

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, April 13, 2011

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

The prayer was offered by Pastor Craig Wentzel, Zoar Lutheran Church, Hampden and Living Word Free Lutheran Church, Edmore.

The roll was called and all members were present except Representatives Conklin, Hofstad, and Klemin.

A quorum was declared by the Speaker.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DELZER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1003 as printed on HJ pages 1606-1620 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1003: Reps. Skarphol, Martinson, Williams.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DELZER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1020 as printed on HJ pages 1581-1586 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1020: Reps. Skarphol, Hawken, Williams.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DELZER MOVED** that the House do not concur in the Senate amendments to HB 1033 as printed on HJ pages 1420-1421 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1033: Reps. Dosch, Monson, Williams.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DELZER MOVED** that the House do not concur in the Senate amendments to Reengrossed HB 1044 as printed on HJ pages 1509-1510 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Reengrossed HB 1044: Reps. Weisz, Pollert, Holman.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1289 as printed on HJ page 1576 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1289: Reps. Belter, Headland, S. Kelsh.

**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 2020 and Reengrossed SB 2227, which motion prevailed.

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

**Engrossed SB 2020:** Reps. Skarphol, Monson, Williams

**Reengrossed SB 2227:** Reps. DeKrey, Brandenburg, Hanson

**ANNOUNCEMENT**

**SPEAKER DROVDAL ANNOUNCED** that Rep. Holman replaces Rep. Conklin on the Conference Committee on SB 2268.

**ANNOUNCEMENT**

**SPEAKER DROVDAL ANNOUNCED** that Rep. Kilichowski replaces Rep. Conklin on the Conference Committee on HB 1199.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to Reengrossed SB 2150.

Reengrossed SB 2150, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2150:** A BILL for an Act to create and enact a new section to chapter 15.1-09.1, four new sections to chapter 15.1-18.2, two new sections to chapter 15.1-21, and eight new sections to chapter 15.1-27 of the North Dakota Century Code, relating to regional education associations, the professional development advisory committee, North Dakota scholarships, and supplemental teacher-effectiveness compensation; to amend and reenact sections 15.1-06-04, 15.1-07-33, 15.1-09-58, 15.1-09.1-02, 15.1-21-02.1, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.6, 15.1-21-08, 15.1-21-18, 15.1-21-19, 15.1-22-01, 15.1-27-03.1, 15.1-27-04, 15.1-27-07.2, 15.1-27-11, 15.1-27-35.3, 15.1-36-02, and 15.1-37-01, subsection 1 of section 15.1-37-02, and sections 15.1-37-03 and 57-15-14 of the North Dakota Century Code, relating to the school calendar, technology, regional education associations, curriculum requirements, assessments, scholarships, student consultations, state aid, school construction funding, early childhood education, care, and services, and taxable valuations; to repeal section 6 of this Act and sections 15.1-18.2-01, 15.1-18.2-02, 15.1-18.2-03, and 15.1-27-15 of the North Dakota Century Code, relating to professional development and isolated schools; to provide for compensation increases, transition payments, contingent payments, and the distribution of transportation grants, supplemented teacher-effectiveness compensation grants, alternative middle school grants, and rapid enrollment growth grants; to provide for legislative management studies; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 60 YEAS, 31 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; Devlin; Dosch; Frantsvog; Froseth; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hunsakor; Johnson, D.; Johnson, N.; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Koppelman; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Metcalf; Mock; Monson; Mueller; Nathe; Owens; Paur; Pietsch; Pollert; Porter; Ruby; Rust; Sanford; Skarphol; Steiner; Sukut; Thoreson; Vigesaa; Wall; Wieland; Williams; Speaker Drovdal

**NAYS:** Amerman; Anderson; Boe; DeKrey; Delmore; Delzer; Glassheim; Grande; Headland; Heller; Hogan; Holman; Kaldor; Kasper; Keiser; Kreidt; Kroeber; Meyer, S.;

Nelson, J.; Nelson, M.; Onstad; Rohr; Schatz; Schmidt; Streyle; Trottier; Weiler; Weisz; Winrich; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Conklin; Hofstad; Klemin

Reengrossed SB 2150, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, North Dakota vision services - school for the blind, and the state library; to provide for the distribution of funding for regional education association grants, continuing education grants, gifted and talented programs and medicaid matching funds, and other grants; to amend and reenact section 15.1-02-02 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction; to repeal section 15.1-13-33 of the North Dakota Century Code, relating to the national board certification fund; to provide an exemption; to provide for a transfer; to amend and reenact sections 54 and 59 of chapter 175 of the 2009 Session Laws, relating to funds appropriated for transportation and state school aid; to amend and reenact section 16 of chapter 13 of the 2009 Session Laws, relating to contingent supplemental transportation aid payments; to provide a statement of legislative intent; to provide for reports to the budget section and sixty-third legislative assembly; 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 75 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Meyer, S.; Mock; Monson; Nathe; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rust; Sanford; Schmidt; Skarphol; Steiner; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Drovdal

**NAYS:** Boe; Glassheim; Kaldor; Kasper; Kroeber; Metcalf; Mueller; Nelson, J.; Nelson, M.; Rohr; Ruby; Schatz; Streyle; Weiler; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Conklin; Hofstad; Klemin

Reengrossed SB 2013, as amended, passed and the emergency clause was declared carried.

