

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, April 4, 2011

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

The prayer was offered by Deacon Randy Frohlich, St. Joseph's Catholic Church, Mandan.

The roll was called and all members were present except Representative Winrich.

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

Page 1211, line 8, replace "authoring" with "authorizing"

Page 1284, after line 18, insert:

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

**MR. SPEAKER:** The President has signed: SB 2069."

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

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to Engrossed SB 2019, Engrossed SB 2161, and SB 2253.

Engrossed SB 2019, Engrossed SB 2161, and SB 2253, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SIXTH ORDER OF BUSINESS**

**SB 2014: REP. BELLEW (Appropriations Committee) MOVED** that the amendments on HJ pages 1304-1305 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

**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; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; 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.; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Metcalf; Ruby

**ABSENT AND NOT VOTING:** Holman; Winrich

SB 2014, as amended, passed.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1142 as printed on HJ page 1103 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1142: Reps. Kretschmar, DeKrey, Onstad.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. VIGESAA MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2042, Engrossed SB 2050, Engrossed SB 2158, SB 2182, SB 2195, and Engrossed SB 2218, which motion prevailed.

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

**SB 2042:** Reps. Owens, Grande, S. Kelsh  
**Engrossed SB 2050:** Reps. Wrangham, Streyle, S. Kelsh  
**Engrossed SB 2158:** Reps. Beadle, Kretschmar, Hogan  
**SB 2182:** Reps. Koppelman, Maragos, Onstad  
**SB 2195:** Reps. Maragos, Steiner, Delmore  
**Engrossed SB 2218:** Reps. Weiler, Owens, Zaiser

**MOTION**

**REP. VIGESAA MOVED** that SB 2006 be moved to the bottom of the Fourteenth order, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2226:** A BILL for an Act to create and enact sections 15.1-20-02.1, 15.1-20-03.1, and 15.1-20-03.2 of the North Dakota Century Code, relating to compulsory attendance at school; and to amend and reenact section 15.1-20-03 of the North Dakota Century Code, relating to compulsory attendance.

**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 55 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Carlson; Clark; Dahl; Damschen; Delmore; Devlin; Frantsvog; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemm; Koppelman; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Sanford; Sukut; Vigesaa; Wall; Williams; Zaiser; Speaker Drovdal

**NAYS:** Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Conklin; DeKrey; Delzer; Dosch; Froseth; Grande; Headland; Heller; Karls; Kasper; Keiser; Kempenich; Kreidt; Louser; Nathe; Nelson, J.; Pollert; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Trottier; Weiler; Weisz; Wieland; Wrangham

**ABSENT AND NOT VOTING:** Klein; Winrich

Engrossed SB 2226 passed.

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**SECOND READING OF SENATE BILL**

**SB 2303:** A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to the composition of the state board of animal health.

**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 6 YEAS, 86 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Brandenburg; Kelsh, S.; Kempenich; Meyer, S.; Onstad; Williams

**NAYS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; 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.; Kilichowski; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Klein; Winrich

Engrossed SB 2303 lost.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4006:** A concurrent resolution for the repeal of section 6 of article X of the Constitution of North Dakota, relating to elimination of the authority for the legislative assembly to levy an annual poll tax.

**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 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.; 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; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Klein; Winrich

SCR 4006 was declared adopted on a recorded roll call vote.

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**SECOND READING OF SENATE BILL**

**SB 2206:** A BILL for an Act to create and enact a new section to chapter 2-05 of the North Dakota Century Code, relating to anemometer towers; to provide a penalty; to provide an appropriation; to provide for application; 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 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; Keiser; 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; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Bellew

**ABSENT AND NOT VOTING:** Klein; Winrich

Engrossed SB 2206, as amended, passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2222:** A BILL for an Act relating to the development of crop insurance proposals; and to provide for crop insurance development grants.

### 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, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsvog; 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; 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; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Anderson; Delzer; Froseth; Glassheim; Grande; Rohr

**ABSENT AND NOT VOTING:** Klein; Winrich

Reengrossed SB 2222, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2072:** A BILL for an Act to create and enact a new subsection to section 50-24.1-02.8 of the North Dakota Century Code, relating to the treatment of transfers involving annuities for purposes of determining eligibility for medical assistance; to amend and reenact subsections 1 and 6 of section 50-24.1-02.8 of the North Dakota Century Code, relating to the treatment of transfers involving annuities for purposes of determining eligibility for medical assistance; 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 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; Keiser; 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; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Klein; Winrich

Engrossed SB 2072, as amended, lost.

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### SECOND READING OF SENATE BILL

**SB 2198:** A BILL for an Act to create and enact a new section to chapter 54-21.2 of the North Dakota Century Code, relating to heating, ventilation, and air-conditioning interoperability standards; 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 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.; 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; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Klein; Winrich

SB 2198 passed.

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### SECOND READING OF SENATE BILL

**SB 2300:** A BILL for an Act to create and enact four new sections to chapter 15-10 of the North Dakota Century Code, relating to the creation of the North Dakota commission on higher education funding; 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 has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 54 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Clark; Dahl; DeKrey; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kretschmar; Kroeber; Maragos; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nelson, J.; Porter; Rust; Sanford; Wall; Weisz; Williams

**NAYS:** Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Conklin; Damschen; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hatlestad; Headland; Heller; Kasper; Keiser; Kempenich; Kingsbury; Klemin; Koppelman;

Kreidt; Kreun; Louser; Martinson; Monson; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Rohr; Ruby; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Weiler; Wieland; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Klein; Winrich

Engrossed SB 2300, as amended, lost.

