

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, March 28, 2011

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

The prayer was offered by Rep. Koppelman, District 13.

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

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 Fifty-second and Fifty-fourth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1081, line 20, replace "**CONCURRENT**" with "**MEMORIAL**"

Page 1123, line 24, replace "SB 2049, SB 2210" with "SB 2028, SB 2049"

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

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to Reengrossed SB 2227, Engrossed SB 2279, and Engrossed SB 2308.

Reengrossed SB 2227, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2279 and Engrossed SB 2308, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SIXTH ORDER OF BUSINESS**

**SB 2276, as reengrossed: REP. WEISZ (Human Services Committee) MOVED** that the amendments on HJ pages 1135-1137 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that SB 2336, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PORTER MOVED** that the House do concur in the Senate amendments to Engrossed HCR 3028 as printed on HJ pages 1132-1133, which motion prevailed on a voice vote.

Engrossed HCR 3028, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3028:** A concurrent resolution urging Congress to adopt legislation prohibiting the Environmental Protection Agency by any legal means from regulating greenhouse emissions, including, if necessary, defunding Environmental Protection Agency greenhouse gas regulatory activities; imposing a moratorium on adoption on any new air quality regulations by the Environmental Protection Agency by any legal

means, except those regulations directly addressing an imminent health or environmental emergency, for a period of at least two years; and requiring the administration to undertake a study identifying all regulatory activity the Environmental Protection Agency intends to undertake in furtherance of its goal of "taking action on climate change and improving air quality" and specifying the cumulative effect of all these regulations on the economy, jobs, and American economic competitiveness.

#### ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 74 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING

**YEAS:** Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kilichowski; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; 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; Speaker Drovdal

**NAYS:** Amerman; Conklin; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Mock; Mueller; Onstad; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

Engrossed HCR 3028, as amended, was declared adopted on a recorded roll call vote.

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#### SECOND READING OF SENATE BILL

**SB 2211:** A BILL for an Act to amend and reenact subsection 5 of section 37-19.1-02 of the North Dakota Century Code, relating to exemptions to veterans' preference and public employees.

#### 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 80 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Brandenburg; DeKrey; Dosch; Headland; Maragos; Ruby; Schatz; Skarphol; Streyle; Weiler

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

SB 2211 passed.

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#### MOTION

**REP. KEISER MOVED** that the House reconsider its action whereby Engrossed SB 2210, as amended, failed to pass, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2210:** A BILL for an Act to create and enact two new sections to chapter 54-17, a new subdivision to subsection 2 of section 54-60.1-01, a new subsection to section 57-35.3-05, a new section to chapter 57-38, and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to a housing incentive fund and tax credits for contributions to the fund; to amend and reenact subsection 2 of section 54-17-07.2 and section 57-35.3-07 of the North Dakota Century Code, relating to the definition of multifamily housing facility and payment of the financial institutions tax; to provide a continuing appropriation; 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 NOT PASS, the roll was called and there were 48 YEAS, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Conklin; DeKrey; Delmore; Devlin; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Paur; Sanford; Schatz; Steiner; Sukut; Vigessaa; Weisz; Williams; Winrich; Zaiser; Speaker Drovda

**NAYS:** Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; Delzer; Dosch; Frantsvog; Froseth; Grande; Hatlestad; Headland; Heller; Karls; Kasper; Kelsch, R.; Klein; Klemin; Koppelman; Kreidt; Louser; Meier, L.; Nathe; Owens; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schmidt; Skarphol; Streyle; Thoreson; Trottier; Wall; Weiler; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

Engrossed SB 2210, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2355:** A BILL for an Act to provide for a legislative management study of reduction of the flaring of natural gas.

**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 24 YEAS, 67 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hatlestad; Hogan; Holman; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Owens; Sukut; Winrich; Zaiser

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

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

Engrossed SB 2355 lost.

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**SECOND READING OF SENATE BILL**

**SB 2172:** 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 receipts from coin-operated amusement or entertainment machines; to amend and reenact subsections 21, 22, and 23 of section 57-39.2-01 and subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to a sales tax exemption for receipts from coin-operated amusement or entertainment machines; 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, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; 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.; Kilichowski; Klein; Klemin; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Pietsch; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**NAYS:** Conklin; Koppelman; Mueller; Paur; Rust

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

Engrossed SB 2172, as amended, passed.

