

JOURNAL OF THE SENATE

Sixty-second Legislative Assembly

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Bismarck, March 30, 2011

The Senate convened at 1:00 p.m., with President Wrigley presiding.

The prayer was offered by Pastor Tim Johnson, Good Shepherd Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Fifty-fifth and Fifty-sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 889, line 16, replace "Page 124" with "Page 125"

Page 992, after line 29, insert:

"REMARKS OF SENATOR NETHING

MR. PRESIDENT: I want to rise to explain my vote. I voted "no" on this amendment because I think that it is an effort designed not with the intention of conveying the opportunity for full debate and discussion in this body, but for other efforts. For that reason, I voted "no.""

SEN. ANDRIST MOVED that the report be adopted, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1177, as reengrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1177 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "The department of veterans' affairs"

Page 1, remove line 12

Page 1, line 13, remove "treasurer of an accounting of proposed expenditures."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

HB 1177, as reengrossed: SEN. SCHAIBLE (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 1013 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1269, as reengrossed and amended: SEN. OLAFSON (Judiciary Committee) MOVED that the amendments on SJ page 1004 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1456, as engrossed: SEN. SITTE (Judiciary Committee) MOVED that the amendments on SJ page 1007 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

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, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1456, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1435: SEN. SORVAAG (Judiciary Committee) MOVED that the amendments on SJ page 1006 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

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, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

NAYS: Triplett

HB 1435, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1452: SEN. OLAFSON (Judiciary Committee) MOVED that the amendments on SJ pages 1006-1007 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

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, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern;

Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

HB 1452, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1224, as engrossed: SEN. SORVAAG (Judiciary Committee) MOVED that the amendments on SJ page 1003 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

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, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1224, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1322, as reengrossed: SEN. HOGUE (Finance and Taxation Committee) MOVED that the amendments on SJ pages 1005-1006 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1322: A BILL for an Act to amend and reenact sections 40-26-01 and 40-26-07 of the North Dakota Century Code, relating to limitation of imposition of special assessments against agricultural property; to provide for a legislative management study; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Christmann; Dotzenrod; Erbele; Freborg; Heckaman; Hogue; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Luick; Lyson; Marcellais; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Sitte; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Burckhard; Cook; Dever; Fischer; Flakoll; Grindberg; Holmberg; Laffen; Lee, J.; Mathern; O'Connell; Schneider; Sorvaag; Stenehjem

Reengrossed HB 1322, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1314, as engrossed: SEN. SORVAAG (Judiciary Committee) MOVED that the amendments on SJ pages 1004-1005 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

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, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1314, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1352: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to registration of music therapists; to provide for a penalty; and to provide an appropriation.

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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; Nething; Nodland; O'Connell; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Andrist; Larsen; Miller; Oehlke

Engrossed HB 1352, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1154: A BILL for an Act to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to eligibility for North Dakota scholarships.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek;

Wardner; Warner

HB 1154 passed.

SECOND READING OF HOUSE BILL

HB 1049: A BILL for an Act to provide for a superintendent of public instruction study; and to provide for reports to the legislative management.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Reengrossed HB 1049 passed.

SECOND READING OF HOUSE BILL

HB 1367: A BILL for an Act to amend and reenact sections 47-10.1-05 and 47-10.1-06 of the North Dakota Century Code, relating to reports of agricultural land ownership by aliens; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

HB 1367 passed.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 2:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Wrigley presiding.

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.

MOTION

SEN. STENEHJEM MOVED that Engrossed HB 1164, as amended, be amended as follows, which motion prevailed on a voice vote.

In lieu of the amendments adopted by the Senate as printed on pages 880 and 881 of the Senate Journal, Engrossed House Bill No. 1164 is amended as follows:

Page 1, line 1, replace the second "and" with ", 39-29-01,"

Page 1, line 1, after "39-29-10" insert ", and 39-29-12"

Page 1, line 3, after "age" insert "; and to provide a penalty"

Page 1, after line 18, insert:

"SECTION 2. AMENDMENT. Section 39-29-01 of the North Dakota Century Code is amended and reenacted as follows:

39-29-01. Definitions.