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### SECOND READING OF SENATE BILL

**SB 2122:** A BILL for an Act to amend and reenact subsections 3 and 4 of section 19-02.1-14.1 of the North Dakota Century Code, relating to electronic prescriptions.

### 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 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; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klemmin; 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; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Klein; Winrich

Engrossed SB 2122 passed.

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### SECOND READING OF SENATE BILL

**SB 2140:** A BILL for an Act to amend and reenact sections 57-62-01, 57-62-03.1, and 57-62-06 of the North Dakota Century Code, relating to availability of oil and gas impact grant funds to park districts.

### 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 9 YEAS, 81 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Froseth; Hatlestad; Johnson, N.; Kelsh, S.; Meyer, S.; Mueller; Onstad; Sukut

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

**ABSENT AND NOT VOTING:** Johnson, D.; Klein; Ruby; Winrich

Engrossed SB 2140 lost.

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**SECOND READING OF SENATE BILL**

**SB 2178:** A BILL for an Act to amend and reenact subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to a reduction in income tax rates for individuals, estates, and trusts; 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 24 YEAS, 67 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Boe; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Onstad; Ruby; Weiler; Zaiser

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

**ABSENT AND NOT VOTING:** Clark; Klein; Winrich

Engrossed SB 2178 lost.

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**SECOND READING OF SENATE BILL**

**SB 2001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor; 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 91 YEAS, 1 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.; 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; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Weiler

**ABSENT AND NOT VOTING:** Klein; Winrich

SB 2001, as amended, passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota

Century Code, relating to the salary of the state auditor.

**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 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; 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; Keiser; 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; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Beadle; Kasper; Ruby

**ABSENT AND NOT VOTING:** Klein; Winrich

Engrossed SB 2004, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2005:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Delmore; Gruchalla; Guggisberg; Hanson; Holman; Kaldor; Kelsh, S.; Kilichowski; Kroeber; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Owens

**ABSENT AND NOT VOTING:** Klein; Winrich

SB 2005, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the labor commissioner.

**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; Keiser; 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; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Klein; Skarphol; Winrich

SB 2007 passed.

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### SECOND READING OF SENATE BILL

**SB 2009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to amend and reenact sections 4-01-21 and 4-01-23, subsection 2 of section 5-01-17, subsection 2 of section 5-01-19, and sections 19-20.1-03, 19-20.1-03.1, and 19-20.1-06 of the North Dakota Century Code, relating to the salary of the agriculture commissioner, the promotion of sustainably grown commodities, domestic wineries and domestic distilleries, and fertilizer distribution registration, licensing, and inspection fees; 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 64 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Bellew; Belter; Brandenburg; Carlson; Conklin; Dahl; Damschen; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Guggisberg; Hatlestad; Hawken; Headland; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Kreidt; Kretschmar; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Owens; Paur; Pietsch; Pollert; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Streyle; Sukut; Thoreson; Trottier; Wall; Wieland; Williams; Speaker Drovdal

**NAYS:** Anderson; Beadle; Boe; Boehning; Brabandt; Clark; DeKrey; Delmore; Glassheim; Gruchalla; Hanson; Heller; Kasper; Keiser; Kelsch, R.; Klemin; Koppelman; Kreun; Nathe; Onstad; Porter; Rohr; Steiner; Vigasaa; Weiler; Weisz; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Klein; Winrich

Engrossed SB 2009, as amended, passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2018:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

### 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 82 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski;

Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Drovdal

**NAYS:** Brabandt; Delzer; Frantsvog; Grande; Kasper; Louser; Rohr; Ruby; Weiler; Wrangham

**ABSENT AND NOT VOTING:** Klein; Winrich

Engrossed SB 2018, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2021:** A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance.

### 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 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; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunkor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; 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; Nathe; Nelson, J.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Mueller; Nelson, M.

**ABSENT AND NOT VOTING:** Klein; Winrich

SB 2021 passed.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2007, SB 2021, SB 2122, SB 2198, SB 2226, SCR 4006.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2004, SB 2005, SB 2014, SB 2018, SB 2222.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2001, SB 2009, SB 2206.

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2072, SB 2300.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2140, SB 2178, SB 2303.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1030, HB 1036, HB 1077,

HB 1086, HB 1094, HB 1169, HB 1256, HB 1259, HB 1311, HCR 3038.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HCR 3015, HCR 3045.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1013.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1123.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1011, HB 1103, HB 1177, HB 1266, HB 1316, HB 1382, HB 1468.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011**

Page 1, replace lines 10 through 16 with:

"Administration	\$2,926,419	\$235,883	\$3,162,302
Field operations	37,198,354	4,821,472	42,019,826
Law enforcement training academy	<u>1,496,942</u>	<u>2,096,727</u>	<u>3,593,669</u>
Total all funds	\$41,621,715	\$7,154,082	\$48,775,797
Less estimated income	<u>10,893,730</u>	<u>984,719</u>	<u>11,878,449</u>
Total general fund	\$30,727,985	\$6,169,363	\$36,897,348
Full-time equivalent positions	194.00	3.00	197.00"

