

JOURNAL OF THE HOUSE

Sixty-second Legislative Assembly

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Bismarck, April 18, 2011

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

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

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER DROVDAL DEEMED approval of the amendments to Engrossed SB 2015.

Engrossed SB 2015, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an exemption; to provide for various transfers; to create and enact a new section to chapter 48-01.2 and a new section to chapter 54-27 of the North Dakota Century Code, and a new subdivision to subsection 6 of section 1 of House Bill No. 1438 as enacted by the sixty-second legislative assembly, relating to public improvement project bids, reports on federal grants, and an employer's prohibition on firearm possession; to amend and reenact sections 54-16-03.1 and 54-35-02.3 of the North Dakota Century Code, relating to petitions to the emergency commission and the legislative management employee benefits programs committee; to provide legislative intent; to provide for a legislative management study; to provide for retroactive 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 67 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Boe; Conklin; Damschen; Delmore; Gruchalla; Hanson; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Maragos; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, M.; Onstad; Schatz; Weiler; Williams; Winrich

Engrossed SB 2015, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do concur in the Senate amendments to HB 1417 as printed on HJ pages 1576-1577, which motion prevailed on a voice vote.

HB 1417, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1417: A BILL for an Act to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Conklin; Dahl; Dosch; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hawken; Heilman; Heller; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klemin; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Owens; Paur; Rohr; Ruby; Sanford; Skarphol; Trottier; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

NAYS: Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Damschen; DeKrey; Delmore; Delzer; Devlin; Frantsvog; Froseth; Hatlestad; Headland; Hofstad; Johnson, D.; Karls; Keiser; Kelsch, R.; Klein; Koppelman; Kreidt; Kreun; Louser; Maragos; Monson; Nathe; Nelson, J.; Pietsch; Pollert; Porter; Rust; Schatz; Schmidt; Steiner; Streyle; Sukut; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland

Engrossed HB 1417 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KASPER MOVED that the conference committee report on HCR 3016 as printed on HJ page 1741 be adopted, which motion prevailed on a voice vote.

HCR 3016, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

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

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 68 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. J. NELSON MOVED that the conference committee report on Reengrossed HB 1152 as printed on HJ pages 1740-1741 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1152, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1152: A BILL for an Act to provide for medicaid supplemental payments to critical access hospitals; to provide for legislative management studies; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 2 NAYS, 0 EXCUSED, 0 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; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Bellew; Ruby

Reengrossed HB 1152 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KLEMIN MOVED that the conference committee report on Engrossed SB 2073 as printed on HJ pages 1674-1676 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2073, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2073: A BILL for an Act to amend and reenact section 16.1-08.1-01, subsection 1 of section 16.1-08.1-03.3, and section 16.1-08.1-03.5 of the North Dakota Century Code, relating to the definition of direct expenditures and campaign contribution statements.

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, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Conklin; Kroeber; Mock; Mueller

ABSENT AND NOT VOTING: Heller; Kelsh, S.

Engrossed SB 2073, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KLEMIN MOVED that the conference committee report on SB 2295 as printed on

HJ pages 1725-1726 be adopted, which motion prevailed on a voice vote.

SB 2295, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to amend and reenact sections 53-08-01 and 53-08-02 and subsection 2 of section 53-08-03 of the North Dakota Century Code, relating to recreational immunity.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2295, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEMPENICH MOVED that the conference committee report on HB 1006 as printed on HJ pages 1713-1714 be adopted, which motion prevailed on a voice vote.

HB 1006, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota aeronautics commission; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1006 passed and the emergency clause was declared carried.

ANNOUNCEMENT

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

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

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-sixth, Sixty-eighth, and Sixty-ninth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1621, after line 38, insert:

"MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1092, HB 1421, HB 1425."

