

**JOURNAL OF THE HOUSE****Sixty-second Legislative Assembly**

\* \* \* \* \*

**Bismarck, April 1, 2011**

The House convened at 8:00 a.m., with Speaker Drovdal presiding.

The prayer was offered by Pastor Heather Brown, Trinity Lutheran Parish, Glenburn and Lansford.

The roll was called and all members were present except Representatives M. Nelson and Sukut.

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to Engrossed SB 2236 and Engrossed SB 2327.

Engrossed SB 2236 and Engrossed SB 2327, as amended, were placed on the Fourteenth order of business on today's calendar.

**SECOND READING OF HOUSE RESOLUTIONS ON CONSENT CALENDAR**

**SCR 4010:** A concurrent resolution directing the Legislative Management to study the adequacy of governmental services, including judicial services, to respond to issues relating to an aging population, including veterans, and to study the efficacy of statutes governing public administrator services and methods for the timely and effective delivery of guardianship and public administrator responsibilities and services.

**SCR 4026:** A concurrent resolution directing the Legislative Management to study the use of specialized companies to manage student financial aid refund operations and the online financial and banking services that the companies are offering to students.

The question being on the final adoption of the resolutions, which have been read.

SCR 4010 and SCR 4026 were declared adopted on a voice vote.

\*\*\*\*\*

**SECOND READING OF HOUSE RESOLUTION ON CONSENT CALENDAR**

**SCR 4011:** A concurrent resolution directing the Legislative Management to study the feasibility and desirability of creating a 25-year sustainability vision plan for state facilities with the intent to lower our energy usage, energy costs, and improve the environment.

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

SCR 4011 was declared lost on a voice vote.

\*\*\*\*\*

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. RUBY MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2044, Engrossed SB 2073, SB 2098, Engrossed SB 2145, Engrossed SB 2169, Engrossed SB 2193, and Engrossed SCR 4002, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**SB 2044:** Reps. Weisz, Owens, Delmore

**Engrossed SB 2073:** Reps. Klemin, Maragos, Kilichowski

**SB 2098:** Reps. Hofstad, Schmidt, Holman

**Engrossed SB 2145:** Reps. Devlin, Heilman, Mock

**Engrossed SB 2169:** Reps. Streyle, Boehning, Amerman

**Engrossed SB 2193:** Reps. Kretschmar, Beadle, Zaiser

**Engrossed SCR 4002:** Reps. Hofstad, Brabandt, Hunskor

### SEVENTH ORDER OF BUSINESS

#### MOTION

**REP. GLASSHEIM MOVED** that the report of the Minority as printed on HJ pages 1161-1162 be substituted for the report of the Majority on SCR 4013.

#### REQUEST

**REP. GLASSHEIM REQUESTED** a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on SCR 4013, which request was granted.

#### ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on SCR 4013, the roll was called and there were 24 YEAS, 68 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; 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; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Drovda

**ABSENT AND NOT VOTING:** Nelson, M.; Sukut

The motion failed on a recorded roll call vote.

Therefore, the report of the Majority was adopted.

### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4013:** A concurrent resolution urging Congress to adopt a federal balanced budget amendment.

#### 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 67 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING

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

**NAYS:** Amerman; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Klemin; Kroeber; Metcalf; Mock; Mueller; Nelson, J.; Onstad; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Nelson, M.; Sukut

SCR 4013, as amended, was declared adopted on a recorded roll call vote.

\*\*\*\*\*

### SECOND READING OF SENATE BILL

**SB 2236:** A BILL for an Act to create and enact section 51-07-00.1 and 51-07-02.4 of the North Dakota Century Code, relating to definitions and warranty or incentive audits for new motor vehicle dealers; to amend and reenact section 51-07-02.3 of the North Dakota Century Code, relating to prohibited acts for manufacturers, wholesalers, or distributors of new automobiles and automobile parts; to provide for 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Nelson, M.; Sukut

Engrossed SB 2236, as amended, passed and the emergency clause was declared carried.

\*\*\*\*\*

### SECOND READING OF SENATE BILL

**SB 2327:** A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 16.1-10-02 of the North Dakota Century Code, relating to the use of state or political subdivision services or property for political purposes; and to provide a penalty.

