

JOURNAL OF THE HOUSE

Sixty-second Legislative Assembly

* * * * *

Bismarck, March 29, 2011

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

The prayer was offered by Father James Ermer, St. Leo's Catholic Church, Casselton.

The roll was called and all members were present.

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

Page 1155, after line 29, insert:

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1124.

SENATE AMENDMENTS TO HOUSE BILL NO. 1124

Page 1, line 1, after "57 38 01.8" insert "and a new subdivision to subsection 7 of section 57 38 30.3"

Page 1, line 2, after "geothermal" insert "and wind"

Page 1, line 5, replace "sections" with "section"

Page 1, line 6, replace the first "and" with ", subsection 1 of section 57-38.3-02, subsection 3 of section 57-38.3-04, section"

Page 1, line 11, after the second comma insert "setoff of income tax refunds by the internal revenue service,"

Page 2, line 19, after "geothermal" insert "or wind"

Page 2, line 22, after "geothermal" insert "or wind"

Page 10, after line 6, insert:

"SECTION 9. A new subdivision to subsection 7 of section 57 38 30.3 of the North Dakota Century Code is created and enacted as follows:

Wind energy device installation credit under section 57-38-01.8."

Page 10, after line 19, insert:

"SECTION 11. AMENDMENT. Subsection 1 of section 57 38.3 02 of the North Dakota Century Code is amended and reenacted as follows:

1. "Claimant agency" means the department of human services, job service North Dakota, workforce safety and insurance, the insurance commissioner, the North Dakota guaranteed student loan program, the industrial commission acting as the state housing finance agency under chapter 54 17, a housing authority created under section 23 11 02, or the state court

administrator on behalf of the state courts for purposes of court ordered fines, fees, or costs due the state or the internal revenue service. On or before September first of each year, the state housing finance agency shall conduct an election by mail among housing authorities of the state and certify to the tax commissioner which housing authority received the greatest number of votes and is capable of compliance with the duties of a claimant agency under section 57 38.3 05. During the ensuing calendar year, the housing authority certified as selected under this subsection shall act as the claimant agency for all housing authorities for the purposes of submitting debtor information to the tax commissioner for fund transfers and for providing notice to the debtor as required by section 57 38.3 05.

SECTION 12. AMENDMENT. Subsection 3 of section 57 38.3 04 of the North Dakota Century Code is amended and reenacted as follows:

3. A claim made by any child support unit of the department of human services has priority in setting off any refund. Other claims by state claimant agencies rank by date of certification under section 57 38.3 05 in the office of the commissioner with the claim earlier certified having priority. Claims made by the internal revenue service may be offset up to the amount of refund owing after other state priority offsets."

Page 13, line 6, replace "This Act is" with "Sections 1 through 9 and sections 12 and 13 of this Act are"

ReNUMBER accordingly"

Page 1156, after line 1, insert:

"MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1167, HCR 3028. "

Page 1156, after line 10, insert:

"DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on March 28, 2011: HB 1167."

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

SIXTH ORDER OF BUSINESS

SPEAKER DROVDAL DEEMED approval of the amendments to Engrossed SB 2236, Engrossed SB 2245, and Reengrossed SB 2286.

Engrossed SB 2236, Engrossed SB 2245, and Reengrossed SB 2286, as amended, were placed on the Fourteenth order of business on today's calendar.

SIXTH ORDER OF BUSINESS

SB 2325, as engrossed: REP. DELZER (Appropriations Committee) MOVED that the amendments on HJ pages 1160-1161 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

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

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2325, the roll was called and there were 68 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; Delzer; Devlin; Dosch; Frantsovog; Froseth; Grande; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.;

Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Monson; Nathe; Nelson, J.; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Wieland; Williams; Wrangham; Speaker Drovdal

NAYS: Amerman; Boe; Conklin; DeKrey; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Weisz; Winrich; Zaiser

The motion to adopt the amendments to Engrossed SB 2325 passed.

SECOND READING OF SENATE BILL

SB 2325: A BILL for an Act to provide an appropriation to the upper great plains transportation institute; and to provide for a report.

