

**JOURNAL OF THE HOUSE - SPECIAL SESSION****Sixty-second Legislative Assembly**

\* \* \* \* \*

**Bismarck, November 7, 2011**

The House convened at 9:00 a.m., with Speaker Drovdal presiding.

The prayer was offered by Pastor Larry Giese, Lord of Life Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Thoreson and Zaiser.

A quorum was declared by the Speaker.

**COMMUNICATION FROM SECRETARY OF STATE AL JAEGER**

I hereby certify that I have attached a true and correct copy of Executive Order 2011-28, executed by Governor Jack Dalrymple on September 14, 2011, in which he convenes the North Dakota Legislative Assembly into special session on Monday, November 7, 2011, at 9:00 a.m.

I hereby certify that I have attached a true and correct listing of Representatives who were issued Certificates of Election by the State Canvassing Board prior to the beginning of their respective terms of office and who continue to serve, as of this date, in the particular legislative district to which they were elected.

IN TESTIMONY WHEREOF, I have set my hand and affixed the Great Seal of the State of North Dakota at the Capitol in the City of Bismarck on this date.

**EXECUTIVE ORDER 2011-28**

I, Jack Dalrymple, Governor of the State of North Dakota, by the authority vested in me, do hereby convene the North Dakota Legislative Assembly into special session on Monday, November 7, 2011, at 9:00 a.m., in the Legislative Chambers, at Bismarck, North Dakota.

This Executive Order is issued pursuant to the authority set forth below:

1. The Governor is vested with the executive power pursuant to Article V, Section 1 of the North Dakota Constitution;
2. The Governor is vested with the specific authority to call a special session of the Legislative Assembly pursuant to Article V, Section 7 of the North Dakota Constitution; and

This Executive Order, calling the Legislature into special session is issued for the following purposes:

- a. To provide for re-districting of government pursuant to Article IV, Section 2, of the North Dakota Constitution following the 2010 census; and
- b. For such other purposes as the Legislature may deem appropriate.

Executed at Bismarck, North Dakota, this 14th day of September, 2011.

**62nd Legislative Assembly of the State of North Dakota  
Members of the House of Representatives  
November 7, 2011**

| <b>Representative</b> | <b>District Number</b> |
|-----------------------|------------------------|
| Patrick Hatlestad     | 1                      |
| Gary Sukut            | 1                      |
| David Rust            | 2                      |
| Bob Skarphol          | 2                      |

|                    |    |
|--------------------|----|
| Andrew Maragos     | 3  |
| Roscoe Streyle     | 3  |
| Tom Conklin        | 4  |
| Kenton Onstad      | 4  |
| Scott Louser       | 5  |
| Roger Brabandt     | 5  |
| Glen Froseth       | 6  |
| Bob Hunsakor       | 6  |
| Jon Nelson         | 7  |
| Dick Anderson      | 7  |
| Jeff Delzer        | 8  |
| Dwight Wrangham    | 8  |
| Tracy Boe          | 9  |
| Marvin Nelson      | 9  |
| Chuck Damschen     | 10 |
| David Monson       | 10 |
| Ron Guggisberg     | 11 |
| Scot Kelsh         | 11 |
| Lyle Hanson        | 12 |
| Joe Kroeber        | 12 |
| Kim Koppelman      | 13 |
| Alon Wieland       | 13 |
| Duane DeKrey       | 14 |
| Robin Weisz        | 14 |
| Curt Hofstad       | 15 |
| Dennis Johnson     | 15 |
| Robert Kilichowski | 16 |
| Joyce Kingsbury    | 16 |
| Mark Sanford       | 17 |
| Mark Owens         | 17 |
| Eliot Glassheim    | 18 |
| Lonny Winrich      | 18 |
| Gary Paur          | 19 |
| Wayne Trottier     | 19 |
| Richard Holman     | 20 |
| Lee Kaldor         | 20 |
| Kathy Hogan        | 21 |
| Steve Zaiser       | 21 |
| Wesley Belter      | 22 |
| Vonnie Pietsch     | 22 |
| Bill Devlin        | 23 |
| Don Vigesaa        | 23 |
| Ralph Metcalf      | 24 |
| Phillip Mueller    | 24 |
| John Wall          | 25 |
| Clark Williams     | 25 |
| Bill Amerman       | 26 |
| Jerome Kelsh       | 26 |
| Randy Boehning     | 27 |
| Thomas Beadle      | 27 |
| Mike Brandenburg   | 28 |
| William Kretschmar | 28 |
| Craig Headland     | 29 |
| Chet Pollert       | 29 |
| Mike Nathe         | 30 |
| Dave Weiler        | 30 |
| James E. Schmidt   | 31 |
| Karen Rohr         | 31 |
| Mark Dosch         | 32 |
| Lisa Meier         | 32 |
| Brenda Heller      | 33 |
| Gary Kreidt        | 33 |
| RaeAnn Kelsch      | 34 |
| Todd Porter        | 34 |
| Karen Karls        | 35 |