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#### SECOND READING OF SENATE BILL

**SB 2098:** A BILL for an Act to create and enact a new subsection to section 43-11-02 of the North Dakota Century Code, relating to exemption from cosmetology licensure; and to amend and reenact sections 43-11-01, 43-11-03, 43-11-04, and 43-11-06, subsection 7 of section 43-11-16, and sections 43-11-21, 43-11-24, 43-11-25, 43-11-26, and 43-11-31 of the North Dakota Century Code, relating to the practice and licensing of cosmetologists, cosmetology salons, estheticians, instructors, manicurists, and schools and the powers, membership, and compensation of the state board of cosmetology.

#### 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; 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.; Kilichowski; 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 Drovda

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

SB 2098, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2110:** A BILL for an Act to amend and reenact sections 54-52.1-02, 54-52.1-04, 54-52.1-04.2, and 54-52.1-04.3 of the North Dakota Century Code, relating to subgroups, receiving bids for prescription drug coverage, self-insurance for prescription drug coverage, and contingency reserve fund requirements under the uniform group insurance program.

**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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; 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.; Kilichowski; 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 Drovda

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

SB 2110, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2155:** A BILL for an Act to create and enact two new sections to chapter 43-32 of the North Dakota Century Code, relating to regulation of applied behavior analysts; and to amend and reenact sections 43-32-01, 43-32-08, 43-32-08.1, 43-32-08.2, 43-32-09, 43-32-12, 43-32-13, and 43-32-14, subsection 1 of section 43-32-16, and sections 43-32-19.1 and 43-32-30 of the North Dakota Century Code, relating to the regulation of applied behavior analysis by the state board of psychologist examiners.

**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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; 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.; Kilichowski; 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 Drovda

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

Engrossed SB 2155, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2195:** A BILL for an Act to create and enact a new subsection to section 47-16-17.1 of

the North Dakota Century Code, relating to remedies for termination of a lease due to domestic violence.

#### 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; 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.; Kilichowski; 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 Drovda

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

SB 2195, as amended, passed.

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#### MOTION

**REP. R. KELSCH MOVED** that the House reconsider its action whereby Engrossed SB 2329, as amended, failed to pass, which motion failed on a verification vote.

#### SECOND READING OF SENATE BILL

**SB 2218:** A BILL for an Act to create and enact a new subsection to section 40-63-07 of the North Dakota Century Code, relating to restrictions on renaissance fund organization investments in enterprises owned by renaissance fund organization officers, employees, and investors; to amend and reenact subsections 2 and 5 of section 40-63-07 of the North Dakota Century Code, relating to renaissance fund organization income tax credits; 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 84 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer; Dosch; Kelsch, R.; Meier, L.; Porter; Ruby; Streyle

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

Engrossed SB 2218, as amended, passed.

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#### SECOND READING OF SENATE BILL

**SB 2248:** 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 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 84 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Devlin; 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.; Kilichowski; 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; Zaiser

**NAYS:** Bellew; Delzer; Dosch; Ruby; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Boe; Conklin; Kempenich; Kingsbury

Engrossed SB 2248, as amended, passed.

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#### SECOND READING OF SENATE BILL

**SB 2258:** A BILL for an Act to create and enact a new section to chapter 14-09, two new subsections to section 26.1-02-28, and a new section to chapter 35-34 of the North Dakota Century Code, relating to child support enforcement; to amend and reenact sections 26.1-02-28, 34-15-03, 34-15-04, 35-34-02, 35-34-03, and 35-34-04, subsection 1 of section 35-34-06, and sections 35-34-09 and 35-34-10 of the North Dakota Century Code, relating to child support enforcement; to provide for transition; 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 73 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Onstad; Owens; Paur; Pietsch; Pollert; Rust; Sanford; Schmidt; Skarphol; Steiner; Sukut; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich

**NAYS:** Bellew; Brabandt; Delzer; Dosch; Heller; Kasper; Meier, L.; Nelson, M.; Porter; Rohr; Ruby; Schatz; Streyle; Thoreson; Weiler; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Boe; Kempenich; Kingsbury

Engrossed SB 2258, as amended, passed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, unchanged: SB 2188, SB 2204.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2037, SB 2042, SB 2044, SB 2050, SB 2067, SB 2115.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2047.

