

**JOURNAL OF THE HOUSE**

**Sixty-second Legislative Assembly**

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**Bismarck, February 11, 2011**

The House convened at 12:30 p.m., with Speaker Drovdal presiding.

The prayer was offered by Pastor Todd Fuehrer, Riverwood Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Kempenich and Trottier.

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 Twenty-sixth and Twenty-seventh Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 468, line 5, replace "**DO PASS**" with "**DO NOT PASS**"

Page 501, line 23, replace "to" with "tø"

Page 504, line 35, insert " of" after "recommendations"

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

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to HB 1142, HB 1279, HB 1284, HB 1289, HB 1385, HB 1418, HB 1437, HB 1458, and HB 1469.

HB 1142, HB 1279, HB 1284, HB 1289, HB 1385, HB 1418, HB 1437, HB 1458, and HB 1469, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

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

**HCR 3008:** A concurrent resolution urging Congress to clearly delegate responsibility for the regulation of hydraulic fracturing to the states.

**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.

**HCR 3032:** A concurrent resolution directing the Legislative Management to study the needs of, economic values of, and methods to improve access roadways to recreational, tourist, and historical sites in North Dakota.

**HCR 3034:** A concurrent resolution recognizing the local and international work of the North Dakota-founded and based charity--The GOD'S CHILD Project--and congratulating this North Dakotan humanitarian effort on its 20th anniversary.

The question being on the final adoption of the resolutions, which were read. HCR 3008, HCR 3010, HCR 3032, and HCR 3034 were declared adopted on a voice vote.

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**MOTION**

**REP. VIGESAA MOVED** that HB 1450 and HB 1297 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1450:** A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to the application of sections in chapter 12.1-17 to certain medical procedures; and to amend and reenact sections 12.1-01-04 and 12.1-16-06 of the North Dakota Century Code, relating to the definition of human being and the application of sections in chapter 12.1-16 to certain medical procedures.

**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 68 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Headland; Heilman; Heller; Hofstad; Hunsakor; Johnson, D.; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Drovdal

**NAYS:** Amerman; Beadle; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Hogan; Holman; Johnson, N.; Kaldor; Keiser; Kelsh, S.; Kroeber; Maragos; Martinson; Mock; Onstad; Pietsch; Sukut; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Trottier

Engrossed HB 1450 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1297:** A BILL for an Act to create and enact two new sections to chapter 14-02.1 of the North Dakota Century Code, relating to an abortion report form and abortion inducing drugs; to amend and reenact sections 14-02.1-02, 14-02.1-02.1, and 14-02.1-03, subsections 2 and 3 of section 14-02.1-03.1, and sections 14-02.1-04, 14-02.1-07, 14-02.1-08, 14-02.1-09, 14-02.3-01, 14-02.3-03, 15.1-19-06, and 23-16-14 of the North Dakota Century Code, relating to the regulation of abortion; to provide a penalty; to provide for a report; and to provide a statement of legislative intent.

**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 68 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Gruchalla; Headland; Heilman; Heller; Hofstad; Hunsakor; Johnson, D.; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Louser; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nathe; Nelson, J.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Drovdal

**NAYS:** Amerman; Beadle; Conklin; Delmore; Glassheim; Guggisberg; Hanson; Hatlestad; Hawken; Hogan; Holman; Johnson, N.; Kaldor; Keiser; Kreun; Kroeber; Maragos; Martinson; Mock; Nelson, M.; Onstad; Pietsch; Sukut; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Trottier

Engrossed HB 1297 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1335:** A BILL for an Act to create and enact a new section to chapter 61-28 of the North Dakota Century Code, relating to exemptions from enforcement actions for water transfers used to control flooding; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Kelsh, S.; Trottier

Engrossed HB 1335 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1337:** A BILL for an Act to authorize the department of human services to convey certain land in Walsh County, North Dakota; 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 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; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Trottier

Engrossed HB 1337 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1375:** A BILL for an Act to provide for a legislative management study of national guard member benefits.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Hunskor; Trottier

Engrossed HB 1375 passed.

