

JOURNAL OF THE HOUSE

Sixty-second Legislative Assembly

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Bismarck, February 14, 2011

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

The prayer was offered by Pastor John Syvertson, Nazareth Lutheran Church, Kenmare and Bethlehem Lutheran, Bowbells.

The roll was called and all members were present except Representatives Amerman and Beadle.

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 Twenty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 523, line 42, replace "Engrossed" with "Reengrossed"

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

SIXTH ORDER OF BUSINESS

HB 1448: REP. M. NELSON (Industry, Business and Labor Committee) MOVED that the amendments on HJ pages 524-527 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed on a verification vote.

HOUSE CONCURRENT RESOLUTION NO. 3029

A concurrent resolution declaring Monday, February 14, 2011, "North Dakota Close-Up Day".

WHEREAS, the North Dakota Close-Up program is designed to ignite interest in the democratic process and instill in young people the desire to become active participants in their government; and

WHEREAS, the North Dakota Close-Up program concentrates on the functions and structures of state government and defines constitutional responsibilities assigned to each of the three branches of government; and

WHEREAS, the focus of the 2011 North Dakota Close-Up program is the legislative branch of government; and

WHEREAS, the North Dakota Close-Up program has been in existence for twenty-six years; and

WHEREAS, it is anticipated that approximately 100 North Dakota high school students will participate in the 2011 North Dakota Close-Up program;

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

That the Sixty-second Legislative Assembly declares Monday, February 14, 2011, "North Dakota Close-Up Day"; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the North Dakota Council of Educational Leaders.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3029: A concurrent resolution declaring Monday, February 14, 2011, "North Dakota Close-Up Day".

ROLL CALL

The question being on the final adoption of the resolution, 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: Anderson; Beadle; Bellew; Belter; Boe; Boehning; 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; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Amerman; Delzer

HCR 3029 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1334: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for memberships, admissions, and entrance fees of nonprofit 501(c)(7) social and recreation clubs; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; 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; 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; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Speaker Drovdal

NAYS: DeKrey; Delzer; Keiser; Nathe; Weiler; Wrangham; Zaiser

ABSENT AND NOT VOTING: Amerman

Engrossed HB 1334 passed.

SECOND READING OF HOUSE BILL

HB 1338: A BILL for an Act to amend and reenact section 12-67-02 of the North Dakota Century Code, relating to electronic home detention for certain offenders.

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

YEAS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; 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; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Amerman

Engrossed HB 1338 passed.

SECOND READING OF HOUSE BILL

HB 1361: A BILL for an Act to amend and reenact subsection 6 of section 57-15-28.1 of the North Dakota Century Code, relating to the county mill levy for comprehensive health care insurance employee benefit programs; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 77 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hogan; Holman; Kaldor; Kelsh, J.; Kelsh, S.; Kroeber; Meyer, S.; Mock; Mueller; Onstad; Winrich

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

ABSENT AND NOT VOTING: Amerman

Engrossed HB 1361 lost.

SECOND READING OF HOUSE BILL

HB 1365: A BILL for an Act to provide for a legislative management study of statutes of limitation and venue requirements for civil actions in North Dakota.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; 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; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; 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; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Kelsh, J.

ABSENT AND NOT VOTING: Amerman

Engrossed HB 1365 passed.

SECOND READING OF HOUSE BILL

HB 1423: A BILL for an Act to create and enact a new section to chapter 50-24.5 of the North Dakota Century Code, relating to rulemaking authority with respect to the compensation for top management personnel of a basic care facility; 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 85 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; 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; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Delzer; Headland; Johnson, N.; Keiser; Meyer, S.; Pollert; Ruby; Skarphol

ABSENT AND NOT VOTING: Amerman

Engrossed HB 1423 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1433: A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to regulation of investigative and security services; and to amend and reenact section 12-63-11 of the North Dakota Century Code, relating to licensure of peace officers.

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

YEAS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; 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; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Amerman

Engrossed HB 1433 passed.

SECOND READING OF HOUSE BILL

HB 1440: A BILL for an Act to amend and reenact section 65-05-09.4 of the North Dakota Century Code, relating to workers' compensation additional benefits payable.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 66 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Boe; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Hunskor; Kaldor; Kelsch, R.; Kelsh, S.; Kilichowski; Kroeber; Maragos; Metcalf; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Porter; Williams; Winrich; Zaiser

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

ABSENT AND NOT VOTING: Amerman; Kelsh, J.

Engrossed HB 1440 lost.