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

YEAS: Amerman; Anderson; Beadle; 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; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Bellew; Owens

Engrossed SB 2325, as amended, passed.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on March 28, 2011, I have signed the following: HB 1026, HB 1027, HB 1028, HB 1064, HB 1065, HB 1073, HB 1076, HB 1078, HB 1079, HB 1081, HB 1082, HB 1083, HB 1084, HB 1088, HB 1101, HB 1102, HB 1104, HB 1108, HB 1115, HB 1116, HB 1118, HB 1121, HB 1122, HB 1131, HB 1135, HB 1157, HB 1180, HB 1183, HB 1273, HB 1341, and HB 1436.

MOTION

REP. VIGESAA MOVED that Engrossed SB 2309, which is on the Fourteenth order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2309 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2276 be returned to the House floor from the **Appropriations Committee**, and be placed at the top of the Fourteenth order of business on today's calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to the North Dakota immunization program; to amend and reenact section 23-01-05.3 of the North Dakota Century Code, relating to reporting immunization data; and to provide for a legislative management study.

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

YEAS: Amerman; 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; 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; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Ruby

Reengrossed SB 2276, as amended, passed.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to amend and reenact sections 53-08-01 and 53-08-02 and subsection 2 of section 53-08-03 of the North Dakota Century Code, relating to recreational immunity.

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

YEAS: 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; 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; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovdal

NAYS: Amerman; Zaiser

SB 2295, as amended, passed.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to amend and reenact section 40-22.1-01 of the North Dakota Century Code, relating to special assessments for business promotion; and to provide for a legislative management study.

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 83 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsovog; 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.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar;

Kreun; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Rust; Sanford; Schatz; Schmidt; Steiner; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Bellew; Delzer; Kempenich; Louser; Pollert; Rohr; Ruby; Skarphol; Streyle; Weiler; Wrangham

Engrossed SB 2356, as amended, passed.

SECOND READING OF SENATE BILL

SB 2049: A BILL for an Act to amend and reenact subsection 8 of section 57-02-08 of the North Dakota Century Code, relating to exclusion of certain subsidized rental property from the property tax exemption for property used for charitable or other public purposes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; 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; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovdal

NAYS: Kreun; Mock; Paur; Zaiser

Reengrossed SB 2049 passed.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to amend and reenact sections 57-35.3-03, 57-35.3-05, 57-35.3-07, and 57-35.3-08 of the North Dakota Century Code, relating to reduction of the rate of the financial institutions tax and adjustment of the allocation of the tax; to provide for a legislative management study; 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 66 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsvog; Froseth; Grande; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Meyer, S.; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Vigasaa; Weisz; Wieland; Williams

NAYS: Amerman; Clark; Conklin; Delzer; Glassheim; Gruchalla; Guggisberg; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kroeber; Metcalf; Mock; Mueller; Paur; Thoreson; Trottier; Wall; Weiler; Winrich; Wrangham; Zaiser; Speaker Drovdal

Reengrossed SB 2320, as amended, passed.

SECOND READING OF SENATE BILL

SB 2294: A BILL for an Act to amend and reenact subsection 7 of section 57-01-02, sections 57-01-05 and 57-02-11, subsection 3 of section 57-12-06, and 57-13-04, 57-13-05, 57-13-07, 57-13-08, and 57-14-08 of the North Dakota Century Code, relating to assessments of property, powers and duties of the state supervisor of assessments, listing of individual property records, the duties of the state board of equalization, and the duties of county assessors.

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

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Devlin; Dosch; Frantsovog; 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; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

NAYS: DeKrey; Delzer; Weiler; Weisz

ABSENT AND NOT VOTING: Skarphol

Engrossed SB 2294, as amended, passed.

