

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, February 16, 2011

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

The prayer was offered by Representative Hawken, District 46, Fargo.

The roll was called and all members were present.

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to HB 1155, HB 1224, HB 1269, HB 1415, HB 1438, HCR 3019, HCR 3028, and HCR 3031.

HB 1269, as amended, was rereferred to the **Appropriations Committee**.

HCR 3019, HCR 3028, and HCR 3031, as amended, were placed on the Tenth order of business on the calendar.

HB 1155, HB 1224, HB 1415, and HB 1438, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. VIGESAA MOVED** that HB 1426, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

**POINT OF PERSONAL PRIVILEGE**

**REP. WINRICH** rose on a point of personal privilege.

**REMARKS OF REPRESENTATIVE WINRICH**

**MR. SPEAKER:** In January of 1911, about 100 union members from Grand Forks, North Dakota and East Grand Forks, Minnesota gathered to hear union organizer John Fleming from Fargo. Fleming spoke of the benefits enjoyed by working men and women in the Fargo Moorhead area because of the Fargo Moorhead Labor Council that was formed in 1906. He urged them to organize such a Labor Council to represent working people in the greater Grand Forks area.

Three weeks later, one hundred years ago today, February 16, 1911, union members from Grand Forks and East Grand Forks again met and formed the Grand Forks Trades and Labor Assembly. Among the unions represented on the new council were Bricklayers, Blacksmith Helpers, Machinists, Carpenters, Street Car Employees, Barbers, Freight Handlers, Book Binders, and Pressmen. The first president was Ralph Bates of the Book Binders Union, who later went on to become the first president of the North Dakota American Federation of Labor when this organization was formed in Grand Forks on October 1, 1911.

The new council quickly gained the respect of city leaders in Grand Forks and East Grand Forks and a Grand Labor Day Celebration was planned at Riverside Park. Mayor M.F. Murphy of Grand Forks issued a proclamation which read in part:

"The members of the Grand Forks Trades and Labor Assembly have invited the people of Grand Forks to unite with them in observing the day with appropriate ceremonies, which invitation should be accepted by all."

"It is therefore recommended: That on Monday, September 4th, all business be suspended at 1:00 o'clock in the afternoon in order that all citizens may be afforded an opportunity to participate."

The Grand Forks Trades and Labor Assembly today has become the Northern Valley Labor

Council and organizations such as the Street Car Employees and the Blacksmith Helpers have given way to a membership list that now includes the United Auto Workers, the Communication Workers of America, the International Brotherhood of Electrical Workers, the North Dakota Public Employees Association, and the Plumbers and Pipefitters. The current president, Mark Froemke, is a member of the Bakery, Confectionary, Tobacco, and Grain Millers International union.

We congratulate the Northern Valley Labor Council as they celebrate 100 years of service and advocacy for the working men and women of the Grand Forks area and across the state of North Dakota.

#### REQUEST

**REP. WINRICH REQUESTED** that his remarks be printed in the Journal, which request was granted.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3016:** A concurrent resolution urging Congress to repeal the Patient Protection and Affordable Care Act.

#### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 69 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING

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

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

HCR 3016 was declared adopted on a recorded roll call vote.

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#### SECOND READING OF HOUSE BILL

**HB 1441:** A BILL for an Act to amend and reenact section 39-21-44.1 of the North Dakota Century Code, relating to securing loads on vehicles.

#### 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 19 YEAS, 75 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Boe; Conklin; Glasheim; Gruchalla; Guggisberg; Hanson; Hogan; Hunskor; Karls; Kelsh, S.; Kroeber; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Winrich; Zaiser; Speaker Drovda

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

HB 1441 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1461:** A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code, relating to concealed weapons permits; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

HB 1461 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3024:** A concurrent resolution congratulating the North Dakota Grain Dealers Association as it celebrates 100 years of existence.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

HCR 3024 was declared adopted on a recorded roll call vote.

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**SECOND READING OF HOUSE BILL**

**HB 1217:** A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2, subdivision j of subsection 2 of section 39-04-18, subsection 1 of section 57-02-08.8, and subsection 1 of section 57-40.3-04 of the North Dakota Century Code, relating to benefits for disabled veterans; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

Engrossed HB 1217 passed.