Page 1691, lines 20 and 23, replace "Reengrossed" with "Engrossed"

Page 1693, line 22, replace "Eleventh" with "Seventh"

Page 1717, line 4, replace "Holman, Trottier" with "Trottier, Holman"

Page 1733, lines 23 and 44, delete ", as amended,"

Page 1735, delete lines 39 through 49

Page 1736, delete lines 2 through 5

Page 1736, line 8, replace "1736" with "1715"

Page 1738, line 20, delete ", which motion prevailed."

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DELZER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1016 as printed on HJ pages 1464-1465 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 1016: Reps. Dosch, Monson, Williams.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1194 as printed on HJ pages 1425-1429 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 1194: Reps. Weiler, Owens, S. Kelsh.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do concur in the Senate amendments to Engrossed HB 1225 as printed on HJ pages 1514-1515, which motion prevailed on a voice vote.

Engrossed HB 1225, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1225: A BILL for an Act to amend and reenact subsection 22 of section 57-15-06.7 and section 57-15-28 of the North Dakota Century Code, relating to the county emergency fund and levy limitation; to provide for a legislative management study; 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 90 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Delzer; Ruby; Streyle

Reengrossed HB 1225 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. OWENS MOVED that the conference committee report on Engrossed SB 2042 as printed on HJ page 1741 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2042, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-01 and sections 53-06.1-11, 53-06.1-12, and 53-06.1-12.3 of the North Dakota Century Code, relating to consolidation of gaming taxes and allowable expenses; to provide for a legislative management study; 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 46 YEAS, 48 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Beadle; Belter; Boehning; Conklin; DeKrey; Delmore; Dosch; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kaldor; Karls; Kelsch, J.; Kelsch, S.; Kilichowski; Klemin; Kretschmar; Kreun; Kroeber; Louser; Maragos; Meyer, S.; Mock; Monson; Nelson, J.; Nelson, M.; Onstad; Owens; Sanford; Streyle; Sukut; Winrich; Wrangham; Zaiser

NAYS: Anderson; Bellew; Boe; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; Delzer; Devlin; Frantsvog; Headland; Heller; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Koppelman; Kreidt; Martinson; Meier, L.; Metcalf; Mueller; Nathe; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Speaker Drovdal

Engrossed SB 2042, as amended, lost.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RUBY MOVED that the conference committee report on Engrossed SB 2207 as printed on HJ page 1742 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PAUR MOVED that the conference committee report on Engrossed SB 2327 as printed on HJ page 1742 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2327, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2327: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section

16.1-10-02 of the North Dakota Century Code, relating to the use of state or political subdivision services or property for political purposes; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 74 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2327, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GRANDE MOVED that the conference committee report on Engrossed SB 2336 as printed on HJ pages 1742-1743 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2336, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2336: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales tax exemption for machinery or equipment used to produce coal from a new mine located in this state; 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 88 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Glasheim; Gruchalla; Guggisberg; Kelsh, S.; Winrich; Zaiser

Engrossed SB 2336, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

HCR 3047: Your conference committee (Sens. Olafson, Lyson, Sitte and Reps. Koppelman, Owens, Conklin) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1599, adopt amendments as follows, and place HCR 3047 on the Seventh order:

That the Senate recede from its amendments as printed on page 1599 of the House Journal and pages 1379 and 1380 of the Senate Journal and that House Concurrent Resolution No. 3047 be amended as follows:

Page 1, line 22, overstrike "compensation has been increased"

Page 1, line 22, overstrike "by the"

Page 1, line 22, overstrike "during that term"

Page 1, line 22, remove "if the rate of"

Page 1, line 23, replace "that increase is" with "has increased the compensation in an amount"

Page 1, line 23, after "general" insert "rate of"

ReNUMBER accordingly

HCR 3047 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KOPPELMAN MOVED that the conference committee report on HCR 3047 be adopted, which motion prevailed on a voice vote.

HCR 3047, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3047: A concurrent resolution to amend and reenact section 6 of article IV of the Constitution of North Dakota, relating to the appointment of a member of the legislative assembly to a full-time appointive state office.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 89 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Boe; Meyer, S.; Mueller; Weiler

Engrossed HCR 3047 was declared adopted on a recorded roll call vote.

