

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, February 21, 2011

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

The prayer was offered by Pastor Paul Gibson, First Baptist Church, Bismarck.

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

A quorum was declared by the Speaker.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Twenty-third and Thirty-second Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 347, line 14, replace "Nineteenth" with "Nineteenth"

Page 601, lines 25 and 29, replace "**Appropriations**" with "**Finance and Tax**"

Page 602, line 33, replace "Engrossed" with "Reengrossed"

Page 604, line 8, replace "DO PASS" with "DO NOT PASS"

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

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to HB 1001, HB 1005, HB 1008, HB 1010, Engrossed HB 1044, HB 1127, HB 1175, Engrossed HB 1199, HB 1234, HB 1236, HB 1317, HB 1344, HB 1382, HB 1399, HB 1431, HB 1442, HB 1447, HB 1459, and Engrossed HB 1468.

HB 1001, HB 1005, HB 1008, HB 1010, Engrossed HB 1044, HB 1127, HB 1175, Engrossed HB 1199, HB 1234, HB 1236, HB 1317, HB 1344, HB 1382, HB 1399, HB 1431, HB 1442, HB 1447, HB 1459, and Engrossed HB 1468, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SECOND READING OF HOUSE BILL**

**HB 1263:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the athletic nickname and logo of the university of North Dakota.

**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 65 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Boe; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.;

Kretschmar; Metcalf; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Pietsch; Sanford; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Kempenich

HB 1263 passed.

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### SECOND READING OF HOUSE BILL

**HB 1257:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the athletic nickname and logo of the university of North Dakota; and to declare an emergency.

### 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 5 YEAS, 88 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Beadle; DeKrey; Devlin; Hanson; Weisz

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

**ABSENT AND NOT VOTING:** Kempenich

HB 1257 lost.

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### SECOND READING OF HOUSE BILL

**HB 1208:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the athletic nickname and logo of the university of North Dakota.

### 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 8 YEAS, 85 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Beadle; DeKrey; Devlin; Koppelman; Kreun; Owens; Weiler; Weisz

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

**ABSENT AND NOT VOTING:** Kempenich

HB 1208 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1279:** A BILL for an Act to create and enact a new subdivision to subsection 3 of section 53-06.1-03 of the North Dakota Century Code, relating to the maximum number of paperless pull tab devices per site; and to amend and reenact section 53-06.1-01, subsection 4 of section 53-06.1-01.1, subsection 1 of section 53-06.1-06, and section 53-06.1-14 of the North Dakota Century Code, relating to the use of paperless pull tabs and paperless pull tab devices.

**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 30 YEAS, 63 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Boehning; Conklin; Dahl; DeKrey; Delmore; Dosch; Frantsvog; Gruchalla; Hawken; Hofstad; Johnson, D.; Johnson, N.; Kilichowski; Klein; Kretschmar; Louser; Maragos; Martinson; Meyer, S.; Nathe; Nelson, J.; Onstad; Sanford; Steiner; Streyle; Weiler; Winrich; Zaiser

**NAYS:** Amerman; Bellew; Belter; Boe; Brabandt; Brandenburg; Carlson; Clark; Damschen; Delzer; Devlin; Froseth; Glassheim; Grande; Guggisberg; Hanson; Hatlestad; Headland; Heilman; Heller; Hogan; Holman; Hunskor; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kingsbury; Klemin; Koppelman; Kreidt; Kreun; Kroeber; Meier, L.; Metcalf; Mock; Monson; Mueller; Nelson, M.; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Sukut; Thoreson; Trottier; Vigesaas; Wall; Weisz; Wieland; Williams; Wrangham; Speaker Drovdal

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1279 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1349:** A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to requirements to operate a motor vehicle to transport agricultural products; 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 NOT PASS, the roll was called and there were 16 YEAS, 77 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Conklin; Dahl; Gruchalla; Guggisberg; Hogan; Johnson, D.; Kelsch, R.; Kelsh, S.; Kroeber; Onstad; Porter; Vigesaas; Wall; Williams; Winrich

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

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1349 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1381:** A BILL for an Act to create and enact a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to demerit points for driving on a closed road; to amend and reenact section 39-06.1-05, subsections 12 and 13 of section 39-06.1-06, and sections 39-06.1-09, 39-09-02, and 39-10-21.1 of the North Dakota Century Code, relating to the penalty for driving on a closed road, in a construction zone, and in a school zone; 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 NOT PASS, the roll was called and there were 32 YEAS, 61 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Dahl; Delmore; Dosch; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Heilman; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kingsbury; Klemin; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Mock; Mueller; Onstad; Paur; Wall; Williams; Winrich

**NAYS:** Amerman; Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Damschen; DeKrey; Delzer; Devlin; Frantsvog; Froseth; Grande; Hatlestad; Headland; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kelsch, R.; Kilichowski; Klein; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Meyer, S.; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Weiler; Weisz; Wieland; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1381 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1393:** A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to legal weapons for hunting purposes.

**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 75 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Bellew; Boe; Froseth; Glassheim; Keiser; Kelsh, J.; Klemin; Kreun; Maragos; Martinson; Nelson, J.; Pietsch; Pollert; Rust; Steiner; Trottier; Vigasaa

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1393 passed.

