh, J.; Kelsh, S.; Laning; Louser; Meier; Mock; Muscha; Nelson, M.; Onstad; Oversen; Ruby; Schatz; Steiner; Strinden; Sukut; Zaiser

NAYS: Amerman; Anderson; Becker; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Grande; Hawken; Headland; Heilman; Heller; Hofstad; Holman; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Larson; Looyen; Maragos; Martinson; Monson; Mooney; Nathe; Nelson, J.; Owens; Paur; Pollert; Porter; Rohr; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Streyle; Thoreson; Toman; Trotter; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

ABSENT AND NOT VOTING: Hanson

HCR 3036 was declared lost on a recorded roll call vote.

MOTION

REP. VIGASAA MOVED that HCR 3040 be returned to the House floor from the **Judiciary Committee** and be placed on the Sixth Order, which motion prevailed.

REPORT OF STANDING COMMITTEE

HCR 3040: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3040 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 974 and 975 of the House Journal, House Concurrent Resolution No. 3040 is amended as follows:

Page 1, line 5, replace "by more than two percent each year" with "to more than twenty percent of the grants - state school aid line item in the prior biennium's appropriation bill for the superintendent of public instruction"

Page 1, line 21, remove "of one hundred million"

Page 1, remove lines 22 through 24

Page 1, line 25, replace "growth" with "equal to twenty percent of the grants - state school aid line item in the prior biennium's appropriation bill for the superintendent of public instruction"

Page 2, line 3, replace "and any" with "or to meet benefit obligations payable by the state to members of any public employees retirement system. Any"

Renumber accordingly

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to HCR 3003, HCR 3007, HCR 3011, HCR 3034, HCR 3039, HCR 3040, Engrossed SB 2041, Engrossed SB 2068, and Engrossed SB 2087.

HCR 3003, HCR 3007, HCR 3011, HCR 3034, HCR 3039, and HCR 3040, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

Engrossed SB 2041, Engrossed SB 2068, and Engrossed SB 2087, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGASAA MOVED that the House stand in recess until 2:30 p.m., which motion prevailed.

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

REQUEST

REP. VIGESAA REQUESTED that the House be on a Special Order of Business, which request was granted.

CHANGE OF CHAIR

SPEAKER DEVLIN YIELDED the Chair to Representative Heller.

HOUSE MEMORIAL SERVICE

Memorial Service Committee

Representative Brenda Heller, Chairwoman
Representative Gary R. Sukut
Representative Mike Nathe
Representative Richard Holman
Representative Kathy Hogan

Welcome and Introductions

Representative Brenda Heller, Chairwoman
Sergeant-at-Arms Jerry Moszer

Invocation

Representative Bob Hunsakor

"It is Well With My Soul"

House Choir Comprised of Representatives and
Employees of the 63rd Legislative Assembly
Accompanied by Joel Gilbertson

Poem

Composed and Read by Representative Kathy Hawken

"Just a Closer Walk With Thee"

House Choir

"If We Never Meet Again"

Musical Selection by Special Delivery
Comprised of Representative Chuck Damschen,
Naomi Damschen, Gabrielle Damschen, and Cathy Anfinson

First and Second Reading of Memorial Resolution

Representative Mike Nathe
Representative Richard Holman

Presentation of Resolution and Roses

Secretary of State Alvin A. Jaeger
Representative Gary R. Sukut
Representative Kathy Hogan

"Soon and Very Soon"

House Choir

Remarks

Majority Leader Al Carlson

"My Jesus I Love Thee"

Musical Selection by Special Delivery

"The Lord Be With You"

House Choir

Benediction Written and Accompanied by Joel Gilbertson

FIRST READING OF HOUSE MEMORIAL RESOLUTION

Reps. Heller, Nathe introduced:

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

Was read the first time.

MOTION

REP. VIGESAA MOVED that the rules be suspended, that HMR 7001 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Heller, Nathe introduced:

HOUSE MEMORIAL RESOLUTION NO. 7001

A memorial resolution for deceased members of the House of Representatives of North Dakota.

