

JOURNAL OF THE HOUSE

Sixty-second Legislative Assembly

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Bismarck, April 15, 2011

The House convened at 8:00 a.m., with Speaker Drovdal presiding.

The prayer was offered by Pastor Merle Hoots, Bismarck Baptist Church.

The roll was called and all members were present except Representatives Kempenich, Klemin, Mock, Sanford, and Schatz.

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 Sixty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1668, line 33, replace "**HOUSE ACCEDE to**" with "**SENATE RECEDE from**"

Page 1668, line 34, delete "further"

Page 1669, line 23, replace "Nelson, Sorvaag" with "Sorvaag, Nelson"

Page 1670, delete lines 44 and 45

Page 1671, lines 14 and 15, replace ", subsequently passed, and the emergency clause carried" with "on"

Page 1671, line 48, replace "page 1179" with "pages 1179-1180"

Page 1673, line 5, replace "Triplett, Freborg" with "Freborg, Triplett"

Page 1676, line 40, replace "Mueller, Schmidt" with "Schmidt, Mueller"

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KARLS MOVED that the conference committee report on SB 2213 as printed on HJ pages 1681-1682 be adopted, which motion prevailed on a voice vote.

SB 2213, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to amend and reenact section 54-52.4-03 of the North Dakota Century Code, relating to family medical leave for state employees; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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.; Kilichowski; Kingsbury; Klein; 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; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Kempenich; Klemin; Sanford; Schatz

SB 2213, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RUBY MOVED that the conference committee report on SB 2361 as printed on HJ pages 1684-1685 be adopted, which motion prevailed on a voice vote.

SB 2361, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to create and enact two new subsections to section 54-21.3-02 and a new section to chapter 54-21.3 of the North Dakota Century Code, relating to definitions under the State Building Code and used temporary work camp housing exemptions; to amend and reenact section 54-21.3-04 of the North Dakota Century Code, relating to applicability of the State Building Code to other state or local government codes; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 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.; Kilichowski; Kingsbury; Klein; 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; Schmidt; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Kempenich; Klemin; Sanford; Schatz; Skarphol

SB 2361, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HOFSTAD MOVED that the conference committee report on SB 2098 as printed on HJ pages 1676-1678 be adopted, which motion prevailed on a voice vote.

SB 2098, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2098: A BILL for an Act to create and enact a new subsection to section 43-11-02 of the North Dakota Century Code, relating to exemption from cosmetology licensure; and to amend and reenact sections 43-11-01, 43-11-03, 43-11-04, and 43-11-06, subsection 7 of section 43-11-16, sections 43-11-21, 43-11-24, 43-11-25, and 43-11-26, subdivision b of subsection 1 of section 43-11-28, and section 43-11-31 of the North Dakota Century Code, relating to fees, the practice and licensing of cosmetologists, cosmetology salons, estheticians, instructors, manicurists, and schools, and the powers, membership, and compensation of the state board of cosmetology.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 15 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Dosch; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rust; Schmidt; Skarphol; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Bellew; Boe; Delzer; Devlin; Frantsvog; Grande; Heller; Keiser; Klein; Koppelman; Meier, L.; Rohr; Ruby; Steiner; Wrangham

ABSENT AND NOT VOTING: Kempenich; Klemin; Sanford; Schatz

SB 2098, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. STREYLE MOVED that the conference committee report on Engrossed SB 2169 as printed on HJ page 1680 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2169, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2169: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to audio recording of floor sessions of the legislative assembly.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 67 YEAS, 23 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Boehning; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Devlin; Dosch; Frantsvog; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Porter; Rust; Steiner; Sukut; Thoreson; Trottier; Vigasaa; Wall; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Bellew; Belter; Boe; Brabandt; Brandenburg; DeKrey; Delzer; Froseth; Grande; Heller; Kasper; Keiser; Meier, L.; Owens; Pollert; Rohr; Ruby; Schmidt; Skarphol; Streyle; Weiler; Weisz; Wieland

ABSENT AND NOT VOTING: Kempenich; Klemin; Sanford; Schatz

Engrossed SB 2169, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BRABANDT MOVED that the conference committee report on SB 2231 as printed on HJ page 1682 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KINGSBURY MOVED that the conference committee report on SB 2247 as printed on

HJ page 1682 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PIETSCH MOVED that the conference committee report on SB 2253 as printed on HJ pages 1682-1684 be adopted, which motion prevailed on a voice vote.