SECOND READING OF HOUSE BILL

HB 1123: A BILL for an Act to create and enact sections 26.1-44-01.1, 26.1-44-03.1, 26.1-44-06.1, 26.1-44-10, and 26.1-44-11 of the North Dakota Century Code, relating to surplus lines insurance and enactment of the surplus lines insurance multistate compliance compact; to amend and reenact sections 26.1-44-01, 26.1-44-02, 26.1-44-03, 26.1-44-04, 26.1-44-05, 26.1-44-06, and 26.1-44-08 of the North Dakota Century Code, relating to surplus lines insurance; 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 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; 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; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Conklin

ABSENT AND NOT VOTING: Amerman

Engrossed HB 1123 passed.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the use of state dollars to support nonresident students.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 38 YEAS, 55 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Headland; Heller; Karls; Kasper; Kempenich; Kingsbury; Klein; Koppelman; Kreidt; Meier, L.; Nathe; Pollert; Rohr; Ruby; Rust; Schatz; Schmidt; Thoreson; Trottier; Weiler; Wieland; Wrangham; Speaker Drovdal

NAYS: Anderson; Beadle; Carlson; Conklin; Dahl; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Klemin; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Sanford; Skarphol; Steiner; Streyle; Sukut; Vigesaa; Wall; Weisz; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Amerman

Engrossed HB 1445 lost.

SECOND READING OF HOUSE BILL

HB 1456: A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to the statute of limitations on civil actions involving childhood sexual abuse.

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

YEAS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; 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; Hunsakor; 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: Amerman

Engrossed HB 1456 passed.

SECOND READING OF HOUSE BILL

HB 1058: A BILL for an Act to create and enact a new section to chapter 54-60 of the North Dakota Century Code, relating to a department of commerce grant program for university entrepreneurs; 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 NOT PASS, the roll was called and there were 1 YEAS, 92 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Gruchalla

NAYS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; 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; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Amerman

HB 1058 lost.

MOTION

REP. BEADLE MOVED that the House reconsider its action whereby Engrossed HB 1057 failed to pass .

REQUEST

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

ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed HB 1057 failed to pass, the roll was called and there were 49 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Clark; Conklin; Dahl; Delmore; Dosch; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kilichowski; Klemin; Kreun; Kroeber; Maragos; Meyer, S.; Mock; Nathe; Nelson, J.; Onstad; Owens; Pietsch; Porter; Sanford; Schatz; Schmidt; Streyle; Thoreson; Trottier; Wall; Weiler; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; DeKrey; Delzer; Devlin; Frantsvog; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kelsh, J.; Kempenich; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Louser; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson, M.; Paur; Pollert; Rohr; Ruby; Rust; Skarphol; Steiner; Sukut; Vigasaa; Weisz; Wieland; Wrangham

ABSENT AND NOT VOTING: Amerman

The motion prevailed on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1057: A BILL for an Act to create and enact a new subsection to section 57-38-57 of the North Dakota Century Code, relating to angel fund investment disclosure; to amend and reenact section 57-38-01.26 of the North Dakota Century Code, relating to the angel fund investment tax credit; to provide a report to the legislative management; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Belter; Boe; Clark; Conklin; Dahl; Delmore; Dosch; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Klemin; Kretschmar; Kreun; Kroeber; Metcalf; Meyer, S.; Mock; Nathe; Nelson, J.; Onstad; Owens; Paur; Pietsch; Porter; Sanford; Steiner; Streyle; Sukut; Thoreson; Trottier; Wall; Wieland; Williams; Winrich; Zaiser

NAYS: Bellew; Boehning; Brabandt; Brandenburg; Carlson; Damschen; DeKrey; Delzer; Devlin; Frantsovog; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Kingsbury; Klein; Koppelman; Kreidt; Louser; Maragos; Martinson; Meier, L.; Monson; Mueller; Nelson, M.; Pollert; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Vigesaa; Weiler; Weisz; Wrangham; Speaker Drovdal

ABSENT AND NOT VOTING: Amerman

Engrossed HB 1057 passed.

SECOND READING OF HOUSE BILL

HB 1059: A BILL for an Act to create and enact a new section to chapter 10-30.5 of the North Dakota Century Code, relating to North Dakota development fund, incorporated, matching grants for technology startup businesses; 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 NOT PASS, the roll was called and there were 0 YEAS, 93 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; 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: Amerman

HB 1059 lost.

SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to individual accident and health insurance coverage.

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 4 YEAS, 89 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Headland; Kasper; Thoreson; Weiler

NAYS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; 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; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Amerman

HB 1281 lost.

SECOND READING OF HOUSE BILL

HB 1320: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to deductions from income for determining medical assistance eligibility.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; 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; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Ruby

ABSENT AND NOT VOTING: Amerman

Engrossed HB 1320 passed.

SECOND READING OF HOUSE BILL

HB 1374: A BILL for an Act to provide a natural gas incentive grant program; 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 NOT PASS, the roll was called and there were 26 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kreun; Kroeber; Maragos; Metcalf; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Winrich; Zaiser

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

ABSENT AND NOT VOTING: Amerman

HB 1374 lost.

SECOND READING OF HOUSE BILL

HB 1403: A BILL for an Act to provide an appropriation to the department of commerce for providing a grant to the North Dakota cowboy hall of fame.