WHEREAS, God has welcomed to their eternal home our former colleagues:

Lorraine K. Allmaras, who served in the 53rd Legislative Assembly, from District 12, died August 7, 2011;

Arden Anderson, who served in the 58th Legislative Assembly, from District 25, died May 16, 2012;

James "Jim" Brokaw, who served in the 46th through the 52nd Legislative Assemblies, from District 28, died October 9, 2012;

Orlin Milton "Bill" Hanson, who served in the 47th through the 51st Legislative Assemblies, from District 3, died October 13, 2012;

Dr. Roland Harding, who served in the 35th Legislative Assembly, from District 15, died February 12, 2012;

Dean K. Horgan, who served in the 45th, 47th, and 48th Legislative Assemblies, from District 24, died January 22, 2013;

James "Jim" Hougen, who served in the 41st Legislative Assembly, from District 19, died December 25, 2012;

James Jungroth, who served in the 39th Legislative Assembly, from District 23, died March 15, 2011;

Ludger Kadlec, who served in the 36th Legislative Assembly, from District 3, died September 16, 2012;

William Kelsch, who served in the 40th and 41st Legislative Assemblies, from District 34, died July 13, 2012;

Donald W. Loder, who served in the 37th and 38th Legislative Assemblies, from District 16, died July 31, 2012;

Joann McCaffrey, who served in the 45th Legislative Assembly, from District 42, died January 30, 2012;

Ernest "Ernie" Miedema, who served in the 41st through the 43rd Legislative Assemblies, from District 24, died February 11, 2012;

Orville Schindler, who served in the 43rd through the 52nd Legislative Assemblies, from District 31, and in the 53rd Legislative Assembly, from District 14, died July 5, 2011;

Francis J. Wald, who served in the 46th and 47th Legislative Assemblies and in the 49th through the 61st Legislative Assemblies, from District 37, died May 3, 2011;

WHEREAS, we now pause to mourn the passing of our former House of Representatives colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the House of Representatives and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased representatives.

SECOND READING OF HOUSE MEMORIAL RESOLUTION

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

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

HMR 7001 was declared adopted on a voice vote.

CHANGE OF CHAIR

REP. HELLER YIELDED the Chair to Speaker Devlin.

MOTION

REP. VIGESAA MOVED moved the the remarks of Majority Leader Carlson be printed in the Journal, which motion prevailed.

REMARKS OF MAJORITY LEADER CARLSON

Welcome. It is an honor to have you here. This is a special place - the people's house. Today we honor your loved ones who served in this chamber. Things haven't changed a lot since your loved ones served.

The success of this state was not just because of our current economic boom. It is, in part, because of the hard work and dedication of those who came before us. It is truly public service that brought your family members to this chamber, not the pay, and not the prestige. Their desire to create a better North Dakota brought them. We will always be indebted for their service.

On behalf of the members of this chamber and the citizens of North Dakota, we thank you. Having served with several of these members even makes this event more special. I shall always remember my days sitting beside Frank Wald.

May God bless your family and the State of North Dakota.

MOTION

REP. VIGESAA MOVED that the Special Order of Business be dissolved, which motion prevailed.

MOTION

REP. VIGESAA MOVED that the absent member 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., Thursday, March 21, 2013, which motion prevailed.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2040, SB 2045, SB 2071, SB 2120, SB 2188, SB 2246, SB 2278.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2119, SB 2287.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2106, SB 2223, SB 2266, SB 2337, SB 2339.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2097, SB 2203.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1077, HB 1243.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1030.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1030

Page 1, line 10, after the underscored period insert "If a federal law or regulation is adopted pertaining to the use and disposal of coal combustion residues, this section does not prohibit the state from seeking state primacy of the federal program."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1042, HB 1043, HB 1057, HB 1058, HB 1078, HB 1083, HB 1088.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1098, HB 1107, HB 1124, HB 1137, HB 1162, HB 1164, HB 1178, HB 1339, HB 1354, HB 1369, HB 1434.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1132, HB 1152, HB 1156, HB 1161, HB 1177, HB 1181, HB 1195, HB 1224, HB 1252, HB 1282, HB 1321, HB 1326, HB 1346, HB 1371, HB 1391.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1147, HB 1264.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HCR 3009, HCR 3013.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HCR 3012, HCR 3026.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2209, SB 2270, SB 2311.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1305, HB 1456, HCR 3001.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2102, SCR 4001, SCR 4005, SCR 4012, SCR 4013.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2209, SB 2259, SB 2270, SB 2311.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker has signed the following enrolled resolution: HMR 7001.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on March 20, 2013: HMR 7001.