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### SECOND READING OF HOUSE BILL

**HB 1306:** A BILL for an Act to amend and reenact subsection 1 of section 57-02-08.8 of the North Dakota Century Code, relating to the property tax credit for disabled veterans; 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 7 YEAS, 87 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Hunskor; Maragos; Meyer, S.; Ruby; Schatz; Thoreson

**NAYS:** 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; 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; Martinson; Meier, L.; Metcalf; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

HB 1306 lost.

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### SECOND READING OF HOUSE BILL

**HB 1448:** A BILL for an Act to create and enact a new section to chapter 54-10 of the North Dakota Century Code, relating to requiring the legislative management to contract for recovery audits; to provide an expiration date; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 16 YEAS, 77 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boehning; Clark; Dosch; Headland; Kasper; Kempenich; Maragos; Meier, L.; Nathe; Ruby; Sukut; Thoreson; Trottier; Weiler; Wrangham

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

**ABSENT AND NOT VOTING:** Koppelman

Engrossed HB 1448 lost.

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### SECOND READING OF HOUSE BILL

**HB 1046:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and chapter 57-65 of the North Dakota Century Code, relating to a sales tax exemption for potash and byproducts of potash and taxation of potash and byproducts; to amend and reenact subsection 32 of section 57-02-08 of the North Dakota Century Code, relating to exemption of minerals subject to in lieu of taxes; to provide for a legislative management study; to provide a continuing appropriation; to provide a penalty; 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 86 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; 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; Rust; Sanford; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Bellew; Delzer; Gruchalla; Rohr; Ruby; Schatz; Schmidt; Thoreson

Engrossed HB 1046 passed.

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### SECOND READING OF HOUSE BILL

**HB 1165:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to individual accident and health insurance coverage.

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

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

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

Engrossed HB 1165 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1245:** A BILL for an Act to amend and reenact sections 40-57.3-01 and 40-57.3-01.1 and subsection 22 of section 57-39.2-04 of the North Dakota Century Code, relating to city lodging tax and state sales tax application to hotel, motel, and tourist court stays of thirty days or more; 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 51 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Carlson; Conklin; Dahl; Delmore; Dosch; Frantsvog; Glassheim; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Kretschmar; Kreun; Maragos; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Onstad; Owens; Paur; Pietsch; Rust; Sanford; Skarphol; Steiner; Streyle; Sukut; Trottier; Williams; Winrich; Zaiser

**NAYS:** Bellew; Boe; Boehning; Brabandt; Brandenburg; Clark; Damschen; DeKrey; Delzer; Devlin; Froseth; Grande; Gruchalla; Headland; Heller; Holman; Hunskor; Kaldor; Kasper; Kempenich; Koppelman; Kreidt; Kroeber; Louser; Martinson; Monson; Nathe; Nelson, J.; Nelson, M.; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Drovdal

Engrossed HB 1245 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1246:** A BILL for an Act to amend and reenact subsection 9 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for church property; 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 84 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Conklin; Johnson, N.; Keiser; Klein; Kreun; Nelson, M.; Pollert; Ruby; Winrich

Engrossed HB 1246 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 1189, HB 1268, HB 1289, HB 1467.

**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 2010, SB 2125, SB 2169, SB 2213, SB 2251, SB 2256, SB 2259, SB 2276, SB 2318,

SB 2346, SCR 4001, SCR 4011.

**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 2253, SB 2280.

**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., Thursday, February 17, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1047: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1047 was placed on the Sixth order on the calendar.

Page 4, line 27, after the first "the" insert "previous year"

Page 4, line 27, overstrike "for taxable year 2008" and insert immediately thereafter "plus the previous year number of mills of property tax relief under this chapter"

Page 4, line 30, remove "For purposes of this section, "taxable valuation" means the valuation to which the mill"

Page 4, remove line 31

Page 5, remove lines 1 through 15

Page 5, line 16, remove "4."

