

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, March 30, 2011

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

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of the Nazarene, Bismarck.

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

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 Thirty-seventh, Fifty-fourth, Fifty-fifth, and Fifty-sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 860, replace lines 19 through 21 with:

**"HCR 3004:** A concurrent resolution directing the Legislative Management to study Indian education issues, including a fair and equitable allocation of all state and federal educational funding."

Page 860, line 23, replace "3044" with "3004"

Page 1134, line 23, replace "1 " with "1, "

Page 1146, lines 10 and 11, delete ", and has committee recommendation of DO PASS"

Page 1146, line 25, replace "Engrossed" with "Reengrossed"

Page 1152, line 14, delete "HB 1124"

Page 1174, delete lines 9 through 11

Page 1179, delete lines 20 through 37

Page 1180, delete lines 2 through 31

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

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to HCR 3014, HCR 3023, HCR 3046, HCR 3050, HCR 3051, Engrossed SB 2056, Engrossed SB 2072, Engrossed SB 2078, Engrossed SB 2187, Reengrossed SB 2242, Engrossed SB 2302, Reengrossed SB 2311, Reengrossed SB 2342, Engrossed SB 2344, and Engrossed SB 2351.

HCR 3014, HCR 3023, HCR 3046, HCR 3050, and HCR 3051, as amended, were placed on the Eleventh order of business on today's calendar.

Engrossed SB 2056, Engrossed SB 2072, Engrossed SB 2078, Engrossed SB 2187, Reengrossed SB 2242, Engrossed SB 2302, Reengrossed SB 2311, Reengrossed SB 2342, Engrossed SB 2344, and Engrossed SB 2351, as amended, were placed on the Fourteenth order of business on today's calendar.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on March 29, 2011, I have signed the following: HB 1098, HB 1167,

HB 1192, HB 1223, HB 1240, HB 1288, HB 1315, HB 1365, HB 1366, and HB 1388.

#### MOTION

**REP. VIGESAA MOVED** that Engrossed SB 2236, as amended, which is on the Fourteenth order, be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2236, as amended, was rereferred.

#### MOTION

**REP. VIGESAA MOVED** that HCR 3012 be moved to the bottom of the Eleventh order, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. RUBY MOVED** that the House do concur in the Senate amendments to HB 1089 as printed on HJ page 1066, which motion prevailed on a voice vote.

HB 1089, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1089:** A BILL for an Act to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to effective dates of federal census data for use in tax distributions made by the state treasurer; to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the highway tax distribution fund; to provide for retroactive application; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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; Zaiser; Speaker Drovda

**ABSENT AND NOT VOTING:** Wrangham

Engrossed HB 1089 passed and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3023:** A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the vote required to enact an income, sales, use, or motor vehicle excise tax rate increase by the legislative assembly.

#### 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 35 YEAS, 57 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING

**YEAS:** Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; DeKrey; Delzer; Dosch; Froseth; Grande; Headland; Heilman; Heller; Karls; Kasper; Koppelman; Kreidt; Louser; Meier, L.; Nathe; Owens; Pietsch; Pollert; Rohr; Ruby; Schatz; Skarphol; Streyle; Thoreson; Trottier; Weiler; Speaker Drovda

**NAYS:** Amerman; Anderson; Boe; Clark; Conklin; Dahl; Delmore; Devlin; Frantsvog; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, J.;

Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Paur; Porter; Rust; Sanford; Schmidt; Steiner; Sukut; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Kempenich; Wrangham

Engrossed HCR 3023 was declared lost on a recorded roll call vote.

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## **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3014:** A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to freedom of choice in health care.

### **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 39 YEAS, 54 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING

**YEAS:** Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Damschen; Delzer; Dosch; Frantsvog; Grande; Hatlestad; Headland; Heller; Karls; Kasper; Kempenich; Koppelman; Kreidt; Louser; Meier, L.; Monson; Nathe; Owens; Pollert; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Vigesaa; Weiler; Wieland

**NAYS:** Amerman; Anderson; Beadle; Boe; Conklin; Dahl; DeKrey; Delmore; Devlin; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Heilman; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Porter; Sanford; Trotter; Wall; Weisz; Williams; Winrich; Zaiser; Speaker Drovda

**ABSENT AND NOT VOTING:** Wrangham

Engrossed HCR 3014 was declared lost on a recorded roll call vote.

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## **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3046:** A concurrent resolution to create and enact a new section to article VIII of the Constitution of North Dakota, relating to the creation of a department of education; to amend and reenact sections 2 and 5 of article V and section 3 of article IX of the Constitution of North Dakota, relating to the superintendent of public instruction and creation of a department of education; to repeal section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher education; and to provide an effective date.

### **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 52 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING

**YEAS:** Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Froseth; Grande; Hatlestad; Headland; Heller; Karls; Kasper; Keiser; Kelsch, R.; Klein; Klemin; Koppelman; Kreidt; Louser; Maragos; Martinson; Meier, L.; Nathe; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trotter; Vigesaa; Weiler; Weisz; Wieland; Speaker Drovda

**NAYS:** Amerman; Boe; Conklin; Dahl; Delmore; Frantsvog; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Heilman; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Kretschmar; Kreun; Kroeber; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.;

Nelson, M.; Onstad; Rust; Sanford; Wall; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Kempenich; Wrangham

Engrossed HCR 3046 was declared adopted on a recorded roll call vote.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3050:** A concurrent resolution for the amendment of section 6 of article IX of the Constitution of North Dakota, relating to exchanges of land and mineral rights.