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**SECOND READING OF HOUSE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Anderson; Clark; Conklin; Dahl; Damschen; Heilman; Kasper; Kelsh, J.; Kreun; Mock; Nelson, M.; Paur; Pollert; Thoreson; Trottier; Speaker Drovdal

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1209 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1397:** A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the membership of the legislative management; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 66 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1397 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1406:** A BILL for an Act to amend and reenact section 49-11-21 of the North Dakota Century Code, relating to warning devices at rail crossings.

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

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

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1406 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1407:** A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to hunting of Canada geese by nonresidents; to provide for a study; to provide an effective date; and to provide an expiration 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 67 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Froseth; Grande; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kingsbury; Klein; Klemin; Kreidt; Kreun; Louser; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Streyle; Sukut; Thoreson; Vigesaa; Wall; Weiler; Weisz; Williams; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Beadle; Carlson; Conklin; Delmore; Frantsvog; Glasheim; Gruchalla; Guggisberg; Hanson; Hawken; Holman; Kaldor; Kelsh, S.; Kilichowski; Koppelman; Kretschmar; Kroeber; Maragos; Mock; Onstad; Pietsch; Pollert; Steiner; Trottier; Wieland; Winrich

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1407 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1414:** A BILL for an Act to amend and reenact sections 16.1-08.1-01, 16.1-08.1-03.3, 16.1-08.1-03.5, and 16.1-08.1-05 of the North Dakota Century Code, relating to campaign contributions and independent expenditures; 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 NOT PASS, the roll was called and there were 25 YEAS, 68 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boe; Conklin; Delmore; Glasheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Paur; Winrich; Zaiser

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

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1414 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1454:** A BILL for an Act to amend and reenact sections 20.1-01-08 and 20.1-01-09 and subsection 3 of section 20.1-05-04 of the North Dakota Century Code, relating to the taking of beaver.

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

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

**NAYS:** Meier, L.; Winrich

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

Engrossed HB 1454 passed.

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#### MOTION

**REP. VIGESAA MOVED** that House Rule 601, paragraph 3 be suspended and that HB 1458 be moved to the Sixth order, which motion prevailed.

#### MOTION

**REP. VIGESAA MOVED** that the House stand in recess until 3:20 p.m., which motion prevailed.

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

#### SECOND READING OF HOUSE BILL

**HB 1466:** A BILL for an Act to create and enact a new section to chapter 15-02 of the North Dakota Century Code, relating to the authority of the board of university and school lands.

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

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

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1466 passed.

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### SECOND READING OF HOUSE BILL

**HB 1220:** A BILL for an Act to amend and reenact section 40-22-18 of the North Dakota Century Code, relating to property owners whose signatures will bar proceeding with a special assessment project.

### 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 4 YEAS, 89 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeKrey; Keiser; Nathe; Sanford

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

**ABSENT AND NOT VOTING:** Kempenich

HB 1220 lost.

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### SECOND READING OF HOUSE BILL

**HB 1224:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 12.1-31-01 and a new section to chapter 12.1-31 of the North Dakota Century Code, relating to disorderly conduct and surreptitious intrusion or interference with privacy; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt;



Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1224 passed.

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### SECOND READING OF HOUSE BILL

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

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Kempenich

HB 1249 passed.

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### SECOND READING OF HOUSE BILL

**HB 1370:** A BILL for an Act to amend and reenact subsection 9 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for church property; and to provide an effective date.

### 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 1 YEAS, 92 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Nelson, M.

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

**ABSENT AND NOT VOTING:** Kempenich

HB 1370 lost.

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### SECOND READING OF HOUSE BILL

**HB 1426:** A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to travel reimbursement rates for state employees and officers.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bellew; Brabandt; Glassheim; Gruchalla; Holman; Hunskor; Kaldor; Kelsh, J.; Meyer, S.; Mock; Trottier; Zaiser

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1426 passed.

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### SECOND READING OF HOUSE BILL

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

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1155 passed.

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### SECOND READING OF HOUSE BILL

**HB 1415:** A BILL for an Act to create and enact a new subsection to section 20.1-02-04 of the North Dakota Century Code, relating to the duty of the game and fish director to

issue deer licenses to the wounded warrior project.

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

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

**ABSENT AND NOT VOTING:** Kempenich

Engrossed HB 1415 passed.

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### SIXTH ORDER OF BUSINESS

**SPEAKER DROVDAL DEEMED** approval of the amendments to Engrossed HB 1458.

Engrossed HB 1458, as amended, was placed on the top of the Eleventh order of business on the calendar.

**SPEAKER DROVDAL TURNED** the gavel over to Rep. Munson.

### SECOND READING OF HOUSE BILL

**HB 1458:** A BILL for an Act to create and enact chapter 17-09, a new subsection to section 57-51-15, and section 57-51-15.1 of the North Dakota Century Code, relating to establishment of an infrastructure development office and grant program, an energy infrastructure development fund, and to provide for deposit and allocation of certain oil and gas gross production tax revenues; to amend and reenact sections 21-06-10, 57-51-15, and 57-62-03 of the North Dakota Century Code, relating to allocation of revenues from federal flood control mineral leases and oil and gas gross production tax allocation; to repeal sections 57-62-03.1 and 57-62-04 of the North Dakota Century Code, relating to the energy development impact office; to provide for a transfer; to provide appropriations; to provide a continuing appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 57 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Belter; Boehning; Brandenburg; Carlson; Clark; Delzer; Dosch; Froseth; Grande; Hatlestad; Hawken; Headland; Heller; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kreidt; Kreun; Martinson; Monson; Nathe; Pollert; Porter; Rohr; Rust; Schatz; Schmidt; Skarphol; Sukut; Thoreson; Trottier; Vigesaa; Wall; Williams

**NAYS:** Amerman; Anderson; Bellew; Boe; Brabandt; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Frantsvog; Glassheim; Gruchalla; Guggisberg; Hanson; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Louser; Maragos; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Ruby; Sanford; Steiner; Streyle; Weiler; Weisz; Wieland; Winrich; Wrangham; Zaiser; Speaker Drovdal

Reengrossed HB 1458 lost.

