

## JOURNAL OF THE SENATE

## Sixty-second Legislative Assembly

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Bismarck, March 31, 2011

The Senate convened at 8:00 a.m., with President Wrigley presiding.

The prayer was offered by Pastor Jacob DeBoer, Trinity and Dawson Lutheran Churches, Steele and Dawson.

The roll was called and all members were present.

A quorum was declared by the President.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2042 as printed on SJ page 898 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2042: Sens. Miller, Hogue, Dotzenrod.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2050 as printed on SJ page 899 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2050: Sens. Cook, Oehlke, Dotzenrod.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2218 as printed on SJ pages 996-997 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2218: Sens. Hogue, Burckhard, Triplett.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FLAKOLL MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2193 as printed on SJ pages 877-878 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2193: Sens. Miller, Larsen, Heckaman.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. G. LEE MOVED** that the Senate do not concur in the House amendments to SB 2044 as printed on SJ pages 898-899 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2044: Sens. Nodland,

G. Lee, Mathern.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to SB 2098 as printed on SJ pages 994-995 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2098: Sens. Larsen, Nodland, Schneider.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2231 as printed on SJ pages 793-794 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2231: Sens. Lyson, Sorvaag, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. DEVER MOVED** that the Senate do not concur in the House amendments to SB 2213 as printed on SJ page 878 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2213: Sens. Schaible, Dever, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. DEVER MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2169 as printed on SJ pages 807-808 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2169: Sens. Sorvaag, Cook, Marcellais.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2138 as printed on SJ page 792 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2138: Sens. Andrist, Laffen, Murphy.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to SB 2361 as printed on SJ page 853 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2361: Sens. Andrist, Nodland, Murphy.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2247 as printed on SJ page 808 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2247: Sens. Olafson,

Sitte, Sorvaag.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2195 as printed on SJ page 996 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2195: Sens. Olafson, Lyson, Nething.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2182 as printed on SJ pages 819-820 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2182: Sens. Nething, Sitte, Lyson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2073 as printed on SJ pages 875-877 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2073: Sens. Olafson, Sorvaag, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2145 as printed on SJ pages 694-695 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2145: Sens. Lyson, Sitte, Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2158 as printed on SJ page 753 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2158: Sens. Sitte, Olafson, Sorvaag.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LYSON MOVED** that the Senate do not concur in the House amendments to Engrossed SCR 4002 as printed on SJ pages 832-833 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SCR 4002: Sens. Hogue, Uglem, Schneider.

**MOTION**

**SEN. STENEHJEM MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Wrigley presiding.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Andrist, Chairman)** has carefully examined the Journal of the Fifty-third, Fifty-fifth, and Fifty-seventh Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 853, after line 6, insert:

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1167."

Page 903, after line 13, insert:

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HCR 3028."

Page 1022, line 19, remove ", unchanged"

Page 1029, after line 9, insert:

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1089."

**SEN. ANDRIST MOVED** that the report be adopted, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1046, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1046 was placed on the Sixth order on the calendar.

Page 1, line 5, after the second "provide" insert "an appropriation and"

Page 1, line 6, remove "and"

Page 1, line 6, after "date" insert "; and to provide an expiration date"

Page 3, line 4, replace "four" with "one and one-half"

Page 3, line 7, after "potash" insert "is assessed against the sales price of the potash in an arm's-length contract between the taxpayer and the purchaser. If a potash sale or transfer is not the result of an arm's-length contract, the tax"

Page 3, line 10, after "index" insert "(commodity code PCU212391212391)"

Page 3, line 23, remove ". less. when applicable. transportation"

Page 3, remove line 24

Page 3, line 25, remove "point of sale under the contract"

Page 3, line 28, remove ". less. when applicable. transportation costs associated with moving the"

Page 3, line 29, remove "byproducts to the point of sale"

Page 4, line 8, after "upon" insert "the processing plant, mining facility, or satellite facility and any associated pipelines."