|                  |    |
|------------------|----|
| Bob Martinson    | 35 |
| Shirley Meyer    | 36 |
| Mike Schatz      | 36 |
| Nancy Johnson    | 37 |
| Vicky Steiner    | 37 |
| Larry Bellew     | 38 |
| Dan Ruby         | 38 |
| David Drovda     | 39 |
| Keith Kempenich  | 39 |
| Robert Frantsvog | 40 |
| Matthew Klein    | 40 |
| Al Carlson       | 41 |
| Bette Grande     | 41 |
| Stacey Dahl      | 42 |
| Corey Mock       | 42 |
| Lois Delmore     | 43 |
| Curt Kreun       | 43 |
| Donald Clark     | 44 |
| Blair Thoreson   | 44 |
| Joe Heilman      | 45 |
| Ed Gruchalla     | 45 |
| Kathy Hawken     | 46 |
| Jim Kasper       | 46 |
| George Keiser    | 47 |
| Lawrence Klemin  | 47 |

#### **ANNOUNCED**

**SPEAKER DROVDAL ANNOUNCED** that the House will stand in recess until 10:00.

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

#### **REPORT OF PROCEDURAL COMMITTEE**

**MR. SPEAKER:** Your procedural **Rules Committee (Rep. Carlson, Chairman)**

**SECTION 1. AMENDMENT.** Subsection 4 of House Rule 318 is amended as follows:

4. The following questions require a two-thirds vote of the members-elect of the House:
  - a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and House Rule 339.
  - b. Emergency clauses, as provided in Section 13, Article IV, of the Constitution.
  - c. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.
  - d. Adoption of propositions of a divided question if the division would require a two-thirds vote of the members-elect, as provided in House Rule 319.
  - e. To recede before a conference in a case where two-thirds governs, as provided in Joint Rule 202.
  - f. ~~Second reading same day as report, as provided in House Rule 337.~~
  - g. Reconsideration after the next legislative day, as provided in House Rule 347.
  - ~~h.g.~~ Reconsideration after a clincher motion, as provided in House Rule 348.
  - ~~i.h.~~ Suspension of requirement that copies of amendments be distributed before acted on, as provided in House Rule 601.
  - j.i. Amendment, reconsideration, or suspension of a joint rule, as provided in Joint Rule 105.

**SECTION 2. AMENDMENT.** House Rule 337 is amended as follows:

**337. Second reading.** No bill requiring the approval of the Governor, no resolution proposing a change in the Constitution of North Dakota, and no resolution ratifying an amendment to the Constitution of the United States may be referred, except in the case of a bill or resolution that is prefiled pursuant to House Rule 401, or amended until it has been read; nor may any such bill or resolution have its second reading and final passage until at least one day after it has been reported to the House by the committee to which it was referred, provided that any such bill or resolution may have its second reading and final passage on the same day it is reported back when so ordered by two-thirds of the members-elect of the House its first reading.

**SECTION 3. AMENDMENT.** House Rule 346 is amended as follows:**346. Transmittal of measure to Senate - Notice of intention to reconsider.**

1. After the second reading of a bill or resolution, the Chief Clerk shall ~~retain the bill or resolution until the end of the next legislative day, unless the bill or resolution has previously been disposed of.~~
2. ~~On the thirty-eighth and thirty-ninth legislative days and after the fifty-ninth legislative day, the Chief Clerk shall transmit the bill or resolution to the Senate immediately upon adjournment of that day's session unless action on the bill or resolution is pending as the result of the House passing a motion to reconsider or unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.~~
3. After the sixty-eighth legislative day, the Chief Clerk shall transmit the bill or resolution to the Senate immediately after the second reading of the bill or resolution unless the Majority or Minority Leader has given notice of intention to move the reconsideration of that bill or resolution.
4. ~~2.~~ When a member in explaining the member's vote states to the House that the member's vote is for the purpose of reconsideration, that statement also is notice of such intention.
5. If notice is given by a member other than the Majority or Minority Leader but the motion to reconsider is not made before the end of the next legislative day, the Chief Clerk shall transmit the bill or resolution to the Senate at the end of that next legislative day.
3. If notice of intention to move reconsideration is given, the Chief Clerk shall retain the bill or resolution until adjournment of that day's session.