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### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. WEISZ MOVED** that the conference committee report on Engrossed HB 1085 as printed on HJ pages 1656-1657 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1085, as amended, was placed on the Eleventh order of business.

### SECOND READING OF HOUSE BILL

**HB 1085:** A BILL for an Act to amend and reenact sections 50-11.1-07.8 and 50-25.1-11 of the North Dakota Century Code, relating to conditions on an early childhood license, self-declaration, or registration document involving a child abuse and neglect investigation and to the confidentiality of child abuse and neglect records and information.

### 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; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Conklin; Hofstad; Klemin

Reengrossed HB 1085 passed.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KOPPELMAN MOVED** that the conference committee report on Engrossed HB 1091 as printed on HJ pages 1657-1658 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1091, as amended, was placed on the Eleventh order of business.

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

**HB 1091:** A BILL for an Act to amend and reenact subsection 5 of section 10-04-10.1 of the North Dakota Century Code, relating to investment advisory contracts.

#### **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; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Conklin; Hofstad; Klemin

Reengrossed HB 1091 passed.

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#### **ANNOUNCEMENT**

**SPEAKER DROVDAL ANNOUNCED** that the House will stand in recess until 1:30 p.m.

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

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

**REP. DELZER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1001 as printed on HJ pages 1599-1606 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1001:

Reps. Thoreson, Klein, Kroeber.

#### 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 2003, SB 2008, and Engrossed SB 2016, which motion prevailed.

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

**Engrossed SB 2003:** Reps. Dahl, Klein, Glassheim

**SB 2008:** Reps. Brandenburg, Klein, Kroeber

**Engrossed SB 2016:** Reps. Klein, Brandenburg, Kroeber

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. DELZER MOVED** that the conference committee report on Engrossed HB 1018 as printed on HJ pages 1473-1489 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1018, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to create and enact section 10-30.5-13, a new chapter to title 17, three new sections to chapter 54-60, 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 of the North Dakota Century Code, relating to a small business technology investment program, a biofuel blender pump incentive program, the internship fund, 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; to amend and reenact sections 10-30.5-02, 15-69-01, 15-69-03, 15-69-04, and 15-69-05 of the North Dakota Century Code, relating to the North Dakota development fund, incorporated, and centers of excellence program; to repeal chapter 15-69 of the North Dakota Century Code, relating to the centers of excellence program; 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; to provide a continuing appropriation; to provide exemptions; to provide for transfers; to provide an effective date; to provide an expiration 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 22 YEAS, 69 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Conklin; Klemin; Sanford

Reengrossed HB 1018 lost.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1142, as engrossed:** Your conference committee (Sens. Olafson, Nething, Sorvaag and

Reps. Kretschmar, DeKrey, Onstad) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1103-1104 and place HB 1142 on the Seventh order.

Engrossed HB 1142 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. DEKREY MOVED** that the conference committee report on Engrossed HB 1142 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1142, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1142:** A BILL for an Act to create and enact a new chapter to title 53 of the North Dakota Century Code, relating to registered agritourism activity liability.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 66 YEAS, 25 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Boe; Boehning; Brandenburg; Clark; Dahl; DeKrey; Delmore; Dosch; Frantsvog; Froseth; Glassheim; Gruchalla; Hanson; Hatlestad; Hawken; 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; Kreun; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Owens; Pietsch; Porter; Ruby; Rust; Schatz; Skarphol; Steiner; Sukut; Thoreson; Weisz; Williams; Winrich; Zaiser; Speaker Drovdal

**NAYS:** Bellew; Belter; Brabandt; Carlson; Damschen; Delzer; Devlin; Grande; Guggisberg; Headland; Keiser; Kretschmar; Louser; Nathe; Paur; Pollert; Rohr; Schmidt; Streyle; Trottier; Vigasaa; Wall; Weiler; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Conklin; Klemin; Sanford

Reengrossed HB 1142 passed.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1204, as engrossed:** Your conference committee (Sens. Nething, Sitte, Sorvaag and Reps. Koppelman, Brabandt, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 981, adopt further amendments as follows, and place HB 1204 on the Seventh order:

That the Senate recede from its amendments as printed on page 981 of the House Journal and pages 698 and 699 of the Senate Journal and that Engrossed House Bill No. 1204 be amended as follows:

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

Page 1, remove line 9

Page 1, line 10, remove "court, or a"

Page 1, line 10, overstrike "in another state" and insert immediately thereafter "from another court in North Dakota, a court of record in the United States, or a tribal court"

Renumber accordingly

Engrossed HB 1204 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. DEKREY MOVED** that the conference committee report on Engrossed HB 1204 be

adopted, which motion prevailed on a voice vote.