#### **ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 23 YEAS, 69 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING

**YEAS:** Amerman; Boe; DeKrey; Delmore; Gruchalla; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mueller; Nelson, J.; Nelson, M.; Onstad; Ruby; Williams; Winrich; Speaker Drovda

**NAYS:** Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Guggisberg; 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.; Mock; Monson; Nathe; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Zaiser

**ABSENT AND NOT VOTING:** Kempenich; Wrangham

Engrossed HCR 3050 was declared lost on a recorded roll call vote.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3051:** A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the submission of proposed laws to the electorate for approval.

#### **ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 14 YEAS, 78 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING

**YEAS:** Bellew; Brandenburg; Hatlestad; Headland; Koppelman; Pollert; Ruby; Schatz; Schmidt; Skarphol; Streyle; Sukut; Wall; Weiler

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

**ABSENT AND NOT VOTING:** Kempenich; Wrangham

Engrossed HCR 3051 was declared lost on a recorded roll call vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3009:** A concurrent resolution for the amendment of section 4 of article XI of the Constitution of North Dakota, relating to oaths of office of elected and appointed officials.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; 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; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; 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; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**NAYS:** Boe; Delzer; Kasper; Weiler

**ABSENT AND NOT VOTING:** Kempenich; Wrangham

HCR 3009 was declared adopted on a recorded roll call vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3018:** A concurrent resolution for the amendment of section 24 of article X of the Constitution of North Dakota, relating to the permitted growth of the foundation aid stabilization fund.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 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.; 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; Zaiser; Speaker Drovdal

**NAYS:** Bellew

**ABSENT AND NOT VOTING:** Kempenich; Wrangham

HCR 3018 was declared adopted on a recorded roll call vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3035:** A concurrent resolution for the amendment of section 18 of article X of the Constitution of North Dakota, relating to allowing the legislative assembly to enact

legislation to provide for return of surplus tax collections to taxpayers of the state; and to provide an effective date.

### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 27 YEAS, 65 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING

**YEAS:** Beadle; Bellew; Boe; Brabandt; Dosch; Froseth; Glassheim; Gruchalla; Guggisberg; Hatlestad; Hawken; Heilman; Heller; Johnson, N.; Kelsh, S.; Kreun; Meier, L.; Mock; Monson; Owens; Pollert; Ruby; Rust; Schatz; Skarphol; Steiner; Sukut

**NAYS:** Amerman; Anderson; Belter; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Frantsvog; Grande; Hanson; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Porter; Rohr; Sanford; Schmidt; Streyle; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovda

**ABSENT AND NOT VOTING:** Kempenich; Wrangham

HCR 3035 was declared lost on a recorded roll call vote.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3042:** A concurrent resolution for the amendment of section 3 of article IV of the Constitution of North Dakota, relating to the election of at least one member of each legislative district each biennial election.

### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 16 YEAS, 75 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING

**YEAS:** Amerman; Boe; Delmore; Glassheim; Gruchalla; Guggisberg; Hawken; Hogan; Holman; Kaldor; Kelsh, S.; Kretschmar; Mock; Onstad; Weiler; Zaiser

**NAYS:** Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Speaker Drovda

**ABSENT AND NOT VOTING:** Conklin; Kempenich; Wrangham

HCR 3042 was declared lost on a recorded roll call vote.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3044:** A concurrent resolution directing the Legislative Management to study the election of at least one member of each legislative district to the Legislative Assembly each biennial election.

### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 22 YEAS, 70 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING

**YEAS:** Amerman; Beadle; Boe; Delmore; Glassheim; Gruchalla; Guggisberg; Hogan; Holman; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kretschmar; Kroeber; Meyer, S.; Mock; Nelson, M.; Onstad; Weiler; Winrich; Zaiser

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

**ABSENT AND NOT VOTING:** Kempenich; Wrangham

HCR 3044 was declared lost on a recorded roll call vote.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3047:** A concurrent resolution to amend and reenact section 6 of article IV of the Constitution of North Dakota, relating to the appointment of a member of the legislative assembly to a full-time appointive state office.

### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 87 YEAS, 5 NAYS, 0 EXCUSED, 2 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; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovda

**NAYS:** Boe; Meyer, S.; Mueller; Rust; Weiler

**ABSENT AND NOT VOTING:** Kempenich; Wrangham

HCR 3047 was declared adopted on a recorded roll call vote.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3048:** A concurrent resolution urging Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States to avoid a "runaway convention".

### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 70 YEAS, 22 NAYS, 0 EXCUSED, 2 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; Holman; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nathe; Nelson, J.; Owens; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson;

Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Speaker Drovdal

**NAYS:** Amerman; Boe; Conklin; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Hunskor; Kaldor; Karls; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Meyer, S.; Mock; Nelson, M.; Onstad; Paur; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Kempenich; Wrangham

HCR 3048 was declared adopted on a recorded roll call vote.