Page 5, line 16, overstrike "The grant to a qualifying school district may not be less than the grant to that school"

Page 5, line 17, overstrike "district in the preceding school year." and insert immediately thereafter "For purposes of this section, "taxable valuation" means the valuation to which the mill rate is applied to determine the amount of ad valorem taxes or payments in lieu of taxes, and includes taxable valuation determined for agricultural, residential, and commercial property; gas company property, pipeline property, power company property, and railroad property assessed by the state board of equalization under chapter 57-06; mobile homes under chapter 57-55; land controlled by the game and fish department subject to valuation under chapter 57-02.1; land owned by the board of university and school lands or the state treasurer subject to valuation under chapter 57-02.3; national guard land subject to valuation under chapter 37-07.3; farmland or rangeland owned by nonprofit organizations for conservation purposes subject to valuation under section 10-06.1-10; land acquired by the state water commission for the Devils Lake project subject to valuation under chapter 61-02; a workforce safety and insurance building and associated real property subject to valuation under section 65-02-32; and carbon dioxide pipeline property subject to valuation under section 57-06-17.2. For purposes of this section, "taxable valuation" includes the taxable valuation of the homestead credit reimbursed by the state under section 57-02-08.2 and the disabled veterans' credit reimbursed by the state under section 57-02-08.8."

Page 5, line 18, remove the overstrike over "4."

Page 5, line 18, remove "5."

Page 5, line 21, remove the overstrike over "5."

Page 5, line 21, remove "6."

Page 5, line 25, remove the overstrike over "6."

Page 5, line 25, remove "7."

Page 5, line 27, remove the overstrike over "7."

Page 5, line 27, remove "8."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1177, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1177 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "This Act is not subject to"

Page 1, line 9, replace "section 54-44.1-11." with "This amount is one-time funding and is not a part of the agency's base budget for the 2013-15 biennium. The department of veterans' affairs shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding."

Page 1, line 11, after "affairs" insert "may only provide funding for a "stand down" event to the extent private matching funds are used to provide a dollar-for-dollar or in-kind match. The department of veterans' affairs"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1194: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1194 was placed on the Sixth order on the calendar.

Page 2, line 16, replace "By July tenth of each year, the" with "The"

Page 2, line 22, remove "1."

Page 2, remove lines 26 through 29

Page 3, remove lines 1 through 3

Page 3, line 5, remove "the county"

Page 3, line 6, replace "auditor" with "a taxing district intending to levy property taxes at a rate exceeding the certified tax rate"

Page 3, line 6, after "mail" insert "a postcard providing"

Page 3, line 6, replace "a" with "the"

Page 3, line 6, remove "of any"

Page 3, remove lines 7 and 8

Page 3, line 9, remove "tax commissioner for all taxing districts in the state"

Page 3, line 10, remove "The true and full valuation and taxable valuation of the taxpayer's property."

Page 3, line 11, remove "b."

Page 3, line 12, replace "c." with "b."

Page 3, line 12, remove "dollar"

Page 3, line 12, remove "taxpayer would have paid in property taxes to the"

Page 3, line 13, replace "by application of" with "intends to levy, expressed as a percentage increase exceeding"

Page 3, line 13, remove "to the budget year taxable valuation"

Page 3, remove line 14

Page 3, line 15, remove "property tax liability to the taxing district under the proposed rate"

Page 3, line 16, replace "The" with "As an alternative to the mailed notice under subsection 1, the"

Page 3, line 16, replace "has notified the county auditor of its intent" with "intends"

Page 3, line 17, replace "exceed" with "levy property taxes at a rate exceeding"

Page 3, line 17, remove "as required under this"

Page 3, line 18, remove "subsection"

Page 3, line 22, remove "be in a format prescribed by the tax"

Page 3, line 23, replace "commissioner" with "contain the information required to be contained in the mailed notice under subsection 1"

Page 3, line 23, remove "The advertisement must be:"

Page 3, remove lines 24 through 26

Page 4, line 27, remove "the county auditor"

Page 4, line 28, replace "under section 57-15.1-03" with "taxpayers under subsection 1 or 2 of section 57-15.1-04"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1227: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1227 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "percentage of property"

Page 1, line 3, replace "value that is imposed in property taxes" with "dollar amount of property tax relief provided through legislative appropriation"

Page 1, line 20, remove "The tax"

Page 1, remove lines 21 through 24

Page 2, line 1, remove "of the true and full value of the parcel."