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### SECOND READING OF HOUSE BILL

**HB 1449:** A BILL for an Act to create and enact a new subsection to section 54-44.1-18 of the North Dakota Century Code, relating to requiring political subdivisions to submit budget information for inclusion in the state budget database website; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 37 YEAS, 56 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Clark; Delzer; Dosch; Grande; Headland; Heilman; Heller; Karls; Kasper; Kempenich; Koppelman; Kreidt; Louser; Maragos; Meier, L.; Mock; Nathe; Owens; Pollert; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Weiler; Wrangham; Zaiser

**NAYS:** Amerman; Anderson; Belter; Boe; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Kretschmar; Kreun; Kroeber; Martinson; Metcalf; Meyer, S.; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Porter; Sanford; Sukut; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Speaker Drovdal

**ABSENT AND NOT VOTING:** Trottier

Engrossed HB 1449 lost.

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### SECOND READING OF HOUSE BILL

**HB 1460:** A BILL for an Act to create and enact a new section to chapter 17-04 of the North Dakota Century Code, relating to allocation of wind rights.

### 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 36 YEAS, 57 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Boe; Conklin; Delmore; Devlin; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Hogan; Holman; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Kroeber; Maragos; Metcalf; Meyer, S.; Mock; Mueller; Nelson, J.; Nelson, M.; Onstad; Ruby; Sanford; Vigesaa; Williams; Winrich; Zaiser

**NAYS:** Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Dosch; Frantsvog; Froseth; Grande; Hatlestad;

Headland; Heilman; Heller; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Kelsch, R.; Kempenich; Klein; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Martinson; Meier, L.; Monson; Nathe; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Trottier

Engrossed HB 1460 lost.

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### SECOND READING OF HOUSE BILL

**HB 1457:** A BILL for an Act to provide an appropriation for a school district nursing services grant program.

### 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 41 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Beadle; Conklin; Dahl; Delmore; Frantsvog; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Heilman; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kroeber; Maragos; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, M.; Onstad; Owens; Rohr; Ruby; Sanford; Steiner; Thoreson; Williams; Winrich; Zaiser

**NAYS:** Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Froseth; Grande; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Martinson; Nathe; Nelson, J.; Paur; Pietsch; Pollert; Porter; Rust; Schatz; Schmidt; Skarphol; Streyle; Sukut; Vigasaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Keiser; Trottier

HB 1457 lost.

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### SECOND READING OF HOUSE BILL

**HB 1213:** A BILL for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to state board of higher education advisers.

### 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 79 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Belter; Delzer; Headland; Karls; Klein; Pietsch; Pollert; Thoreson; Weiler; Wieland; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Keiser; Trottier

HB 1213 passed.

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### SECOND READING OF HOUSE BILL

**HB 1243:** A BILL for an Act to amend and reenact section 53-06.1-12 and subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to the excise tax on bingo.

### 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 13 YEAS, 78 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Beadle; Delmore; Glassheim; Hawken; Johnson, N.; Kaldor; Kasper; Kelsh, J.; Kelsh, S.; Kroeber; Meyer, S.; Zaiser

**NAYS:** Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kelsch, R.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Metcalf; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Steiner; Streyle; Sukut; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Keiser; Skarphol; Trottier

HB 1243 lost.

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### SECOND READING OF HOUSE BILL

**HB 1351:** A BILL for an Act to amend and reenact section 39-24.1-07 of the North Dakota Century Code, relating to the penalty for operating a snowmobile while under the influence of alcohol or drugs in a city.

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

**YEAS:** Beadle; Conklin; Dahl; Delmore; Glassheim; Gruchalla; Guggisberg; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Kelsh, S.; Kilichowski; Kreun; Kroeber; Metcalf; Mock; Mueller; Onstad; Owens; Sanford; Winrich; Zaiser

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

**ABSENT AND NOT VOTING:** Keiser; Trottier

HB 1351 lost.

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### SECOND READING OF HOUSE BILL

**HB 1392:** A BILL for an Act to amend and reenact section 12.1-15-02 of the North Dakota Century Code, relating to the interception of a wire or oral communication.

