

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, April 7, 2011

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

The prayer was offered by Chaplain Colleen Ressler, St. Vincent's Care Center, Bismarck.

The roll was called and all members were present except Representatives Rohr and Thoreson.

A quorum was declared by the Speaker.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4007:** A concurrent resolution providing for the application for an amendments convention to the Constitution of the United States to be called for the purpose of proposing an amendment that provides that an increase in the federal debt requires approval from a majority of the legislatures of the separate states.

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

**YEAS:** Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; 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.; Metcalf; Monson; Mueller; Nathe; Nelson, J.; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Drovdal

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

**ABSENT AND NOT VOTING:** Rohr; Thoreson

SCR 4007 was declared adopted on a recorded roll call vote.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. VIGESAA MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2004, SB 2005, and Reengrossed SB 2276, which motion prevailed.

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

**Engrossed SB 2004:** Reps. Dahl, Thoreson, Glassheim

**SB 2005:** Reps. Kempenich, Klein, Kroeber

**Reengrossed SB 2276:** Reps. Weisz, Devlin, Holman

**MOTION**

**REP. RUBY MOVED** that the House reconsider its action whereby it failed to concur in the Senate amendments to HB 1164, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. RUBY MOVED** that the House of Representatives Conference Committee on

Engrossed HB 1164, be dissolved, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. RUBY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1164 as printed on HJ pages 1277-1279, which motion prevailed on a voice vote.

Engrossed HB 1164, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1164:** A BILL for an Act to amend and reenact sections 39-24-09.1, 39-29-01, 39-29-10, and 39-29-12 of the North Dakota Century Code, relating to the operation of off-highway vehicles by individuals under sixteen years of age; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 12 YEAS, 80 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Gruchalla; Guggisberg; Hogan; Hunskor; Kaldor; Kelsh, S.; Kroeber; Mock; Mueller; Onstad; Winrich

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

**ABSENT AND NOT VOTING:** Rohr; Thoreson

Reengrossed HB 1164 lost.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1328 as printed on HJ page 1132, which motion prevailed on a voice vote.

Engrossed HB 1328, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1328:** A BILL for an Act to amend and reenact sections 35-17-04, 35-29-05, 35-30-02, 35-31-02, and 47-16-03 of the North Dakota Century Code, relating to the procedure for filing an agister's lien, the fees for filing federal tax liens, the procedure to file a processor's lien, the procedure to file an agricultural supplier's lien in the office of the secretary of state or a county recorder, and the procedure to file a landlord's lien in the office of a county recorder.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; 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; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rust;

Sanford; Schatz; Schmidt; Steiner; Streyle; Sukut; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Bellew; Boe; Delzer; Headland; Mueller; Ruby; Skarphol; Weiler

**ABSENT AND NOT VOTING:** Rohr; Thoreson

Reengrossed HB 1328 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1329 as printed on HJ page 1178, which motion prevailed on a voice vote.

Engrossed HB 1329, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1329:** A BILL for an Act to amend and reenact sections 29-04-02 and 29-04-03 of the North Dakota Century Code, relating to statute of limitations in possession of stolen property or services.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Koppelman; Rohr; Thoreson

Reengrossed HB 1329 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1334 as printed on HJ page 1300, which motion prevailed on a voice vote.

Engrossed HB 1334, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

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

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 4 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; Kelsch, R.; Kelsh, J.;

Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Keiser; Kreun; Nathe; Weiler

**ABSENT AND NOT VOTING:** Rohr; Thoreson

Reengrossed HB 1334 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1338 as printed on HJ page 1155, which motion prevailed on a voice vote.

Engrossed HB 1338, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

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

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Rohr; Thoreson

Reengrossed HB 1338 passed.

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#### **REQUEST**

**REP. KOPPELMAN REQUESTED** that the record show that he intended to vote "AYE" on HB 1329, which request was granted.

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. GRANDE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1355 as printed on HJ page 1029, which motion prevailed on a voice vote.

Engrossed HB 1355, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1355:** A BILL for an Act to create and enact section 54-09-02.1 of the North Dakota Century Code, relating to certificates and certified copies issued by the secretary of state; and to amend and reenact sections 10-34-09, 43-07-13, 54-09-04, and 54-09-07 of the North Dakota Century Code, relating to the fees collected by the secretary of state from real estate investment trusts, fees collected by the secretary of state for certified copies, fees charged and collected by the secretary of state, and service of process on the secretary of state.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Rohr; Thoreson

Reengrossed HB 1355 passed.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. N. JOHNSON MOVED** that the House do concur in the Senate amendments to Engrossed HB 1382 as printed on HJ page 1330, which motion prevailed on a voice vote.

Engrossed HB 1382, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1382:** A BILL for an Act to amend and reenact subsections 11 and 15 of section 49-23-01 of the North Dakota Century Code, relating to the one-call excavation notice system.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Rohr; Thoreson

Reengrossed HB 1382 passed.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do concur in the Senate amendments to HB 1386 as printed on HJ pages 1046-1047, which motion prevailed on a voice vote.

HB 1386, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1386:** A BILL to provide for a legislative management study and a report from the insurance department.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 59 YEAS, 33 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Boehning; Brandenburg; Clark; Conklin; Delmore; Dosch; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Ruby; Skarphol; Steiner; Sukut; Trottier; Wall; Weiler; Williams; Winrich; Speaker Drovdal

**NAYS:** Anderson; Beadle; Bellew; Belter; Brabandt; Carlson; Dahl; Damschen; DeKrey; Delzer; Devlin; Frantsvog; Froseth; Grande; Headland; Heller; Klein; Koppelman; Kreun; Louser; Meier, L.; Nelson, J.; Pollert; Rust; Sanford; Schatz; Schmidt; Streyle; Vigasaa; Weisz; Wieland; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Rohr; Thoreson

Engrossed HB 1386 passed.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1389 as printed on HJ page 1178, which motion prevailed on a voice vote.

Engrossed HB 1389, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1389:** A BILL for an Act to create and enact a new section to chapter 31-13 of the North Dakota Century Code, relating to tampering with a DNA sample; to amend and reenact sections 31-13-03, 31-13-04, and 31-13-07 of the North Dakota Century Code, relating to the collection and testing of DNA samples for law enforcement identification purposes; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 3 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; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**NAYS:** Delzer; Rust; Wrangham

**ABSENT AND NOT VOTING:** Rohr; Thoreson

Reengrossed HB 1389 passed.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PORTER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1393 as printed on HJ pages 1105-1106, which motion prevailed on a voice vote.

Engrossed HB 1393, as amended, was placed on the Eleventh order of business.

## SECOND READING OF HOUSE BILL

**HB 1393:** A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to legal weapons for hunting purposes.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Beadle; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Skarphol; Streyle; Sukut; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**NAYS:** Anderson; Bellew; Boe; Frantsvog; Keiser; Klemin; Kreun; Nelson, J.; Schmidt; Steiner; Trottier; Vigesa

**ABSENT AND NOT VOTING:** Rohr; Thoreson

Reengrossed HB 1393 passed.

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## REPORT OF STANDING COMMITTEE

**SB 2003, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 6, after the second semicolon insert "to provide legislative intent;"

Page 1, replace line 15 with:

"Salaries and wages	\$25,958,281	\$3,219,735	\$29,178,016"
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Page 2, replace line 1 with:

"Total all funds	\$50,862,653	\$7,192,880	\$58,055,533"
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Page 2, replace line 3 with:

"Total general fund	\$28,060,432	\$3,153,783	\$31,214,215"
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Page 4, line 15, replace "thirty-four" with "thirty"

Page 4, line 16, replace "one" with "two"

Page 4, line 16, replace "thirty-five" with "twenty-eight"

Page 4, line 18, replace "thirty-eight" with "thirty-four"

Page 4, line 19, replace "fifty-nine" with "thirty-five"

Page 5, after line 13, insert:

**"SECTION 10. PROJECT PLANNING AND IMPLEMENTATION.** The attorney general shall involve the information technology department in the study and

planning of the criminal history repository replacement project, for the biennium beginning July 1, 2011, and ending June 30, 2013. The attorney general shall include information technology department architects in software development, computer systems, and security and network on the project team responsible for the study and planning of the project and receive approval from the information technology department before proceeding with any study recommendations relating to the project.

**SECTION 11. LEGISLATIVE INTENT - EMPLOYEE POSITIONS PAID WITH FEDERAL FISCAL STIMULUS FUNDS.** It is the intent of the sixty-second legislative assembly that the attorney general's base budget for the 2013-15 biennium not include funding or full-time equivalent positions for employees paid for with federal fiscal stimulus funds during the 2011-13 biennium. The attorney general may request funding for these positions as optional requests in the agency's budget request for the 2013-15 biennium."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2003 - Attorney General - House Action

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$29,573,339	\$29,573,339	(\$395,323)	\$29,178,016
Operating expenses	16,418,016	16,418,016		16,418,016
Capital assets	2,256,183	2,256,183		2,256,183
Grants	3,420,000	3,420,000		3,420,000
Litigation fees	50,000	50,000		50,000
Medical examinations	660,000	660,000		660,000
North Dakota Lottery	3,700,242	3,700,242		3,700,242
Arrest and return of fugitives	10,000	10,000		10,000
Gaming Commission	7,368	7,368		7,368
Federal stimulus funds	2,355,708	2,355,708		2,355,708
Total all funds	\$58,450,856	\$58,450,856	(\$395,323)	\$58,055,533
Less estimated income	26,841,318	26,841,318	0	26,841,318
General fund	\$31,609,538	\$31,609,538	(\$395,323)	\$31,214,215
FTE	202.50	202.50	0.00	202.50

#### Department No. 125 - Attorney General - Detail of House Changes

	Removes Funding for Equity and Reclassification for Technicians <sup>1</sup>	Removes Funding for Equity and Increases for Forensic Staff <sup>2</sup>	Reduces Funding for the Attorney General's Salary <sup>3</sup>	Total House Changes
Salaries and wages	(\$190,501)	(\$192,293)	(\$12,529)	(\$395,323)
Operating expenses				
Capital assets				
Grants				
Litigation fees				
Medical examinations				
North Dakota Lottery				
Arrest and return of fugitives				
Gaming Commission				
Federal stimulus funds				
Total all funds	(\$190,501)	(\$192,293)	(\$12,529)	(\$395,323)
Less estimated income	0	0	0	0
General fund	(\$190,501)	(\$192,293)	(\$12,529)	(\$395,323)
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment removes funding included in the executive recommendation for position reclassifications and salary equity adjustments for identification technicians.

<sup>2</sup> This amendment removes funding included in the executive recommendation for forensic



scientists for salary equity adjustments and salary increases upon employees receiving certification.

<sup>3</sup> This amendment reduces funding for salary increases included in the executive recommendation for the Attorney General to provide a July 1, 2011, annual salary of \$130,228, and a July 1, 2012, annual salary of \$134,135.

This amendment adds two sections relating to:

- The study and planning of the criminal history repository replacement information technology project.
- Legislative intent regarding employee positions paid for with federal stimulus funding during the 2011-13 biennium.

#### REPORT OF STANDING COMMITTEE

**SB 2011: 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 2011 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1211 of the House Journal, Senate Bill No. 2011 is amended as follows:

Page 1, line 6, after the second "from" insert "fees or"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2016, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 2, after the fourth semicolon insert "to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating to written confirmation of federal disaster funding;"

Page 1, line 4, after the semicolon insert "to provide legislative intent;"

Page 1, replace lines 17 and 18 with:

"Capital assets	223,670	331,082	554,752
Grants	449,514	60,000	509,514"

Page 2, replace lines 13 and 14 with:

"Radio communications	<u>0</u>	<u>3,735,000</u>	<u>3,735,000</u>
Total all funds	\$58,379,929	\$93,418,963	\$151,798,892"

Page 2, replace line 16 with:

"Total general fund	\$5,829,060	\$7,087,356	\$12,916,416"
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Page 2, replace line 21 with:

"Grand total general fund	\$21,789,867	\$7,563,688	\$29,353,555"
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Page 2, replace line 23 with:

"Grand total all funds	\$141,677,968	\$92,279,965	\$233,957,933"
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Page 3, replace line 11 with:

"State radio tower package	0	1,500,000"
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Page 3, replace lines 14 and 15 with:

"Armory grants	0	60,000
Extraordinary repairs	<u>0</u>	<u>325,381</u>
Total all funds	\$135,719,117	\$5,818,428"

Page 3, replace line 17 with:

"Total general fund	\$18,935,347	\$5,318,428"
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Page 3, line 30, replace ", subject to emergency commission approval, any additional funds" with "out of any moneys"

Page 4, line 1, replace "as determined necessary by" with "not otherwise appropriated, the sum of \$3,500,000, or so much of the sum as may be necessary, to"

Page 4, line 1, after "for" insert "the purpose of providing the required state share of funding to match federal funds for"

Page 4, line 2, replace "of" with "associated with presidential-declared"

Page 4, after line 19, insert:

**"SECTION 8.** A new section to chapter 37-17.1 of the North Dakota Century Code is created and enacted as follows:

**Written confirmation of federal disaster funding required.**

If the expected source of funding or reimbursement for a construction or repair project is from or through the approval of the federal emergency management agency, a political subdivision shall request and receive written approval from the federal emergency management agency before contracting for the construction or repair."

