

## JOURNAL OF THE HOUSE

## Sixty-third Legislative Assembly

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Bismarck, April 3, 2013

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

The prayer was offered by Pastor Kari Bitz, Cord of Three Ministries, Bismarck.

The roll was called and all members were present except Representatives Heilman, Kempenich, and Zaiser.

A quorum was declared by the Speaker.

## MOTION

**REP. VIGESAA MOVED** that SB 2175, which is on the Sixth order, be laid over one legislative day, and that SB 2255, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## SIXTH ORDER OF BUSINESS

**SPEAKER DEVLIN DEEMED** approval of the amendments to Engrossed SB 2074, Engrossed SB 2108, Engrossed SB 2131, Reengrossed SB 2187, Engrossed SB 2193, Engrossed SB 2211, Engrossed SB 2227, Engrossed SB 2229, SB 2251, SB 2257, Engrossed SB 2323, Engrossed SB 2345, and Reengrossed SB 2364.

Reengrossed SB 2187 and Engrossed SB 2193, as amended, were rereferred to the **Appropriations Committee**.

Engrossed SB 2074, Engrossed SB 2108, Engrossed SB 2131, Engrossed SB 2211, Engrossed SB 2227, Engrossed SB 2229, SB 2251, SB 2257, Engrossed SB 2323, Engrossed SB 2345, and Reengrossed SB 2364, as amended, were placed on the Fourteenth order of business on the calendar.

## SIXTH ORDER OF BUSINESS

**SB 2072: REP. HEADLAND (Agriculture Committee) MOVED** that the amendments on HJ pages 1171-1173 be adopted and then be placed on the Fourteenth order with **DO PASS**.

## REQUEST

**REP. LANING REQUESTED** that the House divide the amendments to SB 2072, which request was granted.

**DIVISION A:** Section 8 and Subsection 1 of Section 9

**DIVISION B:** The remainder of the amendments

## REQUEST

**REP. LANING REQUESTED** a recorded roll call vote on Division A of the proposed amendments to SB 2072, which request was granted.

## ROLL CALL

The question being the adoption of Division A of the proposed amendments to SB 2072, the roll was called and there were 52 YEAS, 39 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Beadle; Belter; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Dockter; Drovdal; Fehr; Frantsvog; Glassheim; Gruchalla; Guggisberg; Haak; Headland; Heller; Hofstad; Hogan; Holman; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Klein; Kreun; Larson; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, M.; Onstad; Oversen; Paur; Pollert; Rust; Sanford; Silbernagel; Strinden; Sukut; Trottier; Wall; Williams

**NAYS:** Anderson; Becker; Bellew; Brabandt; Delzer; Dosch; Froseth; Grande; Hanson; Hatlestad; Hawken; Hunskor; Kasper; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Looyesen; Louser; Meier; Nelson, J.; Owens; Porter; Rohr; Ruby; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Toman; Vigesaa; Weisz; Wieland; Speaker Devlin

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Division A of the proposed amendments to SB 2072 was adopted on a recorded roll call vote.

The question being the adoption of Division B of the proposed amendments to SB 2072, the motion passed on a verification vote.

Division B of the proposed amendments to SB 2072 was adopted on a verification vote.

Therefore, the question being on the motion to adopt the amendments to SB 2072, which includes Division A and Division B, the proposed amendments were adopted on a voice vote.

### SECOND READING OF SENATE BILL

**SB 2072:** A BILL for an Act to create and enact a new subsection to section 4-30-01 and three new sections to chapter 4-30 of the North Dakota Century Code, relating to shared animal ownership agreements; and to amend and reenact subsections 7 and 21 of section 4-30-01 and sections 4-30-36, 4-30-36.2, 4-30-36.3, and 4-30-36.4 of the North Dakota Century Code, relating to dairy products regulations.

### 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 62 YEAS, 29 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Beadle; Belter; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Dockter; Drovdal; Fehr; Frantsvog; Gruchalla; Guggisberg; Haak; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Klein; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Pollert; Rust; Sanford; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Trottier; Vigesaa; Wall; Williams

**NAYS:** Anderson; Becker; Bellew; Brabandt; Delzer; Dosch; Froseth; Glassheim; Grande; Hanson; Hunskor; Kasper; Kiefert; Klemin; Koppelman, B.; Kreidt; Meier; Owens; Porter; Rohr; Ruby; Schatz; Schmidt; Streyle; Thoreson; Toman; Weisz; Wieland; Speaker Devlin

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

SB 2072, as amended, passed.