Engrossed HB 1204, as amended, was placed on the Eleventh order of business.

### SECOND READING OF HOUSE BILL

**HB 1204:** A BILL for an Act to amend and reenact subsection 6 of section 12.1-17-07.1 of the North Dakota Century Code, relating to stalking and previous convictions.

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

**ABSENT AND NOT VOTING:** Conklin; Klemin; Sanford; Williams

Reengrossed HB 1204 passed.

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### REPORT OF CONFERENCE COMMITTEE

**SB 2065:** Your conference committee (Sens. Berry, Nelson, Sorvaag and Reps. Boehning, Sanford, Winrich) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 874-875 and place SB 2065 on the Seventh order.

SB 2065 was placed on the Seventh order of business on the calendar.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. GRANDE MOVED** that the conference committee report on SB 2065 be adopted, which motion prevailed on a voice vote.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2150.

### 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 2013.

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

**MR. SPEAKER:** The Senate has laid on the table: HB 1450.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1001, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1001:** Reps. Thoreson; Klein; Kroeber

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1003, HB 1020, HB 1033, HB 1044, and HB 1289, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1003:** Reps. Skarphol; Martinson; Williams

**HB 1020:** Reps. Skarphol; Hawken; Williams

**HB 1033:** Reps. Dosch; Monson; Williams

**HB 1044:** Reps. Weisz; Pollert; Holman

**HB 1289:** Reps. Belter; Headland; S. Kelsh

**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 1003:** Sens. Holmberg; Krebsbach; O'Connell

**HB 1020:** Sens. Bowman; Holmberg; O'Connell

**HB 1033:** Sens. Holmberg; Krebsbach; Grindberg

**HB 1044:** Sens. J. Lee; Uglem; Bowman

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2013 and SB 2150, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2013:** Sens. Holmberg; Wardner; Robinson

**SB 2150:** Sens. Freborg; Flakoll; Heckaman

**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 2003:** Reps. Dahl; Klein; Glassheim

**SB 2008:** Reps. Brandenburg; Klein; Kroeber

**SB 2016:** Reps. Klein; Brandenburg; Kroeber

**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 2020:** Reps. Skarphol; Monson; Williams

**SB 2227:** Reps. DeKrey; Brandenburg; Hanson

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Kilichowski to replace Rep. Conklin on the Conference Committee on HB 1199.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Holman to replace Rep. Conklin on the Conference Committee on SB 2268.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2065.

**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 1085, HB 1091, HB 1142, HB 1204.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2169.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2169.



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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1433.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2098, SB 2231, SB 2247, SCR 4002.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1270.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2253, SB 2308.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1029.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1012, HB 1092, HB 1397, HB 1421, HB 1425, HB 1426, HB 1469.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1214, HCR 3009, HCR 3048.

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

**MR. SPEAKER:** The President has signed: HB 1012, HB 1092, HB 1397, HB 1421, HB 1425, HB 1426, HB 1469.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1438.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1469.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 13, 2011: HB 1438.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 13, 2011: HB 1469.

**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., Thursday, April 14, 2011, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1074, as engrossed:** Your conference committee (Sens. Schaible, Luick, Heckaman and Reps. Monson, R. Kelsch, Williams) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1334 and place HB 1074 on the Seventh order.

Engrossed HB 1074 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1124:** Your conference committee (Sens. Oehlke, Burckhard, Triplett and Reps. Weiler, Streyle, Zaiser) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1179 and place HB 1124 on the Seventh order.