**SECTION 4. AMENDMENT.** Subsection 1 of House Rule 401 is amended as follows:

1. Any bill or resolution that conforms to statutory requirements and these rules, ~~within the number and time prescribed,~~ may be introduced by any member, standing committee, or the Legislative Management, by filing the bill or resolution with the Chief Clerk, who shall number consecutively each bill or resolution.

**SECTION 5. AMENDMENT.** Subsections 1 and 3 of House Rule 402 are amended as follows:

1. ~~No member other than the Majority and Minority Leaders may introduce more than five bills as prime sponsor after the fifth legislative day. No bill may be introduced after the tenth legislative day, and no resolution, except those resolutions described in subsection 3, may be introduced after the eighteenth legislative day, except upon approval of the Legislative Management or a majority of the Delayed Bills Committee or upon two-thirds vote of the members of the House present and voting.~~
3. No bill introduced at the request of an executive agency or the Supreme Court may be introduced ~~after the close of business on the day after the adjournment of the~~

~~organizational session~~, except upon approval of a majority of the Delayed Bills Committee.

**SECTION 6. AMENDMENT.** House Rule 403 is amended as follows:

**403. Delayed bills and resolutions.** The Delayed Bills Committee shall receive from the Chief Clerk every bill and resolution offered for introduction ~~after the time for introduction as limited by House Rule 402~~; and, on the same or the next legislative day after receiving the measure, shall inform the House whether the introduction of the measure has been approved. If a majority of the committee favors introduction, the sponsor may introduce the measure. Each measure approved for introduction must bear the name or names of the sponsor or sponsors and must note the approval of the Delayed Bills Committee.

**SECTION 7. AMENDMENT.** House Rule 504 is amended as follows:

**504. Committee meetings.**

- ~~1. The Appropriations Committee meets on Monday, Tuesday, Wednesday, Thursday, and Friday of each week.~~
- ~~2. The three-day committees meet on Monday, Tuesday, and Wednesday of each week.~~
- ~~3. The two-day committees meet on Thursday and Friday of each week.~~
- ~~4. Any committee that meets on Wednesday and which has a member who is also a member of the Constitutional Revision Committee may not take any substantive action during the time the Constitutional Revision Committee meets.~~
5. The chairman of any committee, or a majority of that committee, may call meetings at times and on other days as deemed necessary.
- ~~6. The Constitutional Revision Committee meets on Wednesday of each week at 3:00 p.m. in the Prairie Room or at the times and places called by the chairman.~~

**SECTION 8. AMENDMENT.** House Rule 601 is amended as follows:

**601. Report of committees.**

1. The report of a committee must provide for one or more of the following recommendations with respect to the bill or resolution: do pass, do not pass, be amended, be rereferred to another committee, or be placed on the calendar without recommendation. However, when a committee fails to adopt any of the above recommendations due to the lack of a majority, the chairman shall report the bill to the floor with whatever minority reports individual committee members may request in accordance with House Rule 602.
2. During the fifth order of business, the Chief Clerk shall announce that committee reports have been received, if such is the case, and shall list the bill or resolution number, or other identifier, and state the accompanying committee recommendation. If the committee report is divided pursuant to House Rule 602, the Chief Clerk shall announce the majority and minority report, or reports, as well.
3.
  - a. ~~If the committee report is for amendment, the proposed amendment must be placed on the calendar for the next legislative day on the sixth order of business. After the fifty-fifth legislative day, the proposed amendment must be placed on the calendar on the sixth order of business immediately after the report of the committee is received. On sixth order, the Speaker shall announce that without objection, the proposed amendments on the sixth order are deemed approved. If any member objects to a proposed amendment being approved with other proposed amendments, that amendment must be voted on as a separate item.~~
  - b. No action may be taken on an amendment until a verbatim copy of the amendment has been distributed to each member; provided, that on a

two-thirds vote of the members-elect, this may be suspended, and the amendment acted on immediately after the report of the committee.