REPORT OF CONFERENCE COMMITTEE

HB 1468, as reengrossed: Your conference committee (Sens. Dever, Sorvaag, Marcellais and Reps. Wieland, Grande, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1330, adopt amendments as follows, and place HB 1468 on the Seventh order:

That the Senate recede from its amendments as printed on page 1330 of the House Journal and page 905 of the Senate Journal and that Reengrossed House Bill No. 1468 be amended as follows:

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

Page 1, line 2, replace "fund and the veterans' aid trust fund" with "amend and reenact section 37-14-14 of the North Dakota Century Code, relating to the veterans' postwar trust fund"

Page 1, line 2, remove "office of"

Page 1, line 3, replace "management and budget for transfer to the veterans' aid fund" with "department of veterans' affairs and for a transfer from the department of veterans' affairs"

Page 1, replace lines 5 through 12 with:

"SECTION 1. AMENDMENT. Section 37-14-14 of the North Dakota Century Code is amended and reenacted as follows:

37-14-14. Veterans' postwar trust fund.

The veterans' postwar trust fund is a permanent trust fund of the state of North Dakota and consists of moneys transferred or credited to the fund, ~~pursuant to~~ under this chapter and other laws. Investment of the fund is the responsibility of the state treasurer who shall invest the fund only in those legal investments authorized by section 21-10-07. All income received from investments is to be utilized only for programs of benefit and service to veterans or their dependents, and all income earned in a biennium is appropriated to the administrative committee on veterans' affairs on a continuing basis in the following biennium and not in the biennium the income is earned for expenditure on these programs as authorized by law.

SECTION 2. APPROPRIATION - TRANSFER - DEPARTMENT OF VETERANS' AFFAIRS. 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, 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. The income generated by the veterans' postwar trust fund during the biennium beginning July 1, 2011, and ending June 30, 2013, must be held with the corpus of the fund for appropriation to the department of veterans' affairs as income for the biennium beginning July 1, 2013, and ending June 30, 2015."

Page 1, line 13, remove "- TRANSFER - VETERANS' AID FUND"

Page 1, line 15, remove "which the office"

Page 1, remove line 16

Page 1, line 17, replace "available in the fund for programs authorized by law to benefit and serve" with "to the department of veterans' affairs for the purpose of purchasing vans for the transport of"

Renumber accordingly

Reengrossed HB 1468 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WIELAND MOVED that the conference committee report on Reengrossed HB 1468 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1468, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1468: A BILL for an Act to amend and reenact section 37-14-14 of the North Dakota Century Code, relating to the veterans' postwar trust fund; and to provide for an

appropriation to the department of veterans' affairs and for a transfer from the department of veterans' affairs.

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

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

NAYS: Bellew; Boe; Delzer; Dosch

Reengrossed HB 1468 passed.

REPORT OF CONFERENCE COMMITTEE

SB 2008: Your conference committee (Sens. Christmann, Wanzek, O'Connell and Reps. Brandenburg, Klein, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1363-1364, adopt amendments as follows, and place SB 2008 on the Seventh order:

That the House recede from its amendments as printed on pages 1363 and 1364 of the Senate Journal and pages 1521 and 1522 and pages 1530 and 1531 of the House Journal and that Senate Bill No. 2008 be amended as follows:

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

Page 2, after line 27, insert:

"SECTION 5. LEGISLATIVE MANAGEMENT STUDY - PIPELINE SAFETY STUDY. During the 2011-12 interim, the legislative management shall consider studying gas pipelines in the state focusing on safety concerns of gas utility distribution and transmission. The study must include all pipeline activity and address the jurisdiction of pipelines in the state in consultation with the public service commission, industrial commission, and North Dakota one call. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2008 - Public Service Commission - Conference Committee Action

The House removed Section 4 relating to use of the beginning farmer revolving loan fund for costs associated with the rail rate complaint case, by reverting to the Senate version of the bill this language is restored.