### 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 68 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Beadle; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kreun; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Nelson, M.; Sukut

Engrossed SB 2327, as amended, passed.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2351:** A BILL for an Act to create and enact chapter 15-10.3 of the North Dakota Century Code, relating to student fees at institutions of higher education under the control of the state board of higher education; to provide for a legislative management study; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Nelson, M.; Sukut

Engrossed SB 2351, as amended, passed.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2362:** A BILL for an Act to amend and reenact section 47-05-02.1 of the North Dakota Century Code, relating to requirements for easements, servitudes, and nonappurtenant restrictions.

**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 9 YEAS, 82 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Belter; Devlin; Froseth; Headland; Kaldor; Kasper; Kilichowski; Klein; Zaiser

**NAYS:** Amerman; Anderson; Beadle; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Frantsovog; Glassheim; Grande; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kingsbury; 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; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Gruchalla; Nelson, M.; Sukut

Engrossed SB 2362 lost.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2365:** A BILL for an Act to provide for a legislative management study of the laws relating to the humane treatment of animals.

**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 36 YEAS, 56 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Boe; Dahl; DeKrey; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Klemin; Kreun; Kroeber; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nelson, J.; Onstad; Sanford; Steiner; Wall; Williams; Winrich; Zaiser

**NAYS:** Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Damschen; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hatlestad; Headland; Heilman; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kelsch, R.; Kempenich; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Louser; Maragos; Martinson; Monson; Nathe; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Streyle; Thoreson; Trottier; Vigasaa; Weiler; Weisz; Wieland; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Nelson, M.; Sukut

Engrossed SB 2365 lost.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2279:** A BILL for an Act to amend and reenact sections 37-19.1-01, 37-19.1-02, 37-19.1-03, and 37-19.1-04 of the North Dakota Century Code, relating to veterans' preference; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Nelson, M.; Sukut

Engrossed SB 2279, as amended, passed.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2317:** A BILL for an Act to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to the approval of theological studies instructors; and to amend and reenact section 15.1-21-02.1 of the North Dakota Century Code, relating to theological studies courses.

**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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 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; 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; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**NAYS:** Ruby

**ABSENT AND NOT VOTING:** Nelson, M.; Sukut

Engrossed SB 2317 passed.

\*\*\*\*\*

### SECOND READING OF SENATE BILL

**SB 2180:** A BILL for an Act to amend and reenact sections 40-57.3-01, 40-57.3-01.1, and 40-57.3-02 and subsection 22 of section 57-39.2-04 of the North Dakota Century Code, relating to city lodging tax and state sales tax application to stays of thirty days or more and the city visitors' committee; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 78 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Boe; Glassheim; Hofstad; Johnson, D.; Johnson, N.; Kaldor; Kelsh, S.; Kreun; Meyer, S.; Mock; Steiner; Winrich; Zaiser

**NAYS:** Amerman; Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hogan; Holman; Hunskor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nathe; Nelson, J.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Streyle; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Drovda

**ABSENT AND NOT VOTING:** Nelson, M.; Skarphol; Sukut

SB 2180, as amended, lost.

\*\*\*\*\*

### SECOND READING OF SENATE BILL

**SB 2245:** A BILL for an Act to amend and reenact subdivision k of subsection 18 of section 52-01-01, subdivision b of subsection 2 of section 52-04-07, and subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to ineligibility and eligibility for unemployment compensation benefits; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Nelson, M.; Sukut

Engrossed SB 2245, as amended, passed and the emergency clause was declared carried.

\*\*\*\*\*

### **SECOND READING OF SENATE BILL**

**SB 2286:** A BILL for an Act to amend and reenact sections 53-01-02, 53-01-07, and 53-01-09 of the North Dakota Century Code, relating to the duties of the state commissioner of combative sports.

### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 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.; Onstad; Owens; Paur; Pietsch; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Pollert

**ABSENT AND NOT VOTING:** Nelson, M.; Sukut

Engrossed SB 2286, as amended, passed.

\*\*\*\*\*

### **MOTION**

**REP. VIGESAA MOVED** that SB 2178, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

### **MOTION**

**REP. VIGESAA MOVED** that SB 2132 be moved to the top of the calendar, which motion prevailed.

### **SECOND READING OF SENATE BILL**

**SB 2132:** A BILL for an Act to create and enact a new section to chapter 57-62 of the North Dakota Century Code, relating to designation of a portion of the oil and gas impact grant fund for grants to cities of fewer than seven thousand five hundred population or counties of fewer than ten thousand population.