HB 1124 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1246, as engrossed:** Your conference committee (Sens. Hogue, Burckhard, Dotzenrod and Reps. Hatlestad, Froseth, S. Meyer) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1154-1155, adopt amendments as follows, and place HB 1246 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1154 and 1155 of the House Journal and pages 838 and 839 of the Senate Journal and that Engrossed House Bill No. 1246 be amended as follows:

Page 1, line 2, after the semicolon insert "to repeal subsection 7 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for certain church property; to provide for a legislative management study;"

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

Page 1, line 7, remove "twenty"

Page 1, line 7 overstrike "acres"

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

Page 1, line 7 overstrike "in extent,"

Page 1, overstrike lines 8 through 10

Page 1, line 11, overstrike "priest, rector, or other minister in charge of services," and insert immediately thereafter "buildings owned by any religious corporation or organization and used for the religious services of the organization, and if on the same parcel, dwellings with usual outbuildings, intended and ordinarily used for the residence of the bishop, priest, rector, or other minister in charge of services, land directly under and within the perimeter of those buildings, improved off-street parking or reasonable landscaping or sidewalk area adjoining the main church building, and up to a maximum of two additional acres [.81 hectare]"

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

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

Page 1, overstrike lines 17 through 19

Page 1, after line 19, insert:

**"SECTION 2. REPEAL.** Subsection 7 of section 57-02-08 of the North Dakota Century Code is repealed.

**SECTION 3. LEGISLATIVE MANAGEMENT STUDY - SALES TAX EXEMPTION FOR CHARITABLE NONPROFITS.** During the 2011-12 interim, the legislative management shall consider studying the feasibility and desirability of extending the sales tax exemption on purchases of tangible property to all charitable nonprofit organizations so that all such organizations are treated equally and fairly under state law. The legislative management also may undertake a comparative analysis of the efficacy of sales tax exemptions and rate reductions, including, for each exemption or reduction, a detailed analysis of the fiscal impact to the state; benefits to the state economy from eliminating or retaining the exemption or rate reduction; the relationship of the exemption or rate reduction to tax policies of other states and to federal or state laws or regulations; and who are the beneficiaries of each exemption or rate reduction, specifically including the extent to which the benefits flow to out-of-state concerns. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

Engrossed HB 1246 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1318, as engrossed:** Your conference committee (Sens. Uglem, Triplett, Freborg and Reps. Damschen, Hofstad, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1203, adopt amendments as follows, and place HB 1318 on the Seventh order:

That the Senate recede from its amendments as printed on page 1203 of the House Journal and pages 904 and 905 of the Senate Journal and that Engrossed House Bill No. 1318 be amended as follows:

Page 9, line 18, remove "condemned, or used for construction, for the project, as determined in accordance with"

Page 9, line 19, replace "title 57" with "for which fee title interest will be lost as a result of the project"

Page 10, line 10, remove "in the newspapers of general"

Page 10, line 11, remove "circulation"

Page 10, line 12, after "located" insert "and in local newspapers of general circulation in the area of the affected lands"

Page 19, line 30, after "ineffective" insert "except for projects for which all steps up to and including approval as described in section 61-24.8-14 are completed before August 1, 2013"

Renumber accordingly

Engrossed HB 1318 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2067:** Your conference committee (Sens. J. Lee, Berry, Mathern and Reps. Damschen, Paur, Conklin) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 900, adopt amendments as follows, and place SB 2067 on the Seventh order:

That the House recede from its amendments as printed on page 900 of the Senate Journal and pages 1071 and 1072 of the House Journal and that Senate Bill No. 2067 be amended as follows:

Page 3, line 3, after "shall" insert "provide the parents with written information regarding the nature of the proposed testing and then"

Page 3, line 7, overstrike "on the grounds that testing for metabolic"

Page 3, line 7, remove "or"

Page 3, line 8, remove "genetic"

Page 3, line 8, overstrike "diseases"

Page 3, line 8, remove ", or both,"

Page 3, line 8, overstrike "conflicts with their religious tenets and practices"

Renumber accordingly

SB 2067 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2073, as engrossed:** Your conference committee (Sens. Olafson, Sorvaag, Nelson and Reps. Klemin, Maragos, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 875-877, adopt amendments as follows, and place SB 2073 on the Seventh order:

That the House recede from its amendments as printed on pages 875-877 of the Senate Journal and pages 1048-1050 of the House Journal and that Engrossed Senate Bill No. 2073 be amended as follows:

Page 1, line 1, after "reenact" insert "section 16.1-08.1-01,"

Page 1, line 1, after the comma insert "and"

Page 1, line 2, remove ", and subsection 2 of section 16.1-08.1-03.8"

Page 1, line 3, after "to" insert "the definition of direct expenditures and"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 16.1-08.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
2. "Candidate" means an individual who seeks nomination for election or election to public office, and includes:
  - a. A person holding public office;
  - b. A person who has publicly declared that person's candidacy for nomination for election or election to public office or has filed or accepted a nomination for public office;
  - c. A person who has formed a campaign or other committee for that person's candidacy for public office;
  - d. A person who has circulated a nominating petition to have that person's name placed on the ballot; and
  - e. A person who has, in any manner, solicited or received a contribution for that person's candidacy for public office, whether before or after the election for that office.
3. "Contribution" means a gift, transfer, conveyance, provision, receipt, subscription, loan, advance, deposit of money, or anything of value, made for the purpose of influencing the nomination for election, or election, of any person to public office or aiding or opposing the circulation or passage of a statewide initiative or referendum petition or measure. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes. The term includes funds received by a candidate for public office or a political party or committee which are transferred or signed over to that candidate, party, or

committee from another candidate, party, or political committee or other source. The term "anything of value" includes any good or service of more than a nominal value. The term "nominal value" means the cost, price, or worth of the good or service is trivial, token, or of no appreciable value. The term "contribution" does not include:

- a. A loan of money from a bank or other lending institution made in the regular course of business.
  - b. Time spent by volunteer campaign or political party workers.
  - c. Money spent by a candidate on the candidate's own behalf.
  - d. Money or anything of value received for commercial transactions, including rents, advertising, or sponsorships made as a part of a fair market value bargained-for exchange.
  - e. Money or anything of value received by a candidate in that person's personal capacity, including pursuant to a contract or agreement made for personal or private employment purposes, and not received for a political purpose or to influence the performance of that person's official duty.
  - f. Contributions of products or services for which the actual cost or fair market value are reimbursed by a payment of money.
4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code, and for purposes of this chapter "corporations" includes nonprofit corporations.
5. "Direct expenditure" means an expenditure made by a corporation, cooperative corporation, limited liability company, or association for the specific purpose of promoting passage or defeat of an initiated or referred measure without the express or implied consent, authorization, or cooperation of, and not in concert with or at the request or suggestion of a measure committee.
6. "Expenditure" means a gift, transfer, conveyance, provision, loan, advance, payment, distribution, disbursement, outlay, or deposit of money or anything of value, except a loan of money from a bank or other lending institution made in the regular course of business, made for the direct purpose of influencing the passage or defeat of a measure or the nomination for election, or election, of any individual to office. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.
7. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.
- 7-8. "Person" means an individual, partnership, political committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.
- 8-9. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes and includes the following:
- a. A political action committee, derived from a corporation, cooperative corporation, limited liability company, or an association that is prohibited from making direct contributions for political purposes under section 16.1-08.1-03.3, and which solicits or receives contributions or makes expenditures for political purposes;

- b. A candidate committee, established to support an individual candidate seeking statewide office, that solicits or receives contributions for political purposes;
  - c. An organization governed by section 527 of the Internal Revenue Code [26 U.S.C. 527], which solicits or receives contributions or makes expenditures for political purposes;
  - d. A multicandidate political committee, established to support multiple groups or slates of candidates seeking public office, that solicits or receives contributions for political purposes; and
  - e. A measure committee that solicits or receives contributions for the purpose of aiding or opposing a measure to be voted upon by the voters of the state.
- ~~9-10.~~ "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.
- ~~40-11.~~ "Political purpose" means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office and includes using "vote for", "oppose", or any similar support or opposition language in any advertisement whether the activity is undertaken by a candidate, a political committee, a political party, or any person. In the period thirty days before a primary election and sixty days before a special or general election, "political purpose" also means any activity in which a candidate's name, office, district, or any term meaning the same as "incumbent" or "challenger" is used in support of or in opposition to the election or nomination of a candidate to public office. The term does not include activities undertaken in the performance of a duty of a state office or any position taken in any bona fide news story, commentary, or editorial.
- ~~44-12.~~ "Public office" means every office to which persons can be elected by vote of the people under the laws of this state."

Page 3, remove lines 28 through 31

Page 4, remove lines 1 through 7

Renumber accordingly

Engrossed SB 2073 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2085, as engrossed:** Your conference committee (Sens. Miller, Luick, Murphy and Reps. Wall, Mueller, Schmidt) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 877 and place SB 2085 on the Seventh order.

Engrossed SB 2085 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2098:** Your conference committee (Sens. Larsen, Nodland, Schneider and Reps. Hofstad, Schmidt, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 994-995, adopt amendments as follows, and place SB 2098 on the Seventh order:

That the House recede from its amendments as printed on pages 994 and 995 of the Senate Journal and pages 1109 and 1110 of the House Journal and that Senate Bill No. 2098 be amended as follows:

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, replace "43-11-05" with "43-11-03, 43-11-04"

Page 1, line 3, remove the second "and"

Page 1, line 4, remove "43-11-17, 43-11-19,"

Page 1, line 4, after the fifth comma insert "and"

Page 1, line 4, replace "43-11-27" with "subdivision b of subsection 1 of section 43-11-28"

Page 1, line 4, after "and" insert "section"

Page 1, line 5, after "to" insert "fees,"

Page 1, line 6, after "schools" insert a comma

Page 1, line 6, after "powers" insert ", membership,"

Page 1, line 7, remove "; to repeal section 43-11-28 of the North Dakota"