Page 2, line 2, after the second "the" insert "dollar"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1256: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1256 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, replace "a" with "b"

Page 1, line 2, after "39-06.1-10" insert ", and a new section to chapter 39-08"

Page 1, line 3, remove "definitions and"

Page 1, line 3, after "points" insert "and using an electronic communication device"

Page 1, line 4, replace the first comma with "and"

Page 1, line 4, remove "39-06-14,"

Page 1, line 4, remove "39-06-36, subsection 3 of section 39-06-42,"

Page 1, line 5, replace "section 39-06-43, subsection 1 of section 39-06.1-08, and subsection 3 of section 39-06.1-11" with "and 39-06.1-09"

Page 1, line 6, after "license" insert "and a moving violation"

Page 1, line 19, remove the overstrike over "~~or license~~"

Page 1, line 19, after "in" insert "under"

Page 1, line 19, remove the overstrike over "~~sections~~"

Page 1, line 19, remove "under section"

Page 1, line 20, remove the overstrike over "~~and 39-06-17~~"

Page 1, line 20, remove "and the"

Page 1, remove line 21

Page 1, line 22, remove "section 39-06-14 to a person who is less than sixteen years of age"

Page 3, remove lines 9 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 13

Page 8, line 26, remove the overstrike over "~~A restricted operator's license or permit to operate the parent's or guardian's~~"

Page 8, remove the overstrike over lines 27 through 31

Page 9, remove the overstrike over lines 1 through 7

Page 9, line 8, remove the overstrike over "~~(1)~~"

Page 9, line 8, after "Completed" insert "Successfully completed an approved driver's education course that includes"

Page 9, line 8, remove the overstrike over "~~a course of classroom instruction and a course of~~"

Page 9, remove the overstrike over lines 9 through 11

Page 9, after line 11, insert:

- "e. The child has accumulated a minimum of fifty hours of supervised, behind-the-wheel driving experience in various driving conditions and situations that include night driving; driving on gravel, dirt, or aggregate surface road; driving in both rural and urban conditions; and winter driving conditions."

Page 9, remove the overstrike over lines 12 through 19

Page 9, line 20, remove the overstrike over "4:"

Page 9, line 24, remove the overstrike over "5:"

Page 9, line 24, remove "4."

Page 9, line 26, remove the overstrike over "~~other than restrictions imposed under subsection 6~~"

Page 10, remove the overstrike over lines 6 through 14

Page 10, after line 14, insert:

- "c. An individual holding a restricted driver's license driving a motor vehicle may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger.

- d. An individual holding a restricted driver's license may not operate a motor vehicle between the later of sunset or nine p.m. and five a.m. unless a parent, legal guardian, or an individual eighteen years of age or older is in the front seat of the motor vehicle or the motor vehicle is being driven directly to or from work, an official school activity, or a religious activity."

Page 10, remove lines 15 through 30

Page 11, remove lines 1 through 31

Page 12, replace lines 1 through 20 with:

**"SECTION 5. AMENDMENT.** Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-09. Moving violation defined.**

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-16, section 7 of this Act, 39-09-04.1, 39-09-09, subsection 1 of section 39-12-02, sections 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08."

Page 12, line 21, replace "a" with "b"

Page 12, line 24, remove "or class D operator's license with intermediate"

Page 12, remove lines 25 through 30

Page 13, replace lines 1 and 2 with:

"**SECTION 7.** A new section to chapter 39-08 of the North Dakota Century Code is created and enacted as follows:

**Use of an electronic communication device by minor prohibited.**

An individual at least sixteen and under eighteen years of age who has been issued a class D license may not operate an electronic communication device to talk, compose, read, or send an electronic message while operating a motor vehicle that is in motion unless the sole purpose of operating the device is to obtain emergency assistance, to prevent a crime about to be committed, or in the reasonable belief that an individual's life or safety is in danger."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1293: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1293 was placed on the Sixth order on the calendar.

Page 2, remove lines 24 and 25

Page 2, line 26, remove "preceding taxable year may be approved for a taxing district"

Page 2, line 26, after "approval" insert "of the amount and length of the tax levy increase"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1321, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1321 was placed on the Sixth order on the calendar.

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

Page 1, line 4, remove "; and"

Page 1, line 5, remove "to provide an appropriation"

Page 5, remove lines 16 through 22

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1322: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1322 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "prohibition" with "limitation"

Page 2, line 2, remove "is exempt from"

Page 2, replace line 3 with "may not be subjected to special assessments at a greater percentage of true and full valuation than the percentage that special assessments are of true and full valuation of commercial property in the special assessment district."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1325, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)**

recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1325 was placed on the Sixth order on the calendar.