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### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Vern Wagner.

### SECOND READING OF SENATE BILL

**SB 2076:** A BILL for an Act to amend and reenact section 4 of chapter 261 of the 2009 Session Laws, relating to judgeships created in 2010.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

SB 2076 passed.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Ron Iverson.

**SECOND READING OF SENATE BILL**

**SB 2212:** A BILL for an Act to provide an appropriation to the attorney general for the rural crime and justice center victim assistance academy.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 60 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Beadle; Bellew; Boschee; Brabandt; Delmore; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Johnson, N.; Kelsh, S.; Klein; Louser; Maragos; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Ruby; Sanford; Strinden

**NAYS:** Anderson; Becker; Belter; Boe; Boehning; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Grande; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kiefert; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Martinson; Meier; Monson; Nathe; Nelson, J.; Owens; Paur; Pollert; Porter; Rohr; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Engrossed SB 2212 failed.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representatives Gil Herbel and Bruce Eckre.

**SECOND READING OF SENATE BILL**

**SB 2319:** A BILL for an Act to amend and reenact section 19-03.4-03 of the North Dakota Century Code, relating to drug paraphernalia; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 73 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Becker; Boehning; Brabandt; Delmore; Fehr; Glassheim; Guggisberg; Hunskor; Kelsh, J.; Kelsh, S.; Maragos; Mock; Muscha; Onstad; Oversen; Schatz; Streyle;

Strinden

**NAYS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boschee; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Frantsvog; Froseth; Grande; Gruchalla; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Martinson; Meier; Monson; Mooney; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Engrossed SB 2319 failed.

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### SECOND READING OF SENATE BILL

**SB 2074:** A BILL for an Act to amend and reenact subsection 1 of section 26.1-02.1-05 of the North Dakota Century Code, relating to penalties for insurance fraud; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Becker; Delzer; Koppelman, B.; Martinson

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Skarphol; Zaiser

Engrossed SB 2074, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2251:** A BILL for an Act to amend and reenact subsection 1 of section 6-08-16, subsection 3 of section 6-08-16.2, sections 12.1-23-02.1, 12.1-23-05, 12.1-23-06, 12.1-23-07, and 12.1-23-08, subsection 1 of section 12.1-23-09, and sections 12.1-24-01, 12.1-24-03, 12.1-32-01, 12.1-32-01.1, 26.1-02.1-05, and 29-03-22 of the North Dakota Century Code, relating to the penalties for crimes for which a monetary amount triggers the level of penalty; and to provide a penalty.

### 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 84 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Fehr; Frantsvog; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.;

Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigesaa; Wall; Weisz; Williams; Speaker Devlin

**NAYS:** Becker; Delzer; Drovdal; Froseth; Skarphol; Trottier; Wieland

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

SB 2251, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2345:** A BILL for an Act to amend and reenact section 12.1-31-07.1 of the North Dakota Century Code, relating to the penalty for the exploitation of a disabled adult or vulnerable elderly adult.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Becker; Schatz

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Engrossed SB 2345, as amended, passed.

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### MOTION

**REP. VIGESAA MOVED** that SB 2211 be moved to the top of the Fourteenth order, which motion prevailed.

### SECOND READING OF SENATE BILL

**SB 2211:** A BILL for an Act to create and enact three new sections to chapter 36-01 and a new section to chapter 36-21.2 of the North Dakota Century Code, relating to the duties of the state board of animal health and the treatment of animals; to repeal sections 36-21.1-01, 36-21.1-02, 36-21.1-03, 36-21.1-03.1, 36-21.1-04, 36-21.1-06, 36-21.1-12, and 36-21.1-13 of the North Dakota Century Code, relating to the treatment of animals; to provide a penalty; and to provide for reports 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 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson;

Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Becker

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Engrossed SB 2211, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2108:** A BILL for an Act to amend and reenact sections 50-06-05.3, 50-06-05.4, and 50-06-05.5 of the North Dakota Century Code, relating to services provided at the regional human service centers and to human service councils.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Hogan

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Engrossed SB 2108, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2131:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to genetic counseling; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol;

Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Engrossed SB 2131, as amended, passed.