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2329, SB 2331.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2267, SB 2314.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1008, HB 1117, HB 1124, HB 1380, HB 1407, HB 1454.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1038, HB 1092, HB 1112, HB 1244, HB 1246, HB 1252, HB 1310, HB 1338.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1038**

Page 7, line 23, remove "have not been"

Page 7, replace lines 24 through 26 with ":

- (1) Have not been convicted of a felony;
- (2) Have not been convicted of a misdemeanor involving dishonesty or untrustworthiness; or
- (3) Have not been the subject of an adverse finding or adjudication in a license disciplinary or other administrative proceeding concerning allegations involving dishonesty or untrustworthiness"

Page 8, line 3, after "commissioner" insert "unless the commissioner determines the violation is not material"

Page 16, line 25, replace "void" with "voidable"

Page 24, line 26, replace "**Voidable**" with "**Void**"

Page 24, line 28, remove "individual may void the"

Page 24, line 28, after "contract" insert "is void"

Page 24, line 29, after "and" insert "the individual may"

Page 24, line 31, replace "voidable by the individual" with "void"

Page 25, line 1, replace "If an individual voids a" with "For a void"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1092**

Page 1, line 3, after "reenact" insert "subsection 2 of section 15-20.4-03 and"

Page 1, line 4, after "to" insert "authorization to operate academic or professional postsecondary educational institutions and"



Page 1, after line 10, insert:

**"SECTION 2. AMENDMENT.** Subsection 2 of section 15-20.4-03 of the North Dakota Century Code is amended and reenacted as follows:

2. Prescribe forms and conditions for, receive, investigate as it may deem necessary, and act upon applications for authorization to operate postsecondary educational institutions. Authorization to operate an academic or professional postsecondary educational institution offering educational credentials may be issued only upon approval of the executive officer and the commissioner of the state board of higher education or the commissioner's designee."

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1112**

Page 1, line 1, after "21-04-09" insert "and subsection 1 of section 21-06-07"

Page 1, line 2, remove "security for"

Page 3, line 4, overstrike "reciprocal"

Page 3, after line 10, insert:

**"SECTION 2. AMENDMENT.** Subsection 1 of section 21-06-07 of the North Dakota Century Code is amended and reenacted as follows:

1. Counties, cities, school districts, park districts, and townships in this state may invest moneys in their general fund, or balances in any special or temporary fund, in:
  - a. Bonds, treasury bills and notes, or other securities that are a direct obligation of, or an obligation insured or guaranteed by, the treasury of the United States, or its agencies, instrumentalities, or organizations created by an act of Congress.
  - b. Securities sold under agreements to repurchase written by a financial institution in which the underlying securities for the agreement to repurchase are of a type listed above.
  - c. Certificates of deposit fully insured by the federal deposit insurance corporation or by the state.
  - d. Obligations of the state.
  - e. Certificates of deposit fully insured or guaranteed by the federal deposit insurance corporation and placed for the benefit of the public depositor by a public depository through an appropriate ~~reciprocal~~ deposit placement service as determined by the commissioner of financial institutions."

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1244**

In lieu of the amendments adopted by the Senate as printed on page 661 of the Senate Journal, House Bill No. 1244 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to equine carcasses."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

**Equine slaughter - Establishments.**

The agriculture commissioner shall monitor federal statutory and regulatory actions related to the slaughter of horses, mules, and other equines, and in particular, those actions pertaining to the establishments in which the slaughter and preparation of the carcasses may take place. The agriculture commissioner may pursue or support federal legislative, regulatory, or contractual avenues that would allow for the slaughter and processing of horses, mules, and other equines in this state, without the restriction that the slaughter or product preparation be conducted in establishments separate from any in which cattle, sheep, swine, or goats are slaughtered or their products are prepared.

