

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, January 20, 2011

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

The prayer was offered by Pastor Larry Giese, Lord of Life Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Eleventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 193, line 20, replace "failed" with "lost"

Page 200, line 4, delete "SB 2126, "

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

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to HB 1114 and HB 1179.

HB 1114 and HB 1179, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. VIGESAA MOVED** that HB 1459 be returned to the House floor from the **Energy and Natural Resources Committee** and be rereferred to the **Agriculture Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1459 was rereferred.

**MOTION**

**REP. VIGESAA MOVED** that HB 1411 be returned to the House floor from the **Education Committee** and be rereferred to the **Appropriations Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1411 was rereferred.

**MOTION**

**REP. VIGESAA MOVED** that HB 1097 be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1187:** A BILL for an Act to amend and reenact section 53-06.2-02 of the North Dakota Century Code, relating to the membership of the racing commission; to provide for transition; 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 NOT PASS, the roll was called and there were 2 YEAS, 91 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeKrey; Kreidt

**NAYS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt;

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

**ABSENT AND NOT VOTING:** Owens

HB 1187 lost.

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### SECOND READING OF HOUSE BILL

**HB 1168:** A BILL for an Act to provide an appropriation to Minot state university for the rural crime and justice center victim assistance academy.

### 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 23 YEAS, 70 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Brabandt; Conklin; Frantsvog; Glassheim; Gruchalla; Hanson; Hunskor; Kaldor; Kelsh, S.; Klein; Kretschmar; Louser; Maragos; Mock; Mueller; Nelson, J.; Nelson, M.; Onstad; Streyle; Winrich; Zaiser

**NAYS:** Beadle; Bellew; Belter; Boe; Boehning; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Froseth; Grande; Guggisberg; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klemin; Koppelman; Kreidt; Kreun; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Nathe; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Owens

HB 1168 lost.

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### SECOND READING OF HOUSE BILL

**HB 1071:** A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to retention of property tax status as agricultural property for property previously devoted to agricultural uses which is being used for mineral extraction and for which the surface owner owns none of the subsurface mineral rights; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch;

Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streytle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Owens

Engrossed HB 1071 passed.

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### SECOND READING OF HOUSE BILL

**HB 1073:** A BILL for an Act to amend and reenact sections 15.1-32-01, 15.1-32-12, 15.1-32-13, and 15.1-32-15 of the North Dakota Century Code, relating to special education.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Owens

Engrossed HB 1073 passed.

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### SECOND READING OF HOUSE BILL

**HB 1082:** A BILL for an Act to create and enact section 39-12-24 of the North Dakota Century Code, relating to cooperative regional permit agreements on excess size or weight vehicles.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Owens

Engrossed HB 1082 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1088:** A BILL for an Act to amend and reenact section 54-11-01 of the North Dakota Century Code, relating to duties of the state treasurer.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; 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:** Owens

Engrossed HB 1088 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1098:** A BILL for an Act to amend and reenact section 54-06-08.2 and subdivision c of subsection 1 of section 54-06-09 of the North Dakota Century Code, relating to the office of management and budget adopting and amending policies.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; 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:** Owens

Engrossed HB 1098 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1099:** A BILL for an Act to amend and reenact section 5-03-06, subsections 3 and 5 of section 57-36-14, subsection 7 of section 57-40.2-07, and sections 57-40.3-09, 57-43.1-44, and 57-43.2-37 of the North Dakota Century Code, relating to direct sales of alcoholic beverages, procedures available to the tax commissioner in case of seizure of tobacco products, reporting and remittance of use tax collected during odd-numbered years, the definition of state for motor vehicle excise tax reciprocity purposes, cooperative agreements for the exchange of motor fuels tax information,

and cooperative agreements for the exchange of special fuels tax information.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; 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:** Owens

Engrossed HB 1099 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1103:** A BILL for an Act to create and enact a new subsection to section 39-01-01 and section 39-06-01.2 of the North Dakota Century Code, relating to definitions and anatomical gifting; and to amend and reenact subsection 1 of section 39-06-01, subsection 1 of section 39-06-01.1, subsection 1 of section 39-06-03.1, subsection 2 of section 39-06-07, section 39-06-07.2, subsection 1 of section 39-06-14, sections 39-06-24, 39-06-35, 39-06-36, and 39-06-40, subsection 3.1 of section 39-06.1-10, subsection 2 of section 39-06.2-10, sections 39-06.2-10.3 and 39-10.2-06, subsection 2 of section 39-16.1-07, subsection 2 of section 39-27-05, and subsections 2 and 5 of section 39-27-06 of the North Dakota Century Code, relating to nondriver photo identification, operator's licenses, and motorcycle safety and body requirements.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; 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:** Owens

Engrossed HB 1103 passed.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1026, HB 1045, HB 1081, HB 1083, HB 1094, HB 1131, HB 1145, HB 1153, HB 1157, HB 1159, HCR 3005.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1132.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2025, SB 2026, SB 2044, SB 2068, SB 2071, SB 2075, SB 2081, SB 2084, SB 2086, SB 2095, SB 2096, SB 2098, SB 2102.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2103.