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**ACTING SPEAKER MONSON RETURNED** the gavel to Speaker Drovdal.

**SECOND READING OF HOUSE BILL**

**HB 1438:** A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to an employer's prohibition on firearm possession.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 82 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Amerman; Dahl; Froseth; Glassheim; Hogan; Holman; Johnson, N.; Kingsbury; Klemm; Kretschmar; Onstad; Sukut

Engrossed HB 1438 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1325:** A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on the expansion of basic care and long-term care bed capacity; and to provide an appropriation.

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

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

**ABSENT AND NOT VOTING:** Glassheim

Reengrossed HB 1325 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1323:** A BILL for an Act to create and enact a new subsection to section 50-24.4-10 of the North Dakota Century Code, relating to payments for nursing homes in smaller

communities; and to provide an appropriation.

#### 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 10 YEAS, 82 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Conklin; Devlin; Heller; Kreidt; Meyer, S.; Mock; Onstad; Wall; Zaiser

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

**ABSENT AND NOT VOTING:** Glasshiem; Gruchalla

HB 1323 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1177:** A BILL for an Act to provide an appropriation to the department of veterans' affairs for stand down events.

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

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

**NAYS:** Clark

**ABSENT AND NOT VOTING:** Glasshiem

Reengrossed HB 1177 passed.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1075, HB 1109, HB 1133, HB 1134, HB 1152, HB 1181, HB 1191, HB 1259, HB 1316, HCR 3007, HCR 3019, HCR 3020, HCR 3027, HCR 3028, HCR 3030, HCR 3031, HCR 3033, HCR 3036, HCR 3037, HCR 3038.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1206, HB 1251.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2050, SB 2129, SB 2150, SB 2218, SB 2258, SB 2294, SB 2309, SB 2314, SB 2329, SB 2332, SB 2351, SB 2356, SCR 4020.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2013, SB 2300.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Tuesday, February 22, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1002: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1002 was placed on the Sixth order on the calendar.

Page 1, replace line 14 with:

"Salaries and wages	\$8,189,996	\$926,655	\$9,116,651"
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Page 1, replace line 15 with:

"Operating expenses	2,197,376	117,742	2,315,118"
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Page 1, replace line 16 with:

"Capital assets	0	25,000	25,000"
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Page 1, replace line 17 with:

"Judges retirement	<u>127,021</u>	<u>11,084</u>	<u>138,105"</u>
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Page 1, replace line 18 with:

"Total general fund	\$10,514,393	\$1,080,481	\$11,594,874"
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Page 1, replace line 23 with:

"Salaries and wages	\$48,980,255	\$5,071,847	\$54,052,102"
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Page 1, replace line 24 with:

"Operating expenses	14,633,423	2,225,099	16,858,522"
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Page 2, replace line 1 with:

"Capital assets	0	676,480	676,480"
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Page 2, replace line 2 with:

"Judges retirement	533,705	(54,708)	478,997"
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Page 2, replace line 6 with:

"Total all funds	\$65,039,419	\$7,976,346	\$73,015,765"
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Page 2, replace line 8 with:

"Total general fund           \$63,268,958   \$7,890,032   \$71,158,990"

Page 2, replace line 22 with:

"Grand total general fund \$74,282,634   \$9,035,686   \$83,318,320"

Page 2, replace line 24 with:

"Grand total all funds       \$76,367,441   \$9,133,153   \$85,500,594"

Page 2, replace line 25 with:

"Full-time equivalent positions   342.00   1.00   343.00"

Page 3, line 9, replace "thirty-six" with "thirty-four"

Page 3, line 10, replace "seven" with "one"

Page 3, line 10, replace "thirty-nine" with "thirty-five"

Page 3, line 11, replace "forty-three" with "thirty-eight"

Page 3, line 11, replace "five" with "one"

Page 3, line 11, replace "seventy-six" with "fifty-nine"

Page 3, line 12, replace "nine" with "eight"

Page 3, line 13, replace "twenty-seven" with "fifty-two"

Page 3, line 13, remove the overstrike over "three"

Page 3, line 13, remove "four"

Page 3, line 14, replace "one" with "nine"

Page 3, line 14, replace "twenty-three" with "sixty-eight"

Page 3, line 18, replace "twenty-five" with "twenty-two"

Page 3, line 18, replace "two" with "nine"

Page 3, line 19, replace "ninety-seven" with "ten"

Page 3, line 20, replace "thirty-one" with "twenty-six"

Page 3, line 20, replace "sixty-two" with "ninety-seven"

Page 3, line 24, replace "six" with "five"

Page 3, line 25, replace "nineteen" with "fifty"