### **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 37 YEAS, 54 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Beadle; Conklin; DeKrey; Delmore; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hogan; Holman; Hunsakor; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kroeber;

Maragos; Metcalf; Meyer, S.; Mock; Mueller; Onstad; Paur; Rust; Schatz; Steiner; Weisz; Williams; Winrich; Zaiser

**NAYS:** Anderson; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; Delzer; Devlin; Dosch; Frantsvog; Grande; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Martinson; Meier, L.; Monson; Nathe; Nelson, J.; Owens; Pietsch; Pollert; Porter; Rohr; Ruby; Sanford; Schmidt; Skarphol; Streyle; Thoreson; Trottier; Vigasaa; Wall; Weiler; Wieland; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Boe; Nelson, M.; Sukut

Engrossed SB 2132 lost.

\*\*\*\*\*

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HCR 3018.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2317, SCR 4010, SCR 4026.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2279, SB 2286, SB 2327, SB 2351, SCR 4013.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2236, SB 2245.

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2180, SB 2344.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2132, SB 2362, SB 2365, SCR 4011.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1155, HB 1173, HB 1209, HB 1249, HB 1265, HCR 3011.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1002, HB 1048, HB 1217, HB 1334, HB 1422, HB 1433, HCR 3027.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002**

Page 1, replace line 23 with:

"Salaries and wages	\$48,980,255	\$5,399,931	\$54,380,186"
---------------------	--------------	-------------	---------------

Page 2, replace line 6 with:

"Total all funds	\$65,039,419	\$8,304,430	\$73,343,849"
------------------	--------------	-------------	---------------

Page 2, replace line 8 with:

"Total general fund	\$63,268,958	\$8,218,116	\$71,487,074"
---------------------	--------------	-------------	---------------

Page 2, replace line 22 with:

"Grand total general fund	\$74,282,634	\$9,363,770	\$83,646,404"
---------------------------	--------------	-------------	---------------



Page 2, replace lines 24 and 25 with:

"Grand total all funds	\$76,367,441	\$9,461,237	\$85,828,678
Full-time equivalent positions	342.00	3.00	345.00"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1002 - Summary of Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Supreme Court				
Total all funds	\$11,689,507	\$11,594,874	\$0	\$11,594,874
Less estimated income	0	0	0	0
General fund	\$11,689,507	\$11,594,874	\$0	\$11,594,874
District Courts				
Total all funds	\$74,102,085	\$73,015,765	\$328,084	\$73,343,849
Less estimated income	1,856,775	1,856,775	0	1,856,775
General fund	\$72,245,310	\$71,158,990	\$328,084	\$71,487,074
Judicial Conduct Commission				
Total all funds	\$889,955	\$889,955	\$0	\$889,955
Less estimated income	325,499	325,499	0	325,499
General fund	\$564,456	\$564,456	\$0	\$564,456
Bill total				
Total all funds	\$86,681,547	\$85,500,594	\$328,084	\$85,828,678
Less estimated income	2,182,274	2,182,274	0	2,182,274
General fund	\$84,499,273	\$83,318,320	\$328,084	\$83,646,404

#### House Bill No. 1002 - District Courts - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$54,906,227	\$54,052,102	\$328,084	\$54,380,186
Operating expenses	17,058,522	16,858,522		16,858,522
Capital assets	694,480	676,480		676,480
Judges retirement	493,192	478,997		478,997
UND central legal research	80,000	80,000		80,000
Mediation	869,664	869,664		869,664
Total all funds	\$74,102,085	\$73,015,765	\$328,084	\$73,343,849
Less estimated income	1,856,775	1,856,775	0	1,856,775
General fund	\$72,245,310	\$71,158,990	\$328,084	\$71,487,074
FTE	297.00	294.00	2.00	296.00

#### Department No. 182 - District Courts - Detail of Senate Changes

	Restores Funding for 2 FTE Positions <sup>1</sup>	Total Senate Changes
Salaries and wages	\$328,084	\$328,084
Operating expenses		
Capital assets		
Judges retirement		
UND central legal research		
Mediation		
Total all funds	\$328,084	\$328,084
Less estimated income	0	0
General fund	\$328,084	\$328,084
FTE	2.00	2.00

<sup>1</sup> This amendment restores 2 FTE juvenile court officer positions removed by the House.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1048**

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to creation of the agricultural land valuation fund;"

Page 1, line 3, after the semicolon insert "to provide a continuing appropriation;"