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

1. "Dealer" means any person engaged in the business of buying, selling, or exchanging off-highway vehicles or who advertises, or holds out to the public as engaged in the buying, selling, or exchanging of off-highway vehicles, or who engages in the buying of off-highway vehicles for resale.
2. "Off-highway vehicle" means any wheeled motorized vehicle not designed for use on a highway and capable of cross-country travel on land, snow, ice, marsh, swampland, or other natural terrain. An off-highway vehicle must be classified into one of the following categories:
 - a. Class I off-highway vehicle is a vehicle that does not qualify as road capable under chapters 39-21 and 39-27, has a seat or a saddle designed to be straddled by the operator, and has handlebars for steering control of two wheels.
 - b. Class II off-highway vehicle is less than fifty inches [1270.00 millimeters] in width, travels on three or more low-pressure tires, has a saddle designed to be straddled by the operator, and has handlebars for steering control.
 - c. Class III off-highway vehicle weighs less than eight thousand pounds, travels on four or more tires, has a seat and a wheel for steering control, and is designated for or capable of cross-country on or over land, water, sand, snow, ice, marsh, swampland, or other natural terrain, unless registered by the department under chapter 39-04.
3. "Operate" means to ride in or on and control the operation of an off-highway vehicle.
4. "Operator" means an individual who operates or is in actual physical control of an off-highway vehicle.
5. "Owner" means a person, other than a lienholder, having the property in or title to an off-highway vehicle and entitled to its use or possession.
6. "Register" means the act of assigning a registration number to an off-highway vehicle.
7. "Under the direct supervision of an adult" means an adult is present in such close proximity as to have direct observation with the unaided eye, be able to direct actions, and come to the immediate aid of an off-highway vehicle operator as required by section 39-29-10."

Page 2, line 5, replace "in" with "if the vehicle is operated on public property that is"

Page 2, line 5, remove "park and"

Page 2, line 6, replace "on" with "training area that does not include"

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

Page 2, line 7, remove "and has received the appropriate off-highway vehicle safety certificate"

Page 2, line 8, replace "issued by the director of the parks and recreation department" with "and is participating in an authorized off-highway vehicle safety training course"

Page 2, line 17, after the underscored period insert "An individual is not eligible for an off-highway vehicle safety certificate until the individual is at least twelve years of age."

Page 2, after line 22, insert:

"SECTION 4. AMENDMENT. Section 39-29-12 of the North Dakota Century Code is amended and reenacted as follows:

39-29-12. Penalties.

Violation of subdivision b, c, or g of subsection 5 of section 39-29-09 is a class B misdemeanor. Violation of any other provision of section 39-29-09 is an infraction for which a fee of twenty dollars must be assessed. Violation of section 39-29-02 is an infraction, for which a fee of fifty dollars must be assessed. If the individual provides proof of registration since the violation, the fee may be reduced by one-half. Violation of subsection 2 or 3 of section 39-29-10 is an infraction, for which a fee of fifty dollars must be assessed. Violation of any other provision of this chapter is an infraction, for which a fee of ten dollars must be assessed."

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 35 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Laffen; Larsen; Luick; Lyson; Miller; Murphy; Nelson; Nething; O'Connell; Oehlke; Olafson; Schaible; Sitte; Sorvaag; Stenehjerm; Uglem; Wanzek; Wardner

NAYS: Andrist; Kilzer; Lee, G.; Lee, J.; Marcellais; Mathern; Nodland; Robinson; Schneider; Taylor; Triplett; Warner

Engrossed HB 1164, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1317: A BILL for an Act to amend and reenact sections 4.1-47-16 and 4.1-47-28 of the North Dakota Century Code, relating to noxious weed control; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

Engrossed HB 1317 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act to amend and reenact subsections 3 and 6 of section 53-06.2-11 of the North Dakota Century Code, relating to payment of breakage to and operating expenses of the racing commission.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 25 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berry; Dever; Dotzenrod; Erbele; Flakoll; Grindberg; Heckaman; Holmberg; Krebsbach; Lee, J.; Lyson; Marcellais; Miller; Murphy; Nelson; Nething; Nodland; Olafson; Robinson; Schneider; Sorvaag; Taylor; Triplett; Wanzek; Warner

NAYS: Andrist; Bowman; Burckhard; Christmann; Cook; Fischer; Freborg; Hogue; Kilzer; Klein; Laffen; Larsen; Lee, G.; Luick; Mathern; O'Connell; Oehlke; Schaible; Sitte; Stenehjem; Uglem; Wardner

HB 1093 passed.