#### MOTION

**REP. VIGESAA MOVED** that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, January 21, 2011, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1055: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1055 was placed on the Sixth order on the calendar.

Page 1, line 23, overstrike "thirty-three"

Page 1, line 24, overstrike "and one-third" and insert immediately thereafter "thirty-five"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1066: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1066 was placed on the Sixth order on the calendar.

Page 1, line 17, overstrike "and"

Page 1, line 18, after "b." insert "In the case of new construction or a renovation affecting more than fifty percent of an existing structure's square footage, demonstrates that circumstances within the district are likely to result in a stable or increasing student population; and

c."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1096: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1096 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1106: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1106 was placed on the Sixth order on the calendar.

Page 2, after line 3, insert:

"6. Notwithstanding the provisions of this section, if during any semester or quarter a student fails to maintain a cumulative grade point average of 2.75, the state board of higher education shall notify the student that the requirements of this section have not been met and that if the student fails to increase the student's cumulative grade point average to at least 2.75

during the ensuing semester or quarter, the student will not be eligible for additional scholarship funds under this section. The provisions of this subsection are applicable only one time during a student's college or university programs.

7. For purposes of this section, full-time enrollment status is defined by the institution at which a student is enrolled."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1122: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1122 was placed on the Sixth order on the calendar.

Page 2, line 6, remove "expose and"

Page 2, line 6, after "educate" insert "and create awareness among"

Page 4, line 5, replace "encourage" with "provide resources to"

Page 4, line 7, remove "the traveling public"

Page 4, remove line 8

Page 4, line 9, replace "information" with "the tourism industry in helping visitors enjoy their North Dakota experience"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1130: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1130 was placed on the Sixth order on the calendar.

Page 1, line 22, replace "ten" with "twenty business"

Page 2, line 12, after "ten" insert "business"

Page 2, line 19, after "The" insert "original"

Page 2, line 19, remove the overstrike over "~~name of the licensee; the transaction date; the~~"

Page 2, line 20, remove the overstrike over "~~amount of the obligation;~~"

Page 2, line 20, remove the overstrike over "~~a statement of the total amount of fees charged;~~"

Page 2, line 21, remove the overstrike over "~~expressed as a dollar amount and as an annual percentage rate~~"

Page 2, line 21, remove "information required"

Page 2, replace "by the department by rule" with "; the name and signature of the individual who signs the agreement on behalf of the licensee; the name and address of the check maker; the transaction number assigned by the database; the date of negotiation of the check; the signature of the check maker; a statement that a licensee may not renew a transaction more than once; a statement that the renewal fee may not exceed twenty percent of the amount being renewed; the maximum term of the transaction, including a statement that the renewal may not exceed sixty business days; a statement that the term of the renewal period may not be less than fifteen business days; and a statement containing the right of rescission printed immediately above the signature line of the written agreement in a minimum of

ten-point font and providing a space for the check maker to initial that the notice to the right of rescission was received. The original agreement may not include a hold harmless clause; a confession of judgment clause; any assignment of or order for payment of wages or other compensation for services; a provision in which the check maker agrees not to assert any claim or defense arising out of the agreement; a waiver of any provision of this chapter; any representation from the check maker as to the sufficiency of funds regarding any past deferred presentment service transactions; or any statement regarding criminal prosecution with respect to the agreement. A renewal agreement must be contained in a separate section, as part of the original written agreement or in other form as approved by the commissioner. The renewal agreement must restate the original transaction date, the renewal transaction date, the amount of the check paid to the check maker, the fee charged in dollars, and the maturity date"

Page 3, line 24, after "twenty" insert "business"

Page 4, line 22, after "twenty" insert "business"

Page 6, line 4, after "ten" insert "business"

Page 7, line 4, after "twenty" insert "business"

Page 7, line 16, replace "ten" with "twenty business"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1139: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1139 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1158: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1158 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "in a city with a population of at least ten thousand"

Page 1, line 12, replace "wheelchair-accessible" with "accessible to individuals who use wheelchairs"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1163: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1163 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1167: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1167 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1174: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1174 was placed on the Sixth order on the calendar.