The conference committee further amended the bill to include a section added by the House to provide for a Legislative Management study relating to gas pipelines in the state, focusing on safety concerns of gas utility distribution and transmission, in consultation with the Public Service Commission, Industrial Commission, and North Dakota One Call.

SB 2008 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BRANDENBURG MOVED that the conference committee report on SB 2008 be adopted, which motion prevailed on a voice vote.

SB 2008, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners; to provide for a legislative management study; and to authorize a transfer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsovog; 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; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Skarphol; Steiner; Sukut; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovdal

NAYS: Delzer; Kasper; Meier, L.; Mueller; Schatz; Schmidt; Streyle; Thoreson; Weiler; Zaiser

SB 2008, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

SB 2014: Your conference committee (Sens. Christmann, Holmberg, Warner and Reps. Bellew, Kreidt, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1117-1118, adopt amendments as follows, and place SB 2014 on the Seventh order:

That the House recede from its amendments as printed on pages 1117 and 1118 of the Senate Journal and pages 1304 and 1305 of the House Journal and that Senate Bill No. 2014 be amended as follows:

Page 1, replace line 12 with:

"Total all funds	\$4,543,318	\$560,935	\$5,104,253"
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Page 1, replace line 14 with:

"Total general fund	\$1,555,815	\$429,550	\$1,985,365"
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ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2014 - Protection and Advocacy Project - Conference Committee Action

	Executive Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Protection and Advocacy Project	\$5,139,253	\$5,139,253	(\$35,000)	\$5,104,253	\$5,089,253	\$15,000
Total all funds	\$5,139,253	\$5,139,253	(\$35,000)	\$5,104,253	\$5,089,253	\$15,000
Less estimated income	3,118,888	3,118,888	0	3,118,888	3,118,888	0
General fund	\$2,020,365	\$2,020,365	(\$35,000)	\$1,985,365	\$1,970,365	\$15,000
FTE	28.50	28.50	0.00	28.50	28.50	0.00

Department No. 360 - Protection and Advocacy Project - Detail of Conference Committee Changes

	Reduces Funding for Protection and Advocacy Project ¹	Total Conference Committee Changes
Protection and Advocacy Project	(\$35,000)	(\$35,000)
Total all funds	(\$35,000)	(\$35,000)
Less estimated income	0	0
General fund	(\$35,000)	(\$35,000)
FTE	0.00	0.00

¹ Funding from the general fund for the Protection and Advocacy Project is reduced by \$35,000 with specific budget reductions to be determined by the agency. The House reduced funding from the general fund for the Protection and Advocacy Project by \$50,000.

SB 2014 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BELLEW MOVED that the conference committee report on SB 2014 be adopted, which motion prevailed on a voice vote.

SB 2014, as amended, was placed on the Fourteenth order of business.

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, the roll was called and there were 83 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; Delmore; Devlin; Dosch; Frantsovog; 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.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Sanford; Schmidt; Steiner; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: DeKrey; Delzer; Grande; Kasper; Kempenich; Ruby; Rust; Schatz; Skarphol; Streyle; Weiler

SB 2014, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

SB 2157, as engrossed: Your conference committee (Sens. Andrist, Laffen, Dotzenrod and Reps. Weiler, Heller, Delmore) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1022, adopt amendments as follows, and place SB 2157 on the Seventh order:

That the House recede from its amendments as printed on page 1022 of the Senate Journal and page 1051 of the House Journal and that Engrossed Senate Bill No. 2157 be amended as follows:

Page 1, line 2, remove "and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10"

Page 1, line 3, remove "and demerit points"

Page 1, remove lines 12 through 15

Page 2, line 3, overstrike "knowingly" and insert immediately thereafter "willfully"

Page 2, line 6, replace "knowingly" with "willfully"

Page 2, remove lines 9 through 14

Renumber accordingly

Engrossed SB 2157 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WEILER MOVED that the conference committee report on Engrossed SB 2157 be rejected.