Page 1, line 11, overstrike "until that county has fully implemented use of soil type or soil"

Page 1, line 12, overstrike "classification data from detailed and general soil surveys" and insert immediately thereafter "beginning with the first quarter of 2013. The amount withheld from the allocation must be deposited into the agricultural land valuation fund"

Page 1, line 15, remove "The amount withheld from the allocation must be reallocated among"

Page 1, replace lines 16 and 17 with:

**"SECTION 2.** A new section to chapter 57-02 of the North Dakota Century Code is created and enacted as follows:

##### **Agricultural land valuation fund - Deposits - Continuing appropriation.**

There is established a special fund in the state treasury to be known as the agricultural land valuation fund. The moneys withheld under subsection 10 of section 57-02-27.2 must be deposited into the agricultural land valuation fund. All moneys deposited in the agricultural land valuation fund are appropriated as a continuing appropriation and must be allocated to the county from which the withholding was made upon certification from the tax commissioner of the implementation of subsection 7 of section 57-02-27.2 by that county."

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1217**

Page 3, line 5, overstrike "one hundred twenty thousand dollars of true and full" and insert immediately thereafter "five thousand four hundred dollars of taxable"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1334**

Page 1, line 10, after the underscored closing bracket insert "and"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1422**

Page 1, line 8, remove "and"

Page 1, line 9, replace "submitted by" with "to"

Page 1, line 9, after "provider" insert "with the provider's electronic prescribing software system"

Page 1, line 9, remove "by a group purchaser"

Page 1, line 10, after "electronically" insert an underscored comma

Page 1, line 10, after "transmission" insert ", by the payer, by the insurance company, or by the pharmacy benefit manager responsible for implementing or adjudicating or for implementing and adjudicating the authorization or denial of the prior authorization request"

Page 1, line 14, remove "alerts."

Page 1, line 14, after the third underscored comma insert "commercial"

Page 1, line 15, remove "or otherwise"

Page 1, line 19, replace "alert" with "electronic communication sent to the prescriber"

Page 1, line 19, after the first underscored comma insert "including"

Page 1, line 19, after the second underscored comma insert "commercial"

Page 1, line 20, after "be" insert "consistent with the product label."

Page 1, line 20, after "evidence" insert an underscored comma

Page 1, line 21, replace "must be consistent with" with "meet"

Page 1, line 21, replace "regulations" with "requirements"

Page 1, after line 22, insert:

"3. Electronic prescribing software may show information regarding a payer's formulary if the software is not designed to preclude or make more difficult the act of a prescribing practitioner or patient selecting any particular pharmacy or pharmaceutical."

Page 2, line 1, remove "state department of health and the"

Page 2, line 2, remove "work together to"

Page 2, line 3, replace "group purchasers" with "the payers, insurance companies, and pharmacy benefit managers responsible for adjudicating the authorization or denial of the prescription request"

Page 2, line 6, replace "January 1" with "June 30"

Page 2, line 6, remove "state department of health and the"

Page 2, line 8, remove "between providers and group"

Page 2, line 9, remove "purchasers"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1433**

Page 1, line 19, after the period insert "A licensee on inactive status shall meet the same qualifications, testing, and insurance requirements as are required by law and rule for a licensee on active status."

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3027**

Page 1, line 1, remove "of no confidence in the Natural Resources Conservation Service's state"

Page 1, line 2, remove "conservationist and"

Page 2, line 2, remove "and"

Page 2, remove lines 3 through 6

Page 2, line 9, remove "adopts this concurrent resolution of no"

Page 2, line 10, remove "confidence in the state conservationist and"

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 1144.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1144**

Page 1, line 2, replace "special use" with "crew housing"

Page 1, line 8, replace "one or more single or multisectional" with "a group of"

Page 1, line 9, replace "whether or not" with "capable of housing fifty or more individuals."

Page 1, line 9, after "to" insert "at least one"

Page 1, line 9, replace "services" with "service"

Page 1, line 13, replace "special use" with "crew housing"

Page 1, line 14, replace "Special use" with "Crew housing"

Page 1, after line 16, insert:

- "3. "Skid unit" means a structure or group of structures, either single or multisectional, which is built on a permanent chassis and is ordinarily designed for human living quarters or a place of business, either on a temporary or permanent basis."

Page 1, line 17, remove "**special use**"

Page 1, line 20, replace "special use" with "crew housing"

Page 1, line 20, after the underscored period insert "Crew housing permit fees imposed by a city or county must be determined on the basis of the value of services and facilities provided to the crew housing facility by the city or county, or both."