SECOND READING OF SENATE BILL

SB 2157: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the fee for entering a road closed due to hazardous conditions; to amend and reenact section 39-10-21.1 of the North Dakota Century Code, relating to entering a closed road; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 60 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Beadle; Belter; Boe; Clark; Dahl; Damschen; DeKrey; Delmore; Devlin; Frantsovog; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hogan; Holman; Hunsakor; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Mock; Mueller; Nelson, J.; Onstad; Owens; Paur; Pietsch; Porter; Ruby; Steiner; Sukut; Trottier; Vigasaa; Wall; Weisz; Williams; Winrich; Zaiser; Speaker Drovda

NAYS: Anderson; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Conklin; Delzer; Dosch; Froseth; Grande; Headland; Hofstad; Johnson, D.; Kasper; Koppelman; Kreidt; Meier, L.; Meyer, S.; Monson; Nathe; Nelson, M.; Pollert; Rohr; Rust; Sanford; Schatz; Schmidt; Skarphol; Streyle; Thoreson; Weiler; Wieland; Wrangham

Engrossed SB 2157, as amended, passed.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to amend and reenact section 39-05-20.3 of the North Dakota Century Code, relating to branding of certificate of title.

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 2 YEAS, 92 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Nelson, M.; Trottier

NAYS: Amerman; 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.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

SB 2076 lost.

SECOND READING OF SENATE BILL

SB 2207: A BILL for an Act to create and enact section 39-04-18.2 and a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to temporary motor vehicle registration and excise tax; to amend and reenact subdivisions c and e of subsection 2 of section 39-04-18, subsection 2 of section 39-06.1-06, and section 39-06.1-08 of the North Dakota Century Code, relating to motor vehicle registration; and to declare an emergency.

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 53 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Brandenburg; Clark; Conklin; Dahl; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hogan; Hunsakor; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, M.; Onstad; Paur; Rust; Sanford; Skarphol; Steiner; Sukut; Vigasaa; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Carlson; Damschen; DeKrey; Delmore; Delzer; Grande; Headland; Heller; Hofstad; Holman; Johnson, D.; Kasper; Kelsch, R.; Klemin; Koppelman; Kreidt; Louser; Nathe; Nelson, J.; Owens; Pietsch; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Streyle; Thoreson; Trottier; Wall; Weiler; Weisz; Wieland; Wrangham

Engrossed SB 2207 passed but the emergency clause failed.

DEEMED RECONSIDERED AND REREFERRED

SPEAKER DROVDAL STATED that Engrossed SB 2207 is deemed reconsidered and must be rereferred to the **Appropriations Committee**.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2211.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2098, SB 2110, SB 2155, SB 2172, SB 2195, SB 2210, SB 2218, SB 2248, SB 2258.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2355.

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

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

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1160, HB 1302, HB 1308, HCR 3031.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1007, HB 1174, HB 1190, HB 1229, HB 1329, HB 1389, HCR 3036, HCR 3037, HCR 3039.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1007

Page 1, replace lines 14 through 16 with:

"Salaries and wages	\$11,538,855	\$2,378,006	\$13,916,861
Operating expenses	4,561,857	1,440,428	6,002,285
Capital assets	259,906	545,594	805,500"

Page 1, replace lines 18 through 20 with:

"Total all funds	\$18,403,882	\$2,652,764	\$21,056,646
Less estimated income	<u>13,677,293</u>	<u>1,699,530</u>	<u>15,376,823</u>
Total general fund	\$4,726,589	\$953,234	\$5,679,823"

Page 2, replace lines 10 through 12 with:

"Grand total general fund	\$5,758,076	\$1,058,966	\$6,817,042
Grand total special funds	<u>13,677,293</u>	<u>1,699,530</u>	<u>15,376,823</u>
Grand total all funds	\$19,435,369	\$2,758,496	\$22,193,865"

Page 2, after line 25, insert:

"New home landscaping	0	25,000
Repair irrigation system	0	55,000
Reshape and grade oxbow	0	46,500"

Page 2, replace line 30 with:

"Total all funds	\$15,183,138	\$164,093"
------------------	--------------	------------

Page 3, replace line 1 with:

"Total general fund	\$12,025,133	\$164,093"
---------------------	--------------	------------