REQUEST

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

The question being on the motion to reject the conference committee report on Engrossed SB 2157, the conference committee report on Engrossed SB 2157 was rejected on a verification vote.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2015.

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 2057.

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 1016 and HB 1194, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1016: Reps. Dosch; Monson; Williams

HB 1194: Reps. Weiler; Owens; S. Kelsh

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2015 and SB 2057, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2015: Sens. Holmberg; Stenehjem; Taylor
SB 2057: Sens. Grindberg; Holmberg; O'Connell

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has appointed Sen. Freborg to replace Sen. G. Lee on the Conference Committee on SB 2150.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has not adopted the conference committee report on: SB 2157.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report on: SB 2207.

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: HB 1152, HCR 3016.

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: HB 1468, HCR 3047.

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 2008, SB 2014, SB 2327, SB 2336.

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 2073, SB 2295.

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 1006.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1142.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on: HCR 3016.

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 2008, SB 2014, SB 2157.

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 2281.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1085, HB 1091, HB 1204.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1124, HB 1246, HB 1318.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1152.

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: HB 1006.

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: HB 1074, HB 1144.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1417.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2073, SB 2295.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2098, SB 2169, SB 2187, SB 2213, SB 2218, SB 2222, SB 2231, SB 2247, SB 2253, SB 2271, SB 2302, SB 2308, SB 2311, SB 2361.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SCR 4002.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1029, HB 1214, HB 1270, HB 1433, HCR 3009.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1010, HB 1013, HB 1030, HB 1031, HB 1034, HB 1035, HB 1036, HB 1040, HB 1045, HB 1048, HB 1049, HB 1071, HB 1077, HB 1080, HB 1260, HB 1265, HB 1302, HB 1308, HB 1310, HB 1311, HB 1313, HB 1314, HB 1316, HB 1317, HB 1320, HB 1322, HB 1325, HB 1328, HB 1329, HB 1334, HB 1335, HB 1338, HB 1355, HB 1364, HB 1367, HB 1382, HB 1386, HB 1389, HB 1393, HB 1413.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2073, SB 2295.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2098, SB 2169, SB 2187, SB 2213, SB 2218, SB 2222, SB 2231, SB 2247, SB 2253, SB 2271, SB 2302, SB 2308, SB 2311, SB 2361, SCR 4002.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SB 2060, SB 2062, SB 2064, SB 2065, SB 2066, SB 2068, SB 2088, SB 2089, SB 2091, SB 2094, SB 2099, SB 2100, SB 2110, SB 2112, SB 2115, SB 2116, SB 2117, SB 2119, SB 2121, SB 2122, SB 2124, SB 2125, SB 2133, SB 2136, SB 2142, SB 2146, SB 2154, SB 2164, SB 2166, SB 2168, SB 2170, SB 2172, SB 2174, SB 2176, SB 2186, SB 2188, SB 2190, SB 2192, SB 2196, SB 2198, SB 2202, SB 2204, SB 2208, SB 2226, SB 2234, SB 2236, SB 2242, SB 2244, SB 2246, SB 2254, SB 2258, SB 2270, SB 2278, SB 2280, SB 2282, SB 2284, SB 2286, SB 2288, SB 2292, SB 2294, SB 2306, SB 2318, SB 2326, SB 2342, SB 2352, SB 2356, SB 2366.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SB 2214.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 18, 2011: HB 1010, HB 1013, HB 1030, HB 1031, HB 1034, HB 1035, HB 1036, HB 1040, HB 1045, HB 1048, HB 1049, HB 1071, HB 1077, HB 1080, HB 1260, HB 1265, HB 1302, HB 1308, HB 1310, HB 1311, HB 1313, HB 1314, HB 1316, HB 1317, HB 1320, HB 1322, HB 1325, HB 1328, HB 1329, HB 1334, HB 1335, HB 1338, HB 1355, HB 1364, HB 1367, HB 1382, HB 1386, HB 1389, HB 1393, HB 1413.