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 38 YEAS, 55 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Beadle; Boe; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hogan; Holman; Hunsakor; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Kretschmar; Kroeber; Maragos; Metcalf; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Porter; Rust; Schatz; Steiner; Winrich; Zaiser; Speaker Drovda

NAYS: Anderson; Bellew; Belter; Boehning; Brabant; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsov; Froseth; Grande; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Klein; Klemin; Koppelman; Kreidt; Kreun; Louser; Martinson; Meier, L.; Monson; Nathe; Nelson, J.; Owens; Paur; Pietsch; Pollert; Rohr; Ruby; Sanford; Schmidt; Skarphol; Streyle; Sukut; Thoreson; Trotter; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham

ABSENT AND NOT VOTING: Amerman

HB 1403 lost.

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: HB 1091, HB 1213, HB 1214, HB 1232, HB 1266, HB 1297, HB 1310, HB 1375, HB 1428, HB 1436, HB 1450, HB 1452, HCR 3008, HCR 3010, HCR 3032, HCR 3034.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1335, HB 1337.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2005, SB 2007, SB 2011, SB 2060, SB 2062, SB 2122, SB 2185, SB 2321, SB 2366.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2023, SB 2227.

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 Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Tuesday, February 15, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1075: 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). HB 1075 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subdivision b of subsection 3 of section 54-46-02 and"

Page 1, line 2, after "to" insert "the definition of records and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subdivision b of subsection 3 of section 54-46-02 of the North Dakota Century Code is amended and reenacted as follows:

b. A record of the state legislative assembly held by an agency."

Page 1, line 12, remove "The state agency or political subdivision may"

Page 1, remove line 13

Page 1, line 14, replace "possession of any public" with "Public"

Page 1, line 14, replace "which" with "that"

Page 1, line 14, remove "in violation of this"

Page 1, line 15, remove "section. These records"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1109: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1109 was placed on the Sixth order on the calendar.

Page 2, line 12, remove the overstrike over "a"

Page 2, remove the overstrike over line 13

Page 2, line 14, remove the overstrike over "~~the anniversary of the birthday in the~~"

Page 2, line 14, after "second" insert "third"

Page 2, line 14, remove the overstrike over "~~subsequent year ending in an odd~~"

Page 2, line 15, remove the overstrike over "~~numeral~~"

Page 2, line 15, remove "individuals who, at the time of renewal, are less than twenty-one years of age"

Page 2, line 16, replace "is twelve midnight at the end of the fourth year from the license issue date" with ", except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral"

Page 2, line 17, remove the overstrike over "~~a person whose birth~~"

Page 2, remove the overstrike over line 18

Page 2, line 19, remove the overstrike over "~~the birthday in the~~"

Page 2, line 19, after "second" insert "third"

Page 2, line 19, remove the overstrike over "~~subsequent year ending in an even numeral~~"

Page 2, line 19, remove "individuals who."

Page 2, remove line 20

Page 2, line 21, replace "end of the sixth year from the license issue date" with "except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral"

Page 2, line 22, after the first "license" insert "for a person whose birth occurred in a year ending in an odd numeral"

Page 2, line 22, remove "at the end of the fourth year from the license"

Page 2, line 23, replace "issue date" with "on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a commercial operator's license for a person whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1181, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1181 was placed on the Sixth order on the calendar.

Page 1, line 2, after "antelope" insert "and deer"

Page 1, line 14, after "of" insert "or during"

Page 1, line 18, after "of" insert "or during"

Page 1, line 22, after "of" insert "or during"

Page 1, line 23, remove "youth"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1191: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1191 was placed on the Sixth order on the calendar.

Page 2, line 18, remove the overstrike over the overstruck comma

Page 2, line 19, remove the overstrike over "trailer"

Page 2, line 19, remove the overstrike over the overstruck comma

Page 3, line 23, remove ", and may receive a reduction in the fee and, notwithstanding"

Page 3, replace line 24 with ". The owner of a semitrailer that is currently registered under subsection 2 of section 39-04-12 as of August 1, 2011, shall renew registration and pay the fees provided in section 3 of this Act before January 1, 2012. That owner is entitled to receive a reduction in the fee and, notwithstanding any other provision of the law, a refund of previously paid unused registration fees, except for fees paid for the 2011 registration year."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1206: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Sixth order on the calendar.

Page 1, line 2, after "authority" insert "; to provide grant repayment by the authority; and to declare an emergency"

Page 2, line 12, after the underscored period insert "Participating member entities may not withdraw from the authority or fail or refuse to pay any water sale income or bond revenue to the authority, if any bonds or refunding bonds issued under this chapter remain outstanding or a grant of up to thirty million dollars from the state water commission has not been repaid."

Page 3, after line 19, insert:

"5. Before the bylaws become effective, the bylaws must be reviewed and approved by the attorney general."

Page 5, line 17, after the third underscored comma insert "leases."

Page 6, line 25, after the underscored period insert "However, if bonds issued by the authority utilize section 61-40-17, this subsection does not apply."

Page 7, line 2, remove "irrigation."