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#### MOTION

**REP. VIGESAA MOVED** that Engrossed SB 2323, as amended, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2323, as amended, was rereferred.

#### MOTION

**REP. VIGESAA MOVED** that SB 2229 be moved to the top of the Fourteenth order, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2229:** A BILL for an Act to amend and reenact section 15.1-09-58 of the North Dakota Century Code, relating to early childhood education; and to provide for a superintendent of public instruction study of early childhood care and early childhood education.

#### 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 79 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Steiner; Streyle; Strinden; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Williams; Speaker Devlin

**NAYS:** Becker; Bellew; Damschen; Dosch; Glassheim; Hatlestad; Kreun; Laning; Ruby; Skarphol; Sukut; Wieland

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Engrossed SB 2229, as amended, passed.

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#### SECOND READING OF SENATE BILL

**SB 2227:** A BILL for an Act to amend and reenact sections 29-32.1-01 and 29-32.1-09 of the North Dakota Century Code, relating to limitations and summary disposition for postconviction relief proceedings.

#### 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 83 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Monson; Nathe; Nelson, J.;

Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Delmore; Hogan; Mock; Mooney; Muscha; Onstad; Oversen; Strinden

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Engrossed SB 2227, as amended, passed.

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#### SECOND READING OF SENATE BILL

**SB 2257:** A BILL for an Act to provide for a legislative management study of the state hospital's program for the evaluation and treatment of civilly committed sexually dangerous individuals.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

SB 2257, as amended, passed.

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#### SECOND READING OF SENATE BILL

**SB 2364:** A BILL for an Act to create and enact two new sections to chapter 57-38, subsections 7 and 8 to section 57-38-34, subsection 11 to section 57-38-38, and subsection 16 to section 57-38-40 of the North Dakota Century Code, relating to a corporate income tax credit, utilization of net operating losses and credit carryforwards, the time for filing of returns for certain corporations, interest on tax when the time for filing a return is extended, refunds of tax for certain corporations, and audits of certain corporations; to amend and reenact subsection 5 of section 11-37-08, subsection 8 of section 40-63-01, subsection 5 of section 40-63-04, section 40-63-06, subsections 3 and 4 of section 40-63-07, subsection 3 of section 57-38-01.3, subsections 5 and 7 of section 57-38-01.32, and subdivisions c and f of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to subjecting financial institutions to the corporate income tax, adjustments for net operating losses, bonds and other obligations of a commerce authority, creation of renaissance zones, the housing incentive fund tax credit, computation of farm income, and income associated with losses passed through to a financial institution; to repeal chapter 57-35.3 of the North Dakota Century Code, relating to elimination of the financial institutions tax; 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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee;

Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Silbernagel; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Delzer; Grande; Paur; Pollert; Rust; Skarphol

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Reengrossed SB 2364, as amended, passed.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NATHE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1028 as printed on HJ page 858, which motion prevailed on a voice vote.

Engrossed HB 1028, as amended, was placed on the Eleventh order of business.

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

**HB 1028:** A BILL for an Act to amend and reenact section 15.1-18.2-04 of the North Dakota Century Code, relating to concussion management program requirements.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Reengrossed HB 1028 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PORTER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1030 as printed on HJ page 989, which motion prevailed on a voice vote.

Engrossed HB 1030, as amended, was placed on the Eleventh order of business.

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

**HB 1030:** A BILL for an Act to provide that the present use and disposal of coal combustion residues is acceptable in North Dakota.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee;

Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Strinden

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Trottier; Zaiser

Reengrossed HB 1030 passed.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. PORTER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1060 as printed on HJ page 858, which motion prevailed on a voice vote.

Engrossed HB 1060, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1060:** A BILL for an Act to amend and reenact sections 61-36-01, 61-36-02, and 61-36-04 of the North Dakota Century Code, relating to the composition and duties of the Devils Lake outlets management advisory committee; and to repeal section 61-36-03 of the North Dakota Century Code, relating to compensation and expenses of the Devils Lake outlet management advisory committee.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Reengrossed HB 1060 passed.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. KEISER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1079 as printed on HJ page 871, which motion prevailed on a voice vote.