Page 3, line 26, replace "eight" with "six"

Page 3, line 26, after "forty-seven" insert "fifty-seven"

Page 4, replace lines 5 and 6 with:

"Studies on work assessment and           0   200,000"

racial and ethical bias in the courts

Page 4, replace line 7 with:

"Office equipment and furniture   288,124   185,000"

Page 4, replace line 8 with:

"Information technology equipment            109,088            516,480"

Page 4, replace line 9 with:

"Total general fund            \$8,307,381 \$901,480"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1002 - Summary of House Action

	Executive Budget	House Changes	House Version
Supreme Court			
Total all funds	\$11,689,507	(\$94,633)	\$11,594,874
Less estimated income	0	0	0
General fund	\$11,689,507	(\$94,633)	\$11,594,874
District Courts			
Total all funds	\$74,102,085	(\$1,086,320)	\$73,015,765
Less estimated income	1,856,775	0	1,856,775
General fund	\$72,245,310	(\$1,086,320)	\$71,158,990
Judicial Conduct Commission			
Total all funds	\$889,955	\$0	\$889,955
Less estimated income	325,499	0	325,499
General fund	\$564,456	\$0	\$564,456
Bill total			
Total all funds	\$86,681,547	(\$1,180,953)	\$85,500,594
Less estimated income	2,182,274	0	2,182,274
General fund	\$84,499,273	(\$1,180,953)	\$83,318,320

#### House Bill No. 1002 - Supreme Court - House Action

	Executive Budget	House Changes	House Version
Salaries and wages	\$9,165,927	(\$49,276)	\$9,116,651
Operating expenses	2,355,118	(40,000)	2,315,118
Capital assets	27,500	(2,500)	25,000
Judges retirement	140,962	(2,857)	138,105
Total all funds	\$11,689,507	(\$94,633)	\$11,594,874
Less estimated income	0	0	0
General fund	\$11,689,507	(\$94,633)	\$11,594,874
FTE	45.00	0.00	45.00

#### Department No. 181 - Supreme Court - Detail of House Changes

	Reduces Funding for Justices' Salary Increases <sup>1</sup>	Reduces Funding for Judges' Retirement Increases <sup>2</sup>	Reduces Funding for Equipment <sup>3</sup>	Reduces Funding for Operating Expenses <sup>4</sup>	Total House Changes
Salaries and wages	(\$49,276)				(\$49,276)
Operating expenses				(40,000)	(40,000)
Capital assets			(2,500)		(2,500)
Judges retirement		(2,857)			(2,857)
Total all funds	(\$49,276)	(\$2,857)	(\$2,500)	(\$40,000)	(\$94,633)
Less estimated income	0	0	0	0	0
General fund	(\$49,276)	(\$2,857)	(\$2,500)	(\$40,000)	(\$94,633)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding included in the executive budget for salary increases for justices is reduced from 5 percent to 3 percent.



<sup>2</sup> Funding included in the executive budget for retirement increases for judges' retirement is reduced from 5 percent to 3 percent.

<sup>3</sup> One-time funding included in the executive budget for equipment over \$5,000 is reduced.

<sup>4</sup> Funding included in the executive budget for operating expenses of the Commission to Study Racial and Ethical Bias in Courts is reduced.

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### House Bill No. 1002 - District Courts - House Action

	Executive Budget	House Changes	House Version
Salaries and wages	\$54,906,227	(\$854,125)	\$54,052,102
Operating expenses	17,058,522	(200,000)	16,858,522
Capital assets	694,480	(18,000)	676,480
Judges retirement	493,192	(14,195)	478,997
UND central legal research	80,000		80,000
Mediation	869,664		869,664
Total all funds	\$74,102,085	(\$1,086,320)	\$73,015,765
Less estimated income	1,856,775	0	1,856,775
General fund	\$72,245,310	(\$1,086,320)	\$71,158,990
FTE	297.00	(3.00)	294.00

### Department No. 182 - District Courts - Detail of House Changes

	Reduces Funding for Judges' Salary Increases <sup>1</sup>	Reduces Funding for Judges' Retirement Increases <sup>2</sup>	Reduces Funding for Studies <sup>3</sup>	Reduces Funding for Information Technology Equipment <sup>4</sup>	Removes Funding for Recovery Study <sup>5</sup>	Removes 3 FTE Positions <sup>6</sup>
Salaries and wages	(\$396,891)					(\$457,234)
Operating expenses			(100,000)		(100,000)	
Capital assets				(18,000)		
Judges retirement		(14,195)				
UND central legal research						
Mediation						
Total all funds	(\$396,891)	(\$14,195)	(\$100,000)	(\$18,000)	(\$100,000)	(\$457,234)
Less estimated income	0	0	0	0	0	0
General fund	(\$396,891)	(\$14,195)	(\$100,000)	(\$18,000)	(\$100,000)	(\$457,234)
FTE	0.00	0.00	0.00	0.00	0.00	(3.00)

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<sup>1</sup> Funding included in the executive budget for salary increases for judges is reduced from 5 percent to 3 percent.

<sup>2</sup> Funding included in the executive budget for retirement increases for judges is reduced from 5 percent to 3 percent.

<sup>3</sup> One-time funding included in the executive budget for work assessment and weighted caseload studies is reduced to \$200,000.