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## **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3049:** A concurrent resolution for the amendment of sections 7 and 13 of article IV of the Constitution of North Dakota, relating to length of biennial legislative sessions.

### **ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 20 YEAS, 73 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING

**YEAS:** Amerman; Delmore; Gruchalla; Guggisberg; Hanson; Hatlestad; Hogan; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Onstad; Winrich; Zaiser

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

**ABSENT AND NOT VOTING:** Wrangham

HCR 3049 was declared lost on a recorded roll call vote.

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### **MOTION**

**REP. VIGESAA MOVED** that Engrossed SB 2072, as amended, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2072, as amended, was rereferred.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2049.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2157, SB 2276, SB 2294, SB 2295, SB 2320, SB 2325, SB 2356.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2076.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1418.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1248, HB 1318, HB 1442, HCR 3016.



**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1248**

Page 1, line 2, after "families" insert "; and to provide for a legislative management study of the interstate compact on educational opportunity for military children"

Page 1, after line 11, insert:

**"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - INTERSTATE  
COMPACT ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN.**

During the 2011-12 interim, the legislative management shall study the interstate compact on educational opportunity for military children, as well as its administration, enforcement, cost, and its impact on North Dakota laws, school districts, schools, and children of both military and civilian families, with a view to determining whether North Dakota should become a participating member of the compact. 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 ENGROSSED HOUSE BILL NO. 1318**

Page 1, line 4, after the semicolon insert "and"

Page 1, line 5, remove "; and to provide an expiration date"

Page 9, line 17, remove "or one vote for each dollar of the assessed valuation of"

Page 9, remove line 18

Page 9, line 19, remove "title 57"

Page 10, line 11, after "circulation" insert "in the area in which the affected landowners reside and"

Page 19, remove lines 29 and 30

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1442**

Page 1, line 1, remove "to amend and reenact section 39-21-45.1 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to modification of motor vehicles; and"

Page 1, line 2, after "study" insert "relating to consistency of regulations for drivers and motor vehicles"

Page 1, remove lines 4 through 24

Page 2, remove lines 1 through 20

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3016**

Page 1, line 8, remove "the result of"

Page 1, line 8, remove "will be to create a government takeover of the health care"

Page 1, line 9, replace "industry that will" with "is likely to"

Page 1, line 9, replace "hurt" with "negatively affect"

Page 1, line 9, remove "destroy jobs,"

Page 1, line 10, replace "restrict" with "limit"

Page 1, line 10, remove ", limit individuals"

Page 1, line 11, replace "access to" with "in accessing"

Page 1, line 11, after "and" insert "may"

Page 1, line 13, replace "will" with "may"

Page 1, line 14, replace "will" with "may"

Page 1, line 15, replace "single-payer" with "government-controlled"

Page 1, line 15, remove ", which forces patients to enroll in a"

Page 1, line 16, replace "one-size-fits-all plan with rich benefits and weak cost-sharing, will cause" with "is likely to increase"

Page 1, line 17, remove "to escalate"

Page 1, line 17, after the first "and" insert "result in the risk of"

Page 1, line 17, replace "to ration" with "rationing"

Page 1, line 24, replace "many physicians lose money servicing government" with "reimbursement for health care providers treating"

Page 1, line 25, replace ", the law will increase this problem by further reducing" with "is often less than the cost of providing the care, additional reductions in"

Page 2, line 1, remove "fees to doctors and hospitals and will discourage individuals from entering the health"

Page 2, line 2, replace "care field" with "reimbursement may further contribute to health care provider shortages"

Page 2, line 6, replace "will" with "may"

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 carried: HB 1127, HB 1313.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1127**

Page 1, line 5, after the second semicolon insert "to provide an effective date;"

Page 4, line 1, after the second boldfaced period insert "The citations to federal laws and rules in this Act refer to the versions in effect on the effective date of this Act."

Page 4, after line 8, insert:

**"SECTION 7. EFFECTIVE DATE.** This Act becomes effective on July 1, 2011."

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1313**

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

Page 1, after line 17, insert:

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

Renumber accordingly

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1411.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1160, HB 1302, HB 1308, HCR 3031.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2211.

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

**MR. SPEAKER:** The President has signed: HB 1160, HB 1302, HB 1308, HCR 3031.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2211.

#### **MOTION**

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

#### **MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Thursday, March 31, 2011, which motion prevailed.

#### **REPORT OF STANDING COMMITTEE**

**SB 2001: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2001 was placed on the Sixth order on the calendar.

Page 2, after line 15, insert:

**"SECTION 3. ONE-TIME FUNDING - EDUCATION JOBS FUNDS - DEPARTMENT OF PUBLIC INSTRUCTION.** The federal education jobs funding of \$21,517,716 appropriated to the department of public instruction in Senate Bill No. 2013 is one-time funding for the 2011-13 biennium. The department of public instruction may not request funding from the general fund to replace this one-time funding in its base budget request for the 2013-15 biennium."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

##### **Senate Bill No. 2001 - Governor's Office - House Action**

This amendment adds a section to provide that the federal education jobs funding appropriated to the Department of Public Instruction in Senate Bill No. 2013 is one-time funding.