Engrossed HB 1079, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1079:** A BILL for an Act to amend and reenact section 6-09.14-03 and subsection 4 of section 6-09.14-04 of the North Dakota Century Code and section 22 of chapter 579 of the 2011 Session Laws, relating to the partnership in assisting community expansion program at the Bank of North Dakota; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 73 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Glasheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Strinden; Sukut; Trottier; Vigesaa; Wall; Williams; Speaker Devlin

**NAYS:** Becker; Bellew; Delzer; Dosch; Grande; Koppelman, B.; Koppelman, K.; Louser; Meier; Pollert; Ruby; Schatz; Steiner; Streyle; Thoreson; Toman; Weisz; Wieland

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Reengrossed HB 1079 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NATHE MOVED** that the House do concur in the Senate amendments to HB 1103 as printed on HJ pages 858-859, which motion prevailed on a voice vote.

HB 1103, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1103:** A BILL for an Act to create and enact chapter 15-18.1 of the North Dakota Century Code, relating to authority of the state board of higher education to provide authorizations to operate postsecondary educational institutions offering instruction at the associate in arts level or higher and to false academic degrees and accreditation mills; to amend and reenact subsections 1, 4, 7, and 10 of section 15-20.4-01, sections 15-20.4-02 and 15-20.4-02.1, subsections 1, 2, 3, 4, 5, and 8 of section 15-20.4-03, sections 15-20.4-03.1 and 15-20.4-04, subsections 1 and 2 of section 15-20.4-05, sections 15-20.4-06, 15-20.4-08, 15-20.4-09, and 15-20.4-13, and subsection 1 of section 15-20.4-14 of the North Dakota Century Code, relating to authority of the state board for career and technical education to provide authorizations to operate private postsecondary career schools offering instruction at the level of no higher than the associate of applied science level; to repeal sections 15-20.4-15, 15-20.4-16, 15-20.4-17, and 15-20.4-18 of the North Dakota Century Code, relating to false academic degrees and accreditation mills; to require reports to the legislative management; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Damschen; Delmore; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Glasheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Becker; Carlson; Delzer; Dosch; Ruby; Toman

**ABSENT AND NOT VOTING:** Heilman; Kempenich; Zaiser

Engrossed HB 1103 passed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, unchanged: SCR 4017.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2213, SB 2308, SB 2352, SB 2353.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2294.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass, unchanged: SCR 4018.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, unchanged: HB 1193, HB 1200, HB 1310.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1246.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1052, HB 1080, HCR 3016.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1052**

Page 2, line 23, replace "all" with "the employer's"

Page 2, remove lines 24 through 26

Page 3, line 5, overstrike ", allowing the employee to make the initial"

Page 3, line 6, overstrike "selection of a medical provider" and insert immediately thereafter "for the employee's claim"

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1080**

Page 4, line 1, replace "thirty" with "one hundred eighty"

Page 4, line 7, replace "thirty" with "one hundred eighty"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3016**

Page 1, line 2, remove ", including the feasibility of turning natural gas into diesel fuel for public"

Page 1, line 3, remove "consumption"

Page 1, line 16, remove the comma

Page 1, line 17, remove "including the feasibility of turning natural gas into diesel fuel for public consumption"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1008.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008**

Page 1, line 2, replace "section" with "sections"

Page 1, line 2, after "49-01-05" insert "and 64-02-10"

Page 1, line 3, after "commissioners" insert "and fees to test or calibrate weighing and measuring devices; to provide for a statement of legislative intent"

Page 1, line 4, remove "to authorize a transfer;"

Page 1, replace lines 13 through 16 with:

"Salaries and wages	\$7,482,074	\$1,298,673	\$8,780,747
Operating expenses	1,972,572	(39,510)	1,933,062
Capital assets	53,000	35,665	88,665"

Page 1, replace line 19 through 23 with:

"Rail rate complaint case	900,000	0	900,000
Reclamation and grain licensing litigation	0	1,000,000	1,000,000
Total all funds	\$18,423,646	\$2,298,828	\$20,722,474
Less estimated income	<u>12,403,431</u>	<u>1,123,288</u>	<u>13,526,719</u>
Total general fund	\$6,020,215	\$1,175,540	\$7,195,755
Full-time equivalent positions	43.00	1.00	44.00"

Page 2, replace line 7 though 10 with:

"Hydraulic soil probe	0	28,000
Reclamation and grain licensing litigation	0	1,000,000
Total all funds	\$658,217	\$1,028,000
Total special funds	<u>658,217</u>	<u>517,920</u>
Total general fund	\$0	\$510,080"