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1007 - Summary of Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Veterans' Home				
Total all funds	\$20,831,646	\$20,861,646	\$195,000	\$21,056,646
Less estimated income	15,151,823	15,308,323	68,500	15,376,823
General fund	\$5,679,823	\$5,553,323	\$126,500	\$5,679,823
Department of Veterans' Affairs				
Total all funds	\$1,137,219	\$1,137,219	\$0	\$1,137,219
Less estimated income	0	0	0	0
General fund	\$1,137,219	\$1,137,219	\$0	\$1,137,219
Bill total				
Total all funds	\$21,968,865	\$21,998,865	\$195,000	\$22,193,865
Less estimated income	15,151,823	15,308,323	68,500	15,376,823
General fund	\$6,817,042	\$6,690,542	\$126,500	\$6,817,042

House Bill No. 1007 - Veterans' Home - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$13,936,861	\$13,936,861	(\$20,000)	\$13,916,861
Operating expenses	5,932,285	5,932,285	70,000	6,002,285
Capital assets	630,500	660,500	145,000	805,500
New Veterans' Home	332,000	332,000		332,000
Total all funds	\$20,831,646	\$20,861,646	\$195,000	\$21,056,646
Less estimated income	15,151,823	15,308,323	68,500	15,376,823
General fund	\$5,679,823	\$5,553,323	\$126,500	\$5,679,823
FTE	120.72	120.72	0.00	120.72

Department No. 313 - Veterans' Home - Detail of Senate Changes

	Adjusts Funding Source of New Home Landscaping¹	Adjusts Funding Source of Irrigation System Repair²	Adjusts Funding Source of Regrade of Oxbow³	Removes Funding for Demolition of Administrator's Old Residence⁴	Adjusts Funding for Administrator's Housing Allowance⁵	Adds Funding for a Resident Workshop⁶
Salaries and wages					(\$20,000)	
Operating expenses					20,000	
Capital assets				(30,000)		100,000
New Veterans' Home						
Total all funds	\$0	\$0	\$0	(\$30,000)	\$0	\$100,000
Less estimated income	(25,000)	(55,000)	(46,500)	(30,000)	0	100,000
General fund	\$25,000	\$55,000	\$46,500	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	Adds Funding for Resident Workshop Tools⁷	Adds Funding to Move Gazebo⁸	Total Senate Changes			
Salaries and wages			(\$20,000)			
Operating expenses	50,000		70,000			
Capital assets		75,000	145,000			
New Veterans' Home						
Total all funds	\$50,000	\$75,000	\$195,000			
Less estimated income	50,000	75,000	68,500			
General fund	\$0	\$0	\$126,500			
FTE	0.00	0.00	0.00			

¹ The funding source of one-time funding for new home landscaping is changed from special funds available from donated mineral lease income to the general fund, as provided in the executive recommendation. The House provided this funding from special funds available from donated mineral lease income.

² The funding source of one-time funding for irrigation system repair is changed from special funds available from donated mineral lease income to the general fund, as provided in the executive recommendation. The House provided this funding from special funds available from donated mineral lease income.

³ The funding source of one-time funding for the regrading of the oxbow is changed from special funds available from donated mineral lease income to the general fund, as provided in the executive recommendation. The House provided this funding from special funds available from donated mineral lease income.

⁴ Funding from special funds available from donated mineral lease income for the demolition of the administrator's old residence is removed.

⁵ This amendment transfers \$20,000 of special fund authority included in the executive recommendation for the administrator's housing allowance from the salaries and wages line item to the operating expenses line item to allow the Veterans' Home to rent a home for the administrator.

⁶ Special funds available from donated mineral lease income are provided to construct a workshop for Veterans' Home residents.

⁷ Special funds available from donated mineral lease income are provided to purchase tools for a resident workshop.