Page 5, after line 29, insert:

**"SECTION 10. LEGISLATIVE INTENT - STATE RADIO TOWER PACKAGE.**

It is the intent of the sixty-second legislative assembly that the adjutant general work with other public agencies and private sector entities to maximize the number of state radio tower enhancements or additions that may be implemented within the funding appropriated in subdivision 2 of section 1 of this Act, for the biennium beginning July 1, 2011, and ending June 30, 2013."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2016 - Summary of House Action**

	<b>Executive Budget</b>	<b>Senate Version</b>	<b>House Changes</b>	<b>House Version</b>
Adjutant General				
Total all funds	\$82,159,041	\$82,159,041	\$3,500,000	\$85,659,041
Less estimated income	<u>65,721,902</u>	<u>65,721,902</u>	<u>3,500,000</u>	<u>69,221,902</u>
General fund	\$16,437,139	\$16,437,139	\$0	\$16,437,139
Department of Emergency Services				
Total all funds	\$151,704,462	\$152,298,892	(\$500,000)	\$151,798,892

Less estimated income	138,482,476	138,882,476	0	138,882,476
General fund	13,221,986	13,416,416	(\$500,000)	12,916,416
Bill total				
Total all funds	\$233,863,503	\$234,457,933	\$3,000,000	\$237,457,933
Less estimated income	204,204,378	204,604,378	3,500,000	208,104,378
General fund	29,659,125	29,853,555	(\$500,000)	29,353,555

**Senate Bill No. 2016 - Adjutant General - House Action**

	Executive Budget	Senate Version	House Changes	House Version
Salaries and wages	\$5,153,886	\$5,153,886		\$5,153,886
Operating expenses	4,062,891	4,062,891		4,062,891
Capital assets	614,752	614,752	(60,000)	554,752
Grants	449,514	449,514	60,000	509,514
Civil Air Patrol	243,353	243,353		243,353
Tuition, recruiting, and retention	2,407,500	2,407,500		2,407,500
Air Guard contract	10,989,323	10,989,323		10,989,323
Army Guard contract	56,110,757	56,110,757		56,110,757
Reintegration program	1,550,149	1,550,149		1,550,149
Veterans' Cemetery	576,916	576,916		576,916
Additional state disaster matching			3,500,000	3,500,000
Total all funds	\$82,159,041	\$82,159,041	\$3,500,000	\$85,659,041
Less estimated income	65,721,902	65,721,902	3,500,000	69,221,902
General fund	\$16,437,139	\$16,437,139	\$0	\$16,437,139
FTE	179.00	179.00	0.00	179.00

**Department No. 540 - Adjutant General - Detail of House Changes**

	Reduces Capital Assets for Extraordinary Repairs <sup>1</sup>	Adds Funding for Grants to Armories <sup>2</sup>	Adds State Disaster Relief Fund Spending Authority <sup>3</sup>	Total House Changes
Salaries and wages				
Operating expenses				
Capital assets	(60,000)			(60,000)
Grants		60,000		60,000
Civil Air Patrol				
Tuition, recruiting, and retention				
Air Guard contract				
Army Guard contract				
Reintegration program				
Veterans' Cemetery				
Additional state disaster matching			3,500,000	3,500,000
Total all funds	(\$60,000)	\$60,000	\$3,500,000	\$3,500,000
Less estimated income	0	0	3,500,000	3,500,000
General fund	(\$60,000)	\$60,000	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding provided for one-time extraordinary repairs is reduced by \$60,000, from \$385,381 to \$325,381.

<sup>2</sup> Funding is added for grants to the 18 municipal-owned armories to be distributed proportionately based on rental rates.

<sup>3</sup> The amendment changes Section 4 to limit the Adjutant General's additional spending authority from the state disaster relief fund to \$3.5 million to match federal disaster funds.

The amendment creates a new section to Chapter 37-17.1 requiring written confirmation of federal disaster funding prior to a political subdivision contracting for the construction or repair projects.

**Senate Bill No. 2016 - Department of Emergency Services - House Action**

	<b>Executive Budget</b>	<b>Senate Version</b>	<b>House Changes</b>	<b>House Version</b>
Salaries and wages	\$11,363,744	\$11,363,744		\$11,363,744
Operating expenses	9,335,592	9,930,022		9,930,022
Capital assets	2,327,347	2,427,347		2,427,347
Grants	71,419,771	71,419,771		71,419,771
2009 flood disaster	52,923,008	52,923,008		52,923,008
Radio communications	4,335,000	4,235,000	(500,000)	3,735,000
Total all funds	\$151,704,462	\$152,298,892	(\$500,000)	\$151,798,892
Less estimated income	138,482,476	138,882,476	0	138,882,476
General fund	\$13,221,986	\$13,416,416	(\$500,000)	\$12,916,416
FTE	63.00	63.00	0.00	63.00

**Department No. 542 - Department of Emergency Services - Detail of House Changes**

	<b>Reduces Funding for State Radio Tower Enhancements<sup>1</sup></b>	<b>Total House Changes</b>
Salaries and wages		
Operating expenses		
Capital assets		
Grants		
2009 flood disaster		
Radio communications	(500,000)	(500,000)
Total all funds	(\$500,000)	(\$500,000)
Less estimated income	0	0
General fund	(\$500,000)	(\$500,000)
FTE	0.00	0.00

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<sup>1</sup> One-time funding provided for State Radio tower enhancements is reduced by \$500,000, from \$2 million to \$1.5 million.

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A section of legislative intent is added to provide that the Adjutant General work with public and private sector entities to maximize the number of State Radio tower enhancements or additions that may be implemented within the funding provided.

**REPORT OF STANDING COMMITTEE**

**SB 2309, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2309 was placed on the Sixth order on the calendar.

Page 1, line 1, after "chapter" insert "26.1-36 and a new section to chapter"

Page 1, line 2, after "to" insert "accident and health insurance coverage and"

Page 1, after line 3, insert:

**"SECTION 1.** A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

**Freedom to choose and provide medical services.**

1. Regardless of whether a resident of this state has or is eligible for health insurance coverage:

- a. That resident has the right to seek medical treatment and services from any properly licensed medical provider in this state;
  - b. A person may not prevent or interfere with the right of any properly licensed medical provider in this state to provide to that resident medical treatment and services within that medical provider's scope of practice; and
  - c. A medical provider in this state has the right to provide or deny medical treatment and services to that resident as provided by law.
2. This section does not apply to:
- a. An individual who voluntarily applies for coverage under a state-administered program pursuant to the medical assistance program under title XIX of the federal Social Security Act [42 U.S.C. 1396 et seq.] or the state's children's health insurance program under title XXI of the federal Social Security Act [42 U.S.C. 1397aa et seq.].
  - b. A student who is required by an institution of higher education to obtain and maintain health insurance as a condition of enrollment.
  - c. An individual who is required by a religious institution to obtain and maintain health insurance.
  - d. Health care benefits provided under the federal railroad system.
  - e. The terms or conditions of any health insurance policy or health service contract or of any other contractual arrangement for the provision of health care services offered through a private health care system or accident and health insurance company administering accident and health insurance policies and certificates as permitted under the laws of this state, regardless of whether entered before or after the effective date of this Act.
  - f. The right of a person to negotiate or enter a private contract for health insurance for an individual, family, business, or employee with an insurance company, third-party administrator, or other provider of health care services or health insurance permitted under the laws of this state.
  - g. The application of the federal Emergency Medical Treatment and Active Labor Act [42 U.S.C. 1395dd et seq.]."

Page 1, line 9, after the underscored closing bracket insert "likely"

Page 1, line 10, after the first "and" insert "may"

Renumber accordingly

#### **ANNOUNCEMENT**

**SPEAKER DROVDAL ANNOUNCED** that the House will stand in recess until 1:00 p.m.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Drovdal presiding.

#### **SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to Engrossed SB 2003, SB 2011, Engrossed SB 2016, and Engrossed SB 2309.

Engrossed SB 2003, SB 2011, Engrossed SB 2016, and Engrossed SB 2309, as amended, were placed on the Fourteenth order of business on today's calendar.

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

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the

attorney general; to create and enact two new sections to chapter 18-01 of the North Dakota Century Code, relating to fire and tornado fund fees and petroleum release compensation fund fees; to amend and reenact sections 12-60-25, 54-12-11, and 57-43.1-03.2 of the North Dakota Century Code, relating to missing children, the salary of the attorney general, and refunds of tax for fuel purchased by native Americans; to provide an exemption; to provide legislative intent; 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 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Delzer; Dosch; Winrich

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

Engrossed SB 2003, as amended, passed and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2011:** A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner.

#### 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

SB 2011, as amended, passed.

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#### SECOND READING OF SENATE BILL

**SB 2016:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide appropriations; to provide for transfers; to provide exemptions; to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating to written confirmation of federal disaster funding; to amend and reenact section 37-17.3-08 of the North Dakota Century

Code, relating to state radio fees; to provide legislative intent; 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 89 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**NAYS:** Dosch

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

Engrossed SB 2016, as amended, passed and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2309:** A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-03 of the North Dakota Century Code, relating to accident and health insurance coverage and federal health care reform legislation.

#### 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 65 YEAS, 25 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

Engrossed SB 2309, as amended, passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. CLARK MOVED** that the conference committee report on Reengrossed HB 1425 as printed on HJ page 1343 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1425, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1425:** A BILL for an Act to amend and reenact subsection 4 of section 54-21.3-03 of the

North Dakota Century Code, relating to the state building code.

#### ROLL CALL

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

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

Reengrossed HB 1425 passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KREUN MOVED** that the conference committee report on Engrossed HB 1421 as printed on HJ pages 1342-1343 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1421, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1421:** A BILL for an Act to create and enact a new chapter to title 47 of the North Dakota Century Code, relating to good funds for real estate transactions.

#### 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 82 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; 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; Louser; Maragos; Martinson; Meier, L.; Metcalf; Mock; Monson; Nathe; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**NAYS:** Boe; Delmore; Kroeber; Meyer, S.; Mueller; Nelson, J.; Nelson, M.; Onstad

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

Reengrossed HB 1421 passed.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

**REP. VIGESAA MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2161 and SB 2253, which motion prevailed.

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



**Engrossed SB 2161:** Reps. Koppelman, Kretschmar, Kilichowski  
**SB 2253:** Reps. Pietsch, Heilman, S. Meyer

### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. HOFSTAD MOVED** that the House do concur in the Senate amendments to Engrossed HB 1413 as printed on HJ page 1107, which motion prevailed on a voice vote.

Engrossed HB 1413, as amended, was placed on the Eleventh order of business.

### SECOND READING OF HOUSE BILL

**HB 1413:** A BILL for an Act to amend and reenact subsections 1 and 7 of section 61-03-21.3 of the North Dakota Century Code, relating to removal of dangers in or on the bed of navigable waters; and to declare an emergency.

### ROLL CALL

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

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

Reengrossed HB 1413 passed and the emergency clause was declared carried.

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### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. WEISZ MOVED** that the House do concur in the Senate amendments to Engrossed HB 1422 as printed on HJ pages 1300-1301, which motion prevailed on a voice vote.

Engrossed HB 1422, as amended, was placed on the Eleventh order of business.

### SECOND READING OF HOUSE BILL

**HB 1422:** A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to electronic drug prior authorization standards; and to provide for a report to the legislative management.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**NAYS:** Paur

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

Reengrossed HB 1422 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do concur in the Senate amendments to Engrossed HB 1423 as printed on HJ page 964, which motion prevailed on a voice vote.

Engrossed HB 1423, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1423:** A BILL for an Act to create and enact a new section to chapter 50-24.5 of the North Dakota Century Code, relating to rulemaking authority with respect to the compensation for top management personnel of a basic care facility; and to declare an emergency.

#### **ROLL CALL**

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

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

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

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. RUBY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1442 as printed on HJ page 1203, which motion prevailed on a voice vote.

Engrossed HB 1442, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1442:** A BILL for an Act to provide for a legislative management study relating to consistency of regulations for drivers and motor vehicles.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 65 YEAS, 25 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Bellew; Boehning; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Devlin; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Ruby; Sanford; Skarphol; Steiner; Sukut; Trottier; Vigesaa; Wall; Wieland; Williams; Winrich; Zaiser; Speaker Drovda

**NAYS:** Anderson; Belter; Boe; Brabandt; Brandenburg; DeKrey; Delzer; Dosch; Headland;

Johnson, D.; Kasper; Kreun; Louser; Maragos; Meier, L.; Meyer, S.; Mueller; Pollert; Rust; Schatz; Schmidt; Streyle; Weiler; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

Reengrossed HB 1442 passed.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to HB 1452 as printed on HJ page 1281, which motion prevailed on a voice vote.

HB 1452, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1452:** A BILL for an Act to provide landowner immunity for injuries to trespassers.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Boe; Delmore; Hogan; Kilichowski; Mock

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Rohr; Thoreson

Engrossed HB 1452 passed.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to HCR 3036 as printed on HJ pages 1178-1179, which motion prevailed on a voice vote.

HCR 3036, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3036:** A concurrent resolution directing the Legislative Management to study the trial by jury rights of a person charged with the commission of a misdemeanor, including the extent to which jury trials are conducted in the state for cases involving misdemeanor offenses; the costs of jury trials for misdemeanor offenses; the feasibility and desirability of eliminating the sentencing option of imprisonment for Class B misdemeanors; a review of the jury trial process of other states; and the right to a jury trial in civil traffic cases.

#### ROLL CALL

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 82 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING

**YEAS:** Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.;

Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rust; Sanford; Schmidt; Skarphol; Steiner; Sukut; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Bellew; Frantsvog; Nelson, M.; Ruby; Schatz; Streyle; Weiler

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Kingsbury; Rohr; Thoreson

Engrossed HCR 3036 was declared adopted on a recorded roll call vote.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to HCR 3037 as printed on HJ page 1179, which motion prevailed on a voice vote.

HCR 3037, as amended, was placed on the Eleventh order of business.