SECOND READING OF HOUSE BILL

HB 1189: A BILL for an Act to amend and reenact section 57-38-30 of the North Dakota Century Code, relating to corporate income tax rates; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Olafson

Engrossed HB 1189 lost.

SECOND READING OF HOUSE BILL

HB 1285: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to eligibility for the homestead property tax credit; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berry; Bowman; Dotzenrod; Fischer; Flakoll; Heckaman; Lee, J.; Luick; Lyson; Marcellais; Mathern; Murphy; Nelson; Nething; O'Connell; Robinson; Schneider; Sorvaag; Taylor; Triplett; Warner

NAYS: Andrist; Burckhard; Christmann; Cook; Dever; Erbele; Freborg; Grindberg; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Miller; Nodland; Oehlke; Schaible; Sitte; Stenehjem; Uglem; Wanzek; Wardner

ABSENT AND NOT VOTING: Olafson

Engrossed HB 1285 lost.

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, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Warner

ABSENT AND NOT VOTING: Olafson; Wardner

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

SECOND READING OF HOUSE BILL

HB 1110: A BILL for an Act to amend and reenact section 25-03.1-23 of the North Dakota Century Code, relating to petitions for continuing treatment orders.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; O'Connell; Oehlke; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Olafson

Engrossed HB 1110 lost.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to an employer's prohibition on firearm possession.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele;

Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Luick; Lyson; Miller; Murphy; Nething; Nodland; O'Connell; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

NAYS: Lee, J.; Marcellais; Mathern; Nelson; Oehlke

ABSENT AND NOT VOTING: Olafson

Engrossed HB 1438 passed.

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

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

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

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

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1127, HB 1313.

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

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

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

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

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

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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2157

Page 1, line 1, replace "two" with "a"

Page 1, line 1, replace "subdivisions" with "subdivision"

Page 1, line 2, remove "and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10"

Page 1, line 3, remove "and demerit points"

Page 1, line 7, replace "Two" with "A"

Page 1, line 7, replace "subdivisions" with "subdivision"

Page 1, line 8, replace "are" with "is"

Page 1, remove line 9

Page 1, remove lines 12 through 15

Page 2, remove lines 6 through 14

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2276

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to the North Dakota immunization program; to amend and reenact section 23-01-05.3

of the North Dakota Century Code, relating to reporting immunization data; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-05.3 of the North Dakota Century Code is amended and reenacted as follows:

23-01-05.3. Immunization data.

1. The state department of health may establish an immunization information system and may require the childhood immunizations specified in subsection 1 of section 23-07-17.1 and other information be reported to the department. The state department of health may only require the reporting of childhood immunizations and other data upon completion of the immunization information reporting system. A health care provider who administers a childhood immunization shall report the patient's identifying information, the immunization that is administered, and other required information to the department. The report must be submitted using electronic media, and must contain the data content and use the format and codes specified by the department.
2. If a health care provider fails to submit an immunization report required under this section within four weeks of vaccination:
 - a. That health care provider may not order or receive any vaccine from the North Dakota immunization program until that provider submits all reports required under this section.
 - b. The state department of health shall make a report to that health care provider's occupational licensing entity outlining that provider's failure to comply with the reporting requirements under this section.
3. Notwithstanding any other provision of law, a health care provider, elementary or secondary school, early childhood facility, public or private postsecondary educational institution, city or county board of health, district health unit, and the state health officer may exchange immunization data in any manner with one another. Immunization data that may be exchanged under this section is limited to the date and type of immunization administered to a patient and may be exchanged regardless of the date of the immunization.