⁸ Special funds available from donated mineral lease income are provided to move the gazebo.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1174

Page 1, line 15, after "shall" insert "either"

Page 1, line 16, replace "requested" with "in paper or facsimile format"

Page 1, line 16, overstrike "no more"

Page 1, line 17, overstrike "than"

Page 1, line 18, after "pages" insert "or in an electronic, digital, or other computerized format at a charge of thirty dollars for the first twenty-five pages and twenty-five cents per page after twenty-five pages"

Page 1, line 19, remove "If this charge exceeds fifty dollars and the health care provider is"

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 3

Page 2, line 29, remove "or medical bills"

Page 2, line 29, overstrike "provided" and insert immediately thereafter "or medical bills in paper or facsimile format"

Page 2, line 30, after the period insert "In an electronic, digital, or other computerized format, a person may not charge more than thirty dollars for the first twenty-five pages and twenty-five cents per page after twenty-five pages for providing a copy of medical records or medical bills to a basic no-fault insurer pursuant to this chapter."

Page 2, line 31, remove "If this charge exceeds fifty dollars and the health care provider is capable of"

Page 3, remove lines 1 through 8

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1190

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 5 of section 39-06.1-06 and section 39-09-01.1 of the North Dakota Century Code, relating to care required; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 5 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

5. For a violation of section 39-09-01.1, or an ordinance defining care required in driving, a fee of not less than ~~tenth~~thirty dollars nor more than ~~thirty~~fifty dollars.

SECTION 2. AMENDMENT. Section 39-09-01.1 of the North Dakota Century Code is amended and reenacted as follows:

39-09-01.1. Care required in operating vehicle.

~~Any person driving a vehicle upon a highway shall drive the vehicle in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway and other conditions then existing, and shall give such warnings as are reasonably necessary for safe operation under the circumstances. No person may drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person. An individual may not operate a vehicle on a highway:~~

- ~~1. In a careless manner;~~
- ~~2. In an imprudent manner;~~
- ~~3. In an inattentive manner;~~
- ~~4. In a manner that creates a hazard to the life, limb, or property of any person;~~
- ~~5. Without having due regard to the existing conditions, including the traffic, surface, and width of the highway; or~~
- ~~6. Without giving warnings as are reasonably necessary for safe operation under the circumstances."~~

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1229

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 15.1-21 of the North Dakota Century Code, relating to the teaching of abstinence with the school health curriculum.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Teaching of abstinence - Health curriculum.

Beginning July 1, 2012, each school district shall ensure that its curriculum for health has as its objective to teach the social, psychological, and health gains to be realized by abstaining from sexual activity. The curriculum must:

1. Explain why abstinence from sexual activity until marriage provides safety from sexually transmitted diseases, pregnancy, and other associated health issues;
2. Teach how to reject sexual advances, including self-defense;
3. Inform how drugs, alcohol, irresponsible use of social media, and peer pressure can negatively influence unhealthy sexual decisionmaking and lead to aggressive sexual behavior; and
4. Explain the negative influences of the sex-saturated media that present teen sexual activity as an expected norm with few risks or negative consequences."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1329

Page 1, line 2, after "property" insert "or services"

Page 1, line 8, remove ", or for the crime of possession of stolen"

Page 1, remove line 9

Page 1, line 10, remove "authorities"

Page 1, line 10, after the period insert "Prosecution of felony offenses under chapter 12.1-23 must be commenced within the later of three years of commission of the last act that is an element of the offense, three years of discovery of the stolen property, or three years of discovery of the loss of the property or services."

Page 1, line 16, remove ", or for the crime of possession of stolen"

Page 1, remove line 17

Page 1, line 18, remove "authorities"

Page 1, line 18, after the period insert "Prosecution of misdemeanor offenses under chapter 12.1-23 must be commenced within the later of two years of commission of the last act that is an element of the offense, two years of discovery of the stolen property, or two years of discovery of the loss of the property or services."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1389

Page 1, line 10, after "arrested" insert "or summoned to appear before a magistrate"

Page 1, line 11, after "provide" insert "to a law enforcement officer or"

Page 1, line 11, after "personnel" insert "at the time of the individual's arrest or appearance or"

Page 1, line 11, after "booking" insert "into a correctional facility"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3036

Page 1, line 5, remove "and"

Page 1, line 5, after "states" insert "; and the right to a jury trial in civil traffic cases"

Page 1, line 6, remove "that"

Page 1, line 8, remove "that"

Page 1, line 11, remove "that"

Page 1, line 14, remove "that"

Page 1, after line 16, insert:

"WHEREAS, the North Dakota Supreme Court has found a constitutional right to a jury trial in civil traffic cases; and"

Page 2, line 2, remove the first "and"

Page 2, line 2, after the second "and" insert "the feasibility and desirability of eliminating a jury trial right for civil traffic tickets; and"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3037

Page 1, line 4, remove "that"

Page 1, line 7, replace "that grant" with "granting"

Page 1, line 11, replace "that grant" with "granting"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3039

Page 1, line 10, replace "has exceeded its authority in" with "is"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1124.