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1246**

Page 1, line 2, after the semicolon insert "to provide for a legislative management study,"

Page 1, line 7, overstrike "real property, not exceeding"

Page 1, line 7, remove "twenty"

Page 1, line 7, overstrike "acres"

Page 1, line 7, remove "[8.09 hectares]"

Page 1, line 7, overstrike "in extent,"

Page 1, overstrike lines 8 through 10

Page 1, line 11, overstrike "priest, rector, or other minister in charge of services," and insert immediately thereafter "buildings owned by any religious corporation or organization and used for the religious services of the organization, or if on the same parcel, dwellings with usual outbuildings, intended and ordinarily used for the residence of the bishop, priest, rector, or other minister in charge of services, land directly under and within the perimeter of those buildings, and up to a maximum of five additional acres [2.02 hectares] of area used for parking or reasonable landscaping or sidewalk area adjoining the main church building"

Page 1, line 13, after the period insert "If the residence of the bishop, priest, rector, or other minister in charge of services is located on property not adjacent to the church, that residence with usual outbuildings and land on which it is located, up to two acres [81 hectare], is exempt from taxation."

Page 1, line 16, overstrike "All real property owned by any religious corporation"

Page 1, overstrike lines 17 through 19

Page 1, after line 19, insert:

**"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SALES TAX EXEMPTION FOR CHARITABLE NONPROFITS.** During the 2011-12 interim, the legislative management shall consider studying the feasibility and desirability of extending the sales tax exemption on purchases of tangible property to all charitable nonprofit organizations so that all such organizations are treated equally and fairly under state law. The legislative management also may undertake a comparative analysis of the efficacy of sales tax exemptions and rate reductions, including, for each exemption or reduction, a detailed analysis of the fiscal impact to the state; benefits to the state economy from eliminating or retaining the exemption or rate reduction; the relationship of the exemption or rate reduction to tax policies of other

states and to federal or state laws or regulations; and who are the beneficiaries of each exemption or rate reduction, specifically including the extent to which the benefits flow to out-of-state concerns. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1252**

Page 1, line 7, after the period insert "The legislative management may not assign the committee any additional study charge unless the additional charge is directly related to the topic of federal health care reform. The membership of the committee must include at least three members from each of the house of representatives and senate industry, business and labor and human services standing committees, with at least one member from each of the four standing committees representing the minority party."

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1310**

Page 1, line 11, after "court" insert "unless the defendant and the prosecuting attorney agree that jurisdiction for the matter should remain with the district court"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1338**

Page 2, line 6, replace "The" with "If not otherwise prohibited by law, the"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause failed: HB 1251.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1251**

Page 2, line 12, replace the second "agreement" with "section"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1179, HB 1191, HB 1238, HB 1466.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1055, HB 1072, HB 1125, HB 1165, HB 1211, HB 1215, HB 1230, HB 1304, HB 1371, HB 1419, HB 1461, HB 1464, HCR 3003.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HCR 3028.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2077, SB 2121, SB 2171, SB 2243, SB 2326, SCR 4001, SCR 4014, SCR 4017.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1167, HB 1260, HB 1467.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HCR 3028.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3001, HCR 3002, HCR 3005, HCR 3007, HCR 3008, HCR 3010, HCR 3019, HCR 3020, HCR 3021, HCR 3022, HCR 3024, HCR 3026, HCR 3030, HCR 3032, HCR 3034, HCR 3040.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2077, SB 2121, SB 2171, SB 2243, SB 2326, SCR 4001, SCR 4014, SCR 4017.

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

**MR. SPEAKER:** The President has signed: SB 2322.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 28, 2011: HCR 3001, HCR 3002, HCR 3005, HCR 3007, HCR 3008, HCR 3010, HCR 3019, HCR 3020, HCR 3021, HCR 3022, HCR 3024, HCR 3026, HCR 3028, HCR 3030, HCR 3032, HCR 3034, HCR 3040.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 29, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2132, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO NOT PASS** (17 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2132 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2236, as engrossed: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2236 was placed on the Sixth order on the calendar.