#### **REPORT OF STANDING COMMITTEE**

**SB 2004, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "to"

Page 1, line 2, remove "provide an appropriation to the legislative council;"

Page 2, remove lines 1 through 9

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## Senate Bill No. 2004 - Summary of House Action

	Executive Budget	Senate Version	House Changes	House Version
State Auditor				
Total all funds	\$9,571,330	\$9,571,330	\$0	\$9,571,330
Less estimated income	2,427,522	2,427,522	0	2,427,522
General fund	\$7,143,808	\$7,143,808	\$0	\$7,143,808
Legislative Council				
Total all funds	\$0	\$100,000	(\$100,000)	\$0
Less estimated income	0	0	0	0
General fund	\$0	\$100,000	(\$100,000)	\$0
Bill total				
Total all funds	\$9,571,330	\$9,671,330	(\$100,000)	\$9,571,330
Less estimated income	2,427,522	2,427,522	0	2,427,522
General fund	\$7,143,808	\$7,243,808	(\$100,000)	\$7,143,808

## Senate Bill No. 2004 - Legislative Council - House Action

	Executive Budget	Senate Version	House Changes	House Version
Performance review		\$100,000	(\$100,000)	
Total all funds	\$0	\$100,000	(\$100,000)	\$0
Less estimated income	0	0	0	0
General fund	\$0	\$100,000	(\$100,000)	\$0
FTE	0.00	0.00	0.00	0.00

## Department No. 160 - Legislative Council - Detail of House Changes

	Removes Funding for a Performance Review <sup>1</sup>	Total House Changes
Performance review	(\$100,000)	(\$100,000)
Total all funds	(\$100,000)	(\$100,000)
Less estimated income	0	0
General fund	(\$100,000)	(\$100,000)
FTE	0.00	0.00

<sup>1</sup> The section providing funding to the Legislative Council to contract for a performance review of the State Auditor's office is removed.

## REPORT OF STANDING COMMITTEE

**SB 2005: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2005 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 and 13 with:

"Salaries and wages	\$946,507	\$108,017	\$1,054,524
Operating expenses	131,478	320,428	451,906"

Page 1, replace line 16 with:

"Total general fund	\$2,228,985	(\$469,755)	\$1,759,230"
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Page 1, replace lines 22 and 23 with:

"IT development costs	<u>\$0</u>	<u>\$320,428</u>
Total general fund	\$0	\$320,428"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2005 - State Treasurer - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$1,030,524	\$1,030,524	\$24,000	\$1,054,524
Operating expenses	366,478	366,478	85,428	451,906
Coal severance payments	252,800	252,800		252,800
	\$1,649,802	\$1,649,802	\$109,428	\$1,759,230
Total all funds				
Less estimated income	0	0	0	0
	\$1,649,802	\$1,649,802	\$109,428	\$1,759,230
General fund				
	7.00	7.00	0.00	7.00
FTE				

#### Department No. 120 - State Treasurer - Detail of House Changes

	Adds Funding for Position Reclassifications <sup>1</sup>	Adds Funding for Information Technology Development <sup>2</sup>	Total House Changes
Salaries and wages	\$24,000		\$24,000
Operating expenses		85,428	85,428
Coal severance payments			
	\$24,000	\$85,428	\$109,428
Total all funds			
Less estimated income	0	0	0
	\$24,000	\$85,428	\$109,428
General fund			
	0.00	0.00	0.00
FTE			

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<sup>1</sup> Funding is added to reclassify two account budget specialist positions.

<sup>2</sup> This amendment adds funding for additional information technology development costs for changes in tax distributions.

#### REPORT OF STANDING COMMITTEE

**SB 2006, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2006 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide for a legislative management study; to provide a contingent appropriation;"

Page 1, replace lines 16 and 17 with:

"Salaries and wages	\$16,910,525	\$1,887,185	\$18,797,710
Operating expenses	5,345,814	2,052,217	7,398,031"

Page 1, replace line 21 with:

"Total all funds	\$31,278,339	\$7,970,110	\$39,248,449"
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Page 1, replace lines 23 and 24 with:

"Total general fund	\$31,182,339	\$8,056,110	\$39,238,449
Full-time equivalent positions	133.00	1.00	134.00"

Page 3, after line 3, insert:

**"SECTION 6. LEGISLATIVE MANAGEMENT STUDY - INCOME TAX CREDITS.** During the 2011-12 interim, the legislative management shall consider studying the state's income tax credits. The study must involve the state tax commissioner and include an inventory of all of the state's income tax credits, a review of the nature of each credit, an indication of the targeted class of recipients of each credit, an analysis of possible barriers to using the credits, an analysis of possible gaps and overlaps in the state's income tax credits, the relationship of state income tax credits to federal tax policy, and a review of the effectiveness of each credit. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