Page 4, line 12, remove "and the processing plant."

Page 4, line 13, remove "mining facility, or satellite facility"

Page 4, line 19, remove "and city auditor"

Page 4, line 25, replace the first "spacing unit" with "mining permit area"

Page 4, line 25, replace the second "spacing unit" with "mining permit area"

Page 4, line 26, replace "spacing unit" with "mining permit area"

Page 4, line 27, replace "unit" with "area"

Page 4, line 28, replace "spacing unit" with "mining permit area"

Page 4, line 30, replace "road and bridge" with "general"

Page 4, line 30, after the underscored period insert "Five percent of each monthly allocation to counties under this subsection and subsection 2 must be retained by the state treasurer and deposited in the state general fund until a total of two million dollars has been deposited in the state general fund under this subsection."

Page 5, line 2, replace "spacing unit" with "mining permit area"

Page 5, line 3, replace "For the first calendar year, sixty" with "Ten"

Page 5, line 3, remove "and forty percent"

Page 5, line 4, remove "to the state general fund"

Page 5, line 5, remove "For the first calendar year after the allocation under subdivision a is completed."

Page 5, line 6, replace "fifty percent to the producing county and fifty" with "Ninety"

Page 5, remove lines 7 through 23

Page 13, after line 11, insert:

**"SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the energy development impact office, or its successor, for the purpose of impact grant funding for potash development-impacted political subdivisions, for the biennium beginning July 1, 2013, and ending June 30, 2015. The appropriation provided by this section must be transferred and deposited in a special account within the impact grant fund and is not subject to section 54-44.1-11. The unexpended portion of this appropriation may be carried over through June 30, 2017. An expenditure may not be made from this appropriation until a building permit has been issued for a potash processing plant in this state."

Page 13, line 17, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 13, line 17, replace "after June 30, 2011" with "from July 1, 2011, through June 30, 2017, and is thereafter ineffective"

ReNUMBER accordingly

#### CONSIDERATION OF AMENDMENTS

**HB 1046, as engrossed: SEN. MILLER (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 1044-1045 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**HB 1206, as engrossed: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 1033-1034 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### MOTION

**SEN. CHRISTMANN MOVED** that Engrossed HB 1206, as amended, be rereferred to the

**Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1206, as amended, was rereferred.

#### CONSIDERATION OF AMENDMENTS

**HB 1144, as engrossed: SEN. TRIPLETT (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 1031-1032 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### 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, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell

Engrossed HB 1144, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1422, as engrossed: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 1034-1035 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1422:** A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to electronic drug prior authorization standards; and to provide for a report to the legislative management.

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell

Engrossed HB 1422, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1217, as engrossed: SEN. SORVAAG (Appropriations Committee) MOVED** that the amendments on SJ page 1034 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1217:** A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2, subdivision j of subsection 2 of section 39-04-18, subsection 1 of section 57-02-08.8, and subsection 1 of section 57-40.3-04 of the North Dakota Century Code, relating to benefits for disabled veterans; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell

Engrossed HB 1217, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1048, as engrossed: SEN. MILLER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 1031 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1048:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to creation of the agricultural land valuation fund; to amend and reenact subsection 10 of section 57-02-27.2 of the North Dakota Century Code, relating to extension of the deadline for counties to implement use of soil survey data in agricultural property tax assessments; to provide a continuing appropriation; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell

Engrossed HB 1048, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1334, as engrossed: SEN. OEHLKE (Finance and Taxation Committee) MOVED** that the amendments on SJ page 1034 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1334:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for memberships, admissions, and entrance fees of nonprofit 501(c)(7) social and recreation clubs; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell

Engrossed HB 1334, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1433, as engrossed: SEN. SITTE (Judiciary Committee) MOVED** that the amendments on SJ page 1035 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1433:** A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to regulation of investigative and security services; and to amend and reenact section 12-63-11 of the North Dakota Century Code, relating to licensure of peace officers.