Page 2, line 10, replace "different from" with "unreasonable when compared to"

Page 2, line 14, remove """Line-make" means new motor vehicles that are offered for sale, lease, or distribution"

Page 2, remove lines 15 and 16

Page 2, line 17, remove "9."

Page 2, line 18, replace "controlled by the manufacturer" with "that in whole or in part offers for sale, sells, or distributes any new motor vehicle to a new motor vehicle dealer"

Page 2, line 19, replace "10." with "9."

Page 2, line 22, replace "11." with "10."

Page 2, line 25, replace "12." with "11."

Page 2, line 29, replace "13." with "12."

Page 3, line 1, replace "14." with "13."

Page 3, line 6, replace "15." with "14."

Page 3, line 10, replace "16." with "15."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2245, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2245 was placed on the Sixth order on the calendar.

Page 1, line 1, after "subdivision" insert "k of subsection 18 of section 52-01-01, subdivision"

Page 1, line 1, after "52-04-07" insert a comma

Page 1, line 2, after "to" insert "ineligibility and"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Subdivision k of subsection 18 of section 52-01-01 of the North Dakota Century Code is amended and reenacted as follows:

- k. Service performed for a private for-profit person or entity by an individual as a landman if substantially all remuneration, including payment on the basis of a daily rate, paid in cash or otherwise for the performance of the service is directly related to the completion by the individual of the specific tasks contracted for rather than to the number of hours worked by the individual, and the services are performed under a written contract between the individual and the person for whom the services are performed which provides that the individual is to be treated as an independent contractor and not as an employee with respect to the services provided under the contract. For purposes of this subdivision, "landman" means a land professional who has been engaged primarily in:
  - (1) Negotiating the acquisition or divestiture of mineral rights;
  - (2) Negotiating business agreements that provide for the exploration for or development of minerals;
  - (3) Determining ownership of minerals through research of public and private records;
  - (4) Reviewing the status of title, curing title defects, and otherwise reducing title risk associated with ownership of minerals;
  - (5) Managing rights or obligations derived from ownership of interests and minerals; or
  - (6) Activities to secure the unitization or pooling of interests in minerals."

Page 1, line 13, replace "base-period" with "most recent"

Page 1, remove lines 15 through 23

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, replace lines 1 through 4 with:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 52-06-02 of the North Dakota Century Code is amended and reenacted as follows:

- 1. a. For the week in which the individual has left the individual's most recent employment voluntarily without good cause attributable to the employer, and thereafter until such time as the individual:

- a- (1) Can demonstrate that the individual has earned remuneration for personal services in employment from and after the date of the unemployment compensation claim filing, equivalent to at least eight times the individual's weekly benefit amount as determined under section 52-06-04; and
- b- (2) Has not left the individual's most recent employment under disqualifying circumstances.
- b. A temporary employee of a temporary help firm is deemed to have left employment voluntarily if the employee does not contact the temporary help firm for reassignment before filing for benefits. Failure to contact the temporary help firm is not deemed a voluntary leaving of employment unless the claimant was advised of the obligation to contact the temporary help firm upon completion of an assignment and advised that unemployment benefits may be denied for failure to contact the temporary help firm. As used in this subsection, "temporary employee" means an employee assigned to work for a client of a temporary help firm; and "temporary help firm" means a firm that hires that firm's own employees and assigns these employees to a client to support or supplement the client's workforce in a work situation such as employee absence, temporary skill shortage, seasonal workload, a special assignment, and a special project.
- c. This subsection does not apply if job service North Dakota determines that the individual in an active claim filing status accepted work which the individual could have refused with good cause under section 52-06-36 and terminated such employment with the same good cause and within the first ten weeks after starting work.
- d. This subsection does not apply if the individual left employment or remains away from employment following illness or injury upon a physician's written notice or order; no benefits may be paid under this exception unless the employee has notified the employer of the physician's requirement and has offered service for suitable work to the employer upon the individual's capability of returning to employment. This exception does not apply unless the individual's capability of returning to employment and offer of service for suitable work to the employer occurs within sixty days of the last day of work. However, the cost of any benefits paid under this exception may not be charged against the account of the employer, other than a reimbursing employer, from whom the individual became separated as a result of the illness or injury. Job service North Dakota may request and designate a licensed physician to provide a second opinion regarding the claimant's qualification; however, no individual may be charged fees of any kind for the cost of such second opinion.
- e. This subsection does not apply if the individual left the most recent employment because of an injury or illness caused or aggravated by the employment; no benefits may be paid under this exception unless the individual leaves employment upon a physician's written notice or order, the individual has notified the employer of the physician's requirement, and there is no reasonable alternative but to leave employment.
- f. For the purpose of this subsection, an individual who left the most recent employment in anticipation of discharge or layoff must be deemed to have left employment voluntarily and without good cause attributable to the employer.
- g. For the purpose of this subsection, "most recent employment" means employment with any employer for whom the claimant last worked and voluntarily quit without good cause attributable to the