**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 8 YEAS, 84 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Conklin; Glassheim; Hanson; Hunskor; Kelsh, J.; Winrich; Zaiser

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

**ABSENT AND NOT VOTING:** Keiser; Trottier

HB 1392 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1428:** A BILL for an Act to amend and reenact section 6-09.4-23 of the North Dakota Century Code, relating to authority to withhold school district state aid.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew

**ABSENT AND NOT VOTING:** Keiser; Trottier

HB 1428 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1436:** A BILL for an Act to amend and reenact sections 15.1-06-01 and 15.1-22-02 of the North Dakota Century Code, relating to enrollment in kindergarten.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg;

Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Keiser; Trottier; Winrich

HB 1436 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1444:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to minimum tuition payments by nonresident students attending certain institutions of higher education.

#### 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 15 YEAS, 77 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Boe; Brandenburg; DeKrey; Delzer; Dosch; Kempenich; Klein; Nathe; Ruby; Skarphol; Weiler; Weisz; Speaker Drovdal

**NAYS:** Amerman; Anderson; Beadle; Boehning; Brabandt; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Devlin; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Steiner; Streyle; Sukut; Thoreson; Vigesaa; Wall; Wieland; Williams; Winrich; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Keiser; Trottier

HB 1444 lost.

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#### 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 bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 63 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hatlestad; Headland; Heilman; Heller; Hofstad; Hunskor; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kreun; Louser; Meier, L.; Meyer, S.; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Streyle; Sukut; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Drovdal

**NAYS:** Amerman; Beadle; Boe; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Hogan; Holman; Johnson, D.; Karls; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Mock; Mueller; Onstad; Steiner; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Keiser; Trottier

HB 1452 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1463:** A BILL for an Act to provide an appropriation for a school district critical needs construction and renovation grant.

**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, 88 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Hatlestad; Sukut

**NAYS:** 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; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Johnson, N.; Keiser; Trottier; Zaiser

HB 1463 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1470:** A BILL for an Act to amend and reenact sections 15-10-17 and 15-10-18 of the North Dakota Century Code, relating to the determination of tuition for institutions of higher education.

**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 41 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Boehning; Brabandt; Brandenburg; DeKrey; Delzer; Devlin; Dosch; Froseth; Grande; Hanson; Hatlestad; Headland; Heller; Karls; Kempenich; Klein; Koppelman; Kreidt; Louser; Meier, L.; Monson; Nathe; Pollert; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Vigesaa; Weiler; Weisz; Wieland; Wrangham; Speaker Drovdal

**NAYS:** Amerman; Anderson; Beadle; Boe; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Frantsvog; Glassheim; Gruchalla; Guggisberg; Hawken; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Sanford; Wall; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Keiser; Trottier

HB 1470 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1057:** A BILL for an Act to create and enact a new subsection to section 57-38-57 of the North Dakota Century Code, relating to angel fund investment disclosure; to amend and reenact section 57-38-01.26 of the North Dakota Century Code, relating to the angel fund investment tax credit; to provide a report to the legislative management; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 48 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Belter; Boe; Brandenburg; Conklin; Dahl; Delmore; Dosch; Froseth; Glassheim; Grande; Gruchalla; Hanson; Hatlestad; Headland; Heilman; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Klemin; Kreun; Kroeber; Meyer, S.; Mock; Nathe; Nelson, J.; Onstad; Owens; Paur; Pietsch; Porter; Sanford; Schatz; Streyle; Sukut; Thoreson; Wall; Weiler; Williams; Winrich; Zaiser

**NAYS:** Amerman; Beadle; Bellew; Boehning; Brabandt; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Frantsvog; Guggisberg; Hawken; Heller; Hofstad; Hogan; Kaldor; Karls; Kasper; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Louser; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nelson, M.; Pollert; Rohr; Ruby; Rust; Schmidt; Skarphol; Steiner; Vigesaa; Weisz; Wieland; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Keiser; Trottier

Engrossed HB 1057 lost.

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**SECOND READING OF HOUSE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Keiser; Trottier

Engrossed HB 1091 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1128:** A BILL for an Act to create and enact sections 15-20.4-01.1 and 15-20.4-01.2 of the North Dakota Century Code, relating to a commission on private postsecondary education; and to amend and reenact sections 15-20.4-01, 15-20.4-02, 15-20.4-02.1, 15-20.4-03, 15-20.4-03.1, and 15-20.4-04, subsections 2, 3, and 4 of

section 15-20.4-05, sections 15-20.4-10, 15-20.4-11, 15-20.4-12, and 15-20.4-14, subsection 4 of section 15-20.4-15, section 15-20.4-17, subsection 2 of section 15-20.4-18, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to authorizations to operate private postsecondary educational institutions in this state and resignation of commission members at the beginning of a governor's four-year term.