Page 1, line 3, after "capacity" insert "; and to provide an appropriation"

Page 4, after line 3, insert:

**"SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$546,786, or so much of the sum as may be necessary, and from special funds derived from federal funds and other income, the sum of \$679,193, or so much of the sum as may be necessary, to the department of human services for the purpose of providing for payments for nursing facilities as provided for in sections 1 and 2 of this Act, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1331: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1331 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide for a legislative management study;"

Page 3, after line 25, insert:

**"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - SPECIAL ASSESSMENTS.** During the 2011-12 interim, the legislative management shall consider studying use of special assessments for public improvements, use and administration of special assessments across the state, and alternative funding mechanisms available. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Page 3, line 27, replace "2011" with "2013"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1362: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1362 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact section 57-62-03.2 of the North Dakota Century Code,"

Page 1, line 2, replace "relating to" with "provide for"

Page 1, line 5, remove "Section 57-62-03.2 of the North Dakota Century Code is created and enacted"

Page 1, remove line 6

Page 1, line 7, remove "57-62-03.2."

Page 1, line 8, replace "board of university and school lands" with "state investment board"

Page 1, line 8, after "make" insert "investments of the legacy fund by making"

Page 1, line 9, after "districts" insert an underscored comma

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

Page 1, line 11, after "permitting" insert "in the county"

Page 1, line 12, replace "a" with "an impact"

Page 1, line 12, remove "pursuant to this chapter"

Page 1, line 13, replace "board of university and school lands" with "state investment board"

Page 1, line 14, remove "energy development impact"

Page 1, line 14, after "office" insert "administering oil and gas impact funding"

Page 1, line 15, replace "board of university and school lands" with "state investment board"

Page 1, line 16, replace "within the provisions of this chapter" with "under this section"

Page 2, line 9, replace "board of university and school lands" with "state investment board"

Page 2, line 17, replace "board of university and school lands" with "state investment board"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1422: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1422 was placed on the Sixth order on the calendar.

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 electronic drug prior authorization standards; and to provide for a report to the legislative management.

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

**SECTION 1.** A new section to chapter 23-01 of the North Dakota Century Code is created and enacted as follows:

##### Electronic drug prior authorization and transmission - Limitations.

1. Effective August 1, 2013, a drug prior authorization request must be accessible and submitted by a health care provider and must be accepted by a group purchaser electronically through a secure electronic transmission. For purposes of this section, a facsimile is not an electronic transmission.
2. Effective August 1, 2013, electronic transmission devices used to communicate a prescription to a pharmacist may not use any means or permit any other person to use any means, including alerts, advertising, messaging, and popup advertisements, to influence or attempt to influence through economic incentives or otherwise the prescribing decision of a prescribing practitioner at the point of care. Such means may not be triggered by or be in specific response to the input, selection, or act of a prescribing practitioner or the prescribing practitioner's staff in prescribing a certain pharmaceutical or directing a patient to a certain pharmacy. Any alert, advertising, messaging, or popup advertisements must be supported by scientific evidence and must be consistent with the federal food and drug administration regulations for advertising pharmaceutical products.

**SECTION 2. ELECTRONIC DRUG PRIOR AUTHORIZATION STANDARDIZATION AND TRANSMISSION - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2011-12 interim, the state department of health and the health information technology advisory committee shall work together to establish an outline on how best to standardize drug prior authorization request transactions between providers and group purchasers. The outline must be designed with the goal

of maximizing administrative simplification and efficiency in preparation for electronic transmissions and alignment with standards that are or will potentially be used nationally. By January 1, 2012, the state department of health and the health information technology advisory committee shall provide a report to the legislative management regarding the outline on how best to standardize drug prior authorization request transactions between providers and group purchasers."

Renumber accordingly

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

**HCR 3030: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3030 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to ensure compliance with tobacco products"

Page 1, line 3, remove "tax laws"

Page 1, remove lines 6 through 11

Page 1, line 12, replace "effects" with "feasibility and desirability"

Page 1, line 13, replace "effects" with "benefits and detriments"

Page 1, line 13, replace "the requirement" with "requiring cigarette tax stamps"

Page 1, line 18, remove "to ensure compliance with tobacco products tax laws"

Renumber accordingly

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. D. Johnson, Hofstad, Vigesaa and Sen. Oehlke introduced:

(Approved by the Delayed Bills Committee)

**HCR 3040:** A concurrent resolution urging the Secretary of the United States Department of Agriculture to change prevented planting provisions in crop insurance policies for the purpose of providing compensation to producers affected by Devils Lake flooding.

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

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

**Buell J. Reich, Chief Clerk**