SECTION 2. A new section to chapter 23-01 of the North Dakota Century Code is created and enacted as follows:

Immunization program - Provider choice - Purchasing.

1. As used in this section:
 - a. "Department" means the state department of health.
 - b. "North Dakota immunization advisory committee" means the group of private health care providers, local public health units, department staff, and other applicable individuals which makes immunization and vaccine selection recommendations to the North Dakota immunization program.
 - c. "North Dakota immunization program" means the program administered by the department to provide vaccinations to North Dakota children consistent with state and federal law.
 - d. "Program-eligible child" means any child, who is under nineteen years of age, whose custodial parent or legal guardian resides in this state, who receives vaccinations from a North Dakota provider, and who is not eligible for the vaccines for children program.

- e. "Vaccine" means any vaccine recommended by the federal advisory committee on immunization practices of the centers for disease control and prevention.
 - f. "Vaccines for children program" is a federally funded program that provides vaccines at no cost to eligible children pursuant to section 1928 of the Social Security Act [42 U.S.C. 1396s].
2. As part of the North Dakota immunization program:
- a. The department shall implement a provider choice system as part of the state's implementation of the vaccines for children program. This provider choice system must provide a health care provider participating in the state's vaccines for children program or in any other immunization program for children, adolescents, or adults which is administered through the state using federal or state funds, may select any licensed vaccine, including combination vaccines, and any dosage forms that have in effect a recommendation from the federal advisory committee on immunization practices. This subsection does not apply in the event of a disaster, public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency.
 - b. The department shall establish a program through which the department purchases vaccines through the federal vaccine purchasing contract.
 - (1) The department shall supply public health units with the purchased vaccines. A public health unit that receives vaccines under this subdivision shall administer the vaccines to program-eligible children.
 - (2) A public health unit that receives vaccines under this subdivision may not bill an insurer for the cost of the vaccine but may charge an administration fee.
 - (3) The department shall fund this purchasing program through participation in the vaccines for children program and the federal section 317 immunization grant program.

SECTION 3. LEGISLATIVE MANAGEMENT IMMUNIZATION STUDY. During the 2011-2012 interim, the legislative management shall consider studying the North Dakota immunization program and the feasibility and desirability of extending the program's vaccine purchasing program to provide vaccines to private health care providers. 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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2294

Page 1, line 5, remove "inspection of property,"

Page 3, remove lines 21 through 24

Page 4, remove lines 26 through 31

Page 5, remove lines 1 through 4

Page 5, line 5, replace "4." with "3."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2295

Page 1, line 1, replace the first "section" with "sections 53-08-01 and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 53-08-01 of the North Dakota Century Code is amended and reenacted as follows:

53-08-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Charge" means the amount of money asked in return for an invitation to enter or go upon the land. "Charge" does not include vehicle, parking, shelter, or other similar fees required by any public entity.
2. "Commercial purpose" means a deliberative decision of an owner to invite or permit the use of the owner's property for normal business transactions, including the buying and selling of goods and services. The term includes any decision of an owner to invite members of the public onto the premises for recreational purposes as a means of encouraging business transactions or directly improving the owner's commercial activities other than through good will. "Commercial purpose" does not include the operation of public lands by a public entity except any direct activity for which there is a charge for goods or services.
3. "Land" includes all public and private land, roads, water, watercourses, and ways and buildings, structures, and machinery or equipment thereon.
- ~~3-4.~~ "Owner" includes tenant, lessee, occupant, or person in control of the premises.
- ~~4-5.~~ "Recreational purposes" includes any activity engaged in for the purpose of exercise, relaxation, pleasure, or education."

Page 1, line 6, overstrike "**landowner**" and insert immediately thereafter "**owner**"

Page 1, after line 6, insert:

"1."

Page 1, line 8, replace "irrespective" with "regardless"

Page 1, line 10, replace "related to" with "is directly derived from"

Page 1, line 10, replace "parties" with "persons"

Page 1, after line 12, insert:

- "2. This section does not apply to:
- a. A person that enters land to provide goods or services at the request of an owner; or
 - b. An owner engaged in a for-profit business venture that directly or indirectly invites members of the public onto the premises for commercial purposes or during normal periods of commercial activity in which members of the public are invited."