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

**HCR 3037:** A concurrent resolution directing the Legislative Management to study the statutes throughout the North Dakota Century Code which grant immunity from civil or criminal liability for performing certain functions.

#### **ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 88 YEAS, 1 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; 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; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Nelson, J.

**ABSENT AND NOT VOTING:** Amerman; Brandenburg; Kempenich; Rohr; Thoreson

Engrossed HCR 3037 was declared adopted on a recorded roll call vote.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PORTER MOVED** that the House do concur in the Senate amendments to HCR 3039 as printed on HJ page 1179, which motion prevailed on a voice vote.

HCR 3039, as amended, was placed on the Eleventh order of business.

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

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

#### **ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT

## VOTING

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Nelson, M.; Rohr; Thoreson

Engrossed HCR 3039 was declared adopted on a recorded roll call vote.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. RUBY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1190 as printed on HJ page 1177, which motion prevailed on a voice vote.

Engrossed HB 1190, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1190:** A BILL for an Act to amend and reenact subsection 5 of section 39-06.1-06 and section 39-09-01.1 of the North Dakota Century Code, relating to care required; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 48 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Carlson; Clark; Dahl; Damschen; Delmore; Glassheim; Gruchalla; Guggisberg; Hatlestad; Hawken; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Kelsh, J.; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kreun; Maragos; Martinson; Mock; Monson; Nathe; Nelson, J.; Onstad; Paur; Pietsch; Ruby; Sanford; Sukut; Wall; Weiler; Wieland; Williams; Winrich; Speaker Drovdal

**NAYS:** Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Conklin; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hanson; Headland; Heilman; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kilichowski; Klemin; Kroeber; Louser; Meier, L.; Metcalf; Meyer, S.; Mueller; Nelson, J.; Owens; Pollert; Porter; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Trottier; Vigasaa; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Nelson, M.; Rohr; Thoreson; Zaiser

Reengrossed HB 1190 lost.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1224 as printed on HJ page 1279, which motion prevailed on a voice vote.

Engrossed HB 1224, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1224:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 12.1-31-01 and a new section to chapter 12.1-31 of the North Dakota Century Code, relating to disorderly conduct and surreptitious intrusion or interference with privacy;

to amend and reenact subsection 2 of section 12.1-31-01.1 of the North Dakota Century Code, relating to disorderly conduct at a funeral; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovda

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Nelson, M.; Rohr; Thoreson; Zaiser

Reengrossed HB 1224 passed.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. D. JOHNSON MOVED** that the House do concur in the Senate amendments to Engrossed HB 1232 as printed on HJ page 1332, which motion prevailed on a voice vote.

Engrossed HB 1232, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1232:** A BILL for an Act to amend and reenact sections 24-06-28 and 24-06-29 of the North Dakota Century Code, relating to obstructions and traffic safety hazards on section line roads.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovda

**NAYS:** Heller; Kreidt

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Nelson, M.; Rohr; Thoreson; Zaiser

Reengrossed HB 1232 passed.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1314 as printed on HJ pages 1279-1280, which motion prevailed on a voice vote.

Engrossed HB 1314, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1314:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 54-05.1-03 and section 54-05.1-07 of the North Dakota Century Code, relating to a duplicate lobbyist badge and to a civil penalty for persons lobbying without registration with the secretary of state; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 10 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Mock; Monson; Mueller; Nathe; Nelson, J.; Onstad; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Speaker Drovda

**NAYS:** Bellew; Belter; Boe; Delzer; Headland; Heller; Kreidt; Meyer, S.; Owens; Wrangham

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Nelson, M.; Rohr; Thoreson; Zaiser

Reengrossed HB 1314 passed.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. D. JOHNSON MOVED** that the House do concur in the Senate amendments to Reengrossed HB 1321 as printed on HJ pages 1281-1282, which motion prevailed on a voice vote.

Reengrossed HB 1321, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1321:** A BILL for an Act to create and enact chapter 19-20.3 of the North Dakota Century Code, relating to anhydrous ammonia risk management program requirements; to amend and reenact sections 19-20.1-06, 19-20.2-03, 19-20.2-07, 19-20.2-07.1, 19-20.2-08.4, 19-20.2-09, and 19-20.2-11 of the North Dakota Century Code, relating to anhydrous ammonia facility inspections; to repeal section 19-20.2-08.1 of the North Dakota Century Code, relating to the anhydrous ammonia storage facility inspection fund; to provide an effective date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 10 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Belter; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Onstad; Paur; Pietsch; Pollert; Porter; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovda

**NAYS:** Anderson; Bellew; Brabandt; Devlin; Heilman; Kasper; Kreun; Nelson, J.; Owens; Ruby

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Nelson, M.; Rohr; Thoreson; Zaiser

Reengrossed HB 1321 passed and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to HB 1435 as printed on HJ pages 1282-1283, which motion prevailed on a voice vote.

HB 1435, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1435:** A BILL for an Act to create and enact a new subsection to section 12.1-32-15 of the North Dakota Century Code, relating to sexual offender and felony crimes against children registration requirements; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 1 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; 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.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovda

**NAYS:** Heller

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Nelson, M.; Rohr; Thoreson; Zaiser

Engrossed HB 1435 passed and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1456 as printed on HJ page 1281, which motion prevailed on a voice vote.

Engrossed HB 1456, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovda



**ABSENT AND NOT VOTING:** Amerman; Kempenich; Nelson, M.; Rohr; Thoreson; Zaiser

Reengrossed HB 1456 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. D. JOHNSON MOVED** that the House do concur in the Senate amendments to HCR 3027 as printed on HJ pages 1301-1302, which motion prevailed on a voice vote.

HCR 3027, as amended, was placed on the Eleventh order of business.

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

**HCR 3027:** A concurrent resolution urging the United States Department of Agriculture's Natural Resources Conservation Service to continue the present cooperative agreement process at a \$10,000 funding level; allow continuation of local decisionmaking by resource conservation and development councils, including implementation of community development projects, for as long as Congress funds the Resource Conservation and Development program; and to allow a resource conservation and development coordinator colocated with a North Dakota regional council to maintain that colocation.

#### **ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 25 YEAS, 63 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING

**YEAS:** Anderson; Boe; Dahl; Damschen; Delzer; Froseth; Glassheim; Grande; Hanson; Hatlestad; Hogan; Hunsakor; Kaldor; Klein; Kroeber; Maragos; Meyer, S.; Monson; Onstad; Paur; Sukut; Wall; Weisz; Williams; Winrich

**NAYS:** Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; DeKrey; Delmore; Devlin; Dosch; Frantsvog; Gruchalla; Guggisberg; Hawken; Headland; Heilman; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Martinson; Meier, L.; Metcalf; Mock; Mueller; Nathe; Nelson, J.; Owens; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Trottier; Vigasaa; Weiler; Wieland; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Amerman; Kempenich; Nelson, M.; Rohr; Thoreson; Zaiser

Engrossed HCR 3027 was declared lost on a recorded roll call vote.

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#### **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 3009, HCR 3048.

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

**MR. PRESIDENT:** The House has passed, unchanged: SCR 4007.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2011, SB 2309.

#### **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 2003, SB 2016, SB 2207.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1016, HB 1297, HB 1424.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016**

Page 1, line 2, after "Dakota" insert "; and to amend and reenact subsection 3 of section 52-02.1-01 and section 52-08-10 of the North Dakota Century Code, relating to the new jobs training program and workforce training program"

Page 1, replace line 16 with:

"Workforce 20/20	1,512,491	18,669	1,531,160"
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Page 1, replace line 20 with:

"Total all funds	\$62,277,347	\$9,719,351	\$71,996,698"
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Page 1, replace line 22 with:

"Total general fund	\$1,565,442	\$314,450	\$1,879,892"
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Page 2, after line 21, insert:

**"SECTION 5. AMENDMENT.** Subsection 3 of section 52-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

3. "Community" means the city or county in which an eligible primary sector business is or will be located or a local development corporation, community organization, institution of higher education that is assigned primary responsibility for workforce training under section 52-08-08, or any other group the interest of which is in the economic growth of the area.

**SECTION 6. AMENDMENT.** Section 52-08-10 of the North Dakota Century Code is amended and reenacted as follows:

**52-08-10. Preparation of business plan - Revolving loans.**

Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for workforce training shall prepare an annual business plan that must include provisions for use of the training capacity of the tribal colleges within the designated region, in consultation with the workforce training board. The business plan may include preparation as a community under the new jobs training program under chapter 52-02.1. The workforce training board shall approve the business plan and make recommendations for funding of the business plan to the state board of higher education. Any state funds received under this program by the institutions of higher education assigned primary responsibility for workforce training must be used for business and customized training activities. The state board of higher education may establish for each institution of higher education assigned primary responsibility for workforce training a revolving loan fund for workforce training program startups using the borrowing authority provided in section 15-10-16.1."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1016 - Job Service North Dakota - Senate Action**

	<b>Executive Budget</b>	<b>House Version</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Salaries and wages	\$35,270,584	\$35,270,584		\$35,270,584
Operating expenses	13,698,670	13,698,670		13,698,670
Capital assets	20,000	20,000		20,000
Grants	7,576,284	7,576,284		7,576,284
Workforce 20/20	1,531,160	1,400,000	131,160	1,531,160
Reed Act - Computer modernization	12,400,000	12,400,000		12,400,000
Federal stimulus funds	1,500,000	1,500,000		1,500,000
Total all funds	\$71,996,698	\$71,865,538	\$131,160	\$71,996,698

Less estimated income	70,116,806	70,116,806	0	70,116,806
General fund	\$1,879,892	\$1,748,732	\$131,160	\$1,879,892
FTE	261.76	261.76	0.00	261.76

### Department No. 380 - Job Service North Dakota - Detail of Senate Changes

	Restores Funding for Workforce 20/20 <sup>1</sup>	Total Senate Changes
Salaries and wages		
Operating expenses		
Capital assets		
Grants		
Workforce 20/20	131,160	131,160
Reed Act - Computer modernization		
Federal stimulus funds		
Total all funds	\$131,160	\$131,160
Less estimated income	0	0
General fund	\$131,160	\$131,160
FTE	0.00	0.00

<sup>1</sup> This amendment increases funding for Workforce 20/20 by \$131,160 to provide a total of \$1,531,160 from the general fund for the program. This restores the funding removed by the House and provides the level included in the executive budget.

This amendment also adds two sections to amend North Dakota Century Code relating to the new jobs training program and the workforce training program.

### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1297

Page 1, line 16, after "diagnosable" insert "intrauterine"

Page 1, line 21, remove the second "or"

Page 1, line 22, after "abortion" insert "; or

c. Treat a woman for an ectopic pregnancy"

Page 2, line 31, remove the overstrike over "and"

Page 3, line 1, remove "; and"

Page 3, remove line 2

Page 3, line 3, remove "the decision of whether to undergo the abortion"

Page 6, line 31, after the first underscored comma insert "the possible"

Page 13, line 8, after "abortion" insert "compliance"

Page 13, line 8, after "physician" insert "within twenty-four hours"

Page 13, line 9, after "thirty" insert "ten business"

Page 13, line 9, remove the overstrike over "-days"

Page 13, line 9, remove "twenty-four hours"

Page 13, line 10, after "All" insert "abortion data and"

Page 13, line 10, after the second "the" insert "attending"

Page 13, line 10, overstrike "providing"

Page 13, line 11, overstrike "the post-abortion care"

Page 13, line 12, overstrike "post-abortion care" and insert immediately thereafter "abortion"

Page 13, line 16, replace "twenty-four hours" with "thirty days"

Page 14, line 12, remove the overstrike over "G"

Page 14, line 12, remove "AA"

Page 14, line 12, remove the overstrike over "~~knowingly, or~~"

Page 14, line 13, remove the overstrike over "~~negligently,~~"

Page 14, line 13, remove "intentionally"

Page 16, line 20, after "diagnosable" insert "intrauterine"

Page 16, line 24, remove "or"

Page 16, line 24, after "abortion" insert "; or treat a woman for an ectopic pregnancy"

Page 17, line 5, replace "July" with "September"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1424**

In lieu of the amendments adopted by the Senate as printed on pages 917-923 of the Senate Journal, Engrossed House Bill No. 1424 is amended as follows:

Page 1, line 1, after "reenact" insert "subsection 2 of section 11-09.1-05, section 40-05.1-06,"

Page 1, line 1, replace the second "and" with ", sections 57-39.2-12.1, 57-39.5-04, and 57-39.6-04,"

Page 1, line 2, after "57-40.2-04" insert ", and section 57-40.2-07.1"

Page 1, line 2, after "to" insert "compensation allowable to retailers for expenses associated with the collection, reporting, and remittance of state and local option sales, use, and gross receipts taxes and"

Page 1, line 3, after the first semicolon insert "and"

Page 1, line 3, remove "; and to"

Page 1, line 4, remove "declare an emergency"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Subsection 2 of section 11-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

2. Control its finances and fiscal affairs; appropriate money for its purposes, and make payments of its debts and expenses; subject to the limitations

of this section levy and collect property taxes, sales and use taxes, farm machinery gross receipts taxes, alcoholic beverage gross receipts taxes, motor vehicle fuels and special fuels taxes, motor vehicle registration fees, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; establish charges for any county or other services to the extent authorized by state law; and establish debt and mill levy limitations. Notwithstanding any authority granted under this chapter, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments and all taxable property must be taxed by the county at the same rate unless otherwise provided by law. A charter or ordinance or act of a governing body of a home rule county may not supersede any state law that determines what property or acts are subject to, or exempt from, ad valorem taxes. A charter or ordinance or act of the governing body of a home rule county may not supersede section 11-11-55.1 relating to the sixty percent petition requirement for improvements and of section 40-22-18 relating to the barring proceeding for improvement projects. After December 31, 2005, sales and use taxes, farm machinery gross receipts taxes, and alcoholic beverage gross receipts taxes levied under this chapter:

- a. Must conform in all respects with regard to the taxable or exempt status of items under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2 and may not be imposed at multiple rates with the exception of sales of electricity, piped natural or artificial gas, or other heating fuels delivered by the seller or the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.
- b. May not be newly imposed or changed except to be effective on the first day of a calendar quarterly period after a minimum of ninety days' notice to the tax commissioner or, for purchases from printed catalogs, on the first day of a calendar quarter after a minimum of one hundred twenty days' notice to the seller.
- c. May not be limited to apply to less than the full value of the transaction or item as determined for state sales and use tax, except for farm machinery gross receipts tax purposes.
- d. Must be subject to collection by the tax commissioner under an agreement under section 57-01-02.1 and must be administered by the tax commissioner in accordance with the relevant provisions of chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.