#### 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 0 YEAS, 92 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Keiser; Trottier

Engrossed HB 1128 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1214:** A BILL for an Act to create and enact sections 15.1-02-18.1, 15.1-02-18.2, and 15.1-02-18.3 of the North Dakota Century Code, relating to the statewide longitudinal data system and the mandatory provision of information; to amend and reenact sections 15.1-02-18 and 52-01-03 of the North Dakota Century Code, relating to the statewide longitudinal data system; and to repeal section 44-04-18.14 of the North Dakota Century Code, relating to the followup information on North Dakota education and training system.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Keiser; Trottier

Engrossed HB 1214 passed.

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#### SECOND READING OF HOUSE BILL

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

section line roads.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Keiser; Trottier

Engrossed HB 1232 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1266:** A BILL for an Act to create and enact a new section to chapter 23-01.2 of the North Dakota Century Code, relating to a state department of health emergency medical services and trauma medical director; 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer; Weiler

**ABSENT AND NOT VOTING:** Keiser; Trottier

Engrossed HB 1266 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1310:** A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfers to district court.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Keiser; Trottier

Engrossed HB 1310 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 1077, HB 1092, HB 1136, HB 1162, HB 1164, HB 1278, HB 1305, HB 1311, HB 1327, HB 1376.

**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 1424.

**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 2034, SB 2180, SB 2184, SB 2215, SB 2282, SB 2292, SB 2303.

**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 2245, SB 2322.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Monday, February 14, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1038, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1038 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1100: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1100 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1134, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1134 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1258, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (13 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1258 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1267, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (14 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING).

Engrossed HB 1267 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1283: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1283 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1342: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1342 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1364, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1364 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1372: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1372 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1408: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1408 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1426, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (12 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1426 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1448: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1448 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "state auditor" with "legislative management"

Page 1, line 2, after the semicolon insert "to provide an expiration date;"

Page 1, remove lines 7 through 24

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 17 with:

**"Legislative management to contract for improper payment identification and recovery services.**

1. By August 1, 2011, the legislative management shall consider contracting on behalf of the state with a single qualified and experienced improper payment identification and recovery services consultant firm to perform an improper payment identification and recovery process of payments made to vendors during the previous four fiscal years by or through state agencies that have an annual budget exceeding five hundred thousand dollars regardless of whether the agencies have had internal or third-party reviewers or auditors perform similar reviews or audits in the past. Any specific improper payment identified by a previous review or audit is not eligible for identification or recovery under this section. Improper payments identified and recovered may include state or federal funds of any character, including grants. The identification and recovery process must:

- a. Where practicable, simultaneously meet or exceed the requirements of applicable federal law and state law to avoid duplication of effort;
  - b. Be designed to identify improper payments to the state's vendors; and
  - c. Include recommendations for improvements to accounting and payment policies and procedures of state agencies.
2. Beginning on July 1, 2013, and each biennium thereafter, the legislative management shall contract on behalf of the state for improper payment identification and recovery processes on the payments made by the state to vendors during the previous two fiscal years in accordance with subsection 1.
3. A contract issued under this section:
- a. Must provide for reasonable compensation paid by the state to the consultant on a contingency basis as a specified percentage of the total amount of improper payments identified by the consultant and authorized for recovery or payment by the state in accordance with subsection 7;
  - b. Must allow the consultant or the state to pursue recovery of any improper payment identified by the consultant, including recovery through rebates, price reductions, discounts, additional or upgraded goods or services, favorable contract terms, cash payments, lien proceeds, garnishments, or setoffs against future payments made by the state to vendors that previously received improper payments;
  - c. Must allow for the consultant to review payments that have been previously audited or reviewed by internal or external reviewers or auditors and found to be correct or proper, if the legislative management determines the consultant is reasonably likely to newly identify a material amount of improper payments among those previously audited or reviewed payments;
  - d. Must include reasonable safeguards, including nondisclosure obligations, to prevent the wrongful disclosure of confidential information by the consultant or its employees or agents in accordance with all applicable laws;
  - e. Must prohibit the consultant from using extrapolation or sampling in the improper payment identification review process, except when no other method can be practicably used to conduct the review in an effective manner, as determined by the legislative management or its designee at the applicable state agency; and
  - f. May not allow a review or recovery of:
    - (1) A payment to a vendor until at least one hundred eighty days after the date the payment was made;
    - (2) State employee payroll payments;
    - (3) Retirement plan payments to former or current state employees;
    - (4) Loans, bond debt service, and related interest; or
    - (5) Unemployment compensation payments, judgments, and settlements.
4. Notwithstanding any other provision of law, each state agency with payments being reviewed shall provide the consultant with prompt cooperation with the review, identification, and recovery process, as reasonably requested by the consultant, including providing the consultant