Page 7, line 10, replace "For" with "In relation to the initial construction of the system and for"

Page 7, after line 17, insert:

"61-40-06. Oversight of authority projects.

The authority shall report to the state water commission on the bidding, planning, construction, operation, and financial status of the project, as requested by the state water commission. In relation to initial construction of the system and debt repayment, the authority shall present the overall plan and contract plans and specifications for the project to the state water commission for concurrence. The attorney general shall assist the authority at the request of the state water commission. If bonds issued by the authority utilize section 61-40-17 or a grant of up to thirty million dollars from the state water commission has not been repaid, without the written consent of the state water commission the authority may not sell, lease, abandon, encumber, or otherwise dispose of any part of property used in a water system of the authority if the property is used to provide revenue."

Page 7, line 18, replace "61-40-06." with "61-40-07."

Page 7, line 26, replace "61-40-07." with "61-40-08."

Page 7, line 26, remove "**- When private sale authorized - Public sale and notice**"

Page 7, line 29, replace "61-40-08." with "61-40-09."

Page 7, line 29, remove "**- Negotiability**"

Page 8, line 1, replace "61-40-09." with "61-40-10."

Page 8, line 9, replace "61-40-10." with "61-40-11."

Page 8, line 20, replace "61-40-11." with "61-40-12."

Page 8, line 20, remove "**- Taxing power prohibited**"

Page 8, line 29, after the underscored period insert "However, this section does not apply to any bonds issued which utilize section 61-40-17."

Page 9, line 1, replace "61-40-12." with "61-40-13."

Page 9, line 5, remove "refunding"

Page 9, line 6, remove "bond and in accordance with the"

Page 9, line 18, remove "refunding"

Page 9, line 28, replace "upon" with "on all or part of"

Page 9, line 28, remove ", or any part of the revenues."

Page 10, line 11, replace "61-40-13." with "61-40-14."

Page 11, line 1, replace "61-40-14." with "61-40-15."

Page 11, line 9, replace "~~61-40-15.~~" with "61-40-16."

Page 11, line 15, replace "~~61-40-16.~~" with "61-40-17."

Page 11, after line 15 insert

"1."

Page 11, line 16, after "reserve" insert ", including a letter of credit or similar instrument."

Page 11, line 17, replace "authority" with "state water commission"

Page 11, line 18, after "authority" insert "to the state water commission"

Page 11, line 20, remove "However, the appropriation must be limited to an annual amount that does not exceed"

Page 11, line 21, replace "eighty percent of the required debt service reserve." with "The state water commission shall include in its submission to the governor for inclusion by the governor in the biennial executive budget of the state any amount as is certified to the commission by the authority. If the governor does not include in the executive budget the amount certified, the state water commission shall request independently an appropriation from the legislative assembly for the certified amount."

Page 11, line 25, after the underscored period insert "However, the amount of any refinancing may not be counted toward the one hundred fifty million dollar limitation to the extent the amount does not exceed the outstanding amount of the obligations being refinanced plus costs of issuance."

2. To the extent any reserve fund is replenished under this section, the authority shall reimburse the state from any revenues, funds, or any other property of the authority as dictated by the budget section.
3. Any bond financing planned by the authority utilizing this section must undergo due diligence examination by the public finance authority and the Bank of North Dakota, and must receive approval of the budget section.

60-40-18. Default.

If the authority is in default in the payment of the principal of or interest on any of the obligations of the authority under this chapter, if the legislative assembly has appropriated moneys to restore the reserve fund for the obligation in default under this chapter, and if the budget section determines that the authority is unable to reimburse the state in the time period required by the budget section, the budget section may give written notice to the governing board of the authority that the state has taken possession and ownership of the water system of the authority. Upon written notice, the members of the governing board of the authority are immediately removed, and the state water commission is the governing board from the date of notice. If the state water commission determines that governance, possession, and ownership of the water system is not necessary for the authority to be able to reimburse the state in the necessary time period, the state water commission may develop a plan to return governance, possession, and ownership to the authority, subject to approval of the plan by the budget section.

SECTION 2. STATE WATER COMMISSION GRANT REPAYMENT OBLIGATION. After any bonds or refunding bonds have been paid in full by the authority and after the provision of adequate funds for capital reserves and operation and maintenance reserves, the authority shall repay any state water commission grant made to the authority in an amount not to exceed thirty million dollars.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1209: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1209 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the restoration of the right to possess a firearm; and to"

Page 1, line 9, replace "The" with "For a felon who is not sentenced under section 12.1-32-09.1, the"

Page 1, line 9, after "include" insert "a firearm or weapon that is a rifle that has a barrel sixteen inches [40.64 centimeters] or longer or a shotgun that has a barrel eighteen inches [45.72 centimeters] or longer and which is one of the following"

Page 1, line 17, replace the first underscored comma with "or"

Page 1, line 17, remove ", or muzzleloading pistol,"

Page 1, after line 19, insert:

"SECTION 2. A new section to chapter 62.1-02 of the North Dakota Century Code is created and enacted as follows:

Restoration of right to possess firearm.