Page 1, line 16, replace "arises out of" with "is directly derived from"

Page 1, line 16, after "those" insert "recreational"

Page 1, line 17, after "owed" insert "other than a person that enters land to provide goods or services at the request of the owner"

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2320

Page 1, line 1, after "Act" insert "to amend and reenact sections 57-35.3-03, 57-35.3-05, 57-35.3-07, and 57-35.3-08 of the North Dakota Century Code, relating to reduction of the rate of the financial institutions tax and adjustment of the allocation of the tax;"

Page 1, line 1, after "study" insert "; and to provide an effective date"

Page 1, after line 2, insert:

"SECTION 1. AMENDMENT. Section 57-35.3-03 of the North Dakota Century Code is amended and reenacted as follows:

57-35.3-03. Imposition and basis of tax.

An annual tax is imposed upon each financial institution for the grant to it of the privilege of transacting, or for the actual transacting by it, of business within this state during any part of each tax year. The tax is based upon and measured by the taxable income of the financial institution for the calendar year. The rate of tax is ~~sevensix and one-half~~ percent of taxable income, but the amount of tax may not be less than fifty dollars.

SECTION 2. AMENDMENT. Section 57-35.3-05 of the North Dakota Century Code is amended and reenacted as follows:

57-35.3-05. Credits.

1. a. There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12 in an amount equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the taxable year to nonprofit private institutions of higher education located within the state or to the North Dakota independent college fund. The amount allowable as a credit under this subdivision for any taxable year may not exceed ~~five and seven-tenths~~four and six-tenths percent of the tax before credits allowed under this section, or two thousand five hundred dollars, whichever is less.
- b. There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12 in an amount equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the taxable year to nonprofit private institutions of secondary education located within the state. The amount allowable as a credit under this subdivision for any taxable year may not exceed ~~five and seven-tenths~~four and six-tenths percent of the tax before credits allowed under this section, or two thousand five hundred dollars, whichever is less.
- c. For the purposes of this subsection, the term "nonprofit private institution of higher education" means only a nonprofit private educational institution located in North Dakota which normally maintains a regular faculty and curriculum and which normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, and which regularly offers education at a level above the twelfth grade. The term "nonprofit private institution of secondary education" means only a nonprofit private educational institution located in North Dakota which normally maintains a regular faculty and curriculum approved by the department of public instruction and which normally has a regularly organized body of students in attendance at the place

where its educational activities are carried on, and which regularly offers education to students in the ninth through twelfth grades.

- d. For the purposes of this subsection, a taxpayer may elect to treat a contribution as made in the preceding taxable year if the contribution and election are made not later than the time prescribed for filing the return for the taxable year.
2. a. There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12 in an amount equal to any overpayment of tax paid pursuant to chapter 57-35 or 57-35.1, for a taxable year beginning before January 1, 1997, to the extent that the overpayment would have been an allowable deduction from tax payable for the current taxable year, under section 57-35-12 or 57-35.1-07, if chapters 57-35 and 57-35.1 applied to the current taxable year. The amount allowable as a credit under this subsection for any taxable year may not exceed five-sevenths of the tax before credits allowed under this section.
- b. For purposes of determining distributions to and from the counties under section 57-35.3-09:
 - (1) The balance in the financial institution tax distribution fund and the amount of the payment received by each county from the state shall be determined as if any credit allowed under subdivision a had not been claimed and the full amount of the tax otherwise due had been timely paid;
 - (2) The credited amount must be deducted from the distributions that would otherwise be made to and from the county that received the tax overpayment until the sum of the deductions equals the credit; and
 - (3) The deductions from distributions made by a county to each distributee must be proportionate to the overpayment of tax received by each distributee.
3. There is allowed a credit against the tax imposed by sections 57-35.3-01 through 57-35.3-12 in an amount equal to fifty percent of the aggregate amount of contributions made by the taxpayer during the taxable year for tuition scholarships for participation in rural leadership North Dakota conducted through the North Dakota state university extension service. Contributions by a taxpayer may be earmarked for use by a designated recipient. The amount allowable as a credit under this subsection for any taxable year may not exceed ~~five and seven tenths~~ four and six tenths percent of the tax before credits allowed under this section, or two thousand five hundred dollars, whichever is less.