<sup>4</sup> One-time funding included in the executive budget for information technology equipment is reduced to \$516,480.

<sup>5</sup> One-time funding included in the executive budget for a disaster recovery study is removed.

<sup>6</sup> This amendment removes 1 FTE deputy clerk position and 2 FTE juvenile court officer positions included in the executive budget.

#### REPORT OF STANDING COMMITTEE

**HB 1007: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "affairs" insert "; and to provide for a legislative management study"

Page 1, replace line 16 with:

"Capital assets	259,906	400,594	660,500"
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Page 1, replace line 18 with:

"Total all funds	\$18,403,882	\$2,457,764	\$20,861,646"
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Page 1, replace line 19 with:

"Less estimated income	<u>13,677,293</u>	<u>1,631,030</u>	<u>15,308,323"</u>
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Page 1, replace line 20 with:

"Total general fund	\$4,726,589	\$826,734	\$5,553,323"
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Page 2, replace line 10 with:

"Grand total general fund	\$5,758,076	\$932,466	\$6,690,542"
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Page 2, replace line 11 with:

"Grand total special funds	<u>13,677,293</u>	<u>1,631,030</u>	<u>15,308,323"</u>
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Page 2, replace line 12 with:

"Grand total all funds	\$19,435,369	\$2,563,496	\$21,998,865"
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Page 2, remove lines 26 through 28

Page 3, replace line 2 with:

"Total all funds	\$15,183,138	\$37,593"
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Page 3, replace line 4 with:

"Total general fund	\$12,025,133	\$37,593"
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Page 3, after line 8, insert:

**"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - DISPOSITION OF THE OLD VETERANS' HOME FACILITY.** During the 2011-12 interim, the legislative management shall consider studying all available options, including demolition, for the disposition of the old veterans' home facility. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-third legislative assembly."

Re-number accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1007 - Summary of House Action

	Executive Budget	House Changes	House Version
Veterans' Home			
Total all funds	\$20,831,646	\$30,000	\$20,861,646
Less estimated income	15,151,823	156,500	15,308,323
General fund	\$5,679,823	(\$126,500)	\$5,553,323
Department of Veterans' Affairs			
Total all funds	\$1,137,219	\$0	\$1,137,219
Less estimated income	0	0	0
General fund	\$1,137,219	\$0	\$1,137,219
Bill total			
Total all funds	\$21,968,865	\$30,000	\$21,998,865
Less estimated income	15,151,823	156,500	15,308,323
General fund	\$6,817,042	(\$126,500)	\$6,690,542

#### House Bill No. 1007 - Veterans' Home - House Action

	Executive Budget	House Changes	House Version
Salaries and wages	\$13,936,861		\$13,936,861
Operating expenses	5,932,285		5,932,285
Capital assets	630,500	30,000	660,500
New Veterans' Home	332,000		332,000
Total all funds	\$20,831,646	\$30,000	\$20,861,646
Less estimated income	15,151,823	156,500	15,308,323
General fund	\$5,679,823	(\$126,500)	\$5,553,323
FTE	120.72	0.00	120.72

#### Department No. 313 - Veterans' Home - Detail of House Changes

	Adjusts Funding Source of New Home Landscaping <sup>1</sup>	Adjusts Funding Source of Irrigation System Repair <sup>2</sup>	Adjusts Funding Source of Regrade of Oxbow <sup>3</sup>	Adds Funding for the Demolition of the Administrator's Old Residence <sup>4</sup>	Total House Changes
Salaries and wages					
Operating expenses					
Capital assets				30,000	30,000
New Veterans' Home					
Total all funds	\$0	\$0	\$0	\$30,000	\$30,000
Less estimated income	25,000	55,000	46,500	30,000	156,500
General fund	(\$25,000)	(\$55,000)	(\$46,500)	\$0	(\$126,500)
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> The funding source of **one-time funding** for new home landscaping is changed from the general fund to special funds available from donated mineral lease income.

<sup>2</sup> The funding source of **one-time funding** for irrigation system repair is changed from the general fund to special funds available from donated mineral lease income.

<sup>3</sup> The funding source of **one-time funding** for the regrading of the oxbow is changed from the general fund to special funds available from donated mineral lease income.

<sup>4</sup> Funding is added for the demolition of the administrator's old residence from special funds available from donated mineral lease income.

A section is added to provide for a Legislative Management study of all available options,

including demolition, for the disposition of the old Veterans' Home facility.

**REPORT OF STANDING COMMITTEE**

**HB 1009: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1009 was placed on the Sixth order on the calendar.

Page 1, line 2, after "association" insert "; and to create a new section to chapter 4-02.1 of the North Dakota Century Code, relating to the naming of the state fair grandstand"

Page 1, after line 20, insert:

"**SECTION 3.** A new section to chapter 4-02.1 of the North Dakota Century Code is created and enacted as follows:

**The Iverson grandstand.**

The grandstand constructed by the state fair association on the state fair grounds during the 2009-11 biennium is designated the Iverson grandstand."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1011: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). HB 1011 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 16 with:

"Administration	\$2,926,419	\$230,963	\$3,157,382
Field operations	37,198,354	3,060,162	40,258,516
Law enforcement training academy	<u>1,496,942</u>	<u>104,367</u>	<u>1,601,309</u>
Total all funds	\$41,621,715	\$3,395,492	\$45,017,207
Less estimated income	<u>10,893,730</u>	<u>455,053</u>	<u>11,348,783</u>
Total general fund	\$30,727,985	\$2,940,439	\$33,668,424
Full-time equivalent positions	194.00	(3.00)	191.00"