After December 31, 2005, any portion of a charter or any portion of an ordinance or act of a governing body of a home rule county passed pursuant to a charter which does not conform to the requirements of this subsection or the retailer compensation provisions of chapter 57-39.2 or 57-40.2 is invalid to the extent that it does not conform. The invalidity of a portion of a charter or ordinance or act of a governing body of a home rule county because it does not conform to this subsection does not affect the validity of any other portion of the charter or ordinance or act of a governing body of a home rule county or the eligibility for a refund under section 57-01-02.1. Any taxes imposed under this chapter on farm machinery, farm irrigation equipment, and farm machinery repair parts used exclusively for agricultural purposes, or on alcoholic beverages, which were in effect on December 31, 2005, become gross receipts taxes after December 31, 2005.

**SECTION 2. AMENDMENT.** Section 40-05.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**40-05.1-06. Powers.**

From and after the filing with the secretary of state of a charter framed and approved in reasonable conformity with the provisions of this chapter, such city, and the citizens thereof, shall, if included in the charter and implemented through ordinances, have the following powers set out in this chapter:

1. To acquire, hold, operate, and dispose of property within or without the corporate limits, and, subject to chapter 32-15, exercise the right of eminent domain for such purposes.
2. To control its finances and fiscal affairs; to appropriate money for its purposes, and make payment of its debts and expenses; to levy and collect taxes, excises, fees, charges, and special assessments for benefits conferred, for its public and proprietary functions, activities, operations, undertakings, and improvements; to contract debts, borrow money, issue bonds, warrants, and other evidences of indebtedness; to establish charges for any city or other services; and to establish debt and mill levy limitations. Notwithstanding any authority granted under this chapter, all property must be assessed in a uniform manner as prescribed by the state board of equalization and the state supervisor of assessments and all taxable property must be taxed by the city at the same rate unless otherwise provided by law. The authority to levy taxes under this subsection does not include authority to impose income taxes.
3. To fix the fees, number, terms, conditions, duration, and manner of issuing and revoking licenses in the exercise of its governmental police powers.
4. To provide for city officers, agencies, and employees, their selection, terms, powers, duties, qualifications, and compensation. To provide for change, selection, or creation of its form and structure of government, including its governing body, executive officer, and city officers.
5. To provide for city courts, their jurisdiction and powers over ordinance violations, duties, administration, and the selection, qualifications, and compensation of their officers; however, the right of appeal from judgment of such courts shall not be in any way affected.
6. To provide for all matters pertaining to city elections, except as to qualifications of electors.
7. To provide for the adoption, amendment, and repeal of ordinances, resolutions, and regulations to carry out its governmental and proprietary powers and to provide for public health, safety, morals, and welfare, and penalties for a violation thereof.
8. To lay out or vacate streets, alleys, and public grounds, and to provide for the use, operation, and regulation thereof.
9. To define offenses against private persons and property and the public health, safety, morals, and welfare, and provide penalties for violations thereof.
10. To engage in any utility, business, or enterprise permitted by the constitution or not prohibited by statute or to grant and regulate franchises therefor to a private person, firm, corporation, or limited liability company.
11. To provide for zoning, planning, and subdivision of public or private property within the city limits. To provide for such zoning, planning, and subdivision of public or private property outside the city limits as may be permitted by state law.
12. To levy and collect franchise and license taxes for revenue purposes.

13. To exercise in the conduct of its affairs all powers usually exercised by a corporation.
14. To fix the boundary limits of said city and the annexation and deannexation of territory adjacent to said city except that such power shall be subject to, and shall conform with the state law made and provided.
15. To contract with and receive grants from any other governmental entity or agency, with respect to any local, state, or federal program, project, or works.
16. To impose registration fees on motor vehicles, farm machinery gross receipts taxes, alcoholic beverage gross receipts taxes, or sales and use taxes in addition to any other taxes imposed by law. After December 31, 2005, sales and use taxes and gross receipts taxes levied under this chapter:
  - a. Must conform in all respects with regard to the taxable or exempt status of items under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2 and may not be imposed at multiple rates with the exception of sales of electricity, piped natural or artificial gas, or other heating fuels delivered by the seller or the retail sale or transfer of motor vehicles, aircraft, watercraft, modular homes, manufactured homes, or mobile homes.
  - b. May not be newly imposed or changed except to be effective on the first day of a calendar quarterly period after a minimum of ninety days' notice to the tax commissioner or, for purchases from printed catalogs, on the first day of a calendar quarter after a minimum of one hundred twenty days' notice to the seller.
  - c. May not be limited to apply to less than the full value of the transaction or item as determined for state sales and use tax purposes, except for farm machinery gross receipts tax.
  - d. Must be subject to collection by the tax commissioner under an agreement under section 57-01-02.1 and must be administered by the tax commissioner in accordance with the relevant provisions of chapter 57-39.2, including reporting and paying requirements, correction of errors, payment of refunds, and application of penalty and interest.

It is the intention of this chapter to grant and confirm to the people of all cities coming within its provisions the full right of self-government in both local and city matters within the powers enumerated herein. The statutes of the state of North Dakota, so far as applicable, shall continue to apply to home rule cities, except insofar as superseded by the charters of such cities or by ordinance passed pursuant to such charters.

After December 31, 2005, any portion of a charter or any portion of an ordinance passed pursuant to a charter which does not conform to the requirements of subsection 16 or the retailer compensation provisions of chapter 57-39.2 or 57-40.2 is invalid to the extent that it does not conform. The invalidity of a portion of a charter or ordinance because it does not conform to subsection 16 does not affect the validity of any other portion of the charter or ordinance or the eligibility for a refund under section 57-01-02.1. Any taxes imposed under this chapter on farm machinery, farm irrigation equipment, and farm machinery repair parts used exclusively for agricultural purposes, or on alcoholic beverages, which were in effect on December 31, 2005, become gross receipts taxes after December 31, 2005."

Page 1, after line 14, insert:

**"SECTION 4. AMENDMENT.** Section 57-39.2-12.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-39.2-12.1. Deduction to reimburse retailer for administrative expenses.**

1.
  - a. A retailer required registered to report and pay monthly remit sales, use, or gross receipts tax imposed under section 57-39.2-12 chapter 57-39.2, 57-39.5, 57-39.6, or 57-40.2 may deduct and retain one and one-half percent of the tax due. The aggregate of deductions allowed by this section and section 57-40.2-07.1 may not exceed eighty-five dollars per month. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 2 or 3 for the same period from the tax remitted to the tax commissioner compensation or a monetary allowance as provided in this subsection.
  - b. The following two rates of compensation apply to the combined state and local option sales, use, and gross receipts taxes remitted for each month of activity included in a sales, use, or gross receipts tax return:
    - (1) One and one-half percent of the first six thousand two hundred fifty dollars of tax.
    - (2) Thirty-three one-hundredths of one percent of tax amounts greater than six thousand two hundred fifty dollars but less than seven hundred fifty thousand dollars of tax.
2. A certified service provider that contracts with retailers to calculate, collect, and remit tax due on behalf of retailers may deduct and retain from the tax remitted to the tax commissioner compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board effective June 1, 2006. The compensation provided in this subsection applies only to tax remitted by certified service providers on behalf of retailers that are remote sellers registered to collect sales and use tax in this state under chapter 57-39.4. Certified service providers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 3 for the same period.
3. A retailer that is a remote seller registered to collect sales and use tax under chapter 57-39.4 and that uses a certified automated system to calculate, report, and remit tax due under chapters 57-39.2, 57-39.4, and 57-40.2 may deduct and retain compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board during its December 2006 meeting. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 2 for the same period.
4. For purposes of this section, "remote seller" means a retailer that does not have an adequate physical presence to establish nexus in this state for sales and use tax purposes.
5. Compensation may not be deducted and retained under this section unless the tax due is paid within the time limitations under section 57-39.2-12 or 57-40.2-07 or chapter 57-39.4.
6. The deduction allowed retailers or certified service providers by this section is to reimburse retailers directly or indirectly for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the tax commissioner upon request.

**SECTION 5. AMENDMENT.** Section 57-39.5-04 of the North Dakota Century Code is amended and reenacted as follows:



**57-39.5-04. Administration.**

The provisions of chapter 57-39.2 pertaining to administration of the retail sales tax, including provisions for refund, credits, retailer compensation, or adoption of rules, not in ~~compliance~~conflict with this chapter or federal law, govern the administration of the gross receipts tax imposed in this chapter.

**SECTION 6. AMENDMENT.** Section 57-39.6-04 of the North Dakota Century Code is amended and reenacted as follows:

**57-39.6-04. Administration.**

The provisions of chapter 57-39.2, pertaining to administration of the retail sales tax, including provisions for refund, credits, retailer compensation, or adoption of rules, not in conflict with this chapter or federal law, govern the administration of the gross receipts tax imposed in this chapter."

Page 1, after line 23, insert:

**"SECTION 8. AMENDMENT.** Section 57-40.2-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-40.2-07.1. Deduction to reimburse retailer for administrative expenses.**

1.
  - a. ~~A retailer required~~registered to report and ~~pay monthly~~remit sales, use, or gross receipts tax imposed under section 57-40.2-07~~chapter 57-39.2, 57-39.5, 57-39.6, or 57-40.2~~ may deduct and retain one and one-half percent of the tax due. ~~The aggregate of deductions allowed by this section and section 57-39.2-12.1 may not exceed eighty-five dollars per month. Retailers that receive compensation under this subsection may not receive additional compensation under subsection 2 or 3 for the same period from the tax remitted to the tax commissioner compensation or a monetary allowance as provided in this subsection.~~
  - b. The following two rates of compensation apply to the combined state and local option sales, use, and gross receipts taxes remitted for each month of activity included in a sales, use, or gross receipts tax return:
    - (1) One and one-half percent of the first six thousand two hundred fifty dollars of tax.
    - (2) Thirty-three one-hundredths of one percent of tax amounts greater than six thousand two hundred fifty dollars but less than seven hundred fifty thousand dollars of tax.
2. A certified service provider that contracts with retailers to calculate, collect, and remit tax due on behalf of retailers may deduct and retain from the tax remitted to the tax commissioner compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board effective June 1, 2006. The compensation provided in this subsection applies only to tax remitted by certified service providers on behalf of retailers that are remote sellers registered to collect sales and use tax in this state under chapter 57-39.4. Certified service providers that receive compensation under this subsection may not receive additional compensation under subsection 1 or 3 for the same period.
3. A retailer that is a remote seller registered to collect sales and use tax under chapter 57-39.4 and that uses a certified automated system to calculate, report, and remit tax due under chapters 57-39.2, 57-39.4, and 57-40.2 may deduct and retain compensation or a monetary allowance up to the amount approved by the streamlined sales and use tax governing board during its December 2006 meeting. Retailers that

receive compensation under this subsection may not receive additional compensation under subsection 1 or 2 for the same period.

4. For purposes of this section, "remote seller" means a retailer that does not have an adequate physical presence to establish nexus in this state for sales and use tax purposes.
5. Compensation may not be deducted and retained under this section unless the tax due is paid within the time limitations under section 57-39.2-12 or 57-40.2-07 or chapter 57-39.4.
6. The deduction allowed retailers or certified service providers by this section is to reimburse retailers directly or indirectly for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information to the tax commissioner upon request."

Page 2, line 2, replace "June 30" with "December 31"

Page 2, remove line 3

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 1004, HB 1014, HB 1018, HB 1267, HB 1397.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1267**

Page 1, line 2, after the comma insert "to exempt drafts of redistricting plans from open records requirements,"

Page 1, line 3, after "session" insert "; to provide an expiration date"

Page 1, line 5, after "**COMMITTEE**" insert "**- OPEN RECORDS EXEMPTION**"

Page 1, line 6, after the boldfaced period insert:

"1."

Page 1, line 10, after the period insert:

"2."

Page 1, line 14, after the period insert:

"3."

Page 1, line 16, after the period insert:

- "4. A draft of a legislative redistricting plan created by the legislative council or a member of the legislative assembly is an exempt record as defined in section 44-04-17.1 until presented or distributed at a meeting of the legislative management or the legislative assembly. Any version of a redistricting plan created before the completion of the plan is an exempt record regardless of whether the completed plan is subsequently presented or distributed at a meeting.

5."