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell

Engrossed HB 1433, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1002, as engrossed: SEN. WARNER (Appropriations Committee) MOVED** that the amendments on SJ pages 1029-1030 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges.

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

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern;

Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Triplett; Uglen; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell

Engrossed HB 1002, as amended, passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1249:** A BILL for an Act to amend and reenact section 12.1-20-12.2 of the North Dakota Century Code, relating to surreptitious intrusion.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglen; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell; Triplett

HB 1249 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1173:** A BILL for an Act to amend and reenact section 39-21-01 of the North Dakota Century Code, relating to when headlamps and taillamps are required to be illuminated on a motor vehicle.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjem; Taylor; Uglen; Wanzek; Wardner; Warner

**NAYS:** Christmann

**ABSENT AND NOT VOTING:** O'Connell; Triplett

HB 1173 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1209:** A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the restoration of the right to possess a firearm; and to amend and reenact subsection 3 of section 62.1-01-01 of the North Dakota Century Code, relating to a definition of firearm or weapon.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell; Triplett

Engrossed HB 1209 passed.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3027:** A concurrent resolution urging the United States Department of Agriculture's Natural Resources Conservation Service to continue the present cooperative agreement process at a \$10,000 funding level; allow continuation of local decisionmaking by resource conservation and development councils, including implementation of community development projects, for as long as Congress funds the Resource Conservation and Development program; and to allow a resource conservation and development coordinator colocated with a North Dakota regional council to maintain that colocation.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3027, as amended, was declared adopted on a voice vote.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3011:** A concurrent resolution directing the Legislative Management to continue its study of the feasibility and desirability of adopting the Revised Uniform Limited Liability Company Act.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3011 was declared adopted on a voice vote.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that HB 1030, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### **SECOND READING OF HOUSE BILL**

**HB 1155:** A BILL for an Act to amend and reenact section 27-20-54 of the North Dakota Century Code, relating to agencies exempt from the court-ordered destruction of juvenile court records.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglem; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell; Triplett

Engrossed HB 1155 passed.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1265:** A BILL for an Act to amend and reenact section 14-05-24 of the North Dakota Century Code, relating to divorce and the consideration of pension plans in the division of property and debts.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berry; Bowman; Burckhard; Christmann; Cook; Dever; Dotzenrod; Erbele; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Lyson; Marcellais; Mathern; Miller; Murphy; Nelson; Nething; Nodland; Oehlke; Olafson; Robinson; Schaible; Schneider; Sitte; Sorvaag; Stenehjerm; Taylor; Uglen; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** O'Connell; Triplett

Engrossed HB 1265 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to SB 2295 as printed on SJ pages 1025-1026 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2295: Sens. Olafson, Nething, Nelson.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate reconsider its action whereby Engrossed HB 1352, as amended, passed, which motion prevailed on a verification vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed HB 1352, as amended, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1352, as amended, was rereferred.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1049, HB 1093, HB 1154, HB 1367, HB 1438.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1317.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1164, HB 1224, HB 1314, HB 1322, HB 1452, HB 1456.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1321, HB 1435.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1110, HB 1189, HB 1285.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HCR 3046, HCR 3047.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, unchanged: SB 2108.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2187, SB 2242, SB 2281, SB 2311, SB 2336, SB 2342.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2187**

Page 1, line 8, remove the overstrike over "five"

Page 1, line 8, remove "seven"

Page 1, line 9, remove the overstrike over "represent the public"

Page 1, line 9, remove "be a representative of the appraisal"

Page 1, line 10, remove "management company industry"

Page 1, line 11, remove "one member must be a representative of the builder industry or"

Page 1, line 12, remove "must be a realtor."