REPORT OF STANDING COMMITTEE

SB 2025: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2025 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2067: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2067 was placed on the Sixth order on the calendar.

Page 2, line 18, after "confidential" insert "if the report is made in good faith."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2080: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2089, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2089 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2129, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2129 was placed on the Sixth order on the calendar.

Page 3, line 1, replace "A building constructed after" with "After"

Page 3, line 1, after the second underscored comma insert "a newly designed and constructed building"

Page 3, line 2, remove the underscored comma

Page 3, line 3, replace "instructional" with "institutional"

Page 3, line 7, after the underscored period insert "If a multiple unit building does not have a primary exterior public entrance, an individual unit within that building is not required to include an automatic door or power-assisted manual door unless that individual unit is in excess of seven thousand five hundred square feet [696.77 square meters]."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2132: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAYS, 3 ABSENT AND NOT VOTING). SB 2132 was placed on the Sixth order on the calendar.

Page 2, line 19, after "dollars" insert "A supplemental loan of up to twenty thousand dollars may be made to a homeowner who has received an initial loan under this section if the full amount of the initial loan and supplemental loan is secured by the property and does not exceed the actual amount of documented damage not paid by flood insurance."

Page 2, line 27, after "application" insert "for an initial loan to a homeowner or for a federal emergency management agency temporary housing unit"

Page 2, line 28, after "2013" insert ". A loan application for a supplemental loan to a homeowner may not be accepted before October 1, 2013, nor after December 31, 2013"

Page 3, line 2, after the period insert "If the rebuilders loan borrower provides financial evidence satisfactory to the Bank of North Dakota to show that the borrower does not have the financial ability to repay the rebuilders loan in full upon sale of the property, after the sale of the property the Bank of North Dakota may allow the borrower to continue to make payments based on the loan terms."

Page 3, line 13, after the boldfaced period insert "The Bank of North Dakota shall transfer the sum of \$5,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the rebuilders loan program fund during the period beginning with the effective date of this Act and ending June 30, 2015."

Page 3, line 16, after "Laws" insert "and after that amount has been replenished, repayments to the rebuilders loan program fund must be transferred to replenish \$5,000,000 of the Bank of North Dakota's current earnings and undivided profits which was transferred to the rebuilders loan program fund under this section"

Page 3, line 18, replace "\$30,000,000" with "\$35,000,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2134, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2134 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2140: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2140 was placed on the Sixth order on the calendar.

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

Page 1, after line 6, insert:

"1."

Page 1, line 9, overstrike "The" and insert immediately thereafter:

"2. Service of a garnishee summons and disclosure statement upon a bank or credit union must be made by delivery of the summons and disclosure statement to a specifically named president or vice president of the bank or credit union or to the registered agent for service of process of the bank or credit union. Delivery of the summons and disclosure statement to the specifically named individual may be in hand as established by the sworn affidavit of the individual who delivered the summons and disclosure statement or by any form of mail or third-party commercial delivery service, if delivery is restricted to the named individual or registered agent and the sender receives a receipt signed by that individual or registered agent.

3. A"

Page 1, after line 15, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2178: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2178 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2201: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 900 of the House Journal, Senate Bill No 2201 is amended as follows:

Page 4, line 3, remove "a."

Page 4, line 3, overstrike "This section does not apply when the position to be filled is that of"

Page 4, line 4, remove "an administrator"

Page 4, line 4, overstrike ", teacher, administrative head of a"

Page 4, overstrike lines 5 through 12

Page 4, remove lines 13 through 21

Page 4, line 22, overstrike "5."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2207: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2207 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the second "and"

Page 1, line 4, after "application" insert "; and to provide an expiration date"

Page 1, after line 14, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through December 31, 2014, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2234, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2234 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2238, as engrossed: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2238 was placed on the Sixth order on the calendar.

Page 1, line 1, after "districts" insert "and nonpublic schools"

Page 1, line 7, after "districts" insert "and nonpublic schools"

Page 1, line 9, replace "In order to be eligible for a reimbursement under this section, a" with "Each"

Page 1, line 12, after the period insert "Each nonpublic school shall set aside one high school class period in a required course of the school's choosing, for the purpose of providing instruction in cardiopulmonary resuscitation to as many students as possible."