Page 2, after line 1, insert:

"Emergency vehicle operations course 0 1,990,002"

Page 2, replace lines 3 through 5 with:

"Total all funds	\$280,000	\$3,477,002
Total special funds	<u>0</u>	<u>419,700</u>
Total general fund	\$280,000	\$3,057,302"

Page 2, line 11, replace "\$4,849,220" with "\$5,378,886"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1011 - Highway Patrol - Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Administration	\$3,159,842	\$3,157,382	\$4,920	\$3,162,302
Field operations	41,539,957	40,258,516	1,761,310	42,019,826
Law Enforcement Training Academy	5,692,488	1,601,309	1,992,360	3,593,669
Total all funds	\$50,392,287	\$45,017,207	\$3,758,590	\$48,775,797
Less estimated income	<u>12,100,404</u>	<u>11,348,783</u>	<u>529,666</u>	<u>11,878,449</u>
General fund	\$38,291,883	\$33,668,424	\$3,228,924	\$36,897,348
FTE	197.00	191.00	6.00	197.00

### Department No. 504 - Highway Patrol - Detail of Senate Changes

	Adjusts Funding for State Fleet Mileage Rates <sup>1</sup>	Restores New Motor Carrier Positions <sup>2</sup>	Restores Trooper Positions <sup>3</sup>	Restores Funding for Emergency Vehicle Operations Course <sup>4</sup>	Total Senate Changes
Administration	\$4,920				\$4,920
Field operations	459,738	733,688	567,884		1,761,310
Law Enforcement Training Academy	2,358			1,990,002	1,992,360
Total all funds	\$467,016	\$733,688	\$567,884	\$1,990,002	\$3,758,590
Less estimated income	102,090	95,379	73,497	258,700	529,666
General fund	\$364,926	\$638,309	\$494,387	\$1,731,302	\$3,228,924
FTE	0.00	3.00	3.00	0.00	6.00

<sup>1</sup> Funding for State Fleet Services mileage is increased to reflect an estimated mileage rate of 64 cents per mile for Highway Patrol vehicles. The executive recommendation provided funding for an estimated mileage rate of 61 cents per mile, and the House reduced funding to reflect an estimated mileage rate of 58 cents per mile.

<sup>2</sup> Three new FTE motor carrier positions and related funding removed by the House are restored.

<sup>3</sup> Three FTE trooper positions and related funding removed by the House are restored. The positions were removed in the agency budget request and restored in the executive recommendation.

<sup>4</sup> Funding is restored for an emergency vehicle operations course removed by the House. The executive recommendation included funding for an emergency vehicle operations course and indoor shooting range which were removed by the House.

This amendment also adjusts Section 2 to provide that funding for the emergency vehicle operations course is one-time funding.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1103

Page 1, line 15, replace "nurse practitioner" with "advanced practice registered nurse"

Page 4, line 9, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 12, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 16, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 18, overstrike "pursuant to" and insert immediately thereafter "under"

Page 4, line 18, overstrike "shall" and insert immediately thereafter "does not"

Page 4, line 18, overstrike "no" and insert immediately thereafter "any"

Page 4, line 20, overstrike "pursuant"

Page 4, line 21, overstrike the first "to" and insert immediately thereafter "under"

Page 4, line 27, overstrike "pursuant to" and insert immediately thereafter "under"

Re-number accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1177**

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

Page 1, remove line 12

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

Renumber accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1266**

In lieu of the amendments adopted by the Senate as printed on page 711 of the Senate Journal, Reengrossed House Bill No. 1266 is amended as follows:

Page 1, line 8, replace "may" with "shall"

Page 1, line 18, replace "Advanced trauma life support training" with "Contracted emergency medical services and trauma medical center"

Page 1, line 18, replace "\$20,000" with "\$100,000"

Page 1, remove line 19

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1266 - State Department of Health - Senate Action**

	Executive Budget	House Version	Senate Changes	Senate Version
Comprehensive state trauma system		\$50,000	\$50,000	\$100,000
Total all funds	\$0	\$50,000	\$50,000	\$100,000
Less estimated income	0	0	0	0
General fund	\$0	\$50,000	\$50,000	\$100,000
FTE	0.00	0.00	0.00	0.00

**Department No. 301 - State Department of Health - Detail of Senate Changes**

	Increases Funding for State Trauma System <sup>1</sup>	Total Senate Changes
Comprehensive state trauma system	\$50,000	\$50,000
Total all funds	\$50,000	\$50,000
Less estimated income	0	0
General fund	\$50,000	\$50,000
FTE	0.00	0.00

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<sup>1</sup> This amendment increases funding for the support of the comprehensive state trauma system and provides the funding is to be used for contracted emergency medical services and trauma medical center.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1316**

Page 1, line 13, remove "Upon an applicant's request, that portion of a hearing before the appeals"

Page 1, replace lines 14 through 19 with "A hearing before the appeals committee may be closed upon request of the applicant. An applicant who requests a closed hearing may invite to that hearing any two representatives and the applicant's spouse or one other family member. Each decision of the appeals committee must give the reasons for granting or refusing an application for relief or assistance. The decision of the appeals committee is final. The record of the hearing, including the identity of the applicant, is an exempt record."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1382**