1. An individual who is prohibited from possessing a firearm due to a conviction of a felony under subdivision b of subsection 1 of section 62.1-02-01 may petition the district court in the district where the individual resides for restoration of the individual's firearm rights.
2. The district court may restore the right of an individual to possess a firearm if the court determines, by clear and convincing evidence, that all of the following circumstances exist:
 - a. The individual has paid all fines imposed for the violation resulting in the prohibition;
 - b. The individual has served all terms of imprisonment imposed for the violation resulting in the prohibition;
 - c. The individual has successfully completed all conditions of probation or parole imposed for the violation resulting in the prohibition; and
 - d. The individual's record and reputation are such that the individual is not likely to act in a manner dangerous to the safety of others."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1251: 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). HB 1251 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "12-63" with "44-08"

Page 1, line 2, replace "44-08" with "54-40.3"

Page 1, line 2, remove "the joint exercise of police powers"

Page 1, line 3, remove "and"

Page 1, line 3, replace "peace officer" with "criminal justice"

Page 1, line 3, after "agencies" insert "; and to declare an emergency"

Page 1, remove lines 5 through 18

Page 1, line 24, replace "for" with "and a state or local criminal justice agency of this state may establish policies and procedures or enter agreements with other criminal justice agencies of this state to:"

Page 2, line 1, remove "Assisting other peace officers in the line of the other peace officer's duty and"

Page 2, line 2, replace "within the course of the other peace officer's employment" with "Assist other state and local criminal justice agencies"

Page 2, line 3, replace "Exchanging" with "Exchange"

Page 2, line 3, after "the" insert "criminal justice"

Page 2, line 3, after "another" insert "criminal justice"

Page 2, line 3, remove "or"

Page 2, line 4, remove "office"

Page 2, line 5, replace "The" with "A criminal justice"

Page 2, line 5, remove "or office"

Page 2, line 5, replace "agents" with "officers"

Page 2, line 6, replace "geographic area within the" with "criminal justice"

Page 2, line 7, remove "or office's"

Page 2, line 8, remove ", or to a parole"

Page 2, line 9, remove "or probation agent,"

Page 2, line 10, replace "appointive or elected agency or office" with "employing criminal justice agency"

Page 2, after line 18, insert:

"SECTION 2. A new section to chapter 54-40.3 of the North Dakota Century Code is created and enacted as follows:

Joint exercise of police power.

A state or a local criminal justice agency of this state, with the approval of its governing body, may enter an agreement in the manner provided in section 54-40.3-01 with another state or a political subdivision of another state, for the joint exercise of peace officer duties. A peace officer acting under an agreement pursuant to this agreement must be licensed under chapter 12-63, or if the peace officer is from another state, the officer must be licensed or certified by the other state's licensing or certifying authority. A peace officer acting under an agreement pursuant to this section has full peace officer authority in any jurisdiction that is a party to the agreement. Before an agreement entered under this section is effective, the governing body for each criminal justice agency must have approved the agreement and the attorney general must have determined the agreement is legally sufficient.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1259: 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). HB 1259 was placed on the Sixth order on the calendar.

Page 1, overstrike line 12

Page 1, line 13, overstrike "internal revenue service" and insert immediately thereafter "as provided in section 44-08-04 and for mileage as provided in section 54-06-09"

Page 1, overstrike line 23

Page 1, line 24, overstrike "internal revenue service" and insert immediately thereafter "as provided in section 44-08-04 and for mileage as provided in section 54-06-09"

Page 2, line 12, overstrike "and mileage at a rate not exceeding the allowable mileage rate"

Page 2, line 13, overstrike "accepted by the United States internal revenue service" and insert immediately thereafter "as provided in section 44-08-04 and for mileage as provided in section 54-06-09"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1261: 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). HB 1261 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section 54-06-25" with "sections 54-03-19.1 and 54-03-19.2"

Page 1, line 2, replace "state employees" with "legislative"

Page 1, line 4, replace "Section 54-06-25" with "Sections 54-03-19.1 and 54-03-19.2"

Page 1, line 4, replace "is" with "are"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1290: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1290 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "; and to provide for reports to the"

Page 1, line 2, remove "budget section"

Page 1, remove lines 11 through 24

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1316: 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). HB 1316 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "A" with "Upon an applicant's request, that portion of a"

Page 1, line 13, after "committee" insert "dealing with the applicant's medical history"

Page 1, line 13, remove "upon request of the"

Page 1, line 14, remove "applicant"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1349: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1349 was placed on the Sixth order on the calendar.