SECTION 3. AMENDMENT. Section 57-35.3-07 of the North Dakota Century Code is amended and reenacted as follows:

57-35.3-07. Payment of tax.

~~Two-sevenths~~ Three-thirteenths of the tax before credits allowed under section 57-35.3-05, less the credit allowed under subsection 1 of section 57-35.3-05, must be paid to the commissioner on or before April fifteenth of the year in which the return is due, regardless of any extension of the time for filing the return granted under section 57-35.3-06. ~~Five-sevenths~~ Ten-thirteenths of the tax before credits allowed under section 57-35.3-05, less the credit allowed under subsection 2 of section 57-35.3-05, must be paid to the commissioner on or before January fifteenth of the year after the return is due. Payment must be made by check, draft, or money order, payable to the commissioner, or as prescribed by the commissioner under subsection 15 of section 57-01-02.

SECTION 4. AMENDMENT. Section 57-35.3-08 of the North Dakota Century Code is amended and reenacted as follows:

57-35.3-08. Disposition of tax.

The commissioner shall deposit the portion of the tax payable in the year the return is due in the general fund of the state treasury and shall deposit the portion of the tax payable in the year after the return is due in the financial institution tax distribution fund of the state treasury; ~~which is hereby created~~. Interest, penalty, and late tax payments attributable to each portion of the tax must be deposited in the appropriate fund."

Page 1, after line 8, insert:

"SECTION 6. EFFECTIVE DATE. Sections 1 through 4 of this Act are effective for taxable years beginning after December 31, 2010."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2325

Page 1, line 1, remove "department of transportation for a county"

Page 1, line 2, replace "and township road reconstruction program; and to provide an exemption" with "upper great plains transportation institute; and to provide for a report"

Page 1, remove lines 4 through 24

Page 2, replace lines 1 through 21 with:

"SECTION 1. APPROPRIATION - UPPER GREAT PLAINS TRANSPORTATION INSTITUTE - BUDGET SECTION REPORTS. There is appropriated out of any moneys in the oil and gas impact grant fund in the state treasury, not otherwise appropriated, the sum of \$350,000, or so much of the sum as may be necessary, to the upper great plains transportation institute for the purpose of updating and maintaining reports for transportation infrastructure needs for all county and township roads in the state, for the biennium beginning July 1, 2011, and ending June 30, 2013. During the 2011-12 interim, the upper great plains transportation institute shall report at least annually to the budget section of the legislative management regarding the status of the reports and shall present updated reports to the sixty-third legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the county and township road reconstruction program relating to agriculture and economic development, including the \$73.6 million appropriation from the permanent oil tax trust fund for the program. A \$350,000 appropriation is provided from the oil and gas impact grant fund to the Upper Great Plains Transportation Institute to update and maintain reports for transportation infrastructure needs for all county and township roads in the state. The Upper Great Plains Transportation Institute is to report at least annually to the Budget Section regarding the status of the reports and to provide updated reports to the 63rd Legislative Assembly.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2356

Page 1, line 2, after "promotion" insert "; and to provide for a legislative management study"

Page 1, after line 19, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - SPECIAL ASSESSMENTS. During the 2011-12 interim, the legislative management shall study use of special assessments for public improvements, use and administration of

special assessments across the state, and alternative funding mechanisms available and possible processes and procedures that would facilitate a transition to any recommended alternative funding mechanisms. 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

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

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

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

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

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

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

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

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

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

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, March 31, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1002, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1002 was placed on the Sixth order on the calendar.