- c. If the amendment is adopted by a majority vote of the members present, the amended measure must then be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage except as provided in subdivision e ~~or g~~.
  - d. If the amendment is rejected, the measure without amendment must be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage except as provided in subdivision e ~~or g~~.
  - e. If the committee report is for amendment and then rereferral to another committee, the measure must be rereferred to the appropriate committee after adoption or rejection of the amendment. If, after adoption or rejection of the amendment, a measure is subject to rereferral under House Rule 329, the measure must be rereferred to the Appropriations Committee, regardless of whether the report provides for rereferral.
  - f. If the committee report does not recommend rereferral to another committee but recommends that the measure pass, do not pass, or makes no recommendation, the measure must be placed on the calendar ~~for the next legislative day~~ under the applicable order of business for second reading and final passage ~~except as provided in subdivision g~~.
  - g. ~~On motion~~ Except as provided under subdivision e, a measure must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. ~~If the committee report recommends that the measure be placed on the calendar for second reading and final passage immediately after action is taken on the amendment, the measure must be placed on the calendar for second reading and final passage immediately after the amendment is adopted. After the thirty-second legislative day all House bills, and after the fifty-fifth legislative day all measures, must be placed on the calendar for second reading and final passage immediately after action is taken on the amendment. A measure placed on the calendar under this subdivision may be acted on immediately after placement on the calendar.~~
  - h. A report for amendment must be approved as to form and style by the Legislative Council staff. When a report for amendment is received by the Chief Clerk without a notation that the report was approved as to form and style by the Legislative Council staff, the Chief Clerk immediately shall cause that report to be delivered to the Legislative Council office with a request that the report be examined and receive a notation approving its form and style.
4. If the committee report is divided as provided in House Rule 602, the reports must be placed on the calendar ~~for the next legislative day~~ on the seventh order of business. The Speaker shall receive and announce a motion that the report of the minority be substituted for the majority committee report. If the minority report is adopted, that report is substituted for the majority report and must be placed on the calendar on the eleventh or fourteenth order of business. If the minority report is not adopted, the majority report is deemed adopted and must be placed on the calendar on the eleventh or fourteenth order of business. If a "do not pass" report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business. If no report is adopted under this subsection, the measure must be placed on the calendar on the eleventh or fourteenth order of business unless the measure is subject to rereferral under House Rule 329.
  5. ~~The~~ If practicable, the Chief Clerk shall ensure that the daily calendar contains appropriate notation of committee reports.

**SECTION 9. AMENDMENT.** Joint Rule 202 is amended as follows:

**202. Receding before conference.** Either house may recede from any subject matter of difference existing between the two houses at any time before a conference whether the papers on which difference has arisen are before the house receding formally or informally, and a majority of the members-elect governs, except in a case where two-thirds of the members-elect is required by the Constitution, and the question having been put and lost, may not be again put the same day, and the consideration thereof in other respects is regulated by the rules of the respective houses.

**SECTION 10. AMENDMENT.** Joint Rule 207 is amended as follows:

**207. Consideration of items on consent calendar.**

1. ~~No item on the consent calendar may be considered for adoption on the same legislative day it is placed on the consent calendar.~~
2. Bills or resolutions on the consent calendar are not debatable, except that the presiding officer shall allow a reasonable time for questions from the floor and shall permit the proponents of the bills or resolutions to answer the questions.
- ~~3-2.~~ The question of the final passage of more than one item contained on the consent calendar may be voted on in a single vote if the vote is on either bills or resolutions and not on any combination thereof in the same vote.
- ~~4-3.~~ Immediately before voting on the first consent calendar bills or resolutions, the presiding officer shall call to the attention of the members the fact that the next vote will be the vote on the bills or resolutions on the consent calendar. A recorded roll call vote is necessary on items on the consent calendar only if a recorded roll call vote is required under Senate or House Rule 340.

**SECTION 11. AMENDMENT.** Joint Rule 208 is amended as follows:

**208. Introduction of executive agency and Supreme Court bills.** Each executive agency and the Supreme Court shall file with the Legislative Council those bills they wish to have introduced ~~no later than the close of business on the day after the adjournment of the organizational session. Each.~~ Upon approval by the appropriate Delayed Bills Committee, ~~each~~ bill is deemed introduced by the standing committee of the House or Senate with general jurisdiction over the subject matter of the bill; but if the filing entity receives the approval of a legislator to sponsor the bill, that bill is to be introduced by the legislator rather than by the standing committee. A bill sponsored by a legislator may not have more sponsors than the number allowed under Senate and House Rules 401. The director of the budget shall file with the Legislative Council those bills making appropriations to implement the budget recommended by the Governor no later than the close of business on the seventh day after the adjournment of the organizational session, as required by North Dakota Century Code Section 54-44.1-07, and those bills are deemed introduced by the Appropriations Committee of the Senate or House at the request of the Governor. The bill implementing the budget request of the judicial branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Supreme Court, and the bill implementing the budget request of the legislative branch is deemed introduced by the Appropriations Committee of the Senate or House at the request of the Legislative Council. The Legislative Council shall number and deliver bills filed under this rule to the appropriate house for recording. Each bill introduced under this rule must be identified by noting the name of the agency or the court under the name of the sponsoring committee or legislator. The identification of a bill introduced by a standing committee may include the names of not more than five entities authorized to file bills under this rule.