SB 2253, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2253: A BILL for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to the allocation of funds in the state aid distribution fund; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 1 NAYS, 0 EXCUSED, 4 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.; Kilichowski; Kingsbury; Klein; 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; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Wrangham

ABSENT AND NOT VOTING: Kempenich; Klemin; Sanford; Schatz

SB 2253, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RUBY MOVED that the conference committee report on Engrossed SB 2308 as printed on HJ page 1684 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HOFSTAD MOVED that the conference committee report on Engrossed SCR 4002 as printed on HJ page 1685 be adopted, which motion prevailed on a voice vote.

Engrossed SCR 4002, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4002: A concurrent resolution urging Congress to provide a legal process to return to the riparian landowner land controlled by the Army Corps of Engineers which is not necessary for authorized purposes and if the federal government is unable or unwilling to convey the land back to nontribal and tribal riparian landowners, then Congress shall convey the land back to the state of North Dakota.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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.; Kilichowski; Kingsbury; Klein; 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; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Kempenich; Klemin; Sanford; Schatz

Engrossed SCR 4002, as amended, was declared adopted on a recorded roll call vote.

MOTION

REP. VIGESAA MOVED that HB 1006, which is on the Seventh order, be laid over one legislative day, and that SB 2295, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HATLESTAD MOVED that the conference committee report on Engrossed HB 1144 as printed on HJ pages 1714-1715 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1144, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1144: A BILL for an Act to create and enact chapter 57-02.4 of the North Dakota Century Code, relating to crew housing permit fees for crew housing facilities; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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.; Kilichowski; Kingsbury; Klein; 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; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Kempenich; Klemin; Sanford; Schatz

Reengrossed HB 1144 passed and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2187, as engrossed: Your conference committee (Sens. Dever, Sorvaag, Nelson and Reps. Nathe, Vigesaa, Gruchalla) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1052, adopt amendments as follows, and place SB 2187 on the Seventh order:

That the Senate accede to the House amendments as printed on page 1052 of the Senate Journal and pages 1184 and 1185 of the House Journal and that Engrossed Senate Bill No. 2187 be further amended as follows:

Page 1, line 3, remove the third "and"

Page 1, line 3, after "application" insert "; and to declare an emergency"

Page 4, after line 11, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2187 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NATHE MOVED that the conference committee report on Engrossed SB 2187 as printed on HJ page 1736 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2187, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to amend and reenact sections 43-23.3-02, 43-23.3-03, and 43-23.3-04.1 of the North Dakota Century Code, relating to the North Dakota real estate appraiser qualifications and ethics board and appraiser permit approval standards; 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, the roll was called and there were 88 YEAS, 1 NAYS, 0 EXCUSED, 5 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.; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Paur

ABSENT AND NOT VOTING: Kempenich; Klemin; Owens; Sanford; Schatz

Engrossed SB 2187, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WEILER MOVED that the conference committee report on Engrossed SB 2218 as printed on HJ pages 1715-1716 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2218, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2218: A BILL for an Act to create and enact a new subsection to section 40-63-07 of the North Dakota Century Code, relating to restrictions on renaissance fund organization investments in enterprises owned by renaissance fund organization officers or employees; to amend and reenact subsections 2 and 5 of section 40-63-07 of the North Dakota Century Code, relating to renaissance fund organization income tax credits; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 79 YEAS, 11 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Louser; Maragos; Martinson; Metcalf; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Rohr; Rust; Schmidt; Steiner; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Delzer; Hawken; Kelsch, R.; Kreun; Meier, L.; Meyer, S.; Porter; Ruby; Skarphol; Streyle; Wrangham

ABSENT AND NOT VOTING: Kempenich; Klemin; Sanford; Schatz

Engrossed SB 2218, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. D. JOHNSON MOVED that the conference committee report on Reengrossed SB 2222 as printed on HJ pages 1717-1718 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2222, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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.; Kilichowski; Kingsbury; Klein; 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; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Kempenich; Klemin; Sanford; Schatz

Reengrossed SB 2222, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DAMSCHEN MOVED that the conference committee report on Reengrossed SB 2271 as printed on HJ pages 1718-1725 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2271, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2271: A BILL for an Act to create and enact a new subsection to section 43-17-02 and chapters 43-57, 43-58, and 43-59 of the North Dakota Century Code, relating to creation of the state board of integrative health, regulation of naturopaths, and regulation of music therapists; to amend and reenact section 43-17-41 of the North Dakota Century Code, relating to duties of naturopaths; to provide a penalty; to provide an appropriation; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll

was called and there were 80 YEAS, 10 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Beadle; Bellew; Delzer; Headland; Klein; Owens; Pollert; Skarphol; Thoreson; Weiler

ABSENT AND NOT VOTING: Kempenich; Klemin; Sanford; Schatz

Reengrossed SB 2271, as amended, passed.