Page 2, replace line 1 with:

"Weigh station repairs	100,000	250,000"
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Page 2, remove lines 2 and 3

Page 2, replace lines 5 through 7 with:

"Total all funds	\$280,000	\$1,487,000
Total special funds	<u>0</u>	<u>161,000</u>
Total general fund	\$280,000	\$1,326,000"

Page 2, line 13, replace "\$5,600,841" with "\$4,849,220"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

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

	<b>Executive Budget</b>	<b>House Changes</b>	<b>House Version</b>
Administration	\$3,159,842	(\$2,460)	\$3,157,382
Field operations	41,539,957	(1,281,441)	40,258,516
Law Enforcement Training Academy	5,692,488	(4,091,179)	1,601,309
Total all funds	\$50,392,287	(\$5,375,080)	\$45,017,207
Less estimated income	12,100,404	(751,621)	11,348,783
General fund	\$38,291,883	(\$4,623,459)	\$33,668,424
FTE	197.00	(6.00)	191.00

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

	<b>Adjusts Funding for State Fleet Vehicle Mileage Rates<sup>1</sup></b>	<b>Removes New Motor Carrier Positions<sup>2</sup></b>	<b>Removes Existing Trooper Positions<sup>3</sup></b>	<b>Adds Funding for Weigh Station Repairs<sup>4</sup></b>	<b>Removes Funding for Law Enforcement Training Academy Project<sup>5</sup></b>	<b>Total House Changes</b>
Administration	(\$2,460)					(\$2,460)
Field operations	(229,869)	(733,688)	(567,884)	250,000		(1,281,441)
Law Enforcement Training Academy	(1,179)				(4,090,000)	(4,091,179)
Total all funds	(\$233,508)	(\$733,688)	(\$567,884)	\$250,000	(\$4,090,000)	(\$5,375,080)
Less estimated income	(51,045)	(95,379)	(73,497)	0	(531,700)	(751,621)
General fund	(\$182,463)	(\$638,309)	(\$494,387)	\$250,000	(\$3,558,300)	(\$4,623,459)
FTE	0.00	(3.00)	(3.00)	0.00	0.00	(6.00)

<sup>1</sup> Funding for state fleet mileage is reduced to reflect an estimated mileage rate of 58 cents per mile for Highway Patrol vehicles rather than 61 cents per mile.

<sup>2</sup> Three new FTE motor carrier positions and related operating expenses included in the executive budget are removed.

<sup>3</sup> This amendment removes three FTE trooper positions that were removed in the agency base budget request and restored in the executive recommendation.

<sup>4</sup> One-time funding of \$250,000 for weigh station repairs is added.

<sup>5</sup> Funding for a Law Enforcement Training Academy shooting range and emergency vehicle operations course is removed.

**REPORT OF STANDING COMMITTEE**

**HB 1023: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1023 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1033: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (13 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HB 1033 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1034: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (13 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). HB 1034 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1035: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (11 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). HB 1035 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1049, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1049 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "and"

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, remove lines 18 through 23

Page 2, remove lines 1 and 2

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1129, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1129 was placed on the Sixth order on the calendar.

Page 1, line 11, after the semicolon insert "to provide for application;"

Page 17, after line 19, insert:

**"SECTION 14. APPLICATION.** The state board for career and technical education shall administer the provisions of sections 2 through 13 of this Act, relating to providing authorizations to operate private postsecondary career schools offering instruction at a level no higher than an associate of applied science, within the limits of the budget requested by the department. The department may not add any full-time equivalent positions to assist with the administration of these provisions."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1269, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1269 was placed on the Sixth order on the calendar.

Page 5, line 7, replace "The" with "Notwithstanding any other section of this Act, the"

Page 5, line 7, replace "shall" with "is not required to comply with this Act unless the attorney general begins to"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1292: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). HB 1292 was placed on the Sixth order on the calendar.

Page 2, line 8, replace "two hundred" with "one thousand"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1302: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1302 was placed on the Sixth order on the calendar.

Page 3, remove lines 6 through 31

Page 4, replace lines 1 through 27 with:

**"SECTION 3. AMENDMENT.** Section 4.1-11-04 of the North Dakota Century Code is amended and reenacted as follows:

**4.1-11-04. Election of county representative.**

1.
  - a. ~~No later than March first of the year in which the term of a council member is to expire, the extension agent for each county in that member's district shall hold a meeting of soybean producers for the purpose of electing a county representative.~~
  - b. ~~The county extension agent shall publish notice of the meeting in the official newspaper of the county for two consecutive weeks. The last notice must be published no fewer than five nor more than ten days before the meeting.~~
  - c. ~~The meeting must be held within the county.~~
  - d. ~~During the meeting, the county extension agent shall conduct the election.~~
  - e. ~~Any producer who resides in the county may vote in the election.~~
  - f. ~~The county extension agent shall canvass the votes, notify the director of the North Dakota state university extension service and the council that the election has taken place, and provide to the director and the council the name and address of the newly elected county representative.~~
2. ~~Subsection 1 does not apply if the county extension agent, in consultation with the executive director of the county farm service agency office, determines and notifies the council that no soybean producers willing to serve as county representatives reside within the county.~~
  1. Before January first, the council shall identify each district represented by a council member whose term is about to expire and notify the extension agent for each county in that member's district that an election to select a county representative must occur before March first.
  2. Each year during the month of January, each county extension agent required to conduct an election in accordance with this section shall publish notice of the election in the official newspaper of the county for one week. The notice must contain a description of the election process, a request for the nomination of potential candidates for the position, and a deadline for the receipt of all nominations.
  3. In order for a nomination to be valid, it must be submitted to the county extension agent in writing and signed by a nominating producer who resides in the county. The county extension agent shall determine if a nomination is valid. A decision by the county extension agent under this subsection is final.
  4. The county extension agent shall:
    - a. Compile all valid nominations;
    - b. Contact each nominee to determine if the nominee consents to being on the ballot; and
    - c. Forward the name of each nominee to the council.
  5. The council shall prepare the election ballots and mail to each producer of record in the county:

- a. A ballot;
  - b. A stamped self-addressed return envelope;
  - c. Instructions for completing and returning the ballot; and
  - d. A statement indicating the last date by which the ballots must be postmarked or filed with the county extension agent.
6. The county extension agent shall publish notice of the pending election in the official newspaper of the county for one week. The notice must announce the election, provide information regarding the manner in which a producer may obtain a ballot if one was not received by mail, and indicate the deadline by which all ballots must be returned.
  7. Any producer who resides in the county may vote in the election.
  8. Immediately after the passing of the deadline by which the ballots must be returned, the county extension agent shall:
    - a. Tabulate the ballots;
    - b. Notify the director of the North Dakota state university extension service and the council that the election has taken place and provide to the director and the council the name and address of the newly elected county representative; and
    - c. Notify the newly elected county representative.
  9. Subsections 1 through 8 do not apply if the county extension agent, in consultation with the executive director of the county farm service agency office, determines and notifies the council that no soybean producers willing to serve as county representatives reside within the county."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1318: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1318 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "water supply or irrigation districts" with "irrigation works"

Page 1, line 3, after "District" insert "; to amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to membership and duties of the water-related topics overview committee; to provide for reports to the state water commission; and to provide an expiration date"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 54-35-02.7 of the North Dakota Century Code is amended and reenacted as follows:

**54-35-02.7. (Effective through November 30, 2013) Water-related topics overview committee - Duties.**

The legislative management, during each interim, shall appoint a water-related topics overview committee in the same manner as the legislative management appoints other interim committees. The committee must meet quarterly and is responsible for legislative overview of water-related topics and related matters and for any necessary discussions with adjacent states on water-related topics. During the 2011-12 interim, the committee shall review the state's irrigation laws and rules and evaluate the process of the prioritization of water projects. The committee consists nineteen members and the legislative management shall designate the chairman



of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees.

**(Effective after November 30, 2013) Garrison diversion overview.** The legislative management is responsible for legislative overview of the Garrison diversion project and related matters and for any necessary discussion with adjacent states on water-related topics."

Page 1, line 13, after "4." insert:

"Direct benefit" means water is delivered to a tract of land.

5."

Page 1, line 14, replace "5." with "6."

Page 1, line 15, replace "6." with "7."

Page 1, line 20, replace "7." with "8."

Page 1, line 23, replace "8." with "9."

Page 2, line 1, replace "9." with "10."

Page 2, line 2, after "all" insert "irrigation"

Page 2, line 7, after "any" insert "irrigation"

Page 2, line 9, replace "10." with "11."

Page 2, line 13, replace "11." with "12."

Page 2, line 16, replace "12." with "13."

Page 2, line 19, replace "13." with "14."

Page 2, line 20, replace "14." with "15."

Page 3, line 3, after the first "to" insert "direct"

Page 3, line 6, after the first "the" insert "direct"

Page 3, line 6, remove "and any political subdivision"

Page 3, line 31, replace "a" with "an irrigation"

Page 4, line 1, replace "system or an irrigation system, or both." with "works"

Page 4, line 2, replace "systems" with "works"

Page 4, line 5, replace "complete water" with "central"

Page 4, line 5, replace "system" with "works"

Page 5, line 20, replace "water districts and irrigation" with "improvement"

Page 5, line 21, remove "appropriate"

Page 5, line 22, after "The" insert "special improvement"

Page 5, line 22, after "be" insert "directly"

Page 5, line 24, remove "Nothing in this chapter prevents the district from making and financing any"

Page 5, line 25, remove "improvement under any alternate procedure in this title."