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, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Tuesday, April 19, 2011, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1005, as engrossed: Your conference committee (Sens. Erbele, Holmberg, O'Connell and Reps. Wieland, Kreidt, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1105, adopt amendments as follows, and place HB 1005 on the Seventh order:

That the Senate recede from its amendments as printed on page 1105 of the House Journal and pages 794 and 795 of the Senate Journal and that Engrossed House Bill No. 1005 be amended as follows:

Page 1, replace lines 12 and 13 with:

"Operating expenses	<u>126,505</u>	<u>95,000</u>	<u>221,505</u>
Total general fund	\$682,585	\$140,293	\$822,878"

Page 1, line 20, after "**PROGRAM**" insert "**- REPORT TO SIXTY-THIRD LEGISLATIVE ASSEMBLY**"

Page 1, line 24, after the period insert "The Indian affairs commission shall report to the appropriations committees of the sixty-third legislative assembly on the use of the funding provided for this program in the operating expenses line item in section 1 of this Act, including statistics on the effectiveness of the program, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - Indian Affairs Commission - Conference Committee Action

	Executive Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$601,373	\$601,373		\$601,373	\$601,373	
Operating expenses	<u>246,505</u>	<u>196,505</u>	25,000	<u>221,505</u>	<u>246,505</u>	(25,000)
Total all funds	\$847,878	\$797,878	\$25,000	\$822,878	\$847,878	(\$25,000)
Less estimated income	<u>0</u>	<u>0</u>	0	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$847,878	\$797,878	\$25,000	\$822,878	\$847,878	(\$25,000)
FTE	4.00	4.00	0.00	4.00	4.00	0.00

Department No. 316 - Indian Affairs Commission - Detail of Conference Committee Changes

	Adds Funding for Suicide Prevention Program ¹	Total Conference Committee Changes
Salaries and wages		
Operating expenses	<u>25,000</u>	25,000
Total all funds	\$25,000	\$25,000
Less estimated income	<u>0</u>	<u>0</u>
General fund	\$25,000	\$25,000
FTE	0.00	0.00

¹ This amendment adds \$25,000 for the suicide prevention program directed at Native American tribes to provide a total of \$75,000. The House provided \$50,000 for the program, and the Senate provided \$100,000.

A section is added providing for a report to the 63rd Legislative Assembly on the use of funding provided for a suicide prevention program directed at Native American tribes, including statistics on the effectiveness of the program, for the 2011-13 biennium.

Engrossed HB 1005 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1019, as engrossed: Your conference committee (Sens. Grindberg, Erbele, Bowman and Reps. Skarphol, Dosch, Williams) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1417-1418 and place HB 1019 on the Seventh order.

Engrossed HB 1019 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1041, as engrossed: Your conference committee (Sens. J. Lee, Kilzer, Mathern and Reps. Kreidt, Anderson, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1421-1422, adopt amendments as follows, and place HB 1041 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1421 and 1422 of the House Journal and pages 1171 and 1172 of the Senate Journal and that Engrossed House Bill No. 1041 be amended as follows:

Page 1, line 4, replace the second "section" with "sections"

Page 1, line 5, after "43-12.1-16" insert "and 50-30-02"

Page 1, line 6, remove the first "and"

Page 1, line 6, after "administration" insert ", and the health care trust fund"

Page 1, line 7, replace "for application" with "an appropriation"

Page 3, line 5, replace "may not charge" with "shall collect registration"

Page 3, line 5, after "fees" insert "of twenty-five dollars per individual"

Page 3, line 5, remove "for initial registration or"

Page 3, remove lines 6 and 7

Page 3, replace line 8 with "from the individual or the individual's employer."

5. Registration fees collected by the department must be deposited in the department's operating account.

Page 3, line 12, after "the" insert "state department of health"

Page 3, line 12, remove "under section 1 of this Act"

Page 3, line 17, after "the" insert "state department of health"

Page 3, line 17, remove "under section 1 of this Act"

Page 3, remove lines 30 and 31

Page 4, replace lines 1 through 3 with:

"SECTION 6. AMENDMENT. Section 50-30-02 of the North Dakota Century Code is amended and reenacted as follows:

50-30-02. North Dakota health care trust fund created - Uses - Continuing appropriation.