Page 1, after line 22, insert:

**"57-02.4-03. Exemptions.**

This chapter does not apply to:

1. Real property that is exempt from property taxation or subject to payments in lieu of taxes.
2. Mobile or manufactured homes as defined under chapter 57-55.
3. A recreational vehicle, camper, or camper trailer under tax commissioner guidelines.
4. Park model trailers that are used only for seasonal or recreational living quarters and not as a temporary or primary residence, which are located in a trailer park or campground, and for which the owner has paid a park model trailer fee under section 39-18-03.2. For purposes of this chapter, "park model" trailer is defined in section 57-55-10.

5. A skid unit not classified as a crew housing facility.

**57-02.4-04. Reporting requirement.**

Not later than the fifteenth day of January of each calendar year, the owner of a crew housing facility shall file with the county director of tax equalization a memorandum that provides a status report on the current state of the facility, including current square footage, any addition or removal of structures, and the current number of persons the facility can house. The memorandum must include an updated site plan of the entire site and any changes that are planned for the upcoming calendar year."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has appointed as a conference committee to act with a like committee from the House on:

**HB 1085:** Sens. Dever; Uglem; Berry  
**HB 1091:** Sens. Andrist; Laffen; Schneider  
**HB 1092:** Sens. Schaible; Flakoll; Marcellais  
**HB 1124:** Sens. Oehlke; Burckhard; Triplett  
**HB 1204:** Sens. Nething; Sitte; Sorvaag  
**HB 1214:** Sens. Flakoll; Schaible; Marcellais  
**HB 1229:** Sens. G. Lee; Freborg; Heckaman  
**HB 1246:** Sens. Hogue; Burckhard; Dotzenrod  
**HB 1252:** Sens. Dever; J. Lee; Mathern  
**HB 1270:** Sens. G. Lee; Luick; Heckaman  
**HB 1421:** Sens. Nodland; Larsen; Schneider  
**HB 1425:** Sens. Larsen; Nodland; Murphy

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

**MR. SPEAKER:** The Senate has appointed as a conference committee to act with a like committee from the House on:

**HB 1318:** Sens. Uglem; Freborg; Triplett

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2056, SB 2065, SB 2281, SB 2302, SB 2311, and SB 2336, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2056:** Sens. Flakoll; Schaible; Heckaman  
**SB 2065:** Sens. Berry; Sorvaag; Nelson  
**SB 2281:** Sens. Flakoll; Freborg; Heckaman  
**SB 2302:** Sens. Laffen; Klein; Murphy  
**SB 2311:** Sens. G. Lee; Freborg; Marcellais  
**SB 2336:** Sens. Miller; Burckhard; Triplett

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2067, SB 2085, SB 2155, SB 2157, and SB 2276, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2067:** Sens. J. Lee; Berry; Mathern  
**SB 2085:** Sens. Miller; Luick; Murphy  
**SB 2155:** Sens. Uglem; J. Lee; Mathern  
**SB 2157:** Sens. Andrist; Laffen; Dotzenrod  
**SB 2276:** Sens. J. Lee; Uglem; Mathern

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

**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2044:** Reps. Weisz; Owens; Delmore

**SB 2073:** Reps. Klemin; Maragos; Kilichowski

**SB 2098:** Reps. Hofstad; Schmidt; Holman

**SB 2145:** Reps. Devlin; Heilman; Mock

**SB 2169:** Reps. Streyle; Boehning; Amerman

**SB 2193:** Reps. Kretschmar; Beadle; Zaiser

**SCR 4002:** Reps. Hofstad; Brabandt; Hunsakor

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1049, HB 1093, HB 1154, HB 1317, HB 1367, HB 1438.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2071, SB 2108.