SENATE AMENDMENTS TO HOUSE BILL NO. 1124

Page 1, line 1, after "57-38-01.8" insert "and a new subdivision to subsection 7 of section 57-38-30.3"

Page 1, line 2, after "geothermal" insert "and wind"

Page 1, line 5, replace "sections" with "section"

Page 1, line 6, replace the first "and" with ", subsection 1 of section 57-38.3-02, subsection 3 of section 57-38.3-04, section"

Page 1, line 11, after the second comma insert "setoff of income tax refunds by the internal revenue service,"

Page 2, line 19, after "geothermal" insert "or wind"

Page 2, line 22, after "geothermal" insert "or wind"

Page 10, after line 6, insert:

"SECTION 9. A new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

Wind energy device installation credit under section 57-38-01.8."

Page 10, after line 19, insert:

"SECTION 11. AMENDMENT. Subsection 1 of section 57-38.3-02 of the North Dakota Century Code is amended and reenacted as follows:

1. "Claimant agency" means the department of human services, job service North Dakota, workforce safety and insurance, the insurance commissioner, the North Dakota guaranteed student loan program, the industrial commission acting as the state housing finance agency under chapter 54-17, a housing authority created under section 23-11-02, or the state court administrator on behalf of the state courts for purposes of court-ordered fines, fees, or costs due the state or the internal revenue service. On or before September first of each year, the state housing finance agency shall conduct an election by mail among housing authorities of the state and certify to the tax commissioner which housing authority received the greatest number of votes and is capable of compliance with the duties of a claimant agency under section 57-38.3-05. During the ensuing calendar year, the housing authority certified as selected under this subsection shall act as the claimant agency for all housing authorities for the purposes of submitting debtor information to the tax commissioner for fund transfers and for providing notice to the debtor as required by section 57-38.3-05.

SECTION 12. AMENDMENT. Subsection 3 of section 57-38.3-04 of the North Dakota Century Code is amended and reenacted as follows:

3. A claim made by any child support unit of the department of human services has priority in setting off any refund. Other claims by state claimant agencies rank by date of certification under section 57-38.3-05 in the office of the commissioner with the claim earlier certified having priority. Claims made by the internal revenue service may be offset up to the amount of refund owing after other state priority offsets."

Page 13, line 6, replace "This Act is" with "Sections 1 through 9 and sections 12 and 13 of this Act are"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1195.

SENATE DIVISION OF HOUSE BILL NO. 1195

Division A

Section 3 and subsection 4 of section 4

Division B

The remainder of the bill

Renumber and correct title accordingly

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1171, HB 1292, HB 1406, HCR 3033.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1008, HB 1117, HB 1380, HB 1407, HB 1454.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2188, SB 2204.

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

MR. SPEAKER: The President has signed: HB 1008, HB 1055, HB 1072, HB 1117, HB 1125, HB 1165, HB 1211, HB 1215, HB 1230, HB 1304, HB 1371, HB 1380, HB 1407,

HB 1419, HB 1454, HB 1461, HB 1464, HCR 3003.

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

MR. PRESIDENT: The Speaker has signed: SB 2188, SB 2204.

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., Wednesday, March 30, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HCR 3009: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3009 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3012: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3012 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3014: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3014 was placed on the Sixth order on the calendar.

Page 2, after line 10, insert:

"f. Prohibit the establishment of a state court order for support of a child which includes health insurance coverage or other medical support provisions, or the enforcement of that order, and does not affect or prohibit any law or rule relating to that order."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3018: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3018 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3023: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HCR 3023 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "general" with "primary"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3035: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3035 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3042: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (6 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HCR 3042 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3044: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (5 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HCR 3044 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3046: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3046 was placed on the Sixth order on the calendar.