Page 1, line 12, remove the overstrike over "three"

Page 1, line 12, remove "four"

Page 1, line 19, remove "who must have a"

Page 1, line 20, remove "background in the real estate lending process"

Page 1, line 21, remove "and the"

Page 1, line 22, remove "mid-America"

Page 1, line 22, overstrike "credit union"

Page 1, line 23, replace "association" with ", the credit union association of the Dakotas, and the North Dakota farm credit system associations"

Page 3, line 10, remove "quarterly"

Page 3, line 25, remove the overstrike over "The"

Page 3, line 25, remove "Within thirty days of receipt of a completed application, the"

Page 3, line 28, after the first "state" insert ", and if grounds for denial of the application under section 43-23.3-18 do not exist"

Page 3, line 31, after the period insert "Within sixty days of filing a completed application, the board shall issue or deny the application and inform the applicant of the decision."

Page 4, line 1, remove "The change of the board composition provided for under"

Page 4, remove lines 2 through 6

Renumber accordingly

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2242**

Page 1, line 20, after "~~two-thirds~~" insert "three-fourths"

Page 1, line 20, remove the overstrike over "of"

Page 2, line 19, after "~~two-thirds~~" insert "three-fourths"

Page 2, line 19, remove the overstrike over "of"

Page 3, line 4, replace "2012" with "2010"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2281

Page 1, line 1, after "15.1-18.2" insert "and a new section to chapter 23-12"

Page 1, line 7, remove "district"

Page 1, line 8, remove the first underscored comma

Page 1, line 13, remove "that student exhibits or reports any sign or symptom of"

Page 1, replace line 14 with ":

- (1) That student reports any defined sign or symptom of a concussion;
- (2) The coach, athletic trainer, or official determines that the student exhibits any defined sign or symptom of a concussion;
- (3) If the coach or official is notified that the student has reported or exhibited any defined sign or symptom of a concussion by:
  - (a) A licensed, registered, or certified medical practitioner operating within the individual's scope of practice; or
  - (b) Any other licensed, registered, or certified individual whose scope of practice includes the recognition of concussion symptoms."

Page 1, line 16, after "after" insert "reporting or"

Page 1, line 19, remove "a licensed"

Page 1, replace lines 20 and 21 with "the student provides to the student's coach or athletic trainer written authorization from a licensed health care provider; and"

Page 1, line 22, after "coach" insert "or official"

Page 1, line 22, replace "to educate the coach about" with "regarding"

Page 2, line 1, remove "district"

Page 2, line 7, remove "district"

Page 2, line 8, remove "district"

Page 2, line 13, replace "and" with an underscored period

Page 2, replace lines 14 and 15 with:

**"SECTION 2.** A new section to chapter 23-12 of the North Dakota Century Code is created and enacted as follows:

#### **Athletic activities - Children - Concussion management program - Requirements.**

1. Each person sponsoring or sanctioning an athletic activity that requires a child under the age of eighteen to pay a fee in order to regularly practice or train and compete is subject to the terms of a concussion management program.

2. The concussion management program must:
  - a. Define the signs and symptoms of a concussion:
  - b. Provide that a coach, athletic trainer, or official shall remove a student from practice, training, or competition if:
    - (1) That child reports any defined sign or symptom of a concussion;
    - (2) The coach, athletic trainer, or official determines that the child exhibits any defined sign or symptom of a concussion;
    - (3) If the coach or official is notified that the child has reported or exhibited any listed sign or symptom of a concussion by:
      - (a) A licensed, registered, or certified medical practitioner operating within the individual's scope of practice; or
      - (b) Any other licensed, registered, or certified individual whose scope of practice includes the recognition of concussion symptoms;
  - c. Require that any child who is removed in accordance with this subsection must be examined by a licensed health care provider as soon as practicable after reporting or exhibiting any listed sign or symptom of a concussion;
  - d. Provide that any child who is removed in accordance with this subsection may be allowed to return to practice, training, or competition only after the child provides to the child's coach or athletic trainer written authorization from a licensed health care provider; and
  - e. Require that each coach receive biennial training to educate the coach about the nature and risk of concussion, including the risk of play after a concussion or head injury.
3. The sponsoring body of the activity shall ensure that before a child is allowed to participate, the child and the child's parent or guardian shall document that they have viewed information, made available in written or verifiable electronic form by the activity's sponsoring body, regarding concussions incurred by children participating in athletic activities.
4. This section does not create any liability for, or create a cause of action against, the sponsoring body of an activity.
5. To carry out its duties under this section, the sponsoring body of an activity may contract for and accept private contributions, gifts, and grants, or in-kind aid from the federal government, the state, or any source.
6. For the purpose of this section, "licensed health care provider" means an individual who is registered, licensed, certified, or otherwise statutorily recognized in this state to provide health care services or treatment within the individual's scope of practice.
7. This section does not apply to schools that are governed by section 1 of this Act or to any other political subdivision."