**SECTION 12.** Joint Rule 303 is created as follows:

**303. Joint Legislative Redistricting Committee.** A Joint Legislative Redistricting Committee must be appointed during any legislative session during which the issue of legislative redistricting is addressed. The committee consists of sixteen members, eight from the House and eight from the Senate, appointed in the same manner as the members of other standing committees are appointed. The first-named member from each house is cochairman of the committee. The presiding officer shall refer to the Joint Legislative Redistricting Committee all bills and resolutions relating to redistricting or reapportionment of legislative districts. The committee shall first meet at the call of the Senate cochairman and

the chairmanship of each meeting thereafter alternates between the cochairmen. Members of the committee are excused from attending a meeting of any other committee while they are attending a meeting of the Joint Legislative Redistricting Committee. The committee shall issue joint reports on the measures referred to it, with a report first being presented to the house having possession of the measure, and later presented to the other house if appropriate.

**SECTION 13.** Joint Rule 304 is created as follows:

**304. Joint Health Care Reform Committee.** A Joint Health Care Reform Committee must be appointed during a special session. The committee consists of nineteen members, fourteen from the House and five from the Senate, appointed in the same manner as the members of other standing committees are appointed. The first-named member from each house is cochairman of the committee. The presiding officer shall refer bills and resolutions relating to federal health care reform to the committee. The committee shall first meet at the call of the House cochairman and the chairmanship of each meeting thereafter alternates between the cochairmen. Members of the committee are excused from attending a meeting of any other committee while they are attending a meeting of the Joint Health Care Reform Committee. The committee shall issue joint reports on the measures referred to it, with a report first being presented to the house having possession of the measure, and later presented to the other house if appropriate.

**SECTION 14. AMENDMENT.** Subsection 4 of Joint Rule 501 is amended as follows:

4. a. The agency or department preparing the fiscal note shall return the fiscal note along with the number of copies requested by the Legislative Council to the Legislative Council not later than ~~five days~~one day from the date of the request.
- b. The Legislative Council shall retain three copies, shall provide one copy to the Office of Management and Budget, shall provide one copy to the Governor, and shall deliver the remaining copies to the Secretary of the Senate or the Chief Clerk of the House. Of those copies, one copy must be attached to the original bill or resolution, one copy must be filed with the Bill Clerk of the house wherein the bill or resolution originated, one copy must be provided to the presiding officer of the Senate, one copy must be provided to the presiding officer of the House, and the remaining copies must be distributed as directed by the Secretary of the Senate or the Chief Clerk of the House, as appropriate.

**REP. VIGESAA MOVED** that the report be adopted, which motion prevailed on a voice vote.

#### **ANNOUNCEMENT**

**SPEAKER DROVDAL ANNOUNCED** that the House will stand in recess for 5 minutes to receive the Senate for a Joint Session.

**THE HOUSE RECONVENED** in Joint Session pursuant to recess taken, with Speaker Drovdal presiding.

#### **MOTION**

**REP. VIGESAA MOVED** that a committee of two be appointed to escort the Honorable Lt. Governor Drew Wrigley to the rostrum, which motion prevailed. The Speaker appointed Rep. Klein and Sen. Oehlke to the escort committee.

**SPEAKER DROVDAL PRESENTED** Lt. Governor Wrigley to the Assembly and truned the gavel over to him.

#### **MOTION**

**REP. VIGESAA MOVED** that a committee of four be appointed to escort the Honorable Jack Dalrymple, Governor, to the podium and First Lady Betsy Dalrymple to a special reserved seat in the chamber and that Governor Dalrymple's remarks be printed in the journal, which motion prevailed. The Chair appointed Sens. Wardner and Taylor and Reps. Carlson and J. Kelsh.



**SPECIAL LEGISLATIVE SESSION ADDRESS**  
**The Honorable Jack Dalrymple**  
**Governor of the State of North Dakota**  
**November 7, 2011**

Lt. Governor Drew Wrigley, distinguished legislators, elected officials, First Lady Betsy and fellow citizens of North Dakota – welcome and thank you for being here today.

It is an honor and a privilege for me to address this special convening of the 62nd Legislative Assembly.