Page 2, line 18, replace "ninety-eight" with "ninety-nine"

Page 2, line 19, replace "seventy-nine" with "thirty-five"

Page 2, line 19, replace "one" with "three"

Page 2, line 20, replace "thirty-three" with "twelve"

Page 2, remove lines 30 and 31

Page 3, remove lines 1 and 2

Page 3, after line 11, insert:

**"SECTION 6. AMENDMENT.** Section 64-02-10 of the North Dakota Century Code is amended and reenacted as follows:

**64-02-10. Fees to test or calibrate weighing and measuring devices.**

The commission shall collect the following fees to:

1. ~~Test railroad track or truck scale~~ \$171.00
2. ~~Test livestock and vehicle scale~~ -171.00
3. ~~Test livestock scale if the sales ring or buying station scale owner~~

	transports to the scale and furnishes all test weights and manpower needed to properly test the scale	—96.00
4.	Test auxiliary beam on livestock, motor truck, and motor truck dump scale	—24.00
5.	Test overhead monorail, track, hopper, dormant, deck, and hanging scale of <u>1,000 pounds [453 kilograms] or less capacity</u>	53.00
<del>6-2.</del>	Test movable platform scale	11.00
<del>7-3.</del>	Test counter or computing scale	11.00
<del>8-4.</del>	Test hanging scale of fifty pound [22.68 kilogram] capacity or less	11.00
<del>9-5.</del>	Test a retail motor fuel device	11.00
<del>10-6.</del>	Test or calibrate weighing and measuring standards, per metrologist, per quarter hour or fraction thereof	17.00
<del>11-7.</del>	Test mobile delivery gasoline and fuel oil meter	24.00
<del>12-8.</del>	Test gasoline, LPG, or fuel oil meter on common carrier pipelines, or any other meter used in loading railway cars, transports, or other conveyances	53.00
<del>13-9.</del>	Test propane, ag chemical, or liquid fertilizer meter	39.00
<del>14.</del>	Test crane scale	—107.00
<del>15-10.</del>	Test or calibrate weighing and measuring devices other than the above and those set by rule, per inspector per quarter hour or fraction thereof	11.00
<del>16-11.</del>	Witnessing any of the above tests	Fifty percent of the applicable fee

When a rejected weighing or measuring device has been reconditioned or replaced by new equipment, it must be retested and certified before being put into use except as otherwise provided by rule. The fee for retest and certification is the same as for the first test and certification.

When a test of a weighing or measuring device is required in addition to the regularly scheduled test, the commission shall charge a fee equal to the cost of operating the motor vehicle used in conducting the test. The mileage charges, as determined by the commission, must be in addition to the regular test fee and calculated to cover the costs of the additional travel. If a test has been requested and the person requesting it fails to appear or to have the weighing or measuring device ready for testing at the arranged time, there is a charge of ten dollars a quarter hour for the time between the arranged time and the time at which the test can begin."

Page 3, line 12, after "**INSPECTOR**" insert "**AND PUBLIC UTILITY ANALYST**"

Page 3, line 13, replace "proceeds" with "proceed"

Page 3, line 14, after "inspector" insert "and public utility analyst"

Page 3, line 14, replace "has" with "have"

Page 3, line 17, replace "This" with "Section 7 of this"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1008 - Public Service Commission - Senate Action

	Executive Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$8,659,244	\$8,256,625	\$524,122	\$8,780,747
Operating expenses	1,977,397	1,977,397	(44,335)	1,933,062
Capital assets	88,665	51,165	37,500	88,665
Grants	20,000	20,000		20,000
Abandoned mined lands contractual	8,000,000	8,000,000		8,000,000
Rail rate complaint case	900,000	900,000		900,000
Accrued leave payments		168,278	(168,278)	
Reclamation & Grain Licensing Litigation			1,000,000	1,000,000
Total all funds	\$19,645,306	\$19,373,465	\$1,349,009	\$20,722,474
Less estimated income	13,082,083	12,995,259	531,460	13,526,719
General fund	\$6,563,223	\$6,378,206	\$817,549	\$7,195,755
FTE	43.00	43.00	1.00	44.00