Renumber accordingly

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2311**

Page 1, remove line 19

Page 1, line 20, replace "g." with "f."

Page 1, line 21, replace "h." with "g."

Page 1, replace lines 22 through 24 with:

"3. The teacher of the year award recipient must be announced during the annual convention of the North Dakota education association. At a mutually agreeable time after the annual convention, the governor and the superintendent of public instruction jointly shall host a ceremony at which the award recipient is recognized."

Re-number accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2336

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

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

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, remove "permitted under chapter 38-14.1 by the public service"

Page 2, line 9, replace "commission after December 31, 2010" with "that was not producing coal as of December 31, 2010, and for which an application for a mine permit under chapter 38-14.1 was submitted to the public service commission before July 1, 2011. New mine does not include an expansion of an existing mine that requires a separate permit from the public service commission under chapter 38-14.1"

Re-number accordingly

#### HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2342

Page 1, line 1, remove "a new subdivision to subsection 5 of section 4-01-23 and"

Page 1, remove lines 8 through 13

Re-number accordingly

**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 2056, SB 2078, SB 2302.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2056**

Page 1, line 1, remove "to create and enact a new section to chapter 54-60 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to an electronic portfolio pilot program;"

Page 2, remove lines 20 through 31

Page 3, remove lines 1 through 20

ReNUMBER accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2078**

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 6-09 of the North Dakota Century Code, relating to residential mortgages originated by the Bank of North Dakota; to provide an effective date; to provide an expiration date; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

**Residential mortgages.**

1. The Bank may establish a residential mortgage loan program under which the Bank may originate residential mortgages if private sector mortgage loan services are not reasonably available. Under this program a local financial institution may assist the Bank in taking a loan application, gathering required documents, ordering required legal documents, and maintaining contact with the borrower.
2. If the Bank establishes a program under this section, at a minimum the program must provide:
  - a. The Bank originate no more than eight million dollars in conventional rural residential mortgages;
  - b. An applicant must be referred to the Bank by a local financial institution and the Bank may not have received from any other local financial institution an objection to the Bank's program;
  - c. The loan application must be for an owner-occupied primary residence;
  - d. The Bank provide all regulatory disclosures, process and underwrite the loan, prepare closing documents, and disburse the loan; and
  - e. The terms of the loan originated by the Bank must provide:
    - (1) The amount of the loan may not exceed two hundred thousand dollars;
    - (2) The term of the loan may not exceed thirty years;
    - (3) The rate of the loan must be equal to the Bank's market rate;
    - (4) The maximum loan to value may not exceed eighty percent of appraised value; however, a local financial institution may take a second mortgage that does not exceed a combined loan to value of ninety-five percent; and
    - (5) Standard credit underwriting and documentation applies.