ANNOUNCEMENT

SPEAKER DROVDAL ANNOUNCED that the House will stand in recess until 1:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Drovdal presiding.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on April 15, 2011, I have signed the following: HB 1438 and HB 1469.

MOTION

REP. VIGESAA MOVED that the rules be suspended for the remainder of this regular legislative session and the Majority Leader be authorized to replace members who do not attend any scheduled conference committee meeting, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RUBY MOVED that the conference committee report on Engrossed SB 2302 as printed on HJ pages 1726-1727 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2302, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2302: A BILL for an Act to create and enact a new section to chapter 21-10 of the North Dakota Century Code, relating to the legacy and budget stabilization fund advisory board; to amend and reenact sections 21-10-04 and 21-10-06 of the North Dakota Century Code, relating to meetings of the state investment board and management of the legacy fund; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 73 YEAS, 16 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Conklin; Delmore; Glassheim; Hanson; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kroeber; Meyer, S.; Mock; Mueller; Onstad

ABSENT AND NOT VOTING: DeKrey; Kempenich; Klemin; Sanford; Schatz

Engrossed SB 2302, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. D. JOHNSON MOVED that the conference committee report on Reengrossed SB 2311 as printed on HJ page 1727 be adopted.

REQUEST

REP. HATLESTAD REQUESTED a verification vote, which request was granted.

The question being on the motion to adopt the conference committee report on Reengrossed SB 2311, the conference committee report on Reengrossed SB 2311 was adopted on a verification vote.

Reengrossed SB 2311, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to the North Dakota teacher of the year award.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 40 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; Delzer; Devlin; Dosch; Grande; Headland; Heller; Johnson, D.; Karls; Kasper; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Louser; Maragos; Martinson; Meier, L.; Monson; Nathe; Owens; Paur; Pietsch; Pollert; Rohr; Ruby; Rust; Sanford; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Drovdal

NAYS: Amerman; Anderson; Beadle; Boe; Conklin; Delmore; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kreun; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Nelson, J.; Nelson, M.; Onstad; Porter; Vigasaa; Wall; Winrich; Zaiser

ABSENT AND NOT VOTING: DeKrey; Kempenich; Klemin; Schatz

Reengrossed SB 2311, as amended, passed.

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

MR. SPEAKER: The President has appointed Sen. Luick to replace Sen. G. Lee on the Conference Committee on HB 1248.

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

MR. SPEAKER: The President has appointed Sen. Luick to replace Sen. Freborg on the Conference Committee on HB 1229.

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

MR. SPEAKER: The President has appointed Sen. G. Lee to replace Sen. Freborg on the Conference Committee on SB 2150.

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

MR. SPEAKER: The President has appointed Sen. Luick to replace Sen. Freborg on the Conference Committee on SB 2281.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2231, SB 2247, SB 2308.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2098, SB 2169, SB 2218, SB 2222, SB 2271, SCR 4002.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2311.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1144.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2187, SB 2213, SB 2253, SB 2361.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2302.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2042, SB 2327, SB 2336.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2207.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2067, SB 2085, SB 2138, SB 2145, SB 2155, SB 2158, SB 2182, SB 2193, SB 2195, SB 2206.

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

MR. PRESIDENT: The Speaker has signed: HB 1012, HB 1038, HB 1039, HB 1123, HB 1136, HB 1160, HB 1267, HB 1297, HB 1321, HB 1397.

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

MR. PRESIDENT: The Speaker has signed: SB 2067, SB 2085, SB 2138, SB 2145, SB 2155, SB 2158, SB 2182, SB 2193, SB 2195, SB 2206.

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

MR. SPEAKER: The President has signed: SCR 4001, SCR 4003, SCR 4005, SCR 4006, SCR 4008, SCR 4010, SCR 4013, SCR 4018, SCR 4019, SCR 4022.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 15, 2011: HB 1012, HB 1038, HB 1039, HB 1123, HB 1136, HB 1160, HB 1267, HB 1297, HB 1321, HB 1397.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Monday, April 18, 2011, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1152, as reengrossed: Your conference committee (Sens. Uglem, J. Lee, Dever and Reps. J. Nelson, Devlin, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1424-1425, adopt amendments as follows, and place HB 1152 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1424 and 1425 of the House Journal and page 1173 of the Senate Journal and that Reengrossed House Bill No. 1152 be amended as follows:

Page 1, line 1, after the semicolon insert "to provide for legislative management studies;"

Page 1, after line 7, insert:

"SECTION 2. PATIENT-CENTERED MEDICAL HOMES - LEGISLATIVE MANAGEMENT STUDY. During the 2011-12 interim, the legislative management shall consider studying and evaluating the positive and negative impacts of implementation of patient-centered medical homes in the state, including consideration of whether implementation is resulting in North Dakota residents experiencing health care savings and improved medical results as well as whether implementation is impacting North Dakota's critical access hospitals. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 3. HEALTH CARE DELIVERY - LEGISLATIVE MANAGEMENT STUDY. During the 2011-12 interim, the legislative management shall consider studying the future of health care delivery in the state. The study must focus on the delivery of health care in rural areas of the state and include input from the university of North Dakota school of medicine and health sciences center for rural health, hospitals, and the medical community. 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 1, line 13, after the period insert "This funding is considered to be one-time funding for the 2011-13 biennium. The department shall report to the appropriations committees of the sixty-third legislative assembly on the use of this one-time funding."

Renumber accordingly

Reengrossed HB 1152 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HCR 3016: Your conference committee (Sens. Berry, Uglen, Mathern and Reps. Kasper, Sukut, M. Nelson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1203-1204 and place HCR 3016 on the Seventh order.

HCR 3016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2042, as engrossed: Your conference committee (Sens. Miller, Hogue, Dotzenrod and Reps. Owens, Grande, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 898, adopt amendments as follows, and place SB 2042 on the Seventh order:

That the House recede from its amendments as printed on page 898 of the Senate Journal and page 1083 of the House Journal and that Engrossed Senate Bill No. 2042 be amended as follows:

Page 1, line 3, after "expenses" insert "; to provide for a legislative management study; and to provide an effective date"

Page 5, after line 10, insert:

"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - CHARITABLE GAMING ORGANIZATION ELIGIBILITY. During the 2011-12 interim, the legislative management shall consider studying the eligibility requirements for the veterans', charitable, educational, religious, fraternal, civic and service, public safety, and public-spirited organizations that conduct charitable gaming. The legislative management shall report its findings and recommendations, together with any

legislation required to implement the recommendations, to the sixty-third legislative assembly.

SECTION 6. EFFECTIVE DATE. Sections 1 through 4 of this Act are effective January 1, 2012."

Renumber accordingly

Engrossed SB 2042 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2207, as engrossed: Your conference committee (Sens. Oehlke, Nething, Mathern and Reps. Ruby, Kempenich, Onstad) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1295 and place SB 2207 on the Seventh order.

Engrossed SB 2207 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2327, as engrossed: Your conference committee (Sens. Dever, Cook, Nelson and Reps. Paur, Grande, Amerman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1091-1092, adopt amendments as follows, and place SB 2327 on the Seventh order:

That the House recede from its amendments as printed on pages 1091 and 1092 of the Senate Journal and page 1285 of the House Journal and that Engrossed Senate Bill No. 2327 be amended as follows:

Page 1, line 18, overstrike "a duty of a state"

Page 1, line 18, remove the overstrike over "~~in any bona~~"

Page 1, line 19, remove the overstrike over "~~file news story, commentary, or editorial~~"

Page 1, line 19, remove "by a public official with no expenditure of"

Page 1, remove lines 20 through 23

Page 1, line 24, replace "purpose of educating the voters on a" with ". Factual information may be presented regarding a ballot question solely for the purpose of educating voters if the information does not advocate for or against or otherwise reflect a position on the adoption or rejection of the"

Renumber accordingly

Engrossed SB 2327 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2336, as engrossed: Your conference committee (Sens. Miller, Burckhard, Triplett and Reps. Grande, Headland, S. Meyer) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1055, adopt amendments as follows, and place SB 2336 on the Seventh order:

That the House recede from its amendments as printed on page 1055 of the Senate Journal and pages 1116 and 1117 of the House Journal and that Engrossed Senate Bill No. 2336 be amended as follows:

Page 1, line 11, replace "two" with "five"

Page 1, line 12, replace "liability exempted" with "paid"

Page 1, line 13, replace "and purchase" with "is exempt if the capitalized investment in the new mine exceeds twenty million dollars. Purchases"

Page 1, line 16, remove "To qualify for the exemption at the time of purchase, the mine operator must receive"

Page 1, remove lines 17 through 20

Page 1, line 21, replace "tax under this chapter, the" with "The"

Page 1, line 21, replace "must" with "shall"

Page 1, line 21, remove the second "tax"

Page 1, line 23, after the underscored period insert "A refund claim may not exceed the limitation in subsection 1. Application for the refund must be made at the time and in the manner directed by the commissioner and must include sufficient information to verify the correctness of the refund claim."

Page 1, line 24, replace "5." with "4."

Page 2, line 8, replace "a mine" with "an area"

Renumber accordingly

Engrossed SB 2336 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