Page 1, after line 21, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2012, and after that date is ineffective."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1397**

Page 1, line 8, overstrike "plus" and insert immediately thereafter ". the speaker of the house, and"

Page 1, line 8, overstrike "seven" and insert immediately thereafter "six"

Page 1, line 11, remove the overstrike over "~~four~~"

Page 1, line 13, remove "of the house shall appoint to the"

Page 1, remove line 14

Page 1, line 15, remove "number of members in the house"

Page 1, line 15, overstrike ", except that the speaker must by virtue of office be"

Page 1, line 16, overstrike "one of the"

Page 1, line 16, overstrike "members appointed from the speaker's"

Page 1, line 16, replace "political party" with "of the house shall appoint to the legislative management two members elected by the political party with the next largest number of members in the house"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 13

Page 2, line 14, replace "6." with "4."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1018**

Page 1, line 2, replace "15-69-07" with "10-30.5-13"

Page 1, line 2, replace "and a new section" with "three new sections"

Page 1, line 3, after "54-60" insert ", a new chapter to title 54, a new subdivision to subsection 7 of section 57-38-30.3, and a new section to chapter 57-38"

Page 1, line 3, replace "the centers of excellence program," with "a small business technology investment program, a"

Page 1, line 4, remove the first "and"

Page 1, line 4, after "fund" insert ", entrepreneurial centers development grants, an electronic portfolio program, centers of research excellence, and income tax credits for purchases of manufacturing machinery and equipment for the purpose of automating manufacturing processes"

Page 1, line 5, after the second comma insert "15-69-03,"

Page 1, line 8, after the first semicolon insert "to provide for a legislative management study of population growth impact on revenues and reduction of flaring of natural gas; to provide a vaccinology initiative grant;"

Page 1, replace lines 20 and 21 with:

"Salaries and wages	\$10,020,840	\$1,094,688	\$11,115,528
Operating expenses	14,478,272	(245,012)	14,233,260"

Page 1, replace line 23 with:

"Grants	65,411,058	(5,033,064)	60,377,994"
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Page 2, replace lines 5 and 6 with:

"Centers of excellence	0	13,000,000	13,000,000
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North Dakota trade office	2,064,000	549,400	2,613,400
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Partner programs	2,022,044	100,000	2,122,044"
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Page 2, replace line 8 with:

"Total all funds	\$97,672,773	\$36,460,916	\$134,133,689"
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Page 2, replace lines 10 and 11 with:

"Total general fund	\$28,006,303	\$17,492,449	\$45,498,752
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Full-time equivalent positions	68.00	1.25	69.25"
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Page 2, after line 17, insert:

"American Indian business office	0	100,000"
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Page 2, remove line 22

Page 2, replace line 24 with:

"Child care service providers	0	250,000"
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Page 2, replace line 26 with:

"Centers of excellence	19,500,000	13,000,000
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Electronic portfolio pilot project	0	150,000
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2020 and beyond	0	50,000"
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Page 2, remove line 28

Page 2, replace line 31 with:

"Total all funds	\$99,064,635	\$40,417,088"
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Page 3, replace line 2 with:

"Total general fund	\$30,470,000	\$15,920,338"
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Page 5, after line 6, insert:

**"SECTION 4.** Section 10-30.5-13 of the North Dakota Century Code is created and enacted as follows:

**10-30.5-13. Small business technology investment program.**

1. The corporation shall administer a small business technology investment program that provides matching investments to startup technology-based businesses.

2. The following provisions apply to small business technology investments:

a. A qualified applicant:

(1) Must be a North Dakota business that is at the startup stage:

- (2) Must be a primary sector business in the technology field; and
- (3) Shall meet underwriting guidelines established by the corporation.
- b. Before the corporation distributes funds under this section, the recipient shall provide the department of commerce with detailed documentation of the availability of two dollars of angel fund investment matching funds for each dollar of state funds distributed under this section. The matching funds must be cash, must come from a North Dakota angel fund certified under section 57-38-01.26, and may not be an in-kind asset.
- 3. An investment under this section may not exceed fifty thousand dollars. Eligible use of the investment funds include developing a proof of concept. A recipient may not receive more than one award under this section.
- 4. An investment under this section is not a business incentive under chapter 54-60.1."

Page 5, after line 27, insert:

**"SECTION 6. AMENDMENT.** Section 15-69-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-69-03. ~~(Effective through July 31, 2011)~~ Centers of excellence commission.**

The centers of excellence commission consists of six members. The foundation shall appoint three of the foundation's members to serve on the commission and the board shall appoint three of the board's members to serve on the commission. The commission members shall designate a chairman and a vice chairman of the commission. Each member of the commission shall serve for a term of three years, beginning July first; may be reappointed for additional terms; and serves at the pleasure of the appointing entity. If a commission member ceases to serve as a member of the appointing entity, that member's membership on the commission ceases immediately and the appointing entity shall appoint a new member for the remainder of the term. Terms of commission members must be staggered. On a meeting-by-meeting basis, an appointing entity may substitute a member of that appointing entity to serve in place of one of the regular members appointed by that entity. If the commission chairman and vice chairman are not present at a meeting, the commission members present at that meeting shall select a commission member to serve as chairman for that meeting. A commission member may receive compensation and travel and expense reimbursement from the appointing entity. The department of commerce shall provide the commission with appropriate staff services as may be requested by the commission."

Page 6, line 3, remove the overstrike over "4."

Page 6, line 6, remove the overstrike over "assist with"

Page 6, line 7, remove the overstrike over "postaward monitoring as may be requested by the commission."

Page 6, line 11, remove the overstrike over "2. The commission shall meet as necessary to"

Page 6, line 14, remove the overstrike over "direct the department of commerce"

Page 6, line 15, remove the overstrike over "to"

Page 6, line 15, remove "administer the centers of excellence program;"

Page 6, line 18, remove the overstrike over "3."

Page 7, line 16, remove the overstrike over "~~For no fewer than six years and no more than ten years following center designation,~~"

Page 7, remove the overstrike over lines 17 and 18

Page 7, line 30, remove the overstrike over "~~commission's~~"

Page 7, line 30, remove "department's"

Page 8, line 1, remove the overstrike over "~~commission~~"

Page 8, line 1, remove "department"

Page 8, line 2, remove "Effective on"

Page 8, replace lines 3 through 6 with "Instead of requiring annual audits under this subsection, the commission may require that the center be audited on all funds distributed to the center under this chapter at the halfway point of the postaward monitoring and at the end of the postaward monitoring and that for all other years during the postaward monitoring the center contract with an independent accountant for an agreed-upon procedures engagement. A center may use funds distributed to the center under this chapter to pay for audits required under this subsection or for an agreed-upon procedures engagement. At a minimum, an agreed-upon procedures engagement under this subsection must include:

- a. Verification of the accuracy of jobs data regarding jobs claimed created by the center, distinguishing between the creation of private sector jobs and jobs within the institution of higher education;
- b. Verification of compliance with the centers of excellence program matching fund requirements;
- c. Verification awarded center funds were used for authorized uses;
- d. Verification the center complied with the center's application timeline and any authorized revisions;
- e. Verification the center complied with the center's scope of activities as provided under the center's application and any authorized revisions;
- f. Review of a sample of center expenditures to verify the expenses were approved, supported with documentation, and made in accordance with the scope identified in the center's application;
- g. Verification of a sample of labor charged to the center; and
- h. Comparison of the center's application budget to the center's actual expenditures, including documentation explaining any material differences."

Page 8, line 7, remove the overstrike over "~~commission directs the~~"

Page 8, line 7, remove the overstrike over "~~to distribute~~"

Page 8, line 7, remove "distributes"

Page 8, line 8, remove the overstrike over "~~commission~~"

Page 8, line 8, remove "department"

Page 8, line 20, remove the overstrike over "~~commission shall direct the~~"

Page 8, line 20, remove the overstrike over "~~to~~"

Page 8, line 20, remove "shall"

Page 8, line 22, remove the overstrike over "~~commission~~"

Page 8, line 22, remove "department"

Page 8, line 26, remove the overstrike over "~~commission may~~"

Page 8, line 27, remove the overstrike over "~~direct that the~~"

Page 8, line 27, remove "may"

Page 8, line 28, remove the overstrike over "~~commission~~"

Page 8, line 28, remove "department"

Page 9, remove lines 5 through 30

Page 10, remove lines 1 through 7

Page 10, line 27, remove "fourteen thousand dollars per retail"

Page 10, replace lines 28 through 30 with "a maximum of twenty thousand dollars per retail location to motor fuel retailers for the installation of biofuel blender pumps and up to fourteen thousand dollars per retail location for the installation of associated equipment, including the piping systems and storage components, when blender pumps are installed for a maximum grant of thirty-four thousand dollars per location."

Page 11, remove lines 8 through 10

Page 12, replace lines 13 through 20 with:

"**SECTION 11.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

**Entrepreneurial centers development grants.**

The department shall administer an entrepreneurial centers development grant program to provide grants to institutions under the control of the state board of higher education which are not research universities as defined under section 13 of this Act. The centers of excellence commission established under chapter 15-69 shall make grant award determinations under this section. A recipient's appropriate use of funds may include awarding a grant to establish a new entrepreneurial center within an eligible institution or to enhance the ability of an existing entrepreneurial center to assist an entrepreneur in growing the entrepreneur's businesses. The department shall work with the centers of excellence commission in establishing guidelines to qualify for a grant under this section which may include preference for an applicant that establishes the availability of matching funds. The centers of excellence commission shall consider how a proposed grant award would help achieve the goals outlined in the North Dakota economic development strategic plan.

**SECTION 12.** A new section to chapter 54-60 of the North Dakota Century Code is created and enacted as follows:

**Division of workforce development - Pilot program - Higher education electronic portfolio system.**

1. The division of workforce development, the North Dakota university system, job service North Dakota, and representatives of the institutions of higher education under the control of the state board of higher education shall work together to establish a pilot program through which an electronic portfolio system will be implemented by selected institutions of higher education under the control of the state board of higher education in order to address the needs of students, faculty, and employers. The pilot program may include Valley City state university and

- the North Dakota state college of science. If Valley City state university or the North Dakota state college of science chooses not to participate, any other institution of higher education under the control of the state board of higher education may participate in this pilot program.
2. The pilot program must provide for an electronic portfolio system that:
    - a. Is online;
    - b. Is a multimedia system that enables the user to create and manage the user's education and career information;
    - c. Enables students, job seekers, and professionals to showcase education and skills to potential employers;
    - d. Provides for creation of and access to lifelong personal electronic portfolio accounts and services to students, job seekers, and professionals seeking to advance their careers in the state;
    - e. Provides access to job seekers residing outside the state who may be interested in relocating or returning to the state; and
    - f. Allows employers and economic developers to conduct online searches to determine workforce potential by geographic region, skill, education, experience, and other factors.
  3. Under this pilot program, the North Dakota university system, job service North Dakota, and the division of workforce development shall work together to:
    - a. Facilitate the effective integration of future workers into the workforce system and to enhance the ability of state and local economic development officials to effectively access North Dakota's skilled workforce through the system; and
    - b. Ensure the system is complementary to the state's workforce system and higher education system.
  4. The division of workforce development shall administer the pilot program.

**SECTION 13.** A new chapter to title 54 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

In this chapter, unless the context otherwise requires:

1. "Center" means a center of research excellence that has been designated under this chapter.
2. "Commission" means the centers of excellence commission as defined under chapter 15-69.
3. "Department" means the department of commerce.
4. "Industry cluster" means one of the following industries:
  - a. Advanced manufacturing;
  - b. Energy;
  - c. Information and technology;
  - d. Tourism;



- e. Value-added agriculture; or
  - f. An industry, including the aerospace industry, specifically identified by the department of commerce as an industry that will contribute to the gross state product.
5. "Infrastructure" means new building construction or major building renovation. The term does not include a purchase of equipment or remodel of an existing building.
6. "Research university" means an institution under the control of the state board of higher education which has a full-time student enrollment in excess of nine thousand students.

**Centers of research excellence - Application - Eligibility.**

1. The department shall establish a centers of research excellence program. The commission shall make funding award determinations under this program. A center must be a research university or a nonprofit university-related or college-related foundation of a research university which is working in partnership with the private sector.
2. The department shall provide center application forms, accept applications, review applications for completeness and compliance with commission policy, forward complete applications to the commission in accordance with guidelines established by the commission, and assist with preaward reviews and postaward monitoring as may be requested by the commission. No more than two applications per campus of a research university institution may be submitted to the department for each round of center funding.
3. The commission shall meet as necessary to review all complete applications; consider the potential need for independent, expert review of complete applications; approve or disapprove complete applications; make funding award recommendations for commission-approved proposed centers; direct the department to distribute funds to the centers; monitor centers for compliance with award requirements; review changes in assertions made in center applications; and conduct postaward monitoring of centers.
4. In considering whether to approve or disapprove a center application, the commission shall determine whether the applicant has conducted the due diligence necessary to put together a viable proposal, the commission shall determine whether the applicant has provided information in the application which clearly outline how the matching fund requirement will be met, and the commission shall consider whether the center will:
  - a. Use university research to promote private sector job growth and expansion of knowledge-based industries or use university research to promote the development of new products, high-tech companies, or skilled jobs in this state;
  - b. Create high-value private sector employment opportunities in this state;
  - c. Provide for public-private sector involvement and partnerships;
  - d. Leverage other funding, including cash from the private sector;
  - e. Promote the commercialization of new products and services in industry clusters;
  - f. Become financially self-sustaining; and

- g. Establish and meet a deadline for acquiring and expending all public and private funds specified in the application.
5. In considering whether to approve an application, the commission may provide for an independent, expert review of the application to determine whether the proposed center is viable and whether the proposed center is likely to have the desired economic impact. As necessary, the commission may contract for additional technical review of applications. The commission may not approve an application unless the commission determines the proposed center has a high likelihood of viability and success in positively impacting economic development in the state.
6. The board rules adopted under subsection 9 of section 15-10-17, relating to ownership of intellectual property, inventions, and discoveries, must address activities and issues unique to centers.