Page 1, line 8, remove "Century Code, relating to fees; and to provide an effective date"

Page 3, replace lines 21 through 29 with:

**"SECTION 3. AMENDMENT.** Section 43-11-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-11-03. State board of cosmetology - Appointment - Term - Removal.**

The state board of cosmetology consists of ~~three~~five members appointed by the governor for three years each, with their terms of office so arranged that ~~one term expires~~no more than two terms expire on June thirtieth of each year. Each member shall qualify by taking the oath required of civil officers and shall hold office until a successor is appointed and qualified. The governor may remove from office a member for misconduct, malfeasance, neglect of duty in office, crime in office, gross incompetency, or habitual drunkenness. A vacancy on the board must be filled by appointment by the governor for the unexpired term.

**SECTION 4. AMENDMENT.** Section 43-11-04 of the North Dakota Century Code is amended and reenacted as follows:

**43-11-04. Members of board - Qualifications.**

Each member of the board must be a citizen of this state ~~and. Three of the members of the board must each be~~ a licensed cosmetologist who has had at least three years' practical experience in the occupation. The other two members of the board must be citizen members, at least one of whom has professional experience as a secondary teacher or as a postsecondary educator.

Page 4, line 2, overstrike "of one hundred dollars" and insert immediately thereafter "in the amount provided for members of the legislative management under section 54-35-10"

Page 4, remove lines 20 through 31

Page 5, remove lines 1 through 8

Page 5, line 17, remove the overstrike over "~~pursuant to section 43-11-28~~"

Page 5, line 17, remove "by rule"

Page 5, line 20, remove the overstrike over "~~section 43-11-28~~"

Page 5, line 20, remove "rule"

Page 6, line 1, remove the overstrike over "~~as set forth in section 43-11-28~~"

Page 6, line 23, remove the overstrike over "~~as set forth in section 43-11-28~~"

Page 6, remove lines 26 through 31

Page 7, remove lines 1 through 31

Page 8, replace lines 1 through 6 with:

**"SECTION 11. AMENDMENT.** Subdivision b of subsection 1 of section 43-11-28 of the North Dakota Century Code is amended and reenacted as follows:

b. Examinations:

- (1) Operator practical examination \$25.00
- (2) Instructors practical examination \$55.00
- (3) ~~Reexamination fee, operator's~~
  - (a) Practical \_\_\_\_\_ \$30.00
  - (b) Written \_\_\_\_\_ \$20.00
- (4) ~~Reexamination fee, instructor's~~
  - (a) Practical \_\_\_\_\_ \$55.00
  - (b) Written \_\_\_\_\_ \$25.00 Written examination fees are set and collected by the administrator of the examination and payment is the responsibility of the applicant."

Page 8, remove lines 25 through 27

Renumber accordingly

SB 2098 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2138, as engrossed:** Your conference committee (Sens. Andrist, Laffen, Murphy and Reps. Nathe, Vigesaa, Boe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 792, adopt amendments as follows, and place SB 2138 on the Seventh order:

That the House recede from its amendments as printed on page 792 of the Senate Journal and page 1000 of the House Journal and that Engrossed Senate Bill No. 2138 be amended as follows:

Page 1, line 11, replace "two years" with "one year"

Page 1, line 12, replace "ten" with "five"

Renumber accordingly

Engrossed SB 2138 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2145, as engrossed:** Your conference committee (Sens. Lyson, Sitte, Nelson and Reps. Devlin, Heilman, Mock) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 694-695 and place SB 2145 on the Seventh order.

Engrossed SB 2145 was placed on the Seventh order of business on the calendar.



**REPORT OF CONFERENCE COMMITTEE**

**SB 2155, as engrossed:** Your conference committee (Sens. Uglen, J. Lee, Mathern and Reps. Pietsch, Louser, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 995-996, adopt amendments as follows, and place SB 2155 on the Seventh order:

That the House recede from its amendments as printed on pages 995 and 996 of the Senate Journal and pages 1110 and 1111 of the House Journal and that Engrossed Senate Bill No. 2155 be amended as follows:

Page 2, line 12, replace "implement" with "supervise"

Page 2, line 14, replace "implement" with "supervise"

Page 2, line 16, replace "implement" with "supervise"

Page 3, line 16, after "analyst" insert "and is supervised by a licensed psychologist or applied behavior analyst"

Page 5, line 7, remove the overstrike over "~~one hundred fifty~~"

Page 5, line 8, remove the overstrike over "~~dollars~~"

Page 5, line 8, remove "the costs incurred by the board in issuing the license or registration"

Page 6, line 29, remove "registrant."

Page 8, after line 13, insert:

"11. An individual licensed as an occupational therapist or an occupational therapy assistant pursuant to chapter 43-30 within the body of knowledge and scope of professional practice of occupational therapy."