Page 1, line 1, remove the comma

Page 1, line 2, remove "subdivision a of subsection 3 of section 49-23-03, and section 49-23-04"

Page 1, remove lines 16 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 28

Renumber accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1468**

Page 1, line 1, remove "provide for a legislative management study of the veterans' postwar trust"

Page 1, line 2, remove "fund and the veterans' aid trust fund; and to"

Page 1, line 3, after "the" insert "department of veterans' affairs and the"

Page 1, line 5, remove "**LEGISLATIVE MANAGEMENT STUDY - VETERANS' POSTWAR TRUST**"

Page 1, line 6, replace "**FUND AND VETERANS' AID FUND**" with "**APPROPRIATION - TRANSFER - DEPARTMENT OF VETERANS' AFFAIRS**"

Page 1, replace lines 7 through 12 with "There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$210,000, or so much of the sum as may be necessary, which the office of management and budget shall transfer to the department of veterans' affairs to be used in lieu of income generated from the veterans' postwar trust fund for programs authorized by law to benefit and serve veterans or their dependents, for the biennium beginning July 1, 2011, and ending June 30, 2013. It is the intent of the legislative assembly that any income generated by the veterans' postwar trust fund during the biennium beginning July 1, 2011, and ending June 30, 2013, be held with the corpus of the fund for distribution to the department of veterans' affairs during the biennium beginning July 1, 2013, and ending June 30, 2015."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)  
MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1057, HB 1232, HB 1269, HB 1447.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1447**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to provide for a legislative management study of voting residency laws and consolidation of elections."

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:****SECTION 1. LEGISLATIVE MANAGEMENT STUDY - VOTING RESIDENCY - CONSOLIDATION OF POLITICAL SUBDIVISION ELECTIONS.**

During the 2011-12 interim, the legislative management shall consider studying residency as it relates to voting purposes and the further consolidation of political subdivision elections with regular statewide elections. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1057**

In lieu of the amendments adopted by the Senate as printed on pages 1062 and 1063 of the Senate Journal, Engrossed House Bill No. 1057 is amended as follows:

- Page 1, line 1, remove "to create and enact a new subsection to section 57-38-57 of the North Dakota"
- Page 1, line 2, remove "Century Code, relating to angel fund investment disclosure;"
- Page 1, line 4, after the first "provide" insert "for"
- Page 1, line 4, remove "report to the"
- Page 1, line 4, after "management" insert "study"
- Page 1, line 13, overstrike "invested" and insert immediately thereafter "remitted"
- Page 1, line 13, overstrike "in" and insert immediately thereafter "to"
- Page 1, line 15, after the period insert "The investment used to calculate the credit under this section may not be used to calculate any other income tax deduction or credit allowed by law."
- Page 1, line 21, overstrike "four" and insert immediately thereafter "nineteen"
- Page 2, line 10, after the underscored period insert "Early-stage and mid-stage entities do not include those that have more than twenty-five percent of their revenue from income-producing real estate."
- Page 3, line 1, replace "paid for the investment" with "remitted"
- Page 3, line 3, replace "on which full consideration" with "the payment"
- Page 3, after line 4, insert:
- "j. Invest only in primary sector businesses, as defined in section 57-38-30.5."
- Page 5, remove lines 14 through 18
- Page 5, line 19, remove "**REPORT TO THE**"
- Page 5, line 19, after "**MANAGEMENT**" insert "**STUDY - TRANSFERABILITY OF TAX CREDITS**"
- Page 5, line 19, remove "and"
- Page 5, replace lines 20 and 21 with "interim, the legislative management shall consider studying the transferability of tax credits. The study must include an analysis of the tax policy reasons for implementing transferable credits, a review of the effectiveness of transferable credits in terms of potential annual state revenue losses and benefits, the use and effectiveness of transferable tax credits in other states, the impact on the

sellers and purchasers of transferable credits, and the administration of transferable credits. 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 5, line 23, replace "four" with "two"

Page 5, remove line 24

Re-number accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1232

Page 2, after line 8, insert:

"5. Subsection 2 does not apply to a railroad company performing maintenance and repair work of railroad track, crossings, or other railroad facilities."

Page 3, after line 7, insert:

"3. Subsection 2 does not apply to railroad facilities."

Re-number accordingly

#### SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1269

In lieu of the amendments adopted by the Senate as printed on page 813 of the Senate Journal, Reengrossed House Bill No. 1269 is amended as follows:

Page 1, line 4, replace "for application" with "an appropriation"

Page 1, line 4, remove the second "for"

Page 1, line 5, replace "retroactive application" with "a contingent effective date"

Page 4, line 29, remove "The petitioner may appeal a denial of the"

Page 4, line 30, remove "requested relief, and review on appeal is de novo."

Page 5, replace lines 7 through 13 with:

**"SECTION 4. APPROPRIATION.** There is appropriated the sum of \$585,859, or so much of the sum as may become available from a grant under the Act of Congress entitled NICS Improvement Act of 2007 [Pub. L. 110-180, 121 Stat. 2559] or other funds, to the attorney general for the purpose of implementing software and administering the system, for the biennium beginning July 1, 2011, and ending June 30, 2013.