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

Page 1, line 1, after "23-12-14" insert "and 26.1-41-12"

Page 2, line 2, replace "ten" with "twenty"

Page 2, line 2, replace the second "twenty-five" with "seventy-five"

Page 2, after line 3, insert:

**"SECTION 2. AMENDMENT.** Section 26.1-41-12 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-41-12. Discovery of facts about an injured person.**

1. Every employer or claimant, if a written request is made by a basic no-fault insurer against whom a claim has been made, shall furnish forthwith, in a form approved by the insurance commissioner, a sworn statement of the earnings, since the time of the accidental bodily injury and for a twelve-month period before the injury, of the individual upon whose injury the claim is based.
2. Every physician, coroner or medical officer, hospital, clinic, or other medical institution providing, before or after an accidental bodily injury upon which a claim for basic or optional excess no-fault benefits is based, any products, services, or accommodations in relation to the injury, or in relation to a condition claimed to be connected with the injury, if requested in writing to do so by the basic no-fault insurer against whom the claim has been made, shall:
  - a. Promptly furnish a written report of the history, condition, treatment, and dates and costs of treatment.
  - b. Permit the inspection and copying of its records regarding the history, condition, treatment, and dates and costs of treatment.
  - c. Promptly furnish autopsy reports.
3. In the event of any dispute regarding a basic no-fault insurer's right to discovery of facts about an injured person's earnings or about history, condition, treatment, and dates and costs of such treatment, a court of record may enter an order for such discovery as justice requires.
4. A person may not charge more than twenty dollars for the first twenty-five pages and seventy-five cents per page for every page beyond twenty-five pages for providing a copy of medical records or medical bills provided to a basic no-fault insurer pursuant to this chapter. This charge includes any administrative fee, retrieval fee, and postage expense. If this charge exceeds fifty dollars and the health care provider is capable of providing the copies in an electronic, digital, or other computerized format, the health care provider shall provide the copies to the requesting party in that alternative format for a flat fee not to exceed fifty dollars.
5. Except as provided in subsection 4, if medical records and bills are provided solely by facsimile transmission or some other format of transmission as provided under subsection 4, the health care provider shall provide the copies at a charge not to exceed twenty dollars for the first twenty-five pages and seventy-five cents per page thereafter."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1182: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1182 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1192, as amended: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1192, as amended, was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "**action**" and insert immediately thereafter "**prosecution**"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1212: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1212 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1215: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1215 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "1."

Page 1, remove lines 9 through 23

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1238: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1238 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1255: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1255 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1271: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1271 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1273: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1273 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3001: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3001 was placed on the Tenth order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Kroeber, Hanson, Keiser, Mueller and Sens. Wardner, Robinson introduced:

**HCR 3010:** A concurrent resolution directing the Legislative Management to study passenger rail service within the state, including options for the implementation of a passenger rail service route in the southern part of the state.

Was read the first time and referred to the **Transportation Committee**.

Reps. Klemin, Kretschmar and Sens. Hogue, Nething introduced:

**HCR 3011:** A concurrent resolution directing the Legislative Management to continue its study of the feasibility and desirability of adopting the Revised Uniform Limited Liability Company Act.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Mock, Kaldor, J. Kelsch, Metcalf and Sens. Taylor, Warner introduced:

**HCR 3012:** A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the establishment of a legislative redistricting commission; and for the amendment of sections 2, 3, and 4 of article IV of the Constitution of North Dakota, relating to legislative redistricting and the term of office of senators and representatives.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Kasper, Headland, Ruby, Thoreson, Wrangham and Sen. Hogue introduced:  
**HCR 3013:** A concurrent resolution to recognize February 6, 2011, as "Ronald Reagan Day" in North Dakota.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Kasper, Headland, Keiser, Ruby and Sens. Klein, Wardner introduced:  
**HCR 3014:** A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to freedom of choice in health care.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Kasper, Headland, Keiser, Thoreson, Weiler and Sen. Wardner introduced:  
**HCR 3015:** A concurrent resolution reaffirming North Dakota's sovereignty under the 10th Amendment to the Constitution of the United States and to demand the federal government halt its practice of assuming powers and imposing mandates on the states for purposes not enumerated in the Constitution of the United States.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Kasper, Headland, Kempenich, Sukut, Weiler and Sen. Klein introduced:  
**HCR 3016:** A concurrent resolution urging Congress to repeal the Patient Protection and Affordable Care Act.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Kasper, Bellew, Ruby, Thoreson and Sens. Klein, Wardner introduced:  
**HCR 3017:** A concurrent resolution urging Congress to repeal the Patient Protection and Affordable Care Act.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Kroeber, Wall, Kaldor and Sen. Heckaman introduced:  
**HCR 3018:** A concurrent resolution for the amendment of section 24 of article X of the Constitution of North Dakota, relating to the permitted growth of the foundation aid stabilization fund.

Was read the first time and referred to the **Education Committee**.

Reps. Schmidt, Carlson, Hofstad, Porter and Sens. Schaible, Stenehjem introduced:  
**HCR 3019:** A concurrent resolution urging the United States Army Corps of Engineers to forego any attempt to charge water users in North Dakota a fee to use water from Lake Sakakawea or Lake Oahe.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. Mock, D. Johnson, Gruchalla, Holman, Kroeber and Sen. Burckhard introduced:  
**HCR 3020:** A concurrent resolution congratulating the North Dakota Highway Patrol on its 75th anniversary.

Was read the first time and referred to the **Political Subdivisions Committee**.

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

**Buell J. Reich, Chief Clerk**