**SECTION 7. CONTINGENT FUNDING - EMERGENCY COMMISSION APPROVAL.** The funds appropriated in the salaries and wages line item in section 1 of this Act include \$112,883 from the general fund and the funds appropriated in the operating expenses line item in section 1 of this Act include \$29,440 from the general fund which may be used by the tax department to hire one full-time equivalent position also included in section 1 of this Act, upon emergency commission approval, for the purpose of performing additional compliance projects. The emergency commission may approve the use of these funds and the additional full-time equivalent position only if the tax department certifies that compliance projects conducted by the new compliance officer authorized by the 2011 legislative assembly have resulted in the collection of at least \$500,000, during the nine-month period beginning on the date the new compliance officer position is filled."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2006 - State Tax Commissioner - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$18,711,656	\$18,711,656	\$86,054	\$18,797,710
Operating expenses	7,339,151	7,339,151	58,880	7,398,031
Capital assets	16,000	16,000		16,000
Homestead tax credit	8,792,788	8,792,788		8,792,788
Disabled veteran credit	4,243,920	4,243,920		4,243,920
Total all funds	\$39,103,515	\$39,103,515	\$144,934	\$39,248,449
Less estimated income	10,000	10,000	0	10,000
General fund	\$39,093,515	\$39,093,515	\$144,934	\$39,238,449
FTE	133.00	133.00	1.00	134.00

#### Department No. 127 - State Tax Commissioner - Detail of House Changes

	Adds Funding to Reclassify FTE Position <sup>1</sup>	Adds Contingent Funding and FTE Position <sup>2</sup>	Total House Changes
Salaries and wages	(\$26,829)	\$112,883	\$86,054
Operating expenses	29,440	29,440	58,880
Capital assets			
Homestead tax credit			
Disabled veteran credit			
Total all funds	\$2,611	\$142,323	\$144,934
Less estimated income	0	0	0
General fund	\$2,611	\$142,323	\$144,934
FTE	0.00	1.00	1.00

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<sup>1</sup> This amendment authorizes the Tax Department to reclassify 1 vacant FTE project manager position to 1 new compliance officer II position and provides operating expenses for the compliance officer II position.

<sup>2</sup> A contingent appropriation from the general fund is added for the Tax Department to hire 1 additional FTE compliance officer position based on additional tax revenues collected. A section is added providing the criteria for accessing the contingent funding, including receiving approval from the Emergency Commission.

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This amendment adds a section to provide for a Legislative Management study of income tax credits.

#### REPORT OF STANDING COMMITTEE

**SB 2009, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2009 was placed on the Sixth order on the calendar.

Page 1, replace lines 16 and 17 with:

"Salaries and wages	\$8,566,196	\$1,146,168	\$9,712,364
Operating expenses	6,094,603	356,850	6,451,453"

Page 1, replace line 21 with:

"Wildlife services	1,067,400	(1,067,400)	0
Wildlife depredation	0	1,000,000	1,000,000"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 and 2 with:

"Total all funds	\$21,316,349	\$1,234,348	\$22,550,697
Less estimated income	<u>14,094,466</u>	<u>562,985</u>	<u>14,657,451</u>
Total general fund	\$7,221,883	\$671,363	\$7,893,246
Full-time equivalent positions	74.50	2.50	77.00"

Page 2, line 14, replace "\$4,627,709" with "\$5,078,037"

Page 2, remove lines 18 through 22

Page 2, line 24, replace "\$1,068,261" with "\$599,461"

Page 2, after line 27, insert:

**"SECTION 6. WILDLIFE DEPREDAION.** The agriculture commissioner shall establish a program to assist in wildlife depredation control for the biennium beginning July 1, 2011, and ending June 30, 2013. The agriculture commissioner may use the funding included in the wildlife depredation line item in section 1 of this Act to contract with a private entity or hire temporary employees for wildlife depredation control and to establish a bounty program to mitigate wildlife depredation issues."

Page 4, overstrike line 18

Page 4, line 19, overstrike "tax commissioner" and insert immediately thereafter "off premises events"

Page 4, line 19, remove "In addition, the agriculture commissioner may issue special events"

Page 4, line 20, remove "permits to promote the wine industry in this state."

Page 5, line 14, overstrike "a designated trade show, convention, festival, or similar event"

Page 5, line 15, overstrike "approved by the tax commissioner" and insert immediately thereafter "off premises events"

Page 5, line 15, remove "In addition, the agriculture commissioner may"

Page 5, line 16, remove "issue special events permits to promote the spirits industry in this state."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2009 - Department of Agriculture - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$9,303,178	\$9,384,828	\$327,536	\$9,712,364
Operating expenses	6,548,199	6,368,661	82,792	6,451,453
Capital assets	17,000	17,000		17,000
Grants	3,095,828	3,170,828		3,170,828
State Board of Animal Health	1,949,052	2,149,052		2,149,052
Wildlife Services	1,067,400	1,417,400	(1,417,400)	
Crop Harmonization Board	50,000	50,000		50,000
Wildlife depredation			1,000,000	1,000,000
Total all funds	\$22,030,657	\$22,557,769	(\$7,072)	\$22,550,697
Less estimated income	13,645,923	14,365,923	291,528	14,657,451
General fund	\$8,384,734	\$8,191,846	(\$298,600)	\$7,893,246
FTE	74.50	75.00	2.00	77.00