employer or with any employer, in insured work, for whom the claimant last worked and earned wages equal to or exceeding eight times the individual's weekly benefit amount.

- h. This subsection does not apply if the individual leaves work which is two hundred road miles [321.87 kilometers] or more, as measured on a one-way basis, from the individual's home to accept work which is less than two hundred road miles [321.87 kilometers] from the individual's home provided the work is a bona fide job offer with a reasonable expectation of continued employment.
- i. This subsection does not apply if the individual voluntarily leaves most recent employment to accept a bona fide job offer with a base-period employer who laid off the individual and with whom the individual has a demonstrated job attachment. For the purposes of this exception, "demonstrated job attachment" requires earnings in each of six months during the five calendar quarters before the calendar quarter in which the individual files the claim for benefits.
- j. (1) This subsection does not apply if the reason for separation from the individual's employment is directly attributable to domestic violence or sexual assault that is verified by documentation submitted to job service North Dakota which substantiates the individual's reason for separation from the most recent employment and such continued employment would jeopardize the safety of the individual or of the individual's spouse, parent, or minor child. After receiving a claim for unemployment insurance benefits for which the individual identifies domestic violence or sexual assault as the reason for separation, job service North Dakota shall notify the most recent employer of the reason for separation provided by the individual.

(2) For purposes of this subdivision, documentation includes:

  - (a) A court order, protection order, restraining order, or other record filed with a court;
  - (b) A police or law enforcement record;
  - (c) A medical record indicating domestic violence or sexual assault; or
  - (d) A written affidavit provided by an individual who has assisted the claimant in dealing with the domestic violence or sexual assault and who is a:

    - [1] Licensed counselor;
    - [2] Licensed social worker;
    - [3] Member of the clergy;
    - [4] Director or domestic violence advocate at a domestic violence sexual assault organization as defined in section 14-07.1-01; or
    - [5] Licensed attorney.

(3) Documentation must be received by job service North Dakota within fourteen calendar days from the date the individual files a claim for unemployment insurance benefits after separating from employment for reasons directly attributable to domestic violence or sexual assault.

- (4) A false statement of domestic violence or sexual assault in a claim for unemployment insurance benefits is subject to subsection 8 and section 52-06-40."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2286, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2286 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "combative sports"

Page 1, line 2, after "commissioner" insert "of combative sports"

Page 1, line 7, remove "**combative sports**"

Page 1, line 7, after "**commission**" insert "**of combative sports**"

Page 1, line 8, remove "combative sports"

Page 1, line 8, after "commissioner" insert "of combative sports"

Page 1, line 10, remove "combative sports"

Page 1, line 10, after "commission" insert "of combative sports"

Page 1, line 19, remove "**combative sports**"

Page 1, line 19, after "**commissioner**" insert "**of combative sports**"

Page 2, line 11, remove "combative sports"

Page 2, line 11, after "commission" insert "of combative sports"

Page 2, line 23, remove "combative sports"

Page 2, line 23, after "commission" insert "of combative sports"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2309, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2309 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2317, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2317 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2325, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2325 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "department of transportation for a county"

Page 1, line 2, replace "and township road reconstruction program; and to provide an exemption" with "upper great plains transportation institute; and to provide for a report"