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

**MR. SPEAKER:** The President has signed: HB 1049, HB 1093, HB 1114, HB 1154, HB 1317, HB 1367, HB 1438.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1008, HB 1055, HB 1066, HB 1072, HB 1109, HB 1117, HB 1125, HB 1137, HB 1156, HB 1159, HB 1165, HB 1181, HB 1211, HB 1213, HB 1215, HB 1218, HB 1230, HB 1261, HB 1304, HB 1319, HB 1337, HB 1371, HB 1375, HB 1380, HB 1396, HB 1407, HB 1419, HB 1454, HB 1461, HB 1464.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3003, HCR 3031.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2049.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 1, 2011: HB 1008, HB 1055, HB 1066, HB 1072, HB 1109, HB 1117, HB 1125, HB 1137, HB 1156, HB 1159, HB 1165, HB 1181, HB 1211, HB 1213, HB 1215, HB 1218, HB 1230, HB 1261, HB 1304, HB 1319, HB 1337, HB 1371, HB 1375, HB 1380, HB 1396, HB 1407, HB 1419, HB 1454, HB 1461, HB 1464.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on April 1, 2011: HCR 3003, HCR 3031.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, April 4, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2014: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar.

Page 1, replace line 12 with:

"Total all funds	\$4,543,318	\$545,935	\$5,089,253"
------------------	-------------	-----------	--------------

Page 1, replace line 14 with:

"Total general fund	\$1,555,815	\$414,550	\$1,970,365"
---------------------	-------------	-----------	--------------

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## Senate Bill No. 2014 - Protection and Advocacy Project - House Action

	Executive Budget	Senate Version	House Changes	House Version
Protection and Advocacy Project	\$5,139,253	\$5,139,253	(\$50,000)	\$5,089,253
Total all funds	\$5,139,253	\$5,139,253	(\$50,000)	\$5,089,253
Less estimated income	3,118,888	3,118,888	0	3,118,888
General fund	\$2,020,365	\$2,020,365	(\$50,000)	\$1,970,365
ETF	28.50	28.50	0.00	28.50

## Department No. 360 - Protection and Advocacy Project - Detail of House Changes

	<b>Reduces Funding for Protection and Advocacy Project<sup>1</sup></b>	<b>Total House Changes</b>
Protection and Advocacy Project	(\$50,000)	(\$50,000)
Total all funds	(\$50,000)	(\$50,000)
Less estimated income	0	0
General fund	(\$50,000)	(\$50,000)
FTE	0.00	0.00

<sup>1</sup> Funding from the general fund for the Protection and Advocacy Project is reduced by \$50,000 with specific budget reductions to be determined by the agency.

## REPORT OF STANDING COMMITTEE

SB 2019, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2019 was placed on the Sixth order on the calendar.

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

Page 1, replace line 15 with:

"Administration	\$2,182,685	\$477,200	\$2,659,885"
-----------------	-------------	-----------	--------------

Page 1, replace line 18 with:

"Total all funds	\$21,973,791	\$6,453,598	\$28,427,389"
------------------	--------------	-------------	---------------

Page 1, replace line 20 with:

"Total general fund	\$9,825,737	\$5,932,120	\$15,757,857"
---------------------	-------------	-------------	---------------

Page 2, replace lines 3 and 4 with:

"International Peace Garden	\$736,854	\$303,845	\$1,040,699
-----------------------------	-----------	-----------	-------------

Total general fund	\$736,854	\$303,845	\$1,040,699"
--------------------	-----------	-----------	--------------

Page 2, replace line 9 with:

"Grand total general fund	\$10,562,591	\$6,235,965	\$16,798,556"
---------------------------	--------------	-------------	---------------

Page 2, replace line 11 with:

"Grand total all funds	\$22,710,645	\$6,757,443	\$29,468,088"
------------------------	--------------	-------------	---------------

Page 2, after line 21, insert:

"Missouri River correctional center recreation study	0	175,000"
--	---	----------

Page 2, replace lines 24 and 25 with:

"International Peace Garden capital projects	86,600	267,000
and deferred maintenance"		

Page 2, replace line 28 with:

"Total all funds	\$5,571,368	\$4,924,210"
------------------	-------------	--------------

Page 2, replace line 30 with:

"Total general fund	\$4,771,368	\$4,924,210"
---------------------	-------------	--------------

Page 3, after line 17, insert:

**"SECTION 5. MISSOURI RIVER CORRECTIONAL CENTER RECREATION STUDY.** The administration line item in subdivision 1 of section 1 of this Act includes \$175,000 from the general fund for conducting a study of the grounds and facilities of the Missouri River correctional center for possible use as a state park or recreation area. The department, as part of the study, must examine appropriate passive recreation and outdoor education uses of the grounds and facilities of the Missouri River correctional center and other potential uses of existing facilities by the parks and recreation department which are not in conflict with the recommended passive recreational uses.