Page 9, remove lines 11 through 23

Page 9, line 24, replace "4." with "3."

Page 9, line 28, replace "5." with "4."

Page 10, line 1, replace "6." with "5."

Renumber accordingly

Engrossed SB 2155 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2158, as engrossed:** Your conference committee (Sens. Sitte, Olafson, Sorvaag and Reps. Beadle, Kretschmar, Hogan) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 753, adopt amendments as follows, and place SB 2158 on the Seventh order:

That the House recede from its amendments as printed on page 753 of the Senate Journal and page 950 of the House Journal and that Engrossed Senate Bill No. 2158 be amended as follows:

Page 1, line 9, after the period insert:

"a."

Page 1, line 15, after the period insert "If the state's attorney or holder determines the person identified as the issuer of the instrument did not make, draw, utter, or deliver the instrument in violation of this section but instead is the victim of fraud, that state's attorney or holder shall provide the holder or its agent or representative written notice of the fraud and upon receipt of the notice that holder or its agent or representative may not collect fees or costs under this subdivision."

b."

Page 1, line 18, after the period insert:

"c."

Page 2, line 1, after the period insert:

"d."

Page 2, line 27, replace "ninety" with "one hundred twenty"

Page 2, line 28, remove ". and"

Page 2, remove line 29

Page 2, line 30, remove "notice under this subsection the state's attorney may."

Page 3, line 9, after the period insert "If the state's attorney or holder determines the person identified as the issuer of the instrument did not issue the instrument in violation of this section but instead is the victim of fraud, that state's attorney or holder shall provide the holder or its agent or representative written notice of the fraud and upon receipt of the notice that holder or its agent or representative may not collect fees or costs under this subsection."

Page 3, line 17, replace "ninety" with "one hundred twenty"

Page 3, line 18, remove ". and thereafter until the expiration of one hundred twenty days after the drawer"

Page 3, line 19, remove "received notice under this subsection the state's attorney may."

Renumber accordingly

Engrossed SB 2158 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2169, as engrossed:** Your conference committee (Sens. Sorvaag, Cook, Marcellais and Reps. Streytle, Boehning, Amerman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 807-808 and place SB 2169 on the Seventh order.

Engrossed SB 2169 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2182:** Your conference committee (Sens. Nething, Sitte, Lyson and Reps. Koppelman, Maragos, Onstad) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 819-820, adopt amendments as follows, and place SB 2182 on the Seventh order:

That the House recede from its amendments as printed on pages 819 and 820 of the Senate Journal and pages 1014 and 1015 of the House Journal and that Senate Bill No. 2182 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 51-12-01 of the North Dakota Century Code, relating to false and misleading advertising; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 51-12-01 of the North Dakota Century Code is amended and reenacted as follows:

**51-12-01. False and misleading advertising prohibited.**

1. No person with intent to sell, dispose of, increase the consumption of, or induce the public to enter an obligation relative to or to acquire title or interest in any ~~food, drug, medicine, patent and proprietary product, merchandise, security, service, performance, medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or anything offered to the public~~ may make, publish, disseminate, circulate, broadcast, or place before the public, or directly or indirectly shall cause to be made, published, disseminated, circulated, broadcast, or placed before the public in a newspaper, or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, tab, label, letter, television or radio broadcast, placement on the internet, or in any other way, an advertisement or web page that contains any assertion, representation, or statement of fact, including the price thereof or name suggesting the business location of the offeror, which is untrue, deceptive, or misleading regarding such ~~food, drug, medicine, patent and proprietary product, merchandise, security, service, performance, medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, price, business location, or anything offered to the public.~~
2. It is not a violation of this section to advertise a performance by a performing group if at least one member of the performing group was a member of the recording group, the performance is identified as a "salute" or "tribute" to the recording group, the performance is expressly authorized in the advertising by the recording group, the advertising does not relate to a live music performance taking place in this state, or the advertising contains a disclaimer that the performing group is not the recording group or is not affiliated with the recording group.
3. This section imposes liability on only the offeror of a product or service. This section does not impose liability on a publisher, broadcaster, other advertising media, or an advertising agency that relies on the assurances of a person placing an advertisement that the claims or representations are true."

Renumber accordingly

SB 2182 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2193, as engrossed:** Your conference committee (Sens. Miller, Larsen, Heckaman and Reps. Kretschmar, Beadle, Zaiser) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 877-878 and place SB 2193 on the Seventh order.

Engrossed SB 2193 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2195:** Your conference committee (Sens. Olafson, Lyson, Nething and Reps. Maragos, Steiner, Delmore) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 996 and place SB 2195 on the Seventh order.