Page 1, line 20, replace the second "the" with "each"

Page 1, line 20, after "district" insert "and nonpublic school"

Page 1, line 22, remove "by the district"

Page 2, line 5, after the period insert "A nonpublic school's reimbursement may not exceed the equivalent of \$30 multiplied by the number of the school's students undergoing the training."

Page 2, line 6, replace "A school district" with "School districts and nonpublic schools"

Page 2, line 6, after "districts" insert "and nonpublic schools"

Page 2, line 9, after "districts" insert "and nonpublic schools"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2245, as reengrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2245 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2303, as reengrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2303 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "and"

Page 1, line 6, after "women" insert "; and to provide an effective date"

Page 6, line 31, after "delivery" insert "and who are determined eligible according to rules adopted by the department"

Page 6, after line 31, insert:

"SECTION 6. EFFECTIVE DATE. Sections 4 and 5 of this Act become effective on January 1, 2014, unless the department of human services certifies to the governor and the legislative council before that date, that sections 1 through 3 of this Act have not become effective for any reason. If the department of human services certifies that sections 1 through 3 of this Act have not become effective, the department may certify that sections 1 through 3 of this Act subsequently have become effective and that sections 4 and 5 become effective six months after the effective date of sections 1 through 3."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2321, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2321 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2330: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2330 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 57-38-35.2, subsection 1 of section 57-38-45,"

Page 1, line 2, remove "and"

Page 1, line 2, remove "income tax penalties,"

Page 1, line 3, remove "interest, and"

Page 1, remove lines 5 through 23

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 6

Page 5, line 19, remove "Sections 1 and 2 of this Act are effective for interest and"

Page 5, line 20, replace "penalties accruing after July 31, 2013. Section 3 of this" with "This"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2336, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING).

Engrossed SB 2336 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2368, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2368

was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, remove "14-02.1-01,"

Page 1, line 3, remove "and"

Page 1, line 3, after "14-02.1-07" insert ", 14-02.3-01, and 14-02.3-02"

Page 1, line 4, replace "and" with a comma

Page 1, line 4, after "requirements" insert ", and the use of public funds for abortions and family planning"

Page 1, remove lines 6 through 13

Page 4, line 29, after "**prohibited**" insert "**, for the purpose of protecting the state's compelling interest in the unborn human life from the time the unborn child is capable of feeling pain**"

Page 7, after line 26, insert:

"SECTION 4. AMENDMENT. Section 14-02.3-01 of the North Dakota Century Code is amended and reenacted as follows:

14-02.3-01. State policy on abortion and childbirth - Use of public funds restricted.

1. Between normal childbirth and abortion, it is the policy of the state of North Dakota that normal childbirth is to be given preference, encouragement, and support by law and by state action, it being in the best interests of the well-being and common good of North Dakota citizens.
2. An agency of this state may not produce, distribute, publish, disseminate, endorse, or approve materials of any type that, between normal childbirth and abortion, do not give preference, encouragement, and support to normal childbirth. An agency of the state may not fund, endorse, or support any program that, between normal childbirth and abortion, does not give preference, encouragement, and support to normal childbirth.
3. ~~No~~Unless an abortion is necessary to prevent the death of the woman, ~~no~~ funds of this state or any agency, county, municipality, school district, ~~or any other subdivision thereof, or institution under the control of the~~ state board of higher education, and no federal funds passing through the state treasury or a state agency may be used to pay:

- a. ~~Pay for the performance, or for promoting the performance, of an abortion unless the abortion is necessary to prevent the death of the woman; or~~
- b. ~~Contract with, or provide financial or other support to individuals, organizations, or entities performing, inducing, referring for, or counseling in favor of, abortions.~~

SECTION 5. AMENDMENT. Section 14-02.3-02 of the North Dakota Century Code is amended and reenacted as follows:

14-02.3-02. Use of public funds for family planning - Use for the performance, referral, and encouragement of abortion prohibited.

~~No~~Except as required by federal law, no funds of this state or any agency, county, municipality, school district, or any other subdivision thereof, or institution under the control of the state board of higher education, and no federal funds passing through the state treasury or a state agency may be used as:

- 1. ~~As family planning funds by any person or public or private agency which performs, refers, or encourages abortion; or~~
- 2. ~~To contract with, or provide financial or other support to individuals, organizations, or entities performing, inducing, referring for, or counseling in favor of, abortions."~~

Renumber accordingly

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

Buell J. Reich, Chief Clerk