with access to any information in the custody or control of the state or its vendors which is necessary or desirable to achieve optimal performance of the review, payment, or the recovery of improper payments. An agency may not provide the consultant access to any record if disclosure of the record to the consultant is otherwise prohibited by law despite the consultant's authorization to act on behalf of the state and contractual obligation not to disclose the record.

5. As soon as practicable, but in no event more than sixty days after notification in writing by the consultant of an identified improper payment, the legislative management or its designee at an applicable state agency shall notify the consultant in writing if the consultant is not authorized to pursue the improper payment for recovery, or the state is not intending to pay the balance of an improper payment to the applicable vendor, as the case may be. The notice from the state to the consultant must contain an explanation for the determination. The legislative management or its designee at an applicable state agency shall base the determination on either:
  - a. A finding that a payment identified as improper by the consultant on the grounds of being an underpayment is actually in the correct amount; or
  - b. The reasonable unlikelihood of recovering the improper payment, whether due to an erroneous identification by the consultant, the vendor being insolvent, or other substantially similar circumstances.
6. If the consultant identifies a pattern of improper payments to a specific vendor, the legislative management may authorize the consultant to conduct a review of up to one additional prior biennium of payments to the vendor.
7. The consultant, on behalf of the state, shall recover from vendors improper payments that have been identified by the consultant and authorized by the state, unless the legislative management notifies the consultant in writing of the state's intention to recover any such authorized payments. Any funds recovered by the consultant on behalf of the state may not be commingled with other funds and must be held in a separate bank account until paid to the state by the consultant. The consultant may deduct from the funds recovered by the consultant on behalf of the state any fees owed to the consultant by the state under the contract. The consultant shall provide the state with detailed statements and reconciliations for the bank account on a monthly basis during the term of the consultant's contract with the state.
8. Upon the request of the legislative management, the attorney general shall bring and pursue any legal action the attorney general determines is reasonably necessary to recover an improper payment.
9. For the purposes of this section, "improper payment" means any payment made in an incorrect amount, whether an underpayment or overpayment; a payment to an incorrect payee; or a payment for an incorrect reason or purpose, including:
  - a. A duplicate payment;
  - b. A payment of a fraudulent or erroneous invoice or bill;
  - c. A payment based on a failure to apply an applicable discount, rebate, allowance, or price reduction;
  - d. A payment for goods or services not provided or rendered in whole or in part;
  - e. A payment for incorrect or unauthorized goods or services; and
  - f. A payment made in violation of a contractual provision.

10. For the purposes of this section, "vendor" means a person that receives payment directly from the state.
11. The legislative management shall implement any rules necessary to create a process by which the consultant and vendors may appeal whether a payment identified by the consultant as an improper payment is an improper payment, and in which amount. The appeal process may differ from agency to agency, as determined by the legislative management to be desirable and proper.
12. A state agency may not enter a contract for the provision of improper payment identification and recovery services without prior consent of the legislative management.
13. Under this section, no additional or duplicate improper payment identification and recovery processes may be conducted on payments made by the state if any recovery audit or improper payment identification and recovery process that meets or exceeds applicable federal and state law has been previously conducted on those payments.

**SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2013, and after that date is ineffective."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HCR 3029: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3029 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**