1. There is created in the state treasury a special fund known as the North Dakota health care trust fund. The fund consists of revenue received from government nursing facilities for remittance to the fund under former section 50-24.4-30. The department shall administer the fund. The state investment board shall invest moneys in the fund in accordance with chapter 21-10, and the income earned must be deposited in the North Dakota health care trust fund. All moneys deposited in the North Dakota health care trust fund are available to the department for:
 - a. Transfer to the long-term care facility loan fund, as authorized by legislative appropriation, for making loans pursuant to the requirements of this chapter.
 - b. Payment, as authorized by legislative appropriation, of costs of other programs authorized by the legislative assembly.
 - c. Repayment of federal funds, which are appropriated and may be spent if the United States department of health and human services determines that funds were inappropriately claimed under former section 50-24.4-30.
 - d. Operation and maintenance of the nurse aide registry.
2. The department shall continue to access the intergovernmental transfer program if permitted by the federal government and if use of the program is found to be beneficial.
3. Moneys in the fund may not be included in draft appropriation acts under section 54-44.1-06, except for the operation and maintenance of the nurse aide registry as provided for in this section.

SECTION 7. APPROPRIATION. There is appropriated out of any moneys in the state department of health operating fund in the state treasury, not otherwise appropriated, the sum of \$130,000, or so much of the sum as may be necessary, to the state department of health for the purpose of maintaining a nurse aide registry, for the biennium beginning July 1, 2011, and ending June 30, 2013. This appropriation includes funding for an additional one and one-half full-time equivalent positions provided to the state department of health to maintain the nurse aide registry.

SECTION 8. APPROPRIATION. There is appropriated out of any moneys in the health care trust fund in the state treasury, not otherwise appropriated, the sum of \$155,000, or so much of the sum as may be necessary, to the state department of health for the purpose of one-time costs to establish a nurse aide registry, for the biennium beginning July 1, 2011, and ending June 30, 2013."

Renumber accordingly

Engrossed HB 1041 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1174, as engrossed: Your conference committee (Sens. Uglem, Berry, J. Lee and Reps. Hofstad, Anderson, Kilichowski) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1176-1177, adopt amendments as follows, and place HB 1174 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1176 and 1177 of the House Journal and pages 836 and 837 of the Senate Journal and that Engrossed House Bill No. 1174 be amended as follows:

Page 1, line 16, replace "requested" with "either in paper or facsimile format"

Page 1, line 18, after "pages" insert "or in an electronic, digital, or other computerized format at a charge of thirty dollars for the first twenty-five pages and twenty-five cents per page after twenty-five pages"

Page 1, line 19, remove "If this charge exceeds fifty dollars and the health care provider is"

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 3

Page 2, line 29, remove "or medical bills"

Page 2, line 29, overstrike "provided" and insert immediately thereafter "or medical bills in paper or facsimile format"

Page 2, line 30, after the period insert "If providing an electronic, digital, or other computerized format, a person may charge thirty dollars for the first twenty-five pages and twenty-five cents per page after twenty-five pages for providing a copy of medical records or medical bills to a basic no-fault insurer pursuant to this chapter."

Page 2, line 31, remove "If this charge exceeds fifty dollars and the health care provider is capable of"

Page 3, remove lines 1 through 8

Renumber accordingly

Engrossed HB 1174 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1269, as reengrossed: Your conference committee (Sens. Olafson, Lyson, Nelson and Reps. Dahl, DeKrey, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1332, adopt amendments as follows, and place HB 1269 on the Seventh order:

That the Senate recede from its amendments as printed on page 1332 of the House Journal and page 1004 of the Senate Journal and that Reengrossed House Bill No. 1269 be amended as follows:

Page 1, line 3, after "62.1-02-01" insert "and subsection 3 of section 62.1-04-03"

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

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

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

Page 1, line 5, replace "retroactive application" with "a contingent effective date; and to declare an emergency"

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. AMENDMENT. Subsection 3 of section 62.1-04-03 of the North Dakota Century Code is amended and reenacted as follows:

3. The sheriff is required to process the application within thirty days after the completion of the testing portion unless the application is for renewal of a license and in such case the application must be processed within thirty days after its receipt by the sheriff, the chief of police is required to

process the application within ten working days of receipt by the agency, and the bureau of criminal investigation is required to process the application and make a determination within ~~thirty~~forty-five days of receipt from the forwarding agency.