Page 1, replace lines 8 through 17 with:

"1. Notwithstanding any other provision of law, a driver with a class D license who for hire operates a truck or truck-tractor to transport agricultural products shall sign, before being hired, a form in which the driver certifies that the driver:

a. Is at least eighteen years of age; and

b. Excluding an action or pending action for one violation of section 39-08-01, or equivalent ordinance, within three years from the time of arrest:

(1) Has not had a revocation, suspension, or cancellation of driving privileges within the last three years;

(2) Does not have a pending action that will result in a revocation, suspension, or cancellation of driving privileges;

(3) Has not had a drug-related offense within the last three years; and

(4) Does not have a pending action the subject of which is a drug-related offense."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1381: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1381 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to demerit points for driving on a closed road; to"

Page 1, line 2, replace the first "section" with "and sections"

Page 1, line 2, remove "subsection 3 of section 39-06.1-10, and sections"

Page 1, line 2, after "39-09-02" insert a comma

Page 3, remove lines 7 through 29

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 31

Page 8, replace lines 1 through 15 with:

"SECTION 4. A new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

Knowingly entering a closed road in violation 3 points

of section 39-10-21.1"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1393: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1393 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "during any gun" with "for"

Page 1, line 2, replace "season" with "purposes"

Page 1, line 6, remove "**during any gun hunting season**"

Page 1, line 7, after the underscored comma insert "an individual may use"

Page 1, line 7, remove "may be used"

Page 1, line 8, after "any" insert "deer gun"

Page 1, line 8, replace "that allows the use of a firearm during that season" with "the individual possesses the appropriate deer gun license. A crossbow also may be used during the spring and fall turkey seasons"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1397: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1397 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "provide for application" with "declare an emergency"

Page 1, remove lines 4 through 23

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 12 with:

"SECTION 1. AMENDMENT. Section 54-35-01 of the North Dakota Century Code is amended and reenacted as follows:

54-35-01. Legislative management - Created - Members - Vacancy - Terms.

1. The North Dakota legislative management consists of the majority and minority leaders of the house and of the senate plus six senators and seven representatives chosen biennially before the close of each regular legislative session.
2. In the house of representatives the ~~speaker of the house~~majority leader shall appoint to the legislative management ~~four members recommended~~elect~~ed by the majority leader and three members~~

~~recommended by political party with the largest number of members in the house and the minority leader of the house shall appoint to the legislative management members elected by the political party with the next largest number of members in the house, except that the speaker must by virtue of office be one of the four members appointed from the speaker's faction political party.~~

3. ~~In the senate the lieutenant governor majority leader shall appoint to the legislative management four members recommended elected by the majority leader and two members recommended by political party with the largest number of members in the senate and the minority leader shall appoint to the legislative management two members elected by the political party with the next largest number of members in the senate.~~
4. ~~The majority and minority leaders of the house of representatives shall make the appointments so as to give the two political parties having the most members in the house the same total proportionate representation on the legislative management as prevails in the house. In allocating the membership on the legislative management to each political party, the total number of members in the house of representatives must be divided by nine; the resulting quotient must then be divided into the number of members of each of the two political parties of the house; the resulting quotient for each party of the house, rounded to the nearest whole number, is the number of members of that political party in the house to be on the legislative management. Notwithstanding this allocation, if the number of members in the minority political party in the house of representatives would not result in any representation on the legislative management, the minority leader in the house must represent that party on the legislative management.~~
5. ~~A member of the house of representatives may not be appointed to serve as a member of the legislative management more than twice.~~
6. Any vacancy occurring when the legislative assembly is not in session must be filled by the selection of another member of the legislative assembly belonging to the same ~~faction~~ party as the member originally appointed, the selection to be made by the remaining senate or house members of the legislative management, depending upon which body has the vacancy. Each senator and each representative chosen to serve on the legislative management shall serve until a new legislative management has been selected at the next regular legislative session; provided, however, that no senator, not a holdover, who is not reelected to the senate, and no representative, who is not reelected to the house of representatives, may serve as a member of the legislative management beyond the closing day of the term to which elected. Any vacancy occurring because any member of the legislative management is not reelected must be filled for the period from the beginning of the session until a new legislative management is selected, in the same manner as the original legislative management is selected.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1406: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1406 was placed on the Sixth order on the calendar.

Page 1, line 12, remove "A party filing a petition under this subsection must provide written"

Page 1, remove lines 13 through 17

Page 1, line 18, replace "lessee of record." with "The party filing a petition under this subsection shall publish notice of the petition in the official county newspaper in the county of record."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1407: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1407 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for a study; to provide an effective date;"

Page 1, line 6, after the boldfaced period insert "**(Effective through July 31, 2013)**"

Page 2, replace lines 1 and 2 with:

"(Effective after July 31, 2013) Nonresident waterfowl hunting license required.

Except as provided in sections 20.1-02-05, 20.1-03-07.2, and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that individual first obtains a nonresident waterfowl hunting license. However, a nonresident may hunt cranes after first obtaining a nonresident waterfowl hunting license or a nonresident small game hunting license. Except as otherwise provided in this section, the nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period allows hunting in a specified waterfowl hunting zone. A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. Upon payment of the fee for a statewide nonresident waterfowl hunting license, a nonresident may hunt waterfowl in any zone. Forty dollars of the fee for a statewide nonresident waterfowl license must be used for the private land open to sportsmen program. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

SECTION 2. GAME AND FISH STUDY. The game and fish department shall conduct a study of goose hunting in this state. The department must track the number of resident and nonresident goose hunters and the number of geese taken by county. The department shall report its findings to the legislative management by September 1, 2012."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1414: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1414 was placed on the Sixth order on the calendar.