**Use of funds - Terms of funds - Distribution of funds - Postaward monitoring.**

1. A center shall use center grant funds to enhance capacity and leverage state, federal, and private sources of funding. A center awarded center funds under this chapter may not use the funds for infrastructure, to supplant funding for current operations or academic instructions, or to pay indirect costs.
2. For no fewer than six years and no more than ten years following center designation, the commission shall monitor the center's activities in order to determine whether the center is having the desired economic impact.
3. As a condition for receipt of funds under this chapter, a center shall agree to provide the board, foundation, and budget section of the legislative management with annual audits on all funds distributed to the center under this chapter. The annual audits must be provided until the completion of the commission's postaward monitoring of the center. As a condition for receipt of funds under this chapter, a center shall agree to provide the commission with the information necessary to monitor the postaward activities of the center. Instead of requiring annual audits under this subsection, the commission may require that the center be audited on all funds distributed to the center under this chapter at the halfway point of the postaward monitoring and at the end of the postaward monitoring and that for all other years during the postaward monitoring the center contract with an independent accountant for an agreed-upon procedures engagement. A center may use funds distributed to the center under this chapter to pay for audits required under this subsection or for an agreed-upon procedures engagement. At a minimum, an agreed-upon procedures engagement under this subsection must include:
  - a. Verification of the accuracy of jobs data regarding jobs claimed related by the center, distinguishing between the creation of private sector jobs and jobs within the institution of higher education;
  - b. Verification of compliance with the centers of excellence program matching fund requirements;
  - c. Verification awarded center funds were used for authorized uses;
  - d. Verification the center complied with the center's application timeline and any authorized revisions;
  - e. Verification the center complied with the center's scope of activities as provided under the center's application and any authorized revisions;

- f. Review of a sample of center expenditures to verify the expenses were approved, supported with documentation, and made in accordance with the scope identified in the center's application;
  - g. Verification of a sample of labor charged to the center; and
  - h. Comparison of the center's application budget to the center's actual expenditures, including documentation explaining any material differences.
- 4. Before the commission directs the department to distribute center funds awarded under this chapter, the center shall provide the commission with detailed documentation of private sector participation and the availability of two dollars of matching funds for each dollar of state funds to be distributed. Of the two dollars of matching funds, at least one dollar must be cash, of which at least fifty cents must be from the private sector. The matching funds may include funds facilitated through the collaboration of the private sector participants with other funding entities. The noncash matching funds may include in-kind assets with itemized value. Private sector participation may be established through equity investments or through contracts for services with private sector entities. In making funding recommendations and designation determinations, the commission shall give major consideration to the portion of the matching funds provided in cash by the private sector.
- 5. The commission shall direct the department to distribute the center funds awarded under this chapter in disbursements consistent with the center's budget and timeframe outlined in the approved award. The commission may not direct distribution of center funds under this chapter if there are no private sector partners participating or if the statutorily required matching funds are not available.
- 6. If, before center funds are distributed by the department, a center undergoes a change in the terms of or assertions made in its application, the commission may direct that the department withhold all or a portion of any undistributed funds pending commission review of the changes.
- 7. The commission may use funds appropriated for the centers of research excellence program to pay for the commission's administrative expenses.

#### **Eminent researcher recruitment grants.**

As part of the centers of research excellence program, the department of commerce shall establish and administer an eminent researcher recruitment grant program to provide challenge grants to raise funds to be used by research universities and foundations established to further the work of such research universities in attracting an eminent researcher to join the faculties of the research universities. Under this program, the commission shall make grant award determinations. The commission shall adopt standards relative to the award of a grant under this section which must require that a foundation contribute at least fifty percent and not more than seventy-five percent of the total amount the commission deems necessary to attract an eminent researcher. The commission may revise the contribution formulas at any time in order to maximize the benefits that may result from recruiting one or more eminent researcher in the biennium and depending on the total funds available to the grant program. In determining whether to make a grant award under this section, the commission may consider the existing programs of the North Dakota university system, the necessity for such an eminent researcher, and any duplication the recruitment of the eminent researcher might cause. The department shall work with the commission in establishing guidelines to qualify for a grant under this section.

#### **Base realignment grants.**

As part of the centers of research excellence program, the department of commerce shall establish and administer a base realignment grant program to

provide grants to a research university or a nonprofit university-related foundation to enhance economic development and employment opportunities associated with the Grand Forks air force base resulting from action by the federal defense base closure and realignment commission and infrastructure and economic development projects or programs to accommodate growth in proximity to or at the Grand Forks air force base. Under this program, the commission shall make grant award determinations. The department shall work with the commission in establishing guidelines to qualify for a grant under this section.

**Centers of research excellence fund - Continuing appropriation.**

The centers of research excellence fund is a special fund in the state treasury. All moneys in the centers of research excellence fund are appropriated to the department of commerce on a continuing basis for the purpose of implementing and administering this chapter. Interest earned on moneys in the fund must be credited to the fund.

**SECTION 14.** A new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

Automating manufacturing processes tax credit under section 15 of this Act.

**SECTION 15.** A new section to chapter 57-38 of the North Dakota Century Code is created and enacted as follows:

**Income tax credit for purchases of manufacturing machinery and equipment for the purpose of automating manufacturing processes.**

1. A taxpayer that is a primary sector business is allowed a nonrefundable credit against the tax imposed under section 57-38-30 or 57-38-30.3 for purchases of manufacturing machinery and equipment for the purpose of automating manufacturing processes in this state. The amount of the credit under this section is twenty percent of the costs incurred in the taxable year to purchase manufacturing machinery and equipment for the purpose of automating manufacturing processes. Qualified expenditures under this section may not be used in the calculation of any other income tax deduction or credit allowed by law.
2. For purposes of this section:
  - a. "Manufacturing machinery and equipment for the purpose of automating manufacturing processes" means new or used automation and robotic equipment.
  - b. "Primary sector business" means a business certified by the department of commerce which, through the employment of knowledge or labor, adds value to a product, process, or service that results in the creation of new wealth.
3. The taxpayer shall claim the total credit amount for the taxable year in which the manufacturing machinery and equipment are purchased. The credit under this section may not exceed the taxpayer's liability as determined under this chapter for any taxable year.
4. If the amount of the credit determined under this section exceeds the liability for tax under this chapter, the excess may be carried forward to each of the next five succeeding taxable years.
5. The aggregate amount of credits allowed under this section may not exceed two million dollars in any calendar year. Credits subject to this limitation must be determined based upon the date of the qualified purchase.

6. If a taxpayer entitled to the credit provided by this section is a member of a group of corporations filing a North Dakota consolidated tax return using the combined reporting method, the credit may be claimed against the aggregate North Dakota tax liability of all the corporations included in the North Dakota consolidated return.
7. A partnership, subchapter S corporation, limited partnership, limited liability company, or any other passthrough entity entitled to the credit under this section must be considered to be the taxpayer for purposes of calculating the credit. The amount of the allowable credit must be determined at the passthrough entity level. The total credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity. An individual taxpayer may take the credit passed through under this subsection against the individual's state income tax liability under section 57-38-30.3.
8. The department of commerce shall provide the tax commissioner the name, address, and federal identification number or social security number of the taxpayer approved as qualifying for the credit under this section, and a list of those items that were approved as a qualified expenditure by the department. The taxpayer claiming the credit shall file with the taxpayer's return, on forms prescribed by the tax commissioner, the following information:
  - a. The name, address, and federal identification number or social security number of the taxpayer who made the purchase; and
  - b. An itemization of:
    - (1) Each item of machinery or equipment purchased for automation;
    - (2) The amount paid for each item of machinery or equipment if the amount paid for the machinery or equipment is being used as a basis for calculating the credit; and
    - (3) The date on which payment for the purchase was made.
9. Notwithstanding the time limitations contained in section 57-38-38, this section does not prohibit the tax commissioner from conducting an examination of the credit claimed and assessing additional tax due under section 57-38-38."

Page 12, line 23, replace "\$4,935,000" with "\$250,000"

Page 12, remove lines 27 through 31

Page 13, remove lines 1 through 31

Page 14, remove lines 1 and 2

Page 14, line 16, replace "Up to \$665,000 of the" with "The"

Page 14, line 20, replace "\$600,000" with "\$4,000,000"

Page 14, remove line 21

Page 14, line 22, replace "safeguard complex in Nekoma" with "entrepreneurial centers development grants under section 11 of this Act"

Page 14, line 22, replace "department of commerce may use up to \$65,000" with "office of management and budget shall transfer \$1,000,000"

Page 14, line 23, remove "for grants to child care service providers for workforce development, quality improvement,"

Page 14, replace lines 24 and 25 with "to the North Dakota development fund, incorporated, for the purpose of providing investments to startup stage technology-based businesses under section 4 of this Act."

Page 15, after line 8, insert:

**"SECTION 24. EXEMPTION.** The amount appropriated for the promotion and marketing of the USS North Dakota contained in the grants line item in section 1 of chapter 46 of the 2009 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this line item are available during the biennium beginning July 1, 2011, and ending June 30, 2013."

Page 15, after line 13, insert:

**"SECTION 26. TRANSFER - CENTERS OF RESEARCH EXCELLENCE FUND.** The office of management and budget shall transfer the amount appropriated in the centers of excellence line item in section 1 of this Act to the centers of research excellence fund for the purpose of implementing and administering the centers of research excellence grants, for the biennium beginning July 1, 2011, and ending June 30, 2013. The department of commerce may use up to \$1,000,000 of the funds transferred to the centers of research excellence fund for eminent researcher recruitment grants. During the biennium beginning July 1, 2011, and ending June 30, 2013, the centers of excellence commission may not award more than one-half of the amount available for centers of research excellence grants, including base realignment grants, to one research university or nonprofit foundation related to that research university."

Page 15, after line 18, insert:

**"SECTION 28. TRANSFER - INTERNSHIP FUND.** The office of management and budget shall transfer \$900,000 of the amount appropriated in the operating expenses line item in section 1 of this Act to the internship fund."

Page 15, after line 28, insert:

**"SECTION 30. APPROPRIATION.** There is appropriated out of any moneys in the lands and minerals trust fund in the state treasury, not otherwise appropriated, the sum of \$600,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing a grant to assist in the acquisition of the antiballistic missile site at the Stanley R. Mickelson safeguard complex in Nekoma."

Page 16, after line 15, insert:

**"SECTION 32. CENTERS OF RESEARCH EXCELLENCE LIMITED DEPLOYMENT-COOPERATIVE AIRSPACE PROJECT GRANT.** The department of commerce may use \$4,000,000 of the funds transferred to the centers of research excellence fund in section 26 of this Act for grants to the North Dakota university system's research institutions for the purpose of leveraging private and federal funding to advance state opportunities associated with a limited deployment-cooperative airspace project in the state during the biennium beginning July 1, 2011, and ending June 30, 2013. Up to \$2,700,000 of this amount may be awarded to the university of North Dakota and up to \$1,300,000 to North Dakota state university. The commissioner of commerce shall develop application criteria, review submitted applications, and recommend applications for approval to the centers of excellence commission.

**SECTION 33. NORTH DAKOTA ECONOMIC DEVELOPMENT FOUNDATION - 2020 AND BEYOND INITIATIVE.**

1. During the 2011-12 interim, the North Dakota economic development foundation shall contract with an organization with North Dakota business membership which is statewide in scope and represents business

interests across the state in order to conduct a 2020 and beyond initiative. The 2020 and beyond initiative must include periodic meetings of six legislators appointed by the chairman of the legislative management, with two members of the senate, one of whom must be from the majority party and one of whom must be from the minority party and two members of the house of representatives, one of whom must be from the majority party and one of whom must be from the minority party; individuals representing North Dakota business interests, individuals representing North Dakota education interests, and individuals representing state and local government interests.

2. The 2020 and beyond initiative must:
  - a. Assess current assets and resources of the state and whether these assets and resources match the emerging opportunities and trends in the state;
  - b. Study and assess successful models of other states and countries in creating economic growth and whether those models could be replicated and improved upon in this state;
  - c. Evaluate the effectiveness of programs and investments in the state designed to develop the state's workforce and to attract and retain businesses in the state;
  - d. Identify impediments to and opportunities for economic growth and job creation in the state;
  - e. Consider what new investments in infrastructure and changes to the state's tax and regulatory environment could be made to maintain and increase the state's standing as a business-friendly state;
  - f. Evaluate the state's higher education model to determine whether maximum opportunities for synergy between public and private sectors are being realized;
  - g. Consider how higher education institutions in the state could spur economic development in the state through innovation, knowledge transfer, and community engagement;
  - h. Find ways to unite public, nonprofit, and business interests behind common goals and solutions for faster, better results; and
  - i. Make recommendations to the North Dakota economic development foundation based on the outcome of the initiative.
3. The legislative members of the 2020 and beyond initiative are entitled to receive compensation and expenses from the legislative council in the same manner as provided for members of the legislative management committees under section 54-35-10.
4. The grants line item in section 1 of this Act includes the sum of \$50,000 from the general fund for providing a grant to implement the 2020 and beyond initiative.

**SECTION 34. DEPARTMENT OF COMMERCE GRANT - INSTITUTION OF HIGHER EDUCATION VACCINOLOGY INITIATIVE.** Of the funds appropriated in the grants line item in section 1 of this Act, \$50,000 from the general fund may be used by the department of commerce to provide a matching grant to an institution of higher education for a vaccinology initiative. The department shall require one dollar of matching funds from the institution for each one dollar of state funds awarded as a grant.