**SECTION 5. CONTINGENT EFFECTIVE DATE.** Subsections 2 and 5 of section 3 of this Act become effective when the attorney general certifies to the secretary of state, the office of management and budget, and the legislative council that the state has received the grant under section 4 of this Act and has implemented the software and system to carry out the provisions of subsections 2 and 5 of section 3 of this Act."

Re-number accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1029, HB 1074, HB 1268.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1029

Page 1, line 1, remove "a new section to chapter 15.1-06 and"

Page 1, line 3, remove "and safety requirements"

Page 1, line 21, remove "To be certified as an approved school by the superintendent of public instruction, the"

Page 1, replace lines 22 and 23 with "In order to obtain certification that a public school is approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report verifying that:"

Page 2, line 23, replace "July 31" with "June 30"

Page 3, line 11, replace "The" with "No later than thirty days after the date on which a school's compliance report is due, in accordance with subsection 2, the"

Page 3, line 11, remove "current list of all"

Page 3, line 12, replace "approved and unapproved public schools" with "notice"

Page 3, line 12, after "website" insert ", indicating whether a school is approved or unapproved"

Page 3, line 21, after "school" insert "district superintendent"

Page 3, line 22, replace "its" with "a school's"

Page 3, line 23, remove "principal"

Page 4, line 3, replace "principal" with "superintendent"

Page 4, line 3, after "school" insert "district in which the school is located"

Page 4, after line 5, insert:

"9. If a school district does not employ a superintendent, the duties required of a school district superintendent by this section must be performed as provided for in chapter 15.1-11."

Page 4, line 9, replace "To be certified as an approved school by the superintendent of public instruction" with "In order to obtain certification that a nonpublic school is approved"

Page 4, line 10, replace "each" with "a"

Page 4, line 25, replace "July 31" with "June 30"

Page 5, line 13, replace "The" with "No later than thirty days after the date on which a school's compliance report is due, in accordance with subsection 2, the"

Page 5, line 14, replace "current list of all approved and unapproved nonpublic schools" with "notice"

Page 5, line 15, after "website" insert ", indicating whether a nonpublic school is approved or unapproved"

Page 5, line 21, after "circumstances" insert "the administrator of"

Page 5, line 22, replace "its" with "the school's"

Page 7, remove lines 9 through 29

Page 8, remove lines 1 through 3

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1074**

Page 1, line 3, after the first semicolon insert "to provide an appropriation;"

Page 2, after line 23, insert:

**"SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$708,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of reimbursement of boarding care costs, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Re-number accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1268**

In addition to the amendments adopted by the Senate as printed on pages 912 and 913 of the Senate Journal, House Bill No. 1268 is further amended as follows:

Page 1, line 1, after "57-51-15" insert ", and subsection 5 of section 57-51.2-02"

Page 1, line 21, replace "For purposes of this subsection only, annual revenue collected under this" with "For taxes under this chapter imposed on oil and gas production within the Fort Berthold Reservation, the allocation to the county as determined under this subsection must be based on the entire amount of state and tribal taxes collected on that production, the allocation to the state general fund must be reduced accordingly, and the allocation to the Three Affiliated Tribes of the Fort Berthold Reservation must be as determined under the agreements entered under chapter 57-51.2 without any reduction under this subsection."

**SECTION 3. AMENDMENT.** Subsection 5 of section 57-51.2-02 of the North Dakota Century Code is amended and reenacted as follows:

5. The allocation of revenue from oil and gas production taxes on the Fort Berthold Reservation must be as follows:
  - a. Production attributable to trust lands. All revenues and exemptions from all oil and gas gross production and oil extraction taxes attributable to production from trust lands on the Fort Berthold Reservation must be evenly divided between the tribe and the state.
  - b. All other production. The tribe must receive twenty percent of the total oil and gas gross production taxes collected from all production attributable to nontrust lands on the Fort Berthold Reservation in lieu of the application of the Three Affiliated Tribes' fees and taxes related to production on such lands. The state must receive the remainder.
  - c. The state's share of the revenue as divided in subdivisions a and b is subject to distribution ~~among political subdivisions~~ as provided in chapters 57-51 and 57-51.1."

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 5

Re-number accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1327, HB 1350.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1054, HB 1227, HB 1284, HB 1312, HB 1344, HB 1384, HB 1405, HB 1429.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1278.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1142, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1142:** Reps. Kretschmar; DeKrey; Onstad

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2027, SB 2104, SB 2107, SB 2112, SB 2114, SB 2232, and SB 2244.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2187, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2187:** Sens. Dever; Sorvaag; Nelson

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

**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2042:** Reps. Owens; Grande; S. Kelsh

**SB 2050:** Reps. Wrangham; Streyle; S. Kelsh

**SB 2158:** Reps. Beadle; Kretschmar; Hogan

**SB 2182:** Reps. Koppelman; Maragos; Onstad

**SB 2195:** Reps. Maragos; Steiner; Delmore

**SB 2218:** Reps. Weiler; Owens; Zaiser

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1155, HB 1173, HB 1209, HB 1249, HB 1265, HCR 3011.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2317, SCR 4010, SCR 4026.