I wish you all well in your efforts to put together a successful special session. I was around here in 1991 and again in 2001 for the redistricting challenge. I remember being hunched over a computer screen, and talking about whether a district line could be tweaked one way or the other. Over the years you have handled this challenge well, and I have confidence you will again.

On January 4th, when I last addressed a joint session of our Legislature, I told everyone in this House chamber that the state of our state is strong and growing stronger.

I am pleased to tell you that those words – strong and growing stronger - are even more appropriate today than ever before.

We continue to see significant growth in all of our industries including technology, tourism, agriculture, and in manufacturing, where most of the country has reported significant declines. Our progress can be seen in all of our major cities, in our small towns, and on our farms. No single industry tells the whole story of the great progress we are making.

Last week, Bloomberg News released its Economic Evaluation of the States and the national study credited North Dakota for having the best economy in the nation. As a matter of fact, the study says that North Dakota is the only state, by their measures, that is better off today than it was two years ago.

Our personal income, here in North Dakota, is growing at a rate that is more than double the national average.

We have about 17,000 job openings in many business sectors all across the state. And at 2.7 percent, we have the lowest unemployment rate in the nation.

Consumer spending is another indicator of economic strength and our sales tax collections show that - here in North Dakota - we continue to see strong consumer confidence, which is the result of our healthy labor market and our growing personal income.

Just three months into the current biennium, sales tax collections have exceeded the April legislative forecast by \$59 million, and all general fund revenues are about \$92 million higher than projected.

Because of our careful fiscal management and our continued economic growth, I am prepared to make three predictions about our future:

First: Our reserves at the end of this biennium will meet or exceed our forecast of last April.

Second: In 2013, we will have the resources needed to continue making investments in statewide infrastructure improvements and in other priorities, even while holding the line on on-going program expenditures.

Third: We will be able to continue building on our strong financial position, which will allow us to consider additional tax relief in the future.

We are making tremendous progress in our state, and our policies to create job opportunities are working. With our strong economic growth come significant challenges. But these challenges will not hold us back.

When spring flood waters rose to historic heights and wreaked havoc in Minot and other areas of the state, we banded together to help one another and to begin the process of

rebuilding homes and lives.

I am confident that all of you will embrace that same spirit of unity and shared purpose during this special session to address our state's critical needs for flood disaster recovery.

The most significant task before you in this special session will be to develop a disaster recovery package for all of the people in our larger cities, small towns, counties and townships where flooding has created incredible hardships. This much-needed assistance cannot be postponed.

As part of this recovery plan, I urge you to make funds available to flood victims who months ago were forced from their homes, and who now want to rebuild. The Bank of North Dakota can be a very useful tool in assisting local lenders who should play a major role in helping their communities recover as quickly as possible.

I also recommend that you create an infrastructure grant fund to assist the many political subdivisions left struggling to cover the unforeseen costs of significant flood damage – costs that are not reimbursable through FEMA or other assistance programs. These impacts are real and numerous, but the costs are still not fully known. I urge you to approve a mechanism to evaluate requests for aid to political subdivisions and distribute grant funds based on need.

We also know that in Minot and in some of our other cities, we need substantial floodway projects designed and built to protect area residents from further flooding. Property owners who have lost much to flooding deserve peace of mind, knowing that their efforts to rebuild will not be lost to future floods.

These floodway projects fall under the responsibility of the State Water Commission and under the circumstances, these projects deserve a resolution of support from the Legislature. In addition to these floodway projects, we also need water outlets, levees, and many other important water projects. I urge you to show your commitment to these greatly needed projects by increasing the spending authority of the State Water Commission for all revenues received in this biennium. These funds will be coming into the Resources Trust Fund and should be made available now.

I also recommend that the legislative assembly address the financial hardships that recurring flooding has created for some of our townships. After several consecutive years of having to repair flooded roads, some townships are carrying a debt load that would take decades to retire. Obviously, this situation is not sustainable, and we must make sure that townships, which have become financially strapped because of chronic overland flooding, can continue to rebuild their vital roadways.

The last piece of this much-needed disaster recovery package should assist not only flood-impacted communities, but also communities impacted by the oil industry's rapid development. We need more low-income housing in North Dakota, and it cannot wait.

Federal tax credits are being well utilized, but they are not enough. I urge you to provide a substantial increase to the funding you provided last winter for the incentive state tax credit in order to enhance and accelerate the development of new, low-income housing in communities impacted by disaster and rapid oil development. I have also asked the Bank of North Dakota to enhance their existing loan programs for affordable housing.