#### Department No. 602 - Department of Agriculture - Detail of House Changes

	Adds Anhydrous Ammonia Inspection Positions <sup>1</sup>	Removes Funding for Wildlife Services <sup>2</sup>	Adds Funding for Wildlife Depredation Program <sup>3</sup>	Total House Changes
Salaries and wages	\$327,536			\$327,536
Operating expenses	82,792			82,792
Capital assets				
Grants				
State Board of Animal Health				
Wildlife Services		(1,417,400)		(1,417,400)
Crop Harmonization Board				
Wildlife depredation			1,000,000	1,000,000
Total all funds	\$410,328	(\$1,417,400)	\$1,000,000	(\$7,072)
Less estimated income	410,328	(1,118,800)	1,000,000	291,528
General fund	\$0	(\$298,600)	\$0	(\$298,600)
FTE	2.00	0.00	0.00	2.00

<sup>1</sup> Two anhydrous ammonia inspector positions and related operating expenses are added with funding from the environment and rangeland protection fund. House Bill No. 1321 transfers anhydrous ammonia inspection duties from the Insurance Commissioner to the Agriculture Commissioner.



<sup>2</sup> Funding for the Wildlife Services program is removed, including estimated income of \$868,800 from the Game and Fish Department and \$250,000 from the State Water Commission.

<sup>3</sup> Funding is added from the game and fish fund (\$400,000), from funding received from the State Water Commission (\$100,000), and from other income received (\$500,000) for wildlife depredation control. A section is added requiring the Agriculture Commissioner to establish a wildlife depredation program and authoring the commissioner to contract with a private entity or hire temporary employees for wildlife depredation control and to establish a bounty program to mitigate wildlife depredation issues.

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This amendment also:

- Adjusts Section 4 regarding funding provided from the environment and rangeland protection fund.
- Removes Section 5 that provides \$40,000 from the anhydrous ammonia storage facility inspection fund to the Agriculture Commissioner. House Bill No. 1321 eliminates the anhydrous ammonia storage facility inspection fund and deposits fund revenues in the environment and rangeland protection fund.
- Adjusts Section 6 regarding funding provided from the game and fish fund. The amendments provide that \$599,461 is from the game and fish fund for wildlife depredation (\$400,000) and the State Board of Animal Health (\$199,461).
- Revises Sections 9 and 10 regarding special events permits for wine and spirits promotion.

#### REPORT OF STANDING COMMITTEE

**SB 2011: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commissioner" insert "; and to create and enact a new subsection to section 10-04-08.1 of the North Dakota Century Code, relating to the examination of applications for approval or the registration by qualification of securities and authority of the securities commissioner"

Page 1, after line 16, insert:

**"SECTION 2.** A new subsection to section 10-04-08.1 of the North Dakota Century Code is created and enacted as follows:

When applicable, in examining an application for approval of a securities offering or in examining an application for registration by qualification of a securities offering, the commissioner may utilize the criteria set forth in statements of policy adopted by state securities regulators through the North American securities administrators association which are in effect when the commissioner exercises discretion under this section."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2011 - Securities Department - House Action

This amendment creates a new subsection to Section 10-04-08.1 relating to the authority of the Securities Commissioner.

#### REPORT OF STANDING COMMITTEE

**SB 2018, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2018

was placed on the Sixth order on the calendar.

Page 1, replace lines 11 and 12 with:

"Salaries and wages	\$8,368,675	\$1,168,985	\$9,537,660
Operating expenses	2,284,210	393,706	2,677,916"

Page 1, replace line 18 with:

"Total all funds	\$14,711,589	\$1,873,715	\$16,585,304"
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Page 1, replace line 20 with:

"Total general fund	\$11,052,752	\$1,982,139	\$13,034,891"
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Page 2, replace line 12 with:

"Business analysis	0	10,000"
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Page 2, replace lines 15 through 17 with:

"Total all funds	\$53,806,500	\$915,700
Less estimated income	<u>12,685,000</u>	<u>0</u>
Total general fund	\$41,121,500	\$915,700"

Page 2, after line 30, insert:

**"SECTION 5. STATE ONSITE PROJECT MANAGER - HERITAGE CENTER ADDITION PROJECT.** Notwithstanding section 55-01-02.1, the director of the facility management division of the office of management and budget shall serve as the state onsite project manager for the heritage center addition project until completion of the project. The state onsite project manager has authority to verify and approve all expenditures relating to the project and related exhibits."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2018 - State Historical Society - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$9,586,660	\$9,586,660	(\$49,000)	\$9,537,660
Operating expenses	2,688,326	2,813,326	(135,410)	2,677,916
Capital assets	2,835,736	2,835,736		2,835,736
Grants	1,000,000	1,025,000		1,025,000
Cultural heritage grants	504,500	504,500		504,500
Yellowstone-Missouri-Ft Union Commission	4,492	4,492		4,492
Total all funds	\$16,619,714	\$16,769,714	(\$184,410)	\$16,585,304
Less estimated income	<u>3,550,413</u>	<u>3,550,413</u>	0	<u>3,550,413</u>
General fund	\$13,069,301	\$13,219,301	(\$184,410)	\$13,034,891
FTE	63.00	63.00	0.00	63.00

#### Department No. 701 - State Historical Society - Detail of House Changes

	Reduces Funding for Temporary Salaries <sup>1</sup>	Reduces Funding for Business Analysis <sup>2</sup>	Total House Changes
Salaries and wages	(\$49,000)		(\$49,000)
Operating expenses		(135,410)	(135,410)
Capital assets			
Grants			

Cultural heritage grants Yellowstone-Missouri-Ft Union Commission			
Total all funds	(\$49,000)	(\$135,410)	(\$184,410)
Less estimated income	0	0	0
General fund	(\$49,000)	(\$135,410)	(\$184,410)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment reduces the funding added in the executive budget recommendation for temporary salaries from \$174,000 to \$125,000.