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

**MR. SPEAKER:** The President has signed: HB 1155, HB 1173, HB 1209, HB 1249, HB 1265, HCR 3011.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1114.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2071, SB 2108, SB 2317, SCR 4010, SCR 4026.

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

**MR. SPEAKER:** The President has signed: SB 2120.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 4, 2011: HB 1114.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, and Thirteenth orders of

business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Tuesday, April 5, 2011, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2271, as reengrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2271 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "chapter" with "chapters"

Page 1, line 1, after "43-57" insert ", 43-58, and 43-59"

Page 1, line 2, after the first "to" insert "creation of the state board of integrative health,"

Page 1, line 2, after "naturopaths" insert ", and regulation of music therapists"

Page 1, line 4, after the semicolon insert "to provide an appropriation;"

Page 1, line 13, replace "43-57" with "43-58"

Page 2, line 21, remove "Approved naturopathic medical college" means a college and program granting the"

Page 2, remove lines 22 through 29

Page 2, line 30, remove "2."

Page 3, remove lines 1 through 3

Page 3, line 4, replace "4." with "2."

Page 3, line 4, replace "a person" with "an individual"

Page 3, line 4, after "chapter" insert "and under chapter 43-58 or 43-59"

Page 3, remove lines 5 through 17

Page 3, line 20, after the first "of" insert "at least"

Page 3, line 20, remove ", one of whom must be a naturopath, one of whom must be an"

Page 3, line 21, replace "acupuncturist, one of whom" with ". Each profession regulated by the board must have one member on the board representing that profession. In addition, one member"

Page 3, line 21, replace the second "of whom" with "member"

Page 3, line 22, after the underscored comma insert "one member must be an advance practice registered nurse."

Page 3, line 22, after "and" insert "at least"

Page 3, line 22, replace "of whom" with "but no more than two members"

Page 3, line 22, replace "a layperson" with "laypersons"

Page 3, line 25, remove "four"

Page 3, line 26, remove "naturopath"

Page 3, line 26, after "appointment" insert "for a newly regulated profession"

Page 3, line 26, remove ", and except the"

Page 3, line 27, remove "acupuncturist appointment, who needs not be licensed"

Page 4, line 1, remove "no more than two"

Page 4, line 2, replace "members appointed annually" with "appointments distributed evenly from year to year"

Page 4, line 13, after "chapter" insert "and chapters 43-58 and 43-59"

Page 4, line 14, remove "of naturopathic medicine which are consistent"

Page 4, line 15, replace "with the education provided by approved naturopathic medical colleges" with ", which must be consistent with the required education for each profession regulated by the board"

Page 4, line 18, replace "approve naturopathic medical colleges" with "establish educational standards for each profession regulated by the board as appropriate"

Page 4, line 27, replace "under this chapter" with "by the board"

Page 4, line 29, after "chapter" insert ", chapter 43-58, and chapter 43-59"

Page 5, line 1, replace "licensed" with "regulated"

Page 5, remove lines 2 through 30

Page 6, remove lines 1 through 30

Page 7, replace lines 1 through 16 with:

**"43-57-04. Board duties in regulating professions - Subgroups.**

1. The board shall establish a subgroup for each profession regulated by the board. The board shall appoint at least three and no more than five members of the profession to serve as volunteer members of the subgroup. A subgroup member must be a licensed member of the profession, except in the case of a newly regulated profession in which case each subgroup member must be eligible for licensure. The board may appoint a board member to serve on a subgroup representing that board member's profession. The subgroup members serve at the pleasure of the board.
2. A subgroup established under this section shall serve in an advisory capacity to advise the board when requested by the board. The subgroup on its own motion may advise the board as the subgroup determines necessary.
3. The board may not take any action that impacts a profession regulated by the board as a whole or which impacts one or more licensees of that profession unless the board first consults with and requests the recommendation of the appropriate subgroup. If the board takes an action that is contrary to a subgroup's recommendation, the board shall articulate in writing why the subgroup's recommendation was not followed.

**43-57-05. Petition to the board - Inclusion as a board-regulated profession - Consideration of additional health care professions.**

1. An existing occupational or professional board of this state or agency of this state which regulates the practice of a health profession or a representative of a health profession that is not regulated by this state may submit to the board a petition and proposed bill draft requesting inclusion of that health profession as a profession regulated by the board. Upon receipt of a petition and proposed bill draft submitted under this section, the board shall review the petition and may work with the person

- submitting the petition to provide assistance in accomplishing this requested inclusion.
2. If a committee of the legislative assembly considers a measure to regulate a health care profession with fewer than fifty likely members, the committee shall consider whether it is desirable and feasible to have the state board of integrative health, some other existing board, or an existing state agency regulate that profession rather than create a new board.
  3. If the membership of a board-regulated profession increases to at least one hundred licensees, the board may introduce legislation creating an independent board to regulate that profession."

Page 7, line 17, replace "43-57-11." with "43-57-06."

Page 7, line 19, after "chapter" insert "and under chapter 43-58 or 43-59"

Page 7, line 20, replace "43-57-12." with "43-57-07."

Page 8, remove lines 6 through 8

Page 8, line 9, replace "43-57-14." with "43-57-08."

Page 10, line 1, replace "43-57-15." with "43-57-09."

Page 10, line 25, replace "43-57-16." with "43-57-10."

Page 11, line 4, replace "43-57-17." with "43-57-11."