Page 1, remove lines 4 through 24



Page 2, replace lines 1 through 21 with:

**"SECTION 1. APPROPRIATION - UPPER GREAT PLAINS  
TRANSPORTATION INSTITUTE - BUDGET SECTION REPORTS.** There is appropriated out of any moneys in the oil and gas impact grant fund in the state treasury, not otherwise appropriated, the sum of \$350,000, or so much of the sum as may be necessary, to the upper great plains transportation institute for the purpose of updating and maintaining reports for transportation infrastructure needs for all county and township roads in the state, for the biennium beginning July 1, 2011, and ending June 30, 2013. During the 2011-12 interim, the upper great plains transportation institute shall report at least annually to the budget section of the legislative management regarding the status of the reports and shall present updated reports to the sixty-third legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes the county and township road reconstruction program relating to agriculture and economic development, including the \$73.6 million appropriation from the permanent oil tax trust fund for the program. A \$350,000 appropriation is provided from the oil and gas impact grant fund to the Upper Great Plains Transportation Institute to update and maintain reports for transportation infrastructure needs for all county and township roads in the state. The Upper Great Plains Transportation Institute is to report at least annually to the Budget Section regarding the status of the reports and to provide updated reports to the 63<sup>rd</sup> Legislative Assembly.

**REPORT OF STANDING COMMITTEE (MAJORITY)**

**SCR 4013: Appropriations Committee (Rep. Delzer, Chairman)** A **MAJORITY** of your committee (Reps. Delzer, Kempenich, Pollert, Skarphol, Thoreson, Bellew, Brandenburg, Dahl, Dosch, Hawken, Klein, Kreidt, Martinson, Monson, Wieland) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, after line 8, insert:

**"WHEREAS**, the federal budget should be balanced by reductions in or freezing current spending before any increase in taxes; and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE (MINORITY)**

**SCR 4013: Appropriations Committee (Rep. Delzer, Chairman)** A **MINORITY** of your committee (Reps. Glassheim, Kaldor, Kroeber, Metcalf) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "urging the leaders of both parties in Congress to meet with the President at a summit and, using the President's National Commission on Fiscal Responsibility and Reform report as a starting point, to negotiate a bipartisan comprehensive fiscal responsibility package that can be enacted this year.

**WHEREAS**, the total debt of the United States government is \$14.2 trillion, over \$45,000 for every person in the nation; and

**WHEREAS**, the annual federal deficit is anticipated to be \$1.56 trillion in fiscal year 2012; and

**WHEREAS**, interest payments on America's debt are now 15 percent on non-Social Security federal revenues; and

**WHEREAS**, the federal budget cannot be balanced merely by cuts because if all nonmandatory spending, including defense and Medicare, were cut by 20 percent there would still be a deficit of \$1.1 trillion; and if all discretionary programs,

excluding defense and Medicare and Medicaid, were totally eliminated there would still be an annual budget deficit of \$800 billion; and

**WHEREAS**, the federal budget cannot be balanced merely by tax increases because even if all non-Social Security revenues were increased by 30 percent, there would still be a deficit of \$1 trillion; and

**WHEREAS**, long-term continuation of these levels of deficit and debt threaten the strength of our nation and the well-being of its people; and

**WHEREAS**, it is impossible to manage this fiscal crisis without a comprehensive balanced approach of shared sacrifice--a fiscal responsibility package that includes spending decreases, tax increases, closing of tax loopholes, and decreases in incentives to already profitable corporations;

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

That the Sixty-second Legislative Assembly urges the leaders of both parties in Congress to meet with the President at a summit and, using the President's National Commission on Fiscal Responsibility and Reform report as a starting point, to negotiate a bipartisan comprehensive fiscal responsibility package that can be enacted this year; and

**BE IT FURTHER RESOLVED**, that the Legislative Assembly urges Congress to approve a constitutional amendment requiring the President to deliver annually and the Congress to adopt a 10-year debt reduction plan; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President and each member of the North Dakota Congressional Delegation."

Renumber accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

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

**Buell J. Reich, Chief Clerk**