3. The Bank may sell eligible first-time home buyer loans to the North Dakota housing finance agency.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective July 1, 2011.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2013, and after that date is ineffective.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2302**

Page 1, line 1, after "to" insert "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"

Page 1, line 1, remove "21-10-01,"

Page 1, line 1, remove the second comma

Page 1, line 2, replace "the membership" with "meetings"

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

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 30

Page 3, line 27, remove "Except for the budget stabilization fund"

Page 3, line 28, remove "and the legacy fund"

Page 3, line 28, overstrike ", the" and insert immediately thereafter "The"

Page 4, after line 5, insert:

"**SECTION 3.** A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:

**Legacy and budget stabilization fund advisory board.**

The legacy and budget stabilization fund advisory board is created to develop recommendations for the investment of funds in the legacy fund and the budget stabilization fund to present to the state investment board. The goal of investment for the legacy fund is principal preservation while maximizing total return. The board consists of the chairmen of the house and senate appropriations committees, the commissioner of financial institutions or designee, the director of the office of management and budget or designee, the president of the Bank of North Dakota or designee, the tax commissioner or designee, and one member appointed by the governor to serve at the pleasure of the governor. The board shall select a chairman and must meet at the call of the chairman. The board shall report at least semiannually to the budget section. Legislative members are entitled to receive compensation and expense reimbursement as provided under section 54-03-20 and reimbursement for mileage as provided by law for state officers.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)  
MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2042,

SB 2044, SB 2050, SB 2073, SB 2098, SB 2138, SB 2145, SB 2158, SB 2169, SB 2182, SB 2193, SB 2195, SB 2213, SB 2218, SB 2231, SB 2247, SB 2295, SB 2361, and SCR 4002, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2042:** Sens. Miller; Hogue; Dotzenrod  
**SB 2044:** Sens. Nodland; G. Lee; Mathern  
**SB 2050:** Sens. Cook; Oehlke; Dotzenrod  
**SB 2073:** Sens. Olafson; Sorvaag; Nelson  
**SB 2098:** Sens. Larsen; Nodland; Schneider  
**SB 2138:** Sens. Andrist; Laffen; Murphy  
**SB 2145:** Sens. Lyson; Sitte; Nelson  
**SB 2158:** Sens. Sitte; Olafson; Sorvaag  
**SB 2169:** Sens. Sorvaag; Cook; Marcellais  
**SB 2182:** Sens. Nething; Sitte; Lyson  
**SB 2193:** Sens. Miller; Larsen; Heckaman  
**SB 2195:** Sens. Olafson; Lyson; Nething  
**SB 2213:** Sens. Schaible; Dever; Nelson  
**SB 2218:** Sens. Hogue; Burckhard; Triplett  
**SB 2231:** Sens. Lyson; Sorvaag; Nelson  
**SB 2247:** Sens. Olafson; Sitte; Sorvaag  
**SB 2295:** Sens. Olafson; Nething; Nelson  
**SB 2361:** Sens. Andrist; Nodland; Murphy  
**SCR 4002:** Sens. Hogue; Uglem; Schneider

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1114.

**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 1085, HB 1091, HB 1092, HB 1124, HB 1204, HB 1214, HB 1229, HB 1246, HB 1252, HB 1270, HB 1421, HB 1425, and HCR 3016, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1085:** Reps. Porter; Louser; Conklin  
**HB 1091:** Reps. Koppelman; Beadle; Guggisberg  
**HB 1092:** Reps. L. Meier; Wall; Mock  
**HB 1124:** Reps. Weiler; Streyle; Zaiser  
**HB 1204:** Reps. Koppelman; Brabandt; Delmore  
**HB 1214:** Reps. R. Kelsch; Rust; Hunskor  
**HB 1229:** Reps. Rust; Sanford; Mueller  
**HB 1246:** Reps. Hatlestad; Froseth; S. Meyer  
**HB 1252:** Reps. Keiser; Frantsvog; M. Nelson  
**HB 1270:** Reps. R. Kelsch; Heller; Mueller  
**HB 1421:** Reps. Kreun; Ruby; Amerman  
**HB 1425:** Reps. Clark; Frantsvog; M. Nelson  
**HCR 3016:** Reps. Kasper; Sukut; M. Nelson

**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 1318, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1318:** Reps. Damschen; Hofstad; M. Nelson