**SECTION 6. INTERNATIONAL PEACE GARDEN CONSERVATORY ADDITION.** The international peace garden line item in subdivision 2 of section 1 of this Act includes \$242,000 from the general fund for the state's share of the cost to build an expansion onto the conservatory for a cactus collection. The international peace garden must obtain the remaining funding of \$242,000 needed for the project from nonstate sources prior to beginning the project."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2019 - Summary of House Action

	Executive Budget	Senate Version	House Changes	House Version
Parks and Recreation Department				
Total all funds	\$28,252,389	\$28,252,389	\$175,000	\$28,427,389
Less estimated income	12,669,532	12,669,532	0	12,669,532
General fund	\$15,582,857	\$15,582,857	\$175,000	\$15,757,857
International Peace Garden				
Total all funds	\$773,699	\$773,699	\$267,000	\$1,040,699
Less estimated income	0	0	0	0
General fund	\$773,699	\$773,699	\$267,000	\$1,040,699
Bill total				
Total all funds	\$29,026,088	\$29,026,088	\$442,000	\$29,468,088
Less estimated income	12,669,532	12,669,532	0	12,669,532



General fund	\$16,356,556	\$16,356,556	\$442,000	\$16,798,556
--------------	--------------	--------------	-----------	--------------

**Senate Bill No. 2019 - Parks and Recreation Department - House Action**

	Executive Budget	Senate Version	House Changes	House Version
Administration	\$2,484,885	\$2,484,885	\$175,000	\$2,659,885
Natural resources	18,238,413	18,238,413		18,238,413
Recreation	7,529,091	7,529,091		7,529,091
Total all funds	\$28,252,389	\$28,252,389	\$175,000	\$28,427,389
Less estimated income	12,669,532	12,669,532	0	12,669,532
General fund	\$15,582,857	\$15,582,857	\$175,000	\$15,757,857
FTE	54.00	54.00	0.00	54.00

**Department No. 750 - Parks and Recreation Department - Detail of House Changes**

	Adds Funding for Recreation Study <sup>1</sup>	Total House Changes
Administration	\$175,000	\$175,000
Natural resources		
Recreation		
Total all funds	\$175,000	\$175,000
Less estimated income	0	0
General fund	\$175,000	\$175,000
FTE	0.00	0.00

<sup>1</sup> This amendment adds one-time funding for a study of the Missouri River Correctional Center for possible use as a state park or recreational area. A section is added providing the criteria for the study.

**Senate Bill No. 2019 - International Peace Garden - House Action**

	Executive Budget	Senate Version	House Changes	House Version
International Peace Garden	\$773,699	\$773,699	\$267,000	\$1,040,699
Total all funds	\$773,699	\$773,699	\$267,000	\$1,040,699
Less estimated income	0	0	0	0
General fund	\$773,699	\$773,699	\$267,000	\$1,040,699
FTE	0.00	0.00	0.00	0.00

**Department No. 751 - International Peace Garden - Detail of House Changes**

	Adds Funding for Conservatory Addition <sup>1</sup>	Adds Funding for Memorial <sup>2</sup>	Total House Changes
International Peace Garden	\$242,000	\$25,000	\$267,000
Total all funds	\$242,000	\$25,000	\$267,000
Less estimated income	0	0	0
General fund	\$242,000	\$25,000	\$267,000
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment adds funding for an addition to the conservatory to house a cactus collection. A section is added regarding additional funding from other nonstate sources.

<sup>2</sup> This amendment adds funding for a memorial to victims of the September 11, 2001, terrorist attack on the World Trade Center.

#### REPORT OF STANDING COMMITTEE

**SB 2122, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2122 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2140, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2140 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2161, as engrossed: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2161 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "or"

Page 1, line 12, remove "unmaintained"

Page 1, line 18, replace "regarding" with "on"

Page 1, line 19, after "line" insert ", unless the political subdivision had actual knowledge of an unusually dangerous or unusually hazardous condition that a traveler would not reasonably expect to exist due to the nature of the surrounding topography or geological environment and failed to warn travelers of that condition"

Page 1, line 20, replace "regarding" with "on"

Page 1, line 22, replace "notified in writing" with "served with notice of the hazard by certified mail or otherwise has actual knowledge"

Page 2, line 2, after "hazard" insert "or fails to provide warning that the congressional section line has a hazardous condition"

Page 2, line 2, after "after" insert "service of"

Page 2, line 3, replace "written notification," with "notice"