This special session also gives us an opportunity to increase the funds available to the Oil Impact Fund. The need for grants in oil-impacted communities has proven to be even greater than anticipated in April, and I urge you to provide additional funding without delay.

One impact that requires special attention is public safety on our western roads. I have instructed the Highway Patrol to send 9 more troopers to the west as soon as they complete their training. I also support the authorization of 4 additional troopers as part of your work this week.

Regarding another matter coming before the assembly, I urge you to pass Senator Lonnie Laffen's bill, which would return the decision-making authority regarding the logo and nickname to the State Board of Higher Education. I believe it was worth the effort to do everything we could to keep the university's proud nickname. But now, with the University of

North Dakota facing harm to its student athletes and all students, it is time to move forward.

Ladies and gentlemen, it is our good fortune that the legislative assembly is convening at this time. It gives us the opportunity to address several pressing needs that should not be postponed. Because of our strong financial condition, we have the ability to address these issues. Best wishes with your important work of the next few days.

Thank you and God bless North Dakota.

#### **MOTION**

**REP. VIGESAA MOVED** that the Joint Session be dissolved, which motion prevailed.

#### **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.

#### **REPORT OF PROCEDURAL COMMITTEE**

**MR. SPEAKER:** Your procedural **Committee on Committees (Rep. Carlson, Chairman)** appoints the following to special session committees:

##### **JOINT COMMITTEE ON LEGISLATIVE REDISTRICTING**

Reps. Devlin, Bellew, Holman, N. Johnson, Kasper, J. Kelsh, Monson, Nathe

##### **JOINT COMMITTEE ON HEALTH CARE**

Reps. Kaiser, Clark, Frantsvog, Glassheim, N. Johnson, Kaldor, Kasper, Kreidt, Meier, Metcalf, M. Nelson, Rohr, Weisz, Winrich

**REP. CARLSON MOVED** that the report be adopted, which motion prevailed on a voice vote.

#### **REPORT OF PROCEDURAL COMMITTEE**

**MR. SPEAKER:** Your procedural **Committee on Employment (Rep. R. Kelsch, Chairman)** recommends the following House employees for the special session of the Sixty-second Legislative Assembly:

|                   |   |
|-------------------|---|
| Buell Reich       | Chief Clerk                                 |
| Susan Axvig       | Journal Reporter                            |
| Jerry Moszer      | Sergeant-at-Arms                            |
| Jan Thon          | Calendar Clerk                              |
| Janice Stein      | Administrative Assistant to Majority Leader |
| Carol Seigert     | Administrative Assistant to Minority Leader |
| Erma Hauglie      | Administrative Assistant to Speaker         |
| Meredith Traeholt | Committee Clerk                             |
| Shirley Branning  | Committee Clerk                             |
| Vicki Crabtree    | Committee Clerk                             |
| Dawn Penrose      | Committee Clerk                             |
| Connie Johnson    | Page (Majority position)                    |
| Brenda Huff       | Page (Minority position)                    |
| Fran Gronberg     | Legislative Assistant                       |

**REP. R. KELSCH MOVED** that the report be adopted, which motion prevailed on a voice vote.

#### **REPORT OF DELAYED BILLS COMMITTEE**

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Carlson, Chairman)** has unanimously approved the introduction of a bill for an Act to amend and reenact section 15 of chapter 3 of the 2011 Session Laws, relating to authorization of the state board of higher education to issue revenue bonds; to provide legislative intent; to provide appropriations; and to provide an effective date.

The bill will be HB 1477.

#### **REPORT OF DELAYED BILLS COMMITTEE**

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Carlson, Chairman)** has

unanimously approved the introduction of a concurrent resolution urging the United States Environmental Protection Agency to approve North Dakota's plan for addressing regional haze and urging Congress to clearly delegate responsibility for the regulation of regional haze and minor source air permitting to the states.

The resolution will be HCR 3054.

#### **REPORT OF DELAYED BILLS COMMITTEE**

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Carlson, Chairman)** has cast a vote of 4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a concurrent resolution urging Congress to clearly limit United States Environmental Protection Agency regulation of hydraulic fracturing under the Safe Drinking Water Act to well stimulation treatments that use diesel fuel as the primary constituent--more than 50 percent diesel fuel by volume--of hydraulic fracturing fluid.

The resolution will be HCR 3053.

#### **ANNOUNCEMENT**

**SPEAKER DROVDAL ANNOUNCED** that the House will stand in recess until 6:30 p.m.

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

#### **MOTION**

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

#### **MOTION**

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

#### **REPORT OF DELAYED BILLS COMMITTEE**

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Carlson, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of rejecting the introduction of a bill for an Act to provide an appropriation to the highway patrol for additional traffic trooper and motor carrier trooper positions; and to provide an effective date.