Page 2, line 27, replace "The" with "Subject to confirmation by the legislative assembly, the"

Page 3, line 7, replace "three" with "four"

Page 3, line 9, remove the second "and"

Page 3, line 9, after "senate" insert ", and the speaker of the house"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3047: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3047 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3048: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO PASS** (8 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3048 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3049: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (8 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3049 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3050: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3050 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "general" with "primary"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3051: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HCR 3051 was placed on the Sixth order on the calendar.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3052: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO NOT PASS** (6 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HCR 3052 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2007: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2007 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2021: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2021 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2056, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2056 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 54-60 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to an electronic portfolio pilot program;"

Page 2, remove lines 20 through 31

Page 3, remove lines 1 through 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2070: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (19 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2070 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2072, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2072 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 50-24.1-02.8 of the North Dakota Century Code, relating to the treatment of transfers involving annuities for purposes of determining eligibility for medical assistance; to"

Page 3, after line 5, insert:

"SECTION 2. A new subsection to section 50-24.1-02.8 is created and enacted as follows:

An annuity purchased on or after February 8, 2006, or a payment option selected or altered on or after February 8, 2006, which is revocable, or for which the annuity or annuity payments may be assigned, is not a disqualifying transfer under subsection 6."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2078, 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 2078 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 6-09 of the North Dakota Century Code, relating to residential mortgages originated by the Bank of North Dakota; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

Residential mortgages.

1. The Bank may establish a residential mortgage loan program under which the Bank may originate residential mortgages if private sector mortgage loan services are not reasonably available. Under this program

a local financial institution may assist the Bank in taking a loan application, gathering required documents, ordering required legal documents, and maintaining contact with the borrower.

2. If the Bank establishes a program under this section, at a minimum the program must provide:
 - a. The Bank originate no more than eight million dollars in conventional rural residential mortgages;
 - b. An applicant must be referred to the Bank by a local financial institution and the Bank may not have received from any other local financial institution an objection to the Bank's program;
 - c. The loan application must be for an owner-occupied primary residence;
 - d. The Bank provide all regulatory disclosures, process and underwrite the loan, prepare closing documents, and disburse the loan; and
 - e. The terms of the loan originated by the Bank must provide:
 - (1) The amount of the loan may not exceed two hundred thousand dollars;
 - (2) The term of the loan may not exceed thirty years;
 - (3) The rate of the loan must be equal to the Bank's market rate;
 - (4) The maximum loan to value may not exceed eighty percent of appraised value; however, a local financial institution may take a second mortgage that does not exceed a combined loan to value of ninety-five percent; and
 - (5) Standard credit underwriting and documentation applies.
3. The Bank may sell eligible first-time home buyer loans to the North Dakota housing finance agency.

SECTION 2. EFFECTIVE DATE. This Act becomes effective July 1, 2011.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2013, and after that date is ineffective.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2178, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2178 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2187, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2187 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "five"

Page 1, line 8, remove "seven"

Page 1, line 9, remove the overstrike over "~~represent the public~~"

Page 1, line 9, remove "be a representative of the appraisal"

Page 1, line 10, remove "management company industry"

Page 1, line 11, remove "one member must be a representative of the builder industry or"

Page 1, line 12, remove "must be a realtor."

Page 1, line 12, remove the overstrike over "~~three~~"

Page 1, line 12, remove "four"

Page 1, line 19, remove "who must have a"

Page 1, line 20, remove "background in the real estate lending process"

Page 1, line 21, remove "and the"

Page 1, line 22, remove "mid-America"

Page 1, line 22, overstrike "credit union"

Page 1, line 23, replace "association" with ", the credit union association of the Dakotas, and the North Dakota farm credit system associations"

Page 3, line 10, remove "quarterly"

Page 3, line 25, remove the overstrike over "~~The~~"

Page 3, line 25, remove "Within thirty days of receipt of a completed application, the"

Page 3, line 28, after the first "state" insert ", and if grounds for denial of the application under section 43-23.3-18 do not exist"

Page 3, line 31, after the period insert "Within sixty days of filing a completed application, the board shall issue or deny the application and inform the applicant of the decision."