<sup>2</sup> This amendment reduces funding provided in the executive budget recommendation for a business analysis to be completed by the Information Technology Department from \$145,410 to \$10,000.

This amendment adds a section to retain the director of the Facility Management Division of the Office of Management and Budget as project manager for the Heritage Center expansion project throughout its completion.

#### REPORT OF STANDING COMMITTEE

**SB 2206, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2206 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 2-05 of the North Dakota Century Code, relating to anemometer towers; to provide a penalty; to provide an appropriation; to provide for application; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 2-05 of the North Dakota Century Code is created and enacted as follows:

##### **Anemometer towers - Definitions - Penalty.**

1. As used in this section, unless the context otherwise requires:
  - a. "Anemometer" means an instrument for measuring and recording the speed of wind.
  - b. "Anemometer tower" means a structure, including all guy wires and accessory facilities, on which an anemometer is mounted for the purposes of documenting wind resources for the operation of a wind turbine generator.
  - c. "Commission" means the North Dakota aeronautics commission.
2. An anemometer tower that is fifty feet [15.24 meters] in height above the ground or higher, is located outside the zoning jurisdiction of a city, and the appearance of which is not otherwise regulated by state or federal law must be marked, painted, flagged, or otherwise constructed to be recognizable in clear air during daylight hours and:
  - a. Must be painted in equal, alternating bands of orange and white, beginning with orange at the top of the tower and ending with orange at the bottom of the tower;

- b. One or more seven-foot [2.13-meter] safety sleeves must be placed at each anchor point and must extend from the anchor point along each guy wire attached to the anchor point; and
  - c. At least one marker ball must be attached to each guy wire in the highest set of guy wires which does not affect the stability of the tower and the measurement of wind speed.
- 3. The commission may establish and maintain a database that contains locations of all existing anemometer towers by January 1, 2012. The commission may contract with a governmental entity or a private entity to create and maintain the database.
  - a. Within sixty days after the effective date of this Act, an owner of any anemometer tower erected in the state shall provide the commission with global positioning system coordinates of the center of the anemometer tower.
  - b. At least ten days before the erection of an anemometer tower, an owner of the tower shall provide coordinates to the commission.
  - c. Within ten days after the removal of an anemometer tower, an owner of the tower shall notify the commission.
- 4. The commission may enforce this section. A violation of this section is an infraction.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,500, or so much of the sum as may be necessary, to the aeronautics commission for the purpose of establishing a database for anemometer towers, for the biennium beginning July 1, 2011, and ending June 30, 2013.

**SECTION 3. APPLICATION.** Any anemometer tower that was erected before August 1, 2011, must be marked as required in this Act before August 1, 2014. Any anemometer tower that is erected after July 31, 2011, must be marked as required in this Act at the time the tower is erected. An anemometer tower that has been erected in an existing wind energy generating facility on the effective date of this Act is exempt from the provisions of this Act.

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2222, as reengrossed: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2222 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "an"

Page 1, line 2, replace "appropriation" with "for crop insurance development grants"

Page 1, remove lines 9 through 11

Page 1, line 12, replace "d." with "c."

Page 1, line 14, replace "e." with "d."

Page 1, line 16, replace "f." with "e."

Page 1, line 16, replace "One individual" with "Two individuals"

Page 1, line 16, after the underscored comma insert "one appointed by the governor and one"

Page 2, remove lines 8 through 13

Page 2, replace lines 16 through 26 with:

- "1. The crop insurance development board shall assess the feasibility and desirability of proposals submitted by individuals and by public and nonpublic entities pertaining to the development and implementation of crop insurance instruments. The board may authorize the awarding of grants to assist with future actuarial and development costs.
2. Grants may be awarded for up to seventy-five percent of the first fifty thousand dollars and up to fifty percent of the costs thereafter.
3. The board shall establish conditions pertaining to the receipt of grants, including the repayment of some or all of the grants with moneys received by the applicant from the federal crop insurance corporation for continued development of the proposal. The board shall forward any moneys received as repayments under this section to the state treasurer for deposit in the agricultural fuel tax fund."

Page 3, replace lines 4 through 9 with:

**"SECTION 5. CROP INSURANCE DEVELOPMENT GRANTS.** During the 2011-13 biennium, the agricultural products utilization commission shall expend up to \$100,000 from the agricultural fuel tax fund, for the purpose of awarding grants that have been approved by the crop insurance development board in accordance with this Act."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2281, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2281 was placed on the Sixth order on the calendar.