Page 1, replace line 23 with:

"Salaries and wages	\$48,980,255	\$5,399,931	\$54,380,186"
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Page 2, replace line 6 with:

"Total all funds	\$65,039,419	\$8,304,430	\$73,343,849"
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Page 2, replace line 8 with:

"Total general fund	\$63,268,958	\$8,218,116	\$71,487,074"
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Page 2, replace line 22 with:

"Grand total general fund	\$74,282,634	\$9,363,770	\$83,646,404"
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Page 2, replace lines 24 and 25 with:

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

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Senate Action

Executive
Budget

House
Version

Senate
Changes

Senate
Version

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

House Bill No. 1002 - District Courts - Senate Action

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

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

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

¹ This amendment restores 2 FTE juvenile court officer positions removed by the House.

REPORT OF STANDING COMMITTEE

HB 1030: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1030 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1036: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1036 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1048, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1048 was placed on the Sixth order on the calendar.

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

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

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

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

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

Page 1, replace lines 16 and 17 with:

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

Agricultural land valuation fund - Deposits - Continuing appropriation.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1054, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1054 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1086: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1086 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1123, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (7 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1123 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1144, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1144 was placed on the Sixth order on the calendar.

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

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

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

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

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

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

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

Page 1, after line 16, insert:

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

Page 1, line 17, remove "special use"

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

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

Page 1, after line 22, insert:

"57-02.4-03. Exemptions.

This chapter does not apply to:

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

57-02.4-04. Reporting requirement.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1155, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1155 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1169: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1169 was placed on the

Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1206, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1206 was placed on the Sixth order on the calendar.

Page 2, line 2, after the underscored period insert "The western area water supply authority shall consider in the process of locating industrial water depots the location of private water sellers so as to minimize the impact on private water sellers."

Page 2, line 18, replace "two" with "one"

Page 2, line 19, replace "representatives" with "representative"

Page 2, line 20, after the second underscored comma insert "BDW water system association."

Page 2, line 21, after "association" insert ", and one county commissioner each from Burke County, Divide County, McKenzie County, Mountrail County, and Williams County"

Page 2, line 21, replace "Each" with "The governing body of each"

Page 2, line 21, replace "two representatives" with "the representative"

Page 2, line 22, replace "that" with "the governing body of the"

Page 2, line 23, after the underscored period insert "Directors have a term of one year and may be reappointed. In addition, the governor shall select one member of the state water commission as a voting member on the authority's board of directors. The commission member serves on the board at the pleasure of the governor."

Page 2, line 30, after the underscored comma insert "except for the state water commission member and the county commission members on the board."

Page 7, line 27, replace "report to" with "comply with the policy on cost-sharing of"

Page 7, line 27, replace "on the" with "as the policy relates to"

Page 7, line 27, after the second underscored comma insert "and"

Page 7, line 28, replace the first underscored comma with "of the project. The authority shall report to and consult with the state water commission regarding the"

Page 7, line 28, remove the second underscored comma

Page 7, line 29, remove "initial construction of the system and"

Page 7, line 30, remove "and contract plans and specifications"

Page 8, line 13, after the underscored period insert "Before July 1, 2012, the board may not issue more than seventy-five million dollars in bonds plus costs of issuance, capitalized interest, credit enhancement, and debt service reserve. After June 30, 2012, the authority may not issue revenue bonds without prior legislative approval."

Page 13, after line 9, insert:

"60-40-19. Taxing authority.

If projected or actual revenues are insufficient to prevent default, each board of county commissioners of Burke County, Divide County, McKenzie County, Mountrail County, and Williams County shall levy property tax in equal mills as is necessary to prevent default within a maximum of five mills for each county.

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1209, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1209 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1217, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1217 was placed on the Sixth order on the calendar.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1265, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1265 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1334, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1334 was placed on the Sixth order on the calendar.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1422, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1422 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "and"

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

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

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

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

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

Page 1, line 14, remove "alerts."

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

Page 1, line 15, remove "or otherwise"

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

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

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

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

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

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

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

Page 1, after line 22, insert:

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

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

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

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

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

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

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

Page 2, line 9, remove "purchasers"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1433, as engrossed: Judiciary Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1433 was placed on the Sixth order on the calendar.

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

Renumber accordingly

The Senate stood adjourned pursuant to Senator Christmann's motion.

William R. Horton, Secretary