Page 4, line 1, remove "The change of the board composition provided for under"

Page 4, remove lines 2 through 6

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2226, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2226 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2242, as reengrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2242 was placed on the Sixth order on the calendar.

Page 1, line 20, after "~~two-thirds~~" insert "three-fourths"

Page 1, line 20, remove the overstrike over "~~of~~"

Page 2, line 19, after "~~two-thirds~~" insert "three-fourths"

Page 2, line 19, remove the overstrike over "~~of~~"

Page 3, line 4, replace "2012" with "2010"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2302, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2302 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 21-10 of the North Dakota Century Code, relating to the legacy and budget stabilization fund advisory board; to"

Page 1, line 1, remove "21-10-01,"

Page 1, line 1, remove the second comma

Page 1, line 2, replace "the membership" with "meetings"

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

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 30

Page 3, line 27, remove "Except for the budget stabilization fund"

Page 3, line 28, remove "and the legacy fund"

Page 3, line 28, overstrike ", the" and insert immediately thereafter "The"

Page 4, after line 5, insert:

"SECTION 3. A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:

Legacy and budget stabilization fund advisory board.

The legacy and budget stabilization fund advisory board is created to develop recommendations for the investment of funds in the legacy fund and the budget stabilization fund to present to the state investment board. The goal of investment for the legacy fund is principal preservation while maximizing total return. The board consists of the chairmen of the house and senate appropriations committees, the commissioner of financial institutions or designee, the director of the office of management and budget or designee, the president of the Bank of North Dakota or designee, the tax commissioner or designee, and one member appointed by the governor to serve at the pleasure of the governor. The board shall select a chairman and must meet at the call of the chairman. The board shall report at least semiannually to the budget section. Legislative members are entitled to receive compensation and expense reimbursement as provided under section 54-03-20 and reimbursement for mileage as provided by law for state officers.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2303, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2303 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2311, as reengrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2311 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "an eight-member" with "a"

Page 1, remove line 19

Page 1, line 20, replace "g." with "f."

Page 1, line 21, replace "h." with "g."

Page 1, replace lines 22 through 24 with:

"3. The teacher of the year award recipient must be announced during the annual convention of the North Dakota education association. At a mutually agreeable time after the annual convention, the governor and the superintendent of public instruction jointly shall host a ceremony at which the award recipient is recognized."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2342, as reengrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2342 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new subdivision to subsection 5 of section 4-01-23 and"

Page 1, remove lines 8 through 13

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2344, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2344 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~the commissioner of university and school lands,~~"

Page 1, line 14, replace "three" with "two"

Page 1, line 15, remove "Of the three members selected by the governor, one must"

Page 1, remove lines 16 through 18

Page 1, line 19 replace "association series 65 registration" with "One of the members selected by the governor must be chosen from a list of three candidates submitted by the North Dakota bankers association and the independent community banks of North Dakota. The other member selected by the governor must hold a financial industry regulatory authority series 7 registration or a higher level of registration and be chosen from a list of three candidates submitted by the North Dakota association for insurance and financial advisers"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2351, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2351 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "that" with ", other than program-specific fees, which"

Page 2, line 6, after "student" insert an underscored comma

Page 2, line 8, replace "each individual" with "that"

Page 2, line 9, remove "under the control of the state board"

Page 2, line 10, replace "documented" with ":

1. Documented"

Page 2, line 11, after "circumstances" insert an underscored semicolon

Page 2, line 11, replace "student" with ":

2. Student"

Page 2, line 11, after "demand" insert ". as evidenced by a campuswide student election or formal action by an institution's student governing board or committee"

Page 2, line 14, after the underscored comma insert "other than a program-specific fee."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4006: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4006 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4026: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4026 was placed on the Tenth order on the calendar.

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

Buell J. Reich, Chief Clerk