SB 2195 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2206, as engrossed:** Your conference committee (Sens. Lyson, Uglem, Schneider and Reps. Kreun, Clark, Boe) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1122-1124 and place SB 2206 on the Seventh order.

Engrossed SB 2206 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2213:** Your conference committee (Sens. Schaible, Dever, Nelson and Reps. Karls,

Grande, Guggisberg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 878, adopt amendments as follows, and place SB 2213 on the Seventh order:

That the House recede from its amendments as printed on page 878 of the Senate Journal and page 1052 of the House Journal and that Senate Bill No. 2213 be amended as follows:

Page 1, line 2, after "employees" insert "; and to declare an emergency"

Page 1, line 10, overstrike "not more than"

Page 1, line 11, after "period" insert "and, upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition"

Page 1, after line 13, insert:

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

Renumber accordingly

SB 2213 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2231:** Your conference committee (Sens. Lyson, Sorvaag, Nelson and Reps. Brabandt, Steiner, Hogan) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 793-794 and place SB 2231 on the Seventh order.

SB 2231 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2247:** Your conference committee (Sens. Olafson, Sitte, Sorvaag and Reps. Kingsbury, Boehning, Delmore) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 808 and place SB 2247 on the Seventh order.

SB 2247 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2253:** Your conference committee (Sens. Sorvaag, Schaible, Marcellais and Reps. Pietsch, Heilman, S. Meyer) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1151-1153, adopt amendments as follows, and place SB 2253 on the Seventh order:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to the allocation of funds in the state aid distribution fund; to provide an effective date; and to declare an emergency.

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

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

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

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

treasurer the portion of sales, gross receipts, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. Revenues deposited in the state aid distribution fund are provided as a standing and continuing appropriation and must be allocated as follows:

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

A county shall deposit all revenues received under this subsection in the county general fund. Each county shall reserve a portion of its allocation under this subsection for further distribution to, or expenditure on behalf of, townships, rural fire protection districts, rural ambulance districts, soil conservation districts, county recreation service districts, county hospital districts, the Garrison Diversion Conservancy District, the southwest water authority, and other taxing districts within the county, excluding school districts, cities, and taxing districts within cities. The share of the county allocation under this subsection to be distributed to a township must be equal to the percentage of the county share of state aid distribution fund allocations that township received during calendar year 1996. The governing boards of the county and township may agree to a different distribution.

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

- d. ~~Four and nine-tenths percent of the amount must be allocated among cities with a population of five thousand or more but fewer than ten thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
- e. ~~Thirteen and one-tenth percent of the amount must be allocated among cities with a population of one thousand or more but fewer than five thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
- f. ~~Six and one-tenth percent of the amount must be allocated among cities with a population of five hundred or more but fewer than one thousand, based upon the proportion each such city's population bears to the total population of all such cities.~~
- g. ~~Three and four-tenths percent of the amount must be allocated among cities with a population of two hundred or more but fewer than five hundred, based upon the proportion each such city's population bears to the total population of all such cities.~~
- h. ~~Two and six-tenths percent of the amount must be allocated among cities with a population of fewer than two hundred, based upon the proportion each such city's population bears to the total population of all such cities.~~

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

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

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

SB 2253 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2308, as engrossed:** Your conference committee (Sens. G. Lee, Nodland, Mathern and Reps. Ruby, Owens, Gruchalla) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1222 and place SB 2308 on the Seventh order.

Engrossed SB 2308 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2361:** Your conference committee (Sens. Andrist, Nodland, Murphy and Reps. Ruby, Frantsvog, Amerman) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 833, adopt further amendments as follows, and place SB 2361 on the Seventh order:

That the Senate accede to the House amendments as printed on page 833 of the Senate Journal and page 1015 of the House Journal and that Senate Bill No. 2361 be further amended as follows:

Page 2, line 30, replace "section 54-21.3-04" with "this section"

Renumber accordingly

SB 2361 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SCR 4002, as engrossed:** Your conference committee (Sens. Hogue, Uglem, Schneider and Reps. Hofstad, Brabandt, Hunsakor) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 832-833, adopt amendments as follows, and place SCR 4002 on the Seventh order:

That the House recede from its amendments as printed on pages 832 and 833 of the Senate Journal and page 1032 of the House Journal and that Engrossed Senate Bill No. 4002 be amended as follows:

Page 1, line 3, after "purposes" insert "and if the federal government is unable or unwilling to convey the land back to nontribal and tribal riparian landowners, then Congress shall convey the land back to the state of North Dakota"

Page 1, line 19, after "purposes" insert "and if the federal government is unable or unwilling to convey the land back to nontribal and tribal riparian landowners, then Congress shall convey the land back to the state of North Dakota"

Renumber accordingly

Engrossed SCR 4002 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**