Page 1, line 1, after "15.1-18.2" insert "and a new section to chapter 23-12"

Page 1, line 7, remove "district"

Page 1, line 8, remove the first underscored comma

Page 1, line 13, remove "that student exhibits or reports any sign or symptom of"

Page 1, replace line 14 with ":

- (1) That student reports any defined sign or symptom of a concussion:
- (2) The coach, athletic trainer, or official determines that the student exhibits any defined sign or symptom of a concussion:
- (3) If the coach or official is notified that the student has reported or exhibited any defined sign or symptom of a concussion by:
  - (a) A licensed, registered, or certified medical practitioner operating within the individual's scope of practice; or
  - (b) Any other licensed, registered, or certified individual whose scope of practice includes the recognition of concussion symptoms."

Page 1, line 16, after "after" insert "reporting or"

Page 1, line 19, remove "a licensed"

Page 1, replace lines 20 and 21 with "the student provides to the student's coach or athletic trainer written authorization from a licensed health care provider; and"

Page 1, line 22, after "coach" insert "or official"

Page 1, line 22, replace "to educate the coach about" with "regarding"

Page 2, line 1, remove "district"

Page 2, line 7, remove "district"

Page 2, line 8, remove "district"

Page 2, line 13, replace "and" with an underscored period

Page 2, replace lines 14 and 15 with:

"**SECTION 2.** A new section to chapter 23-12 of the North Dakota Century Code is created and enacted as follows:

**Athletic activities - Children - Concussion management program - Requirements.**

1. Each person sponsoring or sanctioning an athletic activity that requires a child under the age of eighteen to pay a fee in order to regularly practice or train and compete is subject to the terms of a concussion management program.
2. The concussion management program must:
  - a. Define the signs and symptoms of a concussion;
  - b. Provide that a coach, athletic trainer, or official shall remove a student from practice, training, or competition if:
    - (1) That child reports any defined sign or symptom of a concussion;
    - (2) The coach, athletic trainer, or official determines that the child exhibits any defined sign or symptom of a concussion;
    - (3) If the coach or official is notified that the child has reported or exhibited any listed sign or symptom of a concussion by:
      - (a) A licensed, registered, or certified medical practitioner operating within the individual's scope of practice; or
      - (b) Any other licensed, registered, or certified individual whose scope of practice includes the recognition of concussion symptoms;
  - c. Require that any child who is removed in accordance with this subsection must be examined by a licensed health care provider as soon as practicable after reporting or exhibiting any listed sign or symptom of a concussion;
  - d. Provide that any child who is removed in accordance with this subsection may be allowed to return to practice, training, or competition only after the child provides to the child's coach or athletic trainer written authorization from a licensed health care provider; and

- e. Require that each coach receive biennial training to educate the coach about the nature and risk of concussion, including the risk of play after a concussion or head injury.
- 3. The sponsoring body of the activity shall ensure that before a child is allowed to participate, the child and the child's parent or guardian shall document that they have viewed information, made available in written or verifiable electronic form by the activity's sponsoring body, regarding concussions incurred by children participating in athletic activities.
- 4. This section does not create any liability for, or create a cause of action against, the sponsoring body of an activity.
- 5. To carry out its duties under this section, the sponsoring body of an activity may contract for and accept private contributions, gifts, and grants, or in-kind aid from the federal government, the state, or any source.
- 6. For the purpose of this section, "licensed health care provider" means an individual who is registered, licensed, certified, or otherwise statutorily recognized in this state to provide health care services or treatment within the individual's scope of practice.
- 7. This section does not apply to schools that are governed by section 1 of this Act or to any other political subdivision."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2306: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2306 was placed on the Sixth order on the calendar.

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

Page 1, line 1, after "6-09.7-03" insert ", and 6-09.7-05"

Page 1, line 2, remove "and"

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

Page 1, line 23, after the second comma insert "farm credit associations."

Page 2, line 6, replace "twenty-five" with "twelve"

Page 2, line 6, remove the overstrike over "~~five hundred thousand~~"

Page 2, line 7, replace "fifty" with "twenty-five"

Page 2, after line 7, insert:

**"SECTION 3. AMENDMENT.** Section 6-09.7-05 of the North Dakota Century Code is amended and reenacted as follows:

#### **6-09.7-05. Establishment and maintenance of adequate guarantee funds - Use of lands and minerals trust.**

The Bank of North Dakota shall establish and at all times maintain an adequate guarantee reserve fund in a special account in the Bank. ~~The guarantee-reserve fund must be maintained~~Bank may request the director of the office of management and budget to transfer funds from the lands and minerals trust created by section 15-08.1-08 and any moneys transferred from the lands and minerals trust to maintain the to maintain twenty-five percent of the guarantee reserve fund balance.

Transfers from the lands and minerals trust may not exceed a total of six million two hundred fifty thousand dollars. Moneys in the guarantee reserve fund are available to reimburse lenders for guaranteed loans in default. The securities in which the moneys in the reserve fund may be invested must meet the same requirements as those authorized for investment under the state investment board. The income from such investments must be made available for the costs of administering the state guarantee loan program and income in excess of that required to pay the cost of administering the program shall be deposited in the reserve fund. The amount of reserves for all guaranteed loans must be determined by a formula which will assure, as determined by the Bank, an adequate amount of reserve."

Page 2, after line 8, insert:

**"SECTION 5. EXPIRATION DATE.** This Act is effective through July 31, 2013, and after that date is ineffective."

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**