Page 5, remove the overstrike over lines 5 through 14

Page 5, line 15, remove the overstrike over "contributions to"

Page 5, line 15, remove "establish and administer"

Page 5, line 16, remove the overstrike over "a"

Page 5, line 16, remove "the"

Page 6, line 14, remove the overstrike over "3."

Page 6, line 14, remove "2."

Page 7, line 7, remove the overstrike over "4."

Page 7, line 7, remove "3."

Page 7, line 16, remove the overstrike over "5."

Page 7, line 16, remove "4."

Page 8, line 8, replace "5." with "6."

Page 8, line 10, replace "1" with "2"

Page 8, line 25, replace "6." with "7."

Page 9, line 5, replace "7." with "8."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1454: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1454 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to provide for a coyote bounty;"

Page 1, line 1, replace the comma with "and"

Page 1, line 2, remove the first comma

Page 1, line 3, remove "; to provide an appropriation; and to provide an effective date"

Page 2, remove lines 10 through 22

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1466: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1466 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection to"

Page 1, line 1, replace "15-02-05" with "to chapter 15-02"

Page 1, line 2, replace "duties of the commissioner" with "the authority of the board"

Page 1, replace lines 4 through 11 with:

"SECTION 1. A new section to chapter 15-02 of the North Dakota Century Code is created and enacted as follows:

Authority to accept Lake Sakakawea lands.

If, through federal legislation, the United States army corps of engineers returns excess lands around Lake Sakakawea above elevation of 1,854 feet [565.099 meters] mean sea level and excess lands around Lake Oahe above 1,620 feet [493.766 meters] mean sea level, the board of university and school lands may accept the land on behalf of the state of North Dakota."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3020: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3020 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3033: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1152, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1152 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for medicaid supplemental payments to critical access hospitals; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. MEDICAID SUPPLEMENTAL PAYMENT - CRITICAL ACCESS HOSPITALS. The department of human services shall provide a medicaid supplemental payment to critical access hospitals. The department shall seek federal medicaid funding to support the supplemental payments.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,527,802, or so much of the sum as may be necessary, and from federal funds, the sum of \$1,926,259, or so much of the sum as may be necessary, to the department of human services for the purpose of providing medicaid supplemental payments to critical access hospitals under section 1 of this Act, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1217: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1217 was placed on the Sixth order on the calendar.

Page 3, line 9, replace "individual" with "unremarried surviving spouse"

Page 3, line 22, replace "individual" with "unremarried surviving spouse"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1241: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1241 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 38-11.1 and section 38-11.1-04.1 of the North Dakota Century Code, relating to notice of oil and gas drilling operations and compensation for loss of agricultural production and income caused by oil and gas production; and to amend and reenact sections 38-11.1-04 and 47-16-39.1 of the North Dakota Century Code, relating to damage and disruption payments for damages caused by oil and gas production and the obligation to pay oil and gas royalties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 38-11.1-04 of the North Dakota Century Code is amended and reenacted as follows:

38-11.1-04. Damage and disruption payments.

The mineral developer shall pay the surface owner a sum of money equal to the amount of damages sustained by the surface owner and the surface owner's tenant, if any, for ~~loss of agricultural production and income, lost land value, lost use of and access to the surface owner's land, and lost value of improvements caused by drilling operations.~~ The amount of damages may be determined by any formula mutually agreeable between the surface owner and the mineral developer. When determining ~~damages~~ damage and disruption payments, consideration must be given to the period of time during which the loss occurs and the surface owner ~~may elect to be paid damages in annual installments over a period of time; except that the surface owner must be compensated for harm caused by exploration only by a single sum payment.~~ The payments contemplated by this section only cover land directly affected by drilling operations. Payments under this section are intended to compensate the surface owner for damage and disruption; any reservation or assignment of such compensation apart from the surface estate except to a tenant of the surface estate is prohibited. In the absence of an agreement between the surface owner and a tenant as to the division of compensation payable under this section, the tenant is entitled to recover from the surface owner that portion of the compensation attributable to the tenant's share of the damages sustained.

SECTION 2. Section 38-11.1-04.1 of the North Dakota Century Code is created and enacted as follows:

38-11.1-04.1. Notice of operations.