Page 2, line 3, remove "fails to provide warning that the congressional"

Page 2, line 4, replace "section line has a hazardous condition" with "after the political subdivision has actual knowledge"

Page 2, line 5, replace "creates" with "causes or contributes to"

Page 2, line 6, replace "by altering" with "on"

Page 2, line 6, replace "is" with "may be"

Page 2, line 6, remove "any"

Page 2, line 6, remove "caused"

Page 2, line 7, remove "by the alteration"

Page 2, line 8, replace "seek" with "issue"

Page 2, line 8, replace "alters" with "causes or contributes to a hazard on"

Page 2, line 9, remove "restore the congressional section line to its original"

Page 2, line 10, replace "state" with "mitigate the hazard"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2253: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2253 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 amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to the allocation of funds in the state aid distribution fund; and to provide an effective date.

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

**SECTION 1. AMENDMENT.** Section 57-39.2-26.1 of the North Dakota Century Code is amended and reenacted as follows:

##### **57-39.2-26.1. Allocation of revenues among political subdivisions.**

Notwithstanding any other provision of law, a portion of sales, gross receipts, use, and motor vehicle excise tax collections, equal to forty percent of an amount determined by multiplying the quotient of one percent divided by the general sales tax rate, that was in effect when the taxes were collected, times the net sales, gross receipts, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-39.5, 57-39.6, 57-40.2, and 57-40.3 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, gross receipts, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. Revenues deposited in the state aid distribution fund are provided as a standing and continuing appropriation and must be allocated as follows:

1. Fifty-three and seven-tenths percent of the revenues must be allocated to counties in the first month after each quarterly period as provided in this subsection.
  - a. Sixty-four percent of the amount must be allocated among the seventeen counties with the greatest population, in the following manner:
    - (1) Thirty-two percent of the amount must be allocated equally among the counties; and
    - (2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.
  - b. Thirty-six percent of the amount must be allocated among all counties, excluding the seventeen counties with the greatest population, in the following manner:
    - (1) Forty percent of the amount must be allocated equally among the counties; and
    - (2) The remaining amount must be allocated based upon the proportion each such county's population bears to the total population of all such counties.

A county shall deposit all revenues received under this subsection in the county general fund. Each county shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, townships, rural fire protection districts, rural ambulance districts, soil conservation districts, county recreation service districts, county hospital districts, the Garrison Diversion Conservancy District, the southwest

water authority, and other taxing districts within the county, excluding school districts, cities, and taxing districts within cities. The share of the county allocation under this subsection to be distributed to a township must be equal to the percentage of the county share of state aid distribution fund allocations that township received during calendar year 1996. The governing boards of the county and township may agree to a different distribution.

2. Forty-six and three-tenths percent of the revenues must be allocated to cities in the first month after each quarterly period ~~as provided in this subsection based upon the proportion each city's population bears to the total population of all cities.~~
  - a. ~~Nineteen and four tenths percent of the amount must be allocated among cities with a population of eighty thousand or more, based upon the proportion each city's population bears to the total population of all such cities.~~
  - b. ~~Thirty-four and five tenths percent of the amount must be allocated among cities with a population of twenty thousand or more but fewer than eighty thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
  - c. ~~Sixteen percent of the amount must be allocated among cities with a population of ten thousand or more but fewer than twenty thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
  - d. ~~Four and nine tenths percent of the amount must be allocated among cities with a population of five thousand or more but fewer than ten thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
  - e. ~~Thirteen and one tenth percent of the amount must be allocated among cities with a population of one thousand or more but fewer than five thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
  - f. ~~Six and one tenth percent of the amount must be allocated among cities with a population of five hundred or more but fewer than one thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
  - g. ~~Three and four tenths percent of the amount must be allocated among cities with a population of two hundred or more but fewer than five hundred, based upon the proportion each such city's population bears to the total population of all such cities.~~
  - h. ~~Two and six tenths percent of the amount must be allocated among cities with a population of fewer than two hundred, based upon the proportion each such city's population bears to the total population of all such cities.~~

A city shall deposit all revenues received under this subsection in the city general fund. Each city shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, park districts and other taxing districts within the city, excluding school districts. The share of the city allocation under this subsection to be distributed to a park district must be equal to the percentage of the city share of state aid distribution fund allocations that park district received during calendar year 1996, up to a maximum of thirty percent. The governing boards of the city and park district may agree to a different distribution.

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

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**