**SECTION 35. LEGISLATIVE MANAGEMENT STUDY - EXAMINATION OF POPULATION GROWTH IMPACT ON REVENUES.** During the 2011-12 interim, the

legislative management shall consider studying the development of a reliable means of estimating the effect of future population growth on state and local government revenues. 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 36. LEGISLATIVE MANAGEMENT STUDY - REDUCTION OF FLARING OF NATURAL GAS.** During the 2011-12 interim, the legislative management shall study methods to encourage reduction or restrict allowance of flaring of natural gas. The legislative management may gather input from the tax department, oil and gas division of the industrial commission, state department of health, petroleum industry representatives, and interested members of the public and representatives of political subdivisions to identify and implement a method of reducing flaring of natural gas, including improved methods for capturing or using the natural gas. The interim committee to which this study is assigned shall meet as often as necessary before November 2011 to determine if it is feasible and desirable to seek introduction of legislation to implement any preliminary recommendation of the interim committee during the November 2011 special legislative session. The interim committee shall include in its deliberations an examination of each legislative proposal to reduce flaring of natural gas considered by the sixty-second legislative assembly. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Page 16, line 17, replace "26" with "37"

Page 16, line 19, replace "8" with "9"

Page 16, after line 20, insert:

**"SECTION 40. EFFECTIVE DATE - EXPIRATION DATE.** Sections 14 and 15 of this Act are effective for the first three taxable years beginning after December 31, 2011, and are thereafter ineffective."

Page 16, line 22, remove "8,"

Page 16, line 22, after the fourth comma insert "10,"

Page 16, line 22, replace "18" with "20"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1018 - Department of Commerce - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$10,871,979	\$10,871,979	\$243,549	\$11,115,528
Operating expenses	14,108,260	13,883,260	350,000	14,233,260
Capital assets	70,018	70,018		70,018
Grants	60,627,994	66,262,994	(5,885,000)	60,377,994
North Dakota Development Fund	400,000	250,000		250,000
Discretionary funds	928,082	928,082		928,082
Centers of workforce excellence	2,000,000			
Economic development initiatives	186,846	186,846		186,846
Agriculture Products Utilization Comm	2,739,767	2,739,767		2,739,767
Centers of excellence	13,000,000		13,000,000	13,000,000
North Dakota Trade Office	2,553,000	2,553,000	60,400	2,613,400
Partner programs	2,122,044	2,022,044	100,000	2,122,044
Division of Energy	619,691			
Federal fiscal stimulus funds	24,496,750	24,496,750		24,496,750
Workforce enhancement		2,000,000		2,000,000
Nekoma ABM site acquisition			600,000	600,000
Total all funds	\$134,724,431	\$126,264,740	\$8,468,949	\$134,733,689
Less estimated income	88,634,937	88,634,937	600,000	89,234,937
	\$46,089,494	\$37,629,803	\$7,868,949	\$45,498,752



General fund				
FTE	70.25	68.25	1.00	69.25

### Department No. 601 - Department of Commerce - Detail of Senate Changes

	Adds Funding to ND Trade Office for Increased Lease Rate <sup>1</sup>	Reduces Funding for Child Care Service Provider Grants <sup>2</sup>	Restores Funding for Centers of Excellence <sup>3</sup>	Adds Funding for Electronic Portfolio Pilot Project <sup>4</sup>	Restores Funding for American Indian Business Development Office <sup>5</sup>	Adds Funding for Development Foundation 2020 <sup>6</sup>
Salaries and wages						
Operating expenses				150,000		
Capital assets						
Grants		(4,685,000)				50,000
North Dakota Development Fund						
Discretionary funds						
Centers of workforce excellence						
Economic development initiatives						
Agriculture Products Utilization Comm						
Centers of excellence			13,000,000			
North Dakota Trade Office	60,400					
Partner programs					100,000	
Division of Energy						
Federal fiscal stimulus funds						
Workforce enhancement						
Nekoma ABM site acquisition						
Total all funds	\$60,400	(\$4,685,000)	\$13,000,000	\$150,000	\$100,000	\$50,000
Less estimated income	0	0	0	0	0	0
General fund	\$60,400	(\$4,685,000)	\$13,000,000	\$150,000	\$100,000	\$50,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Removes Funding for Tourism Infrastructure Grants <sup>7</sup>	Removes Minot Air Force Base Realignment Grant <sup>8</sup>	Adds Energy Director and Associated Operating <sup>9</sup>	Restores Funding for Jobs for America's Graduates Program <sup>10</sup>	Changes Funding Source Nekoma ABM Site Acquisition <sup>11</sup>	Total Senate Changes
Salaries and wages			\$243,549			\$243,549
Operating expenses			100,000	100,000		350,000
Capital assets						
Grants	(1,000,000)	(250,000)				(5,885,000)
North Dakota Development Fund						
Discretionary funds						
Centers of workforce excellence						
Economic development initiatives						
Agriculture Products Utilization Comm						
Centers of excellence						13,000,000
North Dakota Trade Office						60,400
Partner programs						100,000
Division of Energy						
Federal fiscal stimulus funds						
Workforce enhancement						
Nekoma ABM site acquisition					600,000	600,000
Total all funds	(\$1,000,000)	(\$250,000)	\$343,549	\$100,000	\$600,000	\$8,468,949
Less estimated income	0	0	0	0	600,000	600,000
General fund	(\$1,000,000)	(\$250,000)	\$343,549	\$100,000	\$0	\$7,868,949
FTE	0.00	0.00	1.00	0.00	0.00	1.00

<sup>1</sup> Funding is added for the North Dakota Trade Office for a lease rate increase from \$2 per square foot to \$8 per square foot.

<sup>2</sup> One-time funding provided for child care service providers recruitment, training, and retention grants is reduced from \$4,935,000 to \$250,000.

<sup>3</sup> One-time funding of \$13 million is restored for the centers of excellence grant program, the same level recommended in the executive budget.

<sup>4</sup> One-time funding is added for an electronic portfolio pilot project.

<sup>5</sup> One-time funding of \$100,000 is restored for the American Indian Business Development Office, to provide the same level of funding as included in the executive budget.

<sup>6</sup> Funding is added for grants relating to a 2020 and beyond initiative to assess current assets and resources of the state and whether these assets and resources match the emerging opportunities and trends within the state.

<sup>7</sup> Funding provided by the House to the Division of Tourism for a tourism infrastructure grant is removed.

<sup>8</sup> Funding provided by the House related to a Minot Air Force Base realignment grant is removed.

<sup>9</sup> Funding is restored for a director of energy position (\$243,549) and associated operating expenses are added (\$100,000).

<sup>10</sup> Funding from the general fund removed by the House to continue four Jobs for America's Graduates programs previously paid for with federal funds in the 2009-11 biennium is restored.

<sup>11</sup> The funding source of a grant to assist in the acquisition of the antiballistic missile (ABM) site at the Stanley R. Mickelson Safeguard Complex in Nekoma is changed from the carryover related to the Great Plains Applied Energy Research Center to the lands and minerals trust fund.

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A new section of North Dakota Century Code is created for a small business technology investment program that provides matching investments to startup technology-based businesses.

Statutory provisions relating to centers of excellence are changed to:

- Remove the expiration date of the Centers of Excellence Commission of July 31, 2011, and make other changes and additions relating to postaward monitoring;
- Centers of research excellence and a centers of research excellence fund; and
- Eminent researcher recruitment grants, base realignment grants, and entrepreneurial centers development grants.

A new section to Chapter 54-60 is created to provide a pilot program within higher education for an electronic portfolio system administered by the Division of Workforce Development.

A section is added creating an internship fund.

Authority provided by the House for the Department of Commerce to administer an Innovation 2020 grant program and technology award equity investment program is removed.

A new section is added to provide that \$50,000 from the grants line item may be used as a matching grant for an institution of higher education vaccinology initiative.

Changes are made to the biofuel blender pump incentive program relating to the limits per retail location.

Funding from unspent 2009-11 biennium appropriations for the Great Plains Applied Energy Research Center of \$4 million is provided to the Department of Commerce for entrepreneurial centers development grants, and \$1 million is provided to the Development

Fund for providing investments to startup state technology-based businesses.

Funding provided by the House of \$600,000 from the Great Plains Applied Energy Research Center carryover related to a grant to assist in the acquisition of the AMB site at the Stanley R. Mickelson Safeguard Complex in Nekoma is removed. The Senate changed the funding source of this initiative to the lands and minerals trust fund.

Funding provided by the House of \$65,000 from the Great Plains Applied Energy Research Center carryover related to a grant to child care service providers for workforce development quality improvement, technical assistance, and capacity building in collaboration with the Department of Human Services under Section 50-11.1-14.1 is removed.

A centers of research excellence fund is created, and the bill provides for a transfer of the \$13 million provided for centers of excellence to this fund. Of the funding provided, \$1 million is for eminent researcher recruitment grants and \$4 million for grants related to limited deployment-cooperative airspace projects (\$2.7 million to the University of North Dakota and \$1.3 million to North Dakota State University).

Sections are added to provide an income tax credit for purchases of manufacturing machinery and equipment for the purpose of automating manufacturing processes.

A section is added authorizing unexpended amounts from the 2009-11 biennium appropriation of \$100,000 for the USS *North Dakota* to continue into the 2011-13 biennium.

A section is added to provide for a Legislative Management study of the impact of future population growth on state and local government revenues.

A section is added to provide for a Legislative Management study of gas flaring issues.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1004

Page 1, line 2, remove "to amend and reenact section 54-27-25 of the"

Page 1, line 3, remove "North Dakota Century Code, relating to the tobacco settlement trust fund;"

Page 1, line 4, remove "and"

Page 1, line 4, after "study" insert "; and to declare an emergency"

Page 1, replace lines 14 and 15 with:

"Salaries and wages	\$44,861,868	\$4,444,535	\$49,306,403
Operating expenses	44,635,794	67,287	44,703,081"

Page 1, replace line 17 with:

"Grants	62,160,510	(6,098,472)	56,062,038"
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Page 1, replace lines 21 through 23 with:

"Total all funds	\$187,614,500	(\$1,732,172)	\$185,882,328
Less estimated income	<u>164,609,206</u>	<u>(6,475,141)</u>	<u>158,134,065</u>
Total general fund	\$23,005,294	\$4,742,969	\$27,748,263"

Page 2, after line 9, insert:

"STEMI response program grant	0	25,000"
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Page 2, replace line 11 with:

"Total all funds \$17,323,696 \$3,517,228"

Page 2, replace line 13 with:

"Total general fund \$4,076,371 \$25,000"

Page 3, remove lines 10 through 31

Page 4, remove lines 1 through 18

Page 5, after line 3, insert:

**"SECTION 8. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1004 - State Department of Health - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$49,614,394	\$48,907,532	\$398,871	\$49,306,403
Operating expenses	45,223,767	25,015,100	19,687,981	44,703,081
Capital assets	1,998,073	1,998,073		1,998,073
Grants	55,887,778	55,493,320	568,718	56,062,038
Tobacco prevention	6,162,396	6,162,396		6,162,396
WIC food payments	24,158,109	24,158,109		24,158,109
Federal stimulus funds	3,492,228	3,492,228		3,492,228
Contingency		1,000,000		1,000,000
Total all funds	\$186,536,745	\$166,226,758	\$20,655,570	\$186,882,328
Less estimated income	158,456,189	138,865,277	19,768,788	158,634,065
General fund	\$28,080,556	\$27,361,481	\$886,782	\$28,248,263
FTE	343.50	342.50	0.00	342.50

#### Department No. 301 - State Department of Health - Detail of Senate Changes

	Restores Funding for Universal Vaccines <sup>1</sup>	Removes Funding for Women's Way Care Coordination <sup>2</sup>	Changes Funding Source for Heart Disease and Stroke Prevention <sup>3</sup>	Changes Funding Source for State Stroke Registry <sup>4</sup>	Removes Funding for Go Red North Dakota Program <sup>5</sup>	Restores Funding for Prenatal Alcohol Screening and Intervention <sup>6</sup>
Salaries and wages						
Operating expenses	19,400,000	(99,260)				
Capital assets						
Grants		(400,740)			(453,000)	388,458
Tobacco prevention						
WIC food payments						
Federal stimulus funds						
Contingency						
Total all funds	\$19,400,000	(\$500,000)	\$0	\$0	(\$453,000)	\$388,458
Less estimated income	19,400,000	(500,000)	(222,624)	(250,700)	(453,000)	0
General fund	\$0	\$0	\$222,624	\$250,700	\$0	\$388,458
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Matching Funding for STEMI Response Program <sup>7</sup>	Restores Funding for Health Care Reform <sup>8</sup>	Total Senate Changes
Salaries and wages		\$398,871	\$398,871
Operating expenses		387,241	19,687,981
Capital assets			
Grants	25,000	1,009,000	568,718
Tobacco prevention			
WIC food payments			

Federal stimulus funds			
Contingency			
Total all funds	\$25,000	\$1,795,112	\$20,655,570
Less estimated income	0	1,795,112	19,768,788
General fund	\$25,000	\$0	\$886,782
FTE	0.00	0.00	0.00

<sup>1</sup> Funding included in the executive recommendation, but removed by the House, for operating expenses related to the purchase of vaccines under a universal immunization system is restored.

<sup>2</sup> Funding provided by the House from the community health trust fund for Women's Way care coordination, including operating expenses (\$99,260) and grants (\$400,740), is removed. The executive recommendation includes \$500,000 from federal funds for Women's Way care coordination. The House did not remove the federal funding.

<sup>3</sup> Funding from the community health trust fund for heart disease and stroke prevention grants included in the executive recommendation is changed to the general fund. The House did not change this funding.