Page 11, line 5, after "chapter" insert ", chapter 43-58, or chapter 43-59"

Page 11, line 7, after "chapter" insert ", chapter 43-58, or chapter 43-59"

Page 11, after line 8, insert:

**"SECTION 4.** Chapter 43-58 of the North Dakota Century Code is created and enacted as follows:

**43-58-01. Definitions.**

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

1. "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine which must require as a minimum a four-year, full-time resident program of academic and clinical study and which:
  - a. Is accredited, or has the status of candidate for accreditation, by an organization approved by the board, such as the council on naturopathic medical education; or
  - b. Has been approved by the board after an investigation that determines that the college or program meets education standards equivalent to those established by the accrediting agency under subdivision a and complies with the board's rules.
2. "Board" means the state board of integrative health care created under chapter 43-57.
3. "Homeopathic preparations" means nonprescriptive substances prepared according to the official homeopathic pharmacopoeia of the United States. The term does not include prescriptive drugs.
4. "Licensee" means an individual licensed by the board under this chapter.

5. "Naturopath" means an individual licensed to practice naturopathic health care under this chapter.
6. "Naturopathic health care", "naturopathic medicine", or "naturopathy" means a system of primary health care practiced by naturopaths for the prevention, diagnosis, and treatment of human health conditions, injury, and disease. The purpose of naturopathic health care, naturopathic medicine, or naturopathy is to promote or restore health by the support and stimulation of the individual's inherent self-healing processes. This is accomplished through education of the patient by a naturopath and through the use of natural therapies and therapeutic substances.
7. "Naturopathic physical application" means the therapeutic use by a naturopath of the actions or devices of electrical muscle stimulation, galvanic, diathermy, ultrasound, ultraviolet light, hydrotherapy, and naturopathic manipulative therapy. The term does not include manipulation of the spine.

#### **43-58-02. Exemptions.**

Many of the therapies used by a naturopath, such as the use of nutritional supplements, herbs, foods, homeopathic preparations, and such physical forces as heat, cold, water, touch, and light, are not the exclusive privilege of naturopaths, and their use, practice, prescription, or administration by individuals not licensed to practice naturopathic medicine is not prohibited by this chapter. This chapter does not restrict or apply to the scope of practice of any other profession licensed, certified, or registered under the laws of this state.

#### **43-58-03. License required - Title restrictions.**

1. Effective January 1, 2012, a person may not practice naturopathy without a current naturopathic license issued by the board.
2. A naturopath may use the title "naturopath" or "doctor of naturopathic medicine" and the abbreviation "N.D." when used to reflect either of these titles. Effective January 1, 2012, a person that uses these terms or initials as identification without having received a naturopathic license under this chapter is engaging in the practice of naturopathy without a license.

#### **43-58-04. Qualifications for licensure.**

In order to obtain a license to practice naturopathic medicine in this state, an application must be made to the board. The application must be upon the form adopted by the board and must be made in the manner prescribed by the board.

#### **43-58-05. Application for licensure.**

1. An applicant for naturopathic licensure shall file an application on forms provided by the board showing to the board's satisfaction that the applicant is of good moral character and satisfied all of the requirements of this chapter and chapter 43-57, including:
  - a. Successful graduation of an approved naturopathic medical college;
  - b. Successful completion of an examination prescribed or endorsed by the board, such as part I and part II of the naturopathic physicians licensing examinations;
  - c. Physical, mental, and professional capability for the practice of naturopathic medicine in a manner acceptable to the board; and
  - d. A history free of any finding by the board, any other state licensure board, or any court of competent jurisdiction of the commission of any act that would constitute grounds for disciplinary action under

this chapter and chapter 43-57. The board may modify this restriction for cause.

2. The application must be accompanied by the board-established license fees and application fees and by the documents, affidavits, and certificates necessary to establish that the applicant possesses the necessary qualifications.

**43-58-06. Initial applications - Education and testing exception.**

Notwithstanding the education and examination requirements for licensure under subdivisions a and b of subsection 1 of section 43-58-05, if an applicant was a bona fide resident of the state from January 1, 2011, through December 31, 2011, was practicing naturopathic medicine in this state immediately preceding January 1, 2012, was required to apply for licensure under this chapter in order to continue that practice, and does not meet the educational or examination requirements or both, the board may issue a license or limited license to that applicant if, following an examination of the applicant's education and experience, the board determines the applicant has sufficient education and experience to prepare the applicant to practice naturopathic medicine.

**43-58-07. Licensure granted without examination to individuals licensed in other states.**

1. The board may issue a naturopathic license by endorsement to an applicant who has complied with licensure requirements and who has passed an examination given by a recognized certifying agency approved by the licensing agency if the board determines the examination was equivalent in every respect to the examination required under this chapter.
2. The board may enter reciprocal agreements with licensing agencies of other states providing for reciprocal waiver of further examination or any part of the examination.
3. If an applicant is exempt from the examination required under this chapter, the applicant shall comply with the other requirements for licensure. The board may adopt rules allowing for temporary and special licensure to be in effect during the interval between board meetings.