1. Before the initial entry upon the land for activities that do not disturb the surface, including inspections, staking, surveys, measurements, and general evaluation of proposed routes and sites for oil and gas drilling operations, the mineral developer shall provide at least seven days' notice by registered mail or hand delivery to the surface owner unless waived by mutual agreement of both parties. The notice must include:
 - a. The name, address, telephone number, and, if available, the electronic mail address of the mineral developer or the mineral developer's designee;
 - b. An offer to discuss and agree to consider accommodating any proposed changes to the proposed plan of work and oil and gas operations before commencement of oil and gas operations; and
 - c. A sketch of the approximate location of the proposed drilling site.
2. Except for exploration activities governed by chapter 38-08.1, the mineral developer shall give the surface owner written notice by registered mail or hand delivery of the oil and gas drilling operations contemplated at least twenty days before commencement of drilling operations unless mutually waived by agreement of both parties. If the mineral developer plans to commence drilling operations within twenty days of the termination date of the mineral lease, the required notice under this section may be given at any time before commencement of drilling operations. The notice must include:
 - a. Sufficient disclosure of the plan of work and operations to enable the surface owner to evaluate the effect of drilling operations on the surface owner's use of the property;
 - b. A plat map showing the location of the proposed well; and

- c. A form prepared by the director of the oil and gas division advising the surface owner of the surface owner's rights and options under this chapter, including the right to request the state department of health to inspect and monitor the well site for the presence of hydrogen sulfide.
3. The notice required by this section must be given to the surface owner at the address shown by the records of the county treasurer's office at the time the notice is given and is deemed to have been received seven days after mailing by registered mail or immediately upon hand delivery.
4. If a mineral developer fails to give notice as provided in this section, the surface owner may seek appropriate relief in the court of proper jurisdiction and may receive punitive as well as actual damages.

SECTION 3. A new section to chapter 38-11.1 of the North Dakota Century Code is created and enacted as follows:

Loss of production payments.

The mineral developer shall pay the surface owner a sum of money equal to the amount of damages sustained by the surface owner and the surface owner's tenant, if any, for loss of agricultural production and income caused by oil and gas production and completion operations. The amount of damages may be determined by any formula mutually agreeable between the surface owner and the mineral developer. When determining damages for loss of production, consideration must be given to the period of time during which the loss occurs and the damages for loss of production must be paid annually unless the surface owner elects to receive a single lump sum payment. Payments under this section are intended to compensate the surface owner for loss of production. Any reservation or assignment of such compensation apart from the surface estate, except to a tenant of the surface estate, is prohibited. In the absence of an agreement between the surface owner and a tenant as to the division of compensation payable under this section, the tenant is entitled to recover from the surface owner that portion of the compensation attributable to the tenant's share of the damages sustained.

SECTION 4. AMENDMENT. Section 47-16-39.1 of the North Dakota Century Code is amended and reenacted as follows:

47-16-39.1. Obligation to pay royalties - Breach.

The obligation arising under an oil and gas lease to pay oil or gas royalties to the mineral owner or the mineral owner's assignee, or to deliver oil or gas to a purchaser to the credit of the mineral owner or the mineral owner's assignee, or to pay the market value thereof is of the essence in the lease contract, and breach of the obligation may constitute grounds for the cancellation of the lease in cases where it is determined by the court that the equities of the case require cancellation. If the operator under an oil and gas lease fails to pay oil or gas royalties to the mineral owner or the mineral owner's assignee within one hundred fifty days after oil or gas produced under the lease is marketed and cancellation of the lease is not sought or if the operator fails to pay oil or gas royalties to an unleased mineral interest owner within one hundred fifty days from initial oil or gas production from the unleased mineral interest owner's mineral interest, the operator shall pay interest on the unpaid royalties, without the requirement that the mineral owner or the mineral owner's assignee request the payment of interest, at the rate of eighteen percent per annum until paid, except that the commissioner of university and school lands may negotiate a rate to be no less than the prime rate as established by the Bank of North Dakota plus four percent per annum with a maximum of eighteen percent per annum, for unpaid royalties on minerals owned or managed by the board of university and school lands. Provided, that the operator may remit semiannually to a person entitled to royalties the aggregate of six months' monthly royalties where the aggregate amount is less than fifty dollars. The district court for the county in which the oil or gas well is located has jurisdiction over all proceedings brought pursuant to this section. The prevailing party in any proceeding brought pursuant to this section is entitled to recover any court costs and reasonable attorney's fees. This section does not apply when mineral owners or their assignees elect to take their proportionate share of

production in kind, in the event of a dispute of title existing that would affect distribution of royalty payments, or when a mineral owner cannot be located after reasonable inquiry by the operator; however, the operator shall make royalty payments to those mineral owners whose title and ownership interest is not in dispute."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1286: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1286 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1287: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1287 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1336: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1336 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1396: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1396 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3007: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3007 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3027: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3027 was placed on the Tenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. DeKrey, Carlson, Drovdal, J. Kelsh and Sens. Stenehjem, Taylor introduced:
(Approved by the Delayed Bills Committee)

HCR 3039: A concurrent resolution urging the United States Fish and Wildlife Service and the Federal Emergency Management Agency to exempt road grade raises necessitated by flooding from the requirement that the raise be offset by the acquisition of replacement wetlands.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

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

Buell J. Reich, Chief Clerk