<sup>4</sup> The source of funding for certain state stroke registry operating expenses (\$78,500) and grants (\$172,200) is changed from the community health trust fund to the general fund, the same as the executive budget. The House changed the funding source for this program to the community health trust fund.

<sup>5</sup> Funding from the community health trust fund provided by the House for grants to implement the Go Red North Dakota risk awareness and action grants program is removed. The executive recommendation did not include funding for this program.

<sup>6</sup> Funding for prenatal alcohol screening and intervention grants removed by the House is restored to the level recommended by the Governor.

<sup>7</sup> This amendment adds funding to provide **one-time** funding from the general fund to the State Department of Health to provide matching funds for an ST-elevated myocardial infarction (STEMI) response program.

<sup>8</sup> Federal funding, provided in the executive recommendation and removed by the House, is restored for the following health care reform programs, including salaries and wages (\$398,871), operating expenses (\$387,241), and grants (\$1,009,000):

- Abstinence program funding - \$182,100.
- Public health infrastructure program funding - \$200,000.
- Home visiting program funding - \$1,413,012.

In addition, this amendment:

- Removes Section 5 which amended Section 54-27-25 relating to the tobacco settlement trust fund and use of moneys in the community health trust fund for tobacco prevention and control. This amendment was not included in the executive recommendation, but was added by the House.
- Adds a section to declare the contingent appropriation and Bank of North Dakota line of credit provided for litigation and administrative proceedings costs in Section 4 of the bill is an emergency measure.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1014

Page 1, replace line 16 with:

"Salaries and wages	\$9,321,995	\$2,889,625	\$12,211,620"
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Page 2, replace lines 1 through 4 with:

"Renewable energy development	<u>0</u>	<u>2,000,000</u>	<u>2,000,000</u>
Total all funds	\$59,430,586	\$4,911,783	\$64,342,369
Less estimated income	<u>49,308,484</u>	<u>(1,797,756)</u>	<u>47,510,728</u>
Total general fund	\$10,122,102	\$6,709,539	\$16,831,641"

Page 3, replace lines 3 and 4 with:

"Salaries and wages	\$22,599,324	\$3,712,292	\$26,311,616
Operating expenses	16,982,918	3,460,951	20,443,869"

Page 3, replace lines 7 and 8 with:

"Total from mill and elevator fund	\$40,057,242	\$7,308,243	\$47,365,485
Full-time equivalent positions	131.00	4.00	135.00"

Page 3, replace lines 23 through 25 with:

"Grand total general fund	\$19,522,102	\$6,709,539	\$26,231,641
Grand total special funds	<u>174,516,769</u>	<u>5,802,645</u>	<u>180,319,414</u>
Grand total all funds	\$194,038,871	\$12,512,184	\$206,551,055"

Page 4, replace line 5 with:

"Renewable energy development program	3,000,000	2,000,000"
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Page 4, replace lines 11 through 13 with:

"Total all funds	\$35,738,726	\$2,709,400
Total special funds	<u>30,360,574</u>	<u>0</u>
Total general fund	\$5,378,152	\$2,709,400"

Page 7, after line 4, insert:

**"SECTION 12. TRANSFER TO OIL AND GAS RESEARCH FUND FROM PERMANENT OIL TAX TRUST FUND - GRANTS - BUDGET SECTION APPROVAL.** During the biennium beginning July 1, 2011, and ending June 30, 2013, the director of the office of management and budget shall transfer \$4,000,000 from the permanent oil tax trust fund to the oil and gas research fund for the oil and gas research program. The moneys may be transferred only if the industrial commission has awarded grants totaling \$4,000,000 from the oil and gas research fund during the 2011-13 biennium and upon approval by the industrial commission and budget section."

Page 7, line 15, replace "12" with "13"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

**House Bill No. 1014 - Summary of Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Industrial Commission				
Total all funds	\$63,633,777	\$63,005,356	\$1,337,013	\$64,342,369
Less estimated income	46,716,149	47,522,658	(11,930)	47,510,728
General fund	\$16,917,628	\$15,482,698	\$1,348,943	\$16,831,641
Bank of North Dakota				
Total all funds	\$56,253,155	\$56,253,155	\$0	\$56,253,155
Less estimated income	46,853,155	46,853,155	0	46,853,155
General fund	\$9,400,000	\$9,400,000	\$0	\$9,400,000
Housing Finance Agency				
Total all funds	\$38,590,046	\$38,590,046	\$0	\$38,590,046
Less estimated income	38,590,046	38,590,046	0	38,590,046
General fund	\$0	\$0	\$0	\$0
Mill and Elevator				
Total all funds	\$46,741,421	\$46,539,135	\$826,350	\$47,365,485
Less estimated income	46,741,421	46,539,135	826,350	47,365,485
General fund	\$0	\$0	\$0	\$0
Bill total				
Total all funds	\$205,218,399	\$204,387,692	\$2,163,363	\$206,551,055
Less estimated income	178,900,771	179,504,994	814,420	180,319,414
General fund	\$26,317,628	\$24,882,698	\$1,348,943	\$26,231,641

### House Bill No. 1014 - Industrial Commission - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$11,844,607	\$11,874,607	\$337,013	\$12,211,620
Operating expenses	3,478,744	3,493,744		3,493,744
Grants - Lignite research	19,971,300	19,971,300		19,971,300
Grants - Bond payments	25,339,126	25,389,733		25,389,733
Renewable energy development	3,000,000	1,000,000	1,000,000	2,000,000
Carbon Dioxide Storage Fund		532,000		532,000
Mineral resources contingency		743,972		743,972
Total all funds	\$63,633,777	\$63,005,356	\$1,337,013	\$64,342,369
Less estimated income	46,716,149	47,522,658	(11,930)	47,510,728
General fund	\$16,917,628	\$15,482,698	\$1,348,943	\$16,831,641
FTE	73.06	74.06	0.00	74.06

### Department No. 405 - Industrial Commission - Detail of Senate Changes

	Adds Funding for Retention of Employees <sup>1</sup>	Adds Funding for Temporary Employees <sup>2</sup>	Restores Funding for Renewable Energy <sup>3</sup>	Changes Funding Source for Bond Payments <sup>4</sup>	Total Senate Changes
Salaries and wages	\$247,013	\$90,000			\$337,013
Operating expenses					
Grants - Lignite research					
Grants - Bond payments					
Renewable energy development			1,000,000		1,000,000
Carbon Dioxide Storage Fund					
Mineral resources contingency					
Total all funds	\$247,013	\$90,000	\$1,000,000	\$0	\$1,337,013
Less estimated income	0	0	0	(11,930)	(11,930)
General fund	\$247,013	\$90,000	\$1,000,000	\$11,930	\$1,348,943
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment adds funding for retention of Department of Mineral Resources staff.

<sup>2</sup> This amendment adds funding for temporary employees for the Geological Survey Division.

<sup>3</sup> This amendment restores \$1 million of the \$2 million of funding removed by the House for renewable energy development to provide a total of \$2 million.

<sup>4</sup> This amendment adjusts funding for bond payments to reflect a decrease in special funds rather than the general fund as provided in the House version.

This amendment adds sections relating to a transfer from the permanent oil tax trust fund to the oil and gas research fund and to the authority of the Board of University and School Lands.

#### House Bill No. 1014 - Mill and Elevator - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$26,311,616	\$26,049,330	\$262,286	\$26,311,616
Operating expenses	19,879,805	19,879,805	564,064	20,443,869
Contingencies	400,000	400,000		400,000
Agriculture promotion	150,000	210,000		210,000
Total all funds	\$46,741,421	\$46,539,135	\$826,350	\$47,365,485
Less estimated income	46,741,421	46,539,135	826,350	47,365,485
General fund	\$0	\$0	\$0	\$0
FTE	135.00	131.00	4.00	135.00

#### Department No. 475 - Mill and Elevator - Detail of Senate Changes

	Restores FTE Positions and Funding Removed by House <sup>1</sup>	Adds Funding for Increased Energy Costs <sup>2</sup>	Total Senate Changes
Salaries and wages	\$262,286		\$262,286
Operating expenses		564,064	564,064
Contingencies			
Agriculture promotion			
Total all funds	\$262,286	\$564,064	\$826,350
Less estimated income	262,286	564,064	826,350
General fund	\$0	\$0	\$0
FTE	4.00	0.00	4.00

<sup>1</sup> This amendment restores funding for 4 FTE positions removed by the House, including 2 car checker positions, 1 sales representative position, and 1 laboratory technician position.

<sup>2</sup> This amendment increases funding for operating expenses due to increased energy costs.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1224, HB 1232, HB 1314, HB 1321, HB 1413, HB 1422, HB 1423, HB 1435, HB 1442, HB 1452, HB 1456, HCR 3036, HCR 3037, and HCR 3039.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1328, HB 1329, HB 1334, HB 1338, HB 1355, HB 1382, HB 1386, HB 1389, and HB 1393.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently failed to pass: HB 1190 and HCR 3027.

#### 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 1002:** Sens. Kilzer; Wanzek; Warner



**HB 1005:** Sens. Erbele; Holmberg; O'Connell  
**HB 1007:** Sens. Kilzer; Bowman; Robinson  
**HB 1011:** Sens. Krebsbach; Wanzek; O'Connell  
**HB 1029:** Sens. Flakoll; Luick; Heckaman  
**HB 1248:** Sens. G. Lee; Schaible; Marcellais  
**HB 1447:** Sens. Sorvaag; Cook; Nelson  
**HB 1468:** Sens. Dever; Sorvaag; Marcellais

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2012, SB 2268, and SB 2308, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2012:** Sens. Kilzer; Fischer; Warner  
**SB 2268:** Sens. Berry; Dever; Nelson  
**SB 2308:** Sens. G. Lee; Nodland; 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 2004:** Reps. Dahl; Thoreson; Glassheim  
**SB 2005:** Reps. Kempenich; Klein; Kroeber  
**SB 2276:** Reps. Weisz; Devlin; Holman

**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 2161:** Reps. Koppelman; Kretschmar; Kilichowski  
**SB 2253:** Reps. Pietsch; Heilman; S. Meyer

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

**MR. PRESIDENT:** The House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1164 and wishes to inform you that the House does now concur with the Senate amendments to HB 1164 and subsequently failed to pass the same. Also, the House has dissolved the House Conference Committee on HB 1164.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1421, HB 1425.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1010, HB 1034, HB 1035, HB 1103, HB 1138, HB 1177, HB 1217, HB 1316, HB 1322.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1328, HB 1329, HB 1334, HB 1338, HB 1355, HB 1382, HB 1386, HB 1389, HB 1393.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2001, SB 2018, SB 2035, SB 2037, SB 2053, SB 2060, SB 2070, SB 2078, SB 2086, SB 2091, SB 2100, SB 2110, SB 2116, SB 2117, SB 2163, SB 2172, SB 2210, SB 2236, SB 2242, SB 2245, SB 2246, SB 2254, SB 2255, SB 2258, SB 2279, SB 2286, SB 2294, SB 2325, SB 2342, SB 2351, SB 2356.

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

**MR. SPEAKER:** The President has signed: HB 1010, HB 1031, HB 1034, HB 1035, HB 1038, HB 1039, HB 1040, HB 1045, HB 1048, HB 1071, HB 1080, HB 1087, HB 1095, HB 1099, HB 1103, HB 1112, HB 1127, HB 1138, HB 1162, HB 1175, HB 1177, HB 1188,

HB 1195, HB 1217, HB 1241, HB 1244, HB 1251, HB 1254, HB 1310, HB 1313, HB 1316, HB 1322.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1089, HB 1346.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1343.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2001, SB 2018, SB 2035, SB 2037, SB 2053, SB 2060, SB 2070, SB 2078, SB 2086, SB 2091, SB 2100, SB 2110, SB 2116, SB 2117, SB 2163, SB 2172, SB 2210, SB 2236, SB 2242, SB 2245, SB 2246, SB 2254, SB 2255, SB 2258, SB 2279, SB 2286, SB 2294, SB 2325, SB 2342, SB 2351, SB 2356.

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

**MR. SPEAKER:** The President has signed: SB 2071.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 7, 2011: HB 1089, HB 1346.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 7, 2011: HB 1343.

**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, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Friday, April 8, 2011, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1214, as engrossed:** Your conference committee (Sens. Flakoll, Schaible, Marcellais and Reps. R. Kelsch, Rust, Hunsakor) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1066, adopt amendments as follows, and place HB 1214 on the Seventh order:

That the Senate recede from its amendments as printed on page 1066 of the House Journal and pages 755 and 756 of the Senate Journal and that Engrossed House Bill No. 1214 be amended as follows:

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

Page 1, line 1, remove ", and 15.1-02-18.3"

Page 1, line 3, replace "sections" with "section"

Page 1, line 3, after "15.1-02-18" insert ", subsection 6 of section 23-02.1-27,"

Page 1, line 3, after the second "and" insert "section"

Page 1, line 4, after "system" insert "and to the disclosure of records"

Page 3, remove lines 22 through 28

Page 3, line 29, replace "15.1-02-18.3" with "15.1-02-18.2"

Page 4, line 1, replace "15.1-02-18.3." with "15.1-02-18.2."

Page 4, after line 10, insert:

**"SECTION 4. AMENDMENT.** Subsection 6 of section 23-02.1-27 of the North Dakota Century Code is amended and reenacted as follows:

6. The state department of health may grant limited access to birth and death information to the department of human services and the department of information technology necessary for the purpose of completing its official duties."

Renumber accordingly

Engrossed HB 1214 was placed on the Seventh order of business on the calendar.

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

**Buell J. Reich, Chief Clerk**