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2049.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1089, HB 1418.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1114.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2148.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2256.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1089, HB 1418.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on March 31, 2011: SB 2069.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on March 31, 2011: SB 2148.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on March 31, 2011: SB 2256.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Friday, April 1, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1011, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1011 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 16 with:

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

Page 2, after line 1, insert:

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

Page 2, replace lines 3 through 5 with:

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

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

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

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

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

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

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

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

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

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

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

**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1029 was placed on the Sixth order on the calendar.

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

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

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

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

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

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

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

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

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

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

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

Page 3, line 23, remove "principal"

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

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

Page 4, after line 5, insert:

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

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

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

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

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

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

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

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

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

Page 7, remove lines 9 through 29

Page 8, remove lines 1 through 3

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1057, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1057 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new subsection to section 57-38-57 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to angel fund investment disclosure;"

Page 1, line 4, after the first "provide" insert "for"

Page 1, line 4, remove "report to the"

Page 1, line 4, after "management" insert "study"

Page 1, line 13, overstrike "invested" and insert immediately thereafter "remitted"

Page 1, line 13, overstrike "in" and insert immediately thereafter "to"

Page 1, line 15, after the period insert "The investment used to calculate the credit under this section may not be used to calculate any other income tax deduction or credit allowed by law."

Page 1, line 21, overstrike "four" and insert immediately thereafter "nineteen"

Page 2, line 10, after the underscored period insert "Early-stage and mid-stage entities do not include those that have more than twenty-five percent of their revenue from income-producing real estate."

Page 3, line 1, replace "paid for the investment" with "remitted"

Page 3, line 3, replace "on which full consideration" with "the payment"

Page 3, line 18, remove "If a passthrough entity does not elect to sell, transfer, or assign the credit as"

Page 3, line 19, replace "provided under this subsection and subsection 7, the" with "The"

Page 3, remove lines 23 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 18

Page 5, line 19, remove "**REPORT TO THE**"

Page 5, line 19, after "**MANAGEMENT**" insert "**STUDY - TRANSFERABILITY OF TAX CREDITS**"

Page 5, line 19, remove "and"

Page 5, replace lines 20 and 21 with "interim, the legislative management shall consider studying the transferability of tax credits. The study must include an analysis of the tax policy reasons for implementing transferable credits, a review of the effectiveness of transferable credits in terms of potential annual state revenue losses and benefits, the use and effectiveness of transferable tax credits in other states, the impact on the sellers and purchasers of transferable credits, and the administration of transferable credits. The legislative management shall report its findings and recommendations,

together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Page 5, remove line 24

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1227, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1227 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1256, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1256 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1266, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1266, as amended, was placed on the Sixth order on the calendar.

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

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

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

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

Page 1, remove line 19

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

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

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

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

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

**REPORT OF STANDING COMMITTEE**

**HB 1284, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1284 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1327, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1327 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 37-17.1-04 and"

Page 1, line 2, after the first "to" insert "definitions and"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 37-17.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**37-17.1-04. Definitions.**

As used in this chapter:

1. "Disaster" means the occurrence of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including fire, flood, earthquake, severe high and low temperatures, tornado storm, wave action, chemical spill, or other water or air contamination, epidemic, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action, which is determined by the governor to require state or state and federal assistance or actions to supplement the recovery efforts of local governments in alleviating the damage, loss, hardship, or suffering caused thereby.
2. "Disaster or emergency worker" means any person performing disaster or emergency responsibilities or duties at any place in this state subject to the order or control of, or pursuant to a request of, the state government or any political subdivision.
3. "Emergency" means any situation that is determined by the governor to require state or state and federal response or mitigation actions to immediately supplement local governments to protect lives and property, to provide for public health and safety, or to avert or lessen the threat of a disaster.
4. "Emergency management" means a comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to prevent, mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or man, which may threaten, injure, damage, or destroy lives, property, or our environment.
5. "Homeland security" means a concerted national effort to prevent terrorist attacks within the United States, reduce America's vulnerability to terrorism, and minimize the damage and recover from attacks in the United States.
6. "Incident command system" means a standardized on-scene incident management concept designated specifically to allow responders to

adopt an integrated organizational structure equal to the complexity and demands of any single incident or multiple incidents without being hindered by jurisdictional boundaries.