**43-58-08. Practice of naturopathic health care.**

1. A naturopath may practice naturopathic medicine as a limited practice of the healing arts as exempted under section 43-17-02. A naturopath may not:
  - a. Prescribe, dispense, or administer any prescription drug;
  - b. Administer ionizing radioactive substances for therapeutic purposes;
  - c. Perform a surgical procedure; or
  - d. Claim to practice any licensed health care profession or system of treatment other than naturopathic medicine unless holding a separate license in that profession. A naturopath may not hold out to the public that the naturopath is a primary care provider.
2. A naturopath may prescribe and administer for preventive and therapeutic purposes a prescriptive device and the following nonprescriptive natural therapeutic substances, drugs, and therapies:
  - a. Food, vitamins, minerals, dietary supplements, enzymes, botanical medicines, and homeopathic preparations;

- b. Topical drugs, health care counseling, nutritional counseling and dietary therapy, naturopathic physical applications, and therapeutic devices; and
  - c. Barrier devices for contraception.
3. A naturopath may perform or order for diagnostic purposes a physical or official examination, ultrasound, phlebotomy, clinical laboratory test or examination, physiological function test, and any other noninvasive diagnostic procedure commonly used by physicians in general practice and as authorized by the board.

#### **43-58-09. Public health duties.**

A naturopath has the same powers and duties as a licensed physician with regard to public health laws, reportable diseases and conditions, communicable disease control and prevention, recording of vital statistics, health and physical examinations, and local boards of health, except that the authority and responsibility are limited to activities consistent with the scope of practice established under this chapter and chapter 43-57.

#### **43-58-10. Employment by hospitals.**

A hospital may employ a naturopath in the same manner as provided under section 43-17-42.

**SECTION 5.** Chapter 43-59 of the North Dakota Century Code is created and enacted as follows:

#### **43-59-01. Definitions.**

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

1. "Board" means the state board of integrative health care created under chapter 43-57.
2. "Licensee" means an individual licensed by the board under this chapter.
3. "Music therapist" is an individual who practices music therapy.
4. "Music therapy" is the specialized use of music and the materials of music to restore, maintain, and improve the following areas of functioning: cognitive, psychological, social or emotional, affective, physical, sensory or sensorimotor, motor, communicative, and physiological functioning. Techniques used in the practice of music therapy include the use of music to provide participatory individual and group experiences; musical improvisation; therapeutic development of verbal skills and nonverbal behavior; receptive music learning; lyric discussions; memory recall; music and imagery; self-expression through composition and songwriting; socialization and enhancement of self-esteem through music performance; relaxation to music, including stress and pain management; learning through music; cultural and spiritual expression; development of fine and gross motor skills through responses to rhythm; respiratory and speech improvements through sound production; sensory integration and stimulation; increased awareness of music for development of recreation and leisure interests; and interactive verbal techniques to help facilitate, elicit, or summarize the techniques listed in this subsection and build the therapeutic relationship.

#### **43-59-02. Music therapy - License required - Title restrictions - Exceptions.**

1. Effective August 1, 2012, a person may not hold out as practicing music therapy, hold out as being a music therapist, or use a title or other

designation indicating the person is a music therapist in this state unless that person is an individual licensed under this chapter and chapter 43-57.

2. The licensure provisions of this chapter do not prevent or restrict the practice, services, or activities of any individual licensed in another profession or any individual supervised by a licensed professional from performing work incidental to the practice of that profession or occupation, if that individual does not represent the individual as a music therapist.

**43-59-03. Qualifications for licensure.**

1. In order to obtain a license to practice music therapy in this state, an application must be made to the board. The application must be upon the form adopted by the board and must be made in the manner prescribed by the board.
2. An applicant for licensure to practice music therapy shall file an application on forms provided by the board showing to the board's satisfaction that the applicant is an individual of good moral character, is at least eighteen years of age, and satisfied all the requirements established by the board which may include:
  - a. Successful graduation of a board-approved educational program;
  - b. Successful completion of a board-approved examination prescribed or endorsed by the board;
  - c. Hold in good standing a board-approved designation, such as:
    - (1) A music therapist board-certified credential from the certification board for music therapists; or
    - (2) A professional designation from the national music therapy registry, which may include registered music therapist, certified music therapist, and advanced certified music therapist.
  - d. Physical, mental, and professional capability for the practice of music therapy in a manner acceptable to the board;
  - e. A history free of any finding by the board, any other state licensure board, or any court of competent jurisdiction of the commission of any act that would constitute grounds for disciplinary action under this chapter or chapter 43-57. The board may modify this restriction for cause.
3. The application must be accompanied by the board-established license fees and application fees and by the documents, affidavits, and certificates necessary to establish that the applicant possesses the necessary qualifications.

**SECTION 6. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,000, or so much of the sum as may be necessary, to the state board of integrative health for the purpose of assisting with costs associated with establishing the board, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**HB 1421, as engrossed:** Your conference committee (Sens. Nodland, Larsen, Schneider and Reps. Kreun, Ruby, Amerman) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1106 and place HB 1421 on the Seventh order.

Engrossed HB 1421 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1425, as reengrossed:** Your conference committee (Sens. Larsen, Nodland, Murphy and Reps. Clark, Frantsvog, M. Nelson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1029 and place HB 1425 on the Seventh order.

Reengrossed HB 1425 was placed on the Seventh order of business on the calendar.

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

**Buell J. Reich, Chief Clerk**