SECTION 5. 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. This appropriation includes funding for one and one-half full-time equivalent positions to administer the provisions of the Act, which must be terminated when grant funding is no longer available.

SECTION 6. 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 5 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.

SECTION 7. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

Reengrossed HB 1269 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2281, as engrossed: Your conference committee (Sens. Flakoll, Luick, Heckaman and Reps. Wall, Rohr, Hanson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1053-1054, adopt amendments as follows, and place SB 2281 on the Seventh order:

That the House recede from its amendments as printed on pages 1053 and 1054 of the Senate Journal and pages 1215-1217 of the House Journal and that Engrossed Senate Bill No. 2281 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-18.2 of the North Dakota Century Code, relating to concussion management program requirements; and to provide for a legislative management study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-18.2 of the North Dakota Century Code is created and enacted as follows:

Student athletics - Concussion management program - Requirements.

1. Each school district and nonpublic school that sponsors or sanctions any athletic activity in this state and requires a participating student to regularly practice or train, and compete, is subject to the terms of a concussion management program.
2. The concussion management program must set forth in clear and readily comprehensible language the signs and symptoms of a concussion.
3. The concussion management program must require that an official remove a student from competition and that a student's coach or a student's athletic trainer remove the student from practice, training, or competition if:
 - a. The student reports any sign or symptom of a concussion, as set forth in accordance with this section;

- b. The official, coach, or athletic trainer determines that the student exhibits any sign or symptom of a concussion, as set forth in accordance with this section; or
 - c. The official, coach, or athletic trainer is notified that the student has reported or exhibited any sign or symptom of a concussion by a licensed, registered, or certified health care provider whose scope of practice includes the recognition of concussion signs and symptoms.
- 4. The concussion management program must require that any student who is removed in accordance with subsection 3 must be examined as soon as practicable by a licensed, registered, or certified health care provider whose scope of practice includes the diagnosis and treatment of concussion.
 - 5. A student who is removed in accordance with subsection 3 may not be allowed to return to practice, training, or competition until the student or the student's parent obtains written authorization from a licensed, registered, or certified health care provider whose scope of practice includes the diagnosis and treatment of concussion and provides that authorization to the student's coach or athletic trainer.
 - 6. The concussion management program must require that each official, coach, and athletic trainer receive biennial training regarding the nature and risk of concussion.
 - 7. The student's school district or nonpublic school shall ensure that before a student is allowed to participate in the athletic activity described in subsection 1, the student and the student's parent shall document that they have viewed information regarding concussions incurred by students participating in athletic activities. The required information must be provided by the student's school district or nonpublic school and must be made available in printed form or in a verifiable electronic format.
 - 8. This section does not create any liability for, or create a cause of action against:
 - a. A school district, its officers, or its employees; or
 - b. A nonpublic school, its officers, or its employees.
 - 9. A school district or a nonpublic school may contract for and accept gifts, grants, and donations from any public or nonpublic source, in order to meet the requirements of this section.
 - 10. For the purposes of this section, "official" means an umpire, a referee, a judge, or any other individual formally officiating at an athletic event.

SECTION 2. CONCUSSION MANAGEMENT PROGRAMS - LEGISLATIVE MANAGEMENT STUDY. During the 2011-12 biennium, the legislative management shall study concussion management with respect to youth athletics, including the nature, scope, and applicability of programs designed to prevent or eliminate concussions. 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

Engrossed SB 2281 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