7. "Incident commander" means the individual who sets priorities and defines the organization of a response and who is responsible for all aspects of an emergency response, including developing incident objectives, managing all incident operations, applying resources, and assuming responsibility for all persons involved.
8. "Mass care" means food, clothing, shelter, and other necessary and essential assistance provided to a large number of affected people in response to, or recovery from, a disaster or emergency.
- 8-9. "National incident management system" means a system that provides a consistent nationwide approach for federal, state, and local governments to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents regardless of cause, size, or complexity.
10. "Unified command" means a group of incident commanders whose responsibilities are to supervise a single command and general staff organization to fulfill the role of an incident commander and who represent agencies or jurisdictions that share responsibility for incident management and response for large or complex emergency situations from a single incident command post."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1344, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1344 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1350, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1350 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 16 with:

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

Page 2, after line 1, insert:

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

Page 2, replace lines 3 through 5 with:

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

Total general fund \$280,000 \$3,057,302"

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1350 - Highway Patrol - Senate Action**

	<b>Base Budget</b>	<b>House Version</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Administration	\$2,926,419	\$3,157,382	\$4,920	\$3,162,302
Field operations	37,198,354	40,258,516	1,761,310	42,019,826
Law enforcement training academy	1,496,942	1,601,309	1,992,360	3,593,669
Total all funds	\$41,621,715	\$45,017,207	\$3,758,590	\$48,775,797
Less estimated income	10,893,730	11,348,783	529,666	11,878,449
General fund	\$30,727,985	\$33,668,424	\$3,228,924	\$36,897,348
FTE	194.00	191.00	6.00	197.00

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

	<b>Adjusts Funding for State Fleet Mileage Rates<sup>1</sup></b>	<b>Adds New Motor Carrier Positions<sup>2</sup></b>	<b>Restores Trooper Positions Removed in Base Payroll Changes<sup>3</sup></b>	<b>Adds Funding for Emergency Vehicle Operations Course<sup>4</sup></b>	<b>Total Senate Changes</b>
Administration	\$4,920				\$4,920
Field operations	459,738	\$733,688	\$567,884		1,761,310
Law enforcement training academy	2,358			\$1,990,002	1,992,360
Total all funds	\$467,016	\$733,688.00	\$567,884	\$1,990,002	\$3,758,590
Less estimated income	102,090	95,379	73,497	258,700	529,666
General fund	\$364,926	\$638,309	\$494,387	\$1,731,302	\$3,228,924
FTE	0.00	3.00	3.00	0.00	6.00

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

<sup>2</sup>Three new FTE motor carrier positions and related operating expenses are added.

<sup>3</sup>Three FTE trooper positions removed in the agency base payroll change calculation are restored.

<sup>4</sup>One-time funding of \$1,990,002 is added for an emergency vehicle operations course.

This amendment also provides for the following changes:

- Section 2 is amended to provide that funding for the emergency vehicle operations course is one-time funding.
- Section 3 is changed to provide funding of \$5,378,886 from the highway tax distribution fund compared to \$4,849,220 included in the House version.

**REPORT OF STANDING COMMITTEE**

**HB 1405: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1405 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3038: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3038 was placed on the Fourteenth order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3046:** A concurrent resolution to create and enact a new section to article VIII of the Constitution of North Dakota, relating to the creation of a department of education; to amend and reenact sections 2 and 5 of article V and section 3 of article IX of the Constitution of North Dakota, relating to the superintendent of public instruction and creation of a department of education; to repeal section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher education; and to provide an effective date.

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

**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.

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

The Senate stood adjourned pursuant to Senator Christmann's motion.

**William R. Horton, Secretary**