#### **REPORT OF DELAYED BILLS COMMITTEE**

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Carlson, Chairman)** has unanimously rejected the introduction of a bill for an Act to provide an appropriation for permanent flood protection measures; to provide a statement of legislative intent regarding 2013-15 general fund spending restraint and funding for permanent flood protection measures; and to provide an effective date.

#### **REPORT OF DELAYED BILLS COMMITTEE**

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Carlson, Chairman)** has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of rejecting the introduction of a bill for an Act to amend and reenact sections 15.1-13-02 and 15.1-13-20 of the North Dakota Century Code, relating to the education standards and practices board; and to provide an effective date.

#### **REPORT OF DELAYED BILLS COMMITTEE**

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Carlson, Chairman)** has cast a vote of 2 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to provide for oil and gas impact loans from the legacy fund and to provide for repayment; and to provide an effective date.

#### **REPORT OF DELAYED BILLS COMMITTEE**

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Carlson, Chairman)** has cast a vote of 4 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING in favor of rejecting the introduction of a bill for an Act to create and enact section 57-51.1-03.2 of the North Dakota Century Code, relating to an oil extraction tax credit for contributions to a fund to be used to assist in rehabilitation of flood-damaged residential and commercial property and to provide for administration of the fund; to amend and reenact subsection 2 of section 57-51-05 of the North Dakota Century Code, relating to administration of an oil extraction tax credit; to provide a continuing appropriation; to provide an effective date; and to provide an expiration

date.

#### REPORT OF DELAYED BILLS COMMITTEE

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Carlson, Chairman)** has cast a vote of 2 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to amend and reenact paragraph 1 of subdivision a of subsection 5 of section 26.1-08-12 of the North Dakota Century Code, relating to qualifying for coverage under a comprehensive health association; and to provide an effective date.

#### REPORT OF DELAYED BILLS COMMITTEE

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Carlson, Chairman)** has cast a vote of 1 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting the introduction of a bill for an Act to amend and reenact sections 54-03-02, 54-03-02.1, and 54-35-16 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years; and to provide an effective date.

#### FIRST READING OF HOUSE BILLS

Legislative Management introduced:  
(Legislative Redistricting Committee)

**HB 1473:** A BILL for an Act to authorize the secretary of state to modify election deadlines and procedures; to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to legislative redistricting and staggering of terms of members of the legislative assembly; to repeal sections 54-03-01.8 and 54-03-01.10 of the North Dakota Century Code, relating to staggering of terms of members of the legislative assembly; to provide a statement of legislative intent; and to provide an effective date.

Was read the first time and referred to the **Joint Legislative Redistricting Committee**.

Legislative Management introduced:  
(Health Care Reform Review Committee)

**HB 1474:** A BILL for an Act to create and enact chapter 54-66 of the North Dakota Century Code, relating to creation of a North Dakota health benefit exchange; to repeal chapter 26.1-54 of the North Dakota Century Code and section 3 of chapter 225 of the 2011 Session Laws, relating to the insurance commissioner's and department of human services' duties to establish a health benefit exchange and provide updates to the legislative management; to provide a statement of legislative intent; to provide for reports to the legislative management; to provide an appropriation; to provide a continuing appropriation; to provide a transfer; to provide an effective date; and to provide for a contingent expiration date.

Was read the first time and referred to the **Joint Health Care Reform Committee**.

Legislative Management introduced:  
(Health Care Reform Review Committee)

**HB 1475:** A BILL for an Act to provide for appropriations for certain medical services, health insurance, economic assistance, and information technology programs and systems; and to provide an effective date.

Was read the first time and referred to the **Joint Health Care Reform Committee**.

Legislative Management introduced:  
(Health Care Reform Review Committee)

**HB 1476:** A BILL for an Act to amend and reenact section 26.1-36-46 of the North Dakota Century Code, relating to the external review procedures for health insurance; and to provide an effective date.

Was read the first time and referred to the **Joint Health Care Reform Committee**.

Reps. Wall, Skarphol, Steiner, Williams and Sen. Luick introduced:  
(Approved by the Delayed Bills Committee)

**HB 1477:** A BILL for an Act to amend and reenact section 15 of chapter 3 of the 2011 Session Laws, relating to authorization of the state board of higher education to issue revenue bonds; to provide legislative intent; to provide appropriations; and to provide an effective date.

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

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

**Buell J. Reich, Chief Clerk**