#### Department No. 408 - Public Service Commission - Detail of Senate Changes

	Restores Executive Compensation Package <sup>1</sup>	Removes Separate Line Item for Accrued Leave Payments <sup>2</sup>	Adds Funding for Weights and Measures FTE Position <sup>3</sup>	Restores Funding for Capital Assets <sup>4</sup>	Adds Funding for Litigation Costs <sup>5</sup>	Total Senate Changes
Salaries and wages	\$257,681	\$168,278	\$98,163			\$524,122
Operating expenses			105,665		(150,000)	(44,335)
Capital assets				37,500		37,500
Grants						
Abandoned mined lands contractual						
Rail rate complaint case						
Accrued leave payments		(168,278)				(168,278)
Reclamation & Grain Licensing Litigation					1,000,000	1,000,000
Total all funds	\$257,681	\$0	\$203,828	\$37,500	\$850,000	\$1,349,009
Less estimated income	95,460	0	0	0	436,000	531,460
General fund	\$162,221	\$0	\$203,828	\$37,500	\$414,000	\$817,549
FTE	0.00	0.00	1.00	0.00	0.00	1.00

<sup>1</sup> Funding reductions made by the House to the state employee compensation and benefits package are restored to the Governor's recommended level.

<sup>2</sup> The accrued leave payments line item added by the House is removed and the associated funding returned to line items with salaries and wages funding.

<sup>3</sup> This amendment adds one FTE weights and measures position and the related funding.

<sup>4</sup> This amendment restores the funding removed by the House for disk upgrades and the GIS server.

<sup>5</sup> A new line item of one-time funding is added for litigation costs. Funding of \$150,000, \$86,000 of which is from the general fund is transferred from the operating expenses line item and \$850,000, \$414,000 of which is from the general fund is added to provide a total of \$1,000,000, of which \$500,000 is from the general fund. The executive budget recommendation provided a total of \$150,000 for litigation funding, of which \$86,000 was from the general fund. The litigation line item includes funding for litigation costs relating to

the enforcement of the Public Service Commission's Coal Mining and Reclamation Program; Abandoned Mine Lands Reclamation Program; and Grain Warehouse, Grain Buyer, and Hay Buyer Licensing and Insolvencies.

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This amendment also:

- Amends North Dakota Century Code Section 64-02-10 relating to the fee schedule of the large scale weights and measures program. This change is estimated to result in a \$200,000 reduction of general fund revenue for the 2013-15 biennium.
- Removes Section 5 added by the House which required the Public Service Commission to transfer information technology equipment to the Information Technology Department.
- Adds provisions that the commission proceed in hiring the new public utility analyst position prior to July 1, 2013.
- The Public Service Commission's salaries are adjusted to provide the commissioners a 4 percent increase in salary on July 1, 2013, and a 4 percent increase on July 1, 2014, the same as the executive budget recommendation. The House provided for 3 percent annual increases.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1249, HB 1337.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2041, SB 2140, SB 2166, and SB 2306.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1024, HB 1059, HB 1118, HB 1119, HB 1206, HB 1361, HB 1401, HB 1467.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2199, SB 2272, SB 2292.

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

**MR. SPEAKER:** The President has signed: HB 1024, HB 1059, HB 1118, HB 1119, HB 1206, HB 1361, HB 1401, HB 1467.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1135, HB 1191, HB 1209, HB 1260, HB 1283, HB 1340, HB 1363, HB 1389, HB 1439, HB 1454, HB 1459.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2199, SB 2272, SB 2292.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on April 2, 2013, I have signed the following: HB 1142, HB 1146, HB 1147, HB 1150, HB 1154, HB 1161, HB 1164, HB 1177, HB 1178, HB 1181, HB 1195, HB 1371, HB 1391, and HB 1434.

**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, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, April 4, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2060: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (19 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2060 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2125, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2125 was placed on the Sixth order on the calendar.

Page 1, line 12, after the underscored period insert "Caretaker" does not include an individual who is charged with the enforcement of compulsory attendance provisions under section 15.1-20-03."

Page 1, line 15, after "hours" insert "after the caretaker knows or reasonably should have known the child is missing"

Page 1, line 16, remove "or negligently"

Page 1, line 17, replace "immediately" with "within a reasonable time"

Page 1, line 21, after "hours" insert "after the caretaker knows or reasonably should have known the child is missing"

Page 1, line 21, remove "or negligently"

Page 1, line 22, replace "immediately" with "within a reasonable time"

Page 2, line 5, after "caretaker" insert "willfully"

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**