Page 6, line 10, remove "a"

Page 6, line 11, replace "water or irrigation" with "an improvement"

Page 6, line 11, after the first "the" insert "improvement"

Page 6, line 11, remove "which are benefited by the"

Page 6, remove lines 12 and 13

Page 6, line 14, remove "permitted by law"

Page 6, line 15, replace "or" with an underscored comma

Page 6, line 15, after "construction" insert ", or in existence"

Page 6, line 16, replace "three-fourths" with "all"

Page 7, line 12, remove "district"

Page 7, line 18, remove "each political subdivision assessed in its corporate capacity as well as"

Page 7, line 20, replace "ten" with "fourteen"

Page 7, line 31, after the first "the" insert "first"

Page 8, line 2, remove "and the governing body of any"

Page 8, line 3, remove "county, township, or city"

Page 8, line 7, remove "and any county, township, or city to be assessed"

Page 8, line 9, remove "and the governing body of any county, township, or city"

Page 8, line 15, replace "fifty" with "one hundred"

Page 8, line 15, remove "or more"

Page 8, line 15, replace "against" with "for"

Page 8, line 16, replace "a bar against proceeding further with" with "an affirmation of"

Page 8, line 16, remove ". If the board finds that the number"

Page 8, line 17, replace "of votes filed against the proposed project is less than fifty percent of the votes filed." with "and"

Page 8, line 21, replace "sections 61-24.8-43 through 61-24.8-58" with "section 61-24.8-41"

Page 8, line 25, replace "sections 61-24.8-43 through 61-24.8-58" with "section 61-24.8-41"

Page 9, line 7, after "condemned" insert ", or used for construction."

Page 9, line 7, remove "The governing body"

Page 9, remove line 8

Page 9, line 9, remove "such political subdivision."

Page 9, line 15, remove "district"

Page 9, line 19, replace "especially" with "directly"

Page 9, line 21, after "with" insert "direct"

Page 9, line 22, remove the underscored colon

Page 9, remove lines 23 and 24

Page 9, line 25, replace "2. Any" with "any"

Page 9, remove line 26

Page 9, line 27, remove "of improvement of properties, and productivity."

Page 9, line 29, remove "Benefited property"

Page 9, remove lines 30 and 31

Page 10, remove lines 1 through 5

Page 10, line 6, remove "political subdivision for paying any special assessments made under this chapter."

Page 10, line 12, remove "district"

Page 10, line 14, remove "in the district and"

Page 10, line 23, remove "or political subdivision"

Page 10, line 25, remove "secretary shall file the"

Page 10, line 25, after "list" insert "must be filed"

Page 10, line 27, remove "and any"

Page 10, line 28, remove "political subdivision"

Page 10, line 28, remove ", having not less than twenty-five percent of the"

Page 10, line 29, remove "possible votes as determined under section 61-24.8-15"

Page 11, line 7, remove "Upon filing a bond for two hundred fifty dollars with the board for the"

Page 11, line 8, replace "payment of the costs of the state engineer in the matter, any" with "Any"

Page 11, line 8, remove "or political subdivision"

Page 11, line 9, after "no" insert "direct"

Page 11, line 10, after "any" insert "direct"

Page 11, line 12, remove "or political subdivision"

Page 11, line 13, after "any" insert "direct"

Page 11, line 13, remove "or political subdivision"

Page 11, line 17, remove "district"

Page 11, line 27, replace "forty" with "twenty"

Page 12, line 4, remove "district"

Page 12, line 9, remove "district"

Page 12, line 15, remove "or water"

Page 12, line 16, remove "or water"

Page 12, line 17, remove "or ordinance"

Page 12, line 20, remove ", ordinances"

Page 12, line 23, replace "61-24.8-37" with "61-24.8-36"

Page 13, line 2, replace "61-24.8-37" with "61-24.8-36"

Page 13, line 4, remove the underscored comma

Page 13, line 5, remove "and ordinances."

Page 13, line 14, after the second "the" insert "improvement"

Page 14, line 26, remove "ordinance or"

Page 14, remove lines 27 through 31

Page 15, remove lines 1 and 2

Page 15, line 3, replace "61-24.8-30." with "61-24.8-29."

Page 15, line 17, replace "61-24.8-31." with "61-24.8-30."

Page 15, line 18, remove "district"

Page 15, line 25, after the third "the" insert "improvement"

Page 15, line 25, after the fourth "the" insert "improvement"

Page 15, line 26, after "which" insert "improvement"

Page 16, line 1, remove "district"

Page 16, line 4, after the first "the" insert "improvement"

Page 16, line 6, replace "61-24.8-37" with "61-24.8-36"

Page 16, line 8, replace "61-24.8-37" with "61-24.8-36"

Page 16, line 9, replace "61-24.8-32." with "61-24.8-31."

Page 16, line 12, after "the" insert "improvement"

Page 16, line 19, after the second "the" insert "improvement"

Page 16, line 26, replace "61-24.8-33." with "61-24.8-32."

Page 16, line 28, after the second "the" insert "improvement"

Page 17, line 1, replace "61-24.8-34." with "61-24.8-33."

Page 17, line 3, after the first "the" insert "improvement"

Page 17, line 10, replace "61-24.8-35." with "61-24.8-34."

Page 17, line 28, replace "61-24.8-36." with "61-24.8-35."

Page 18, line 3, replace "61-24.8-37." with "61-24.8-36."

Page 18, line 16, replace "61-24.8-38." with "61-24.8-37."

Page 18, line 20, remove "or water"

Page 18, line 29, after the third "the" insert "district"

Page 19, line 1, replace "61-24.8-39." with "61-24.8-38."

Page 19, line 10, replace "61-24.8-40." with "61-24.8-39."

Page 19, line 17, remove "district"

Page 19, line 25, replace "61-24.8-41." with "61-24.8-40."

Page 20, remove lines 3 through 29

Page 21, remove lines 1 through 31

Page 22, remove lines 1 through 31

Page 23, remove lines 1 through 28

Page 24, remove lines 1 through 29

Page 25, remove lines 1 through 31

Page 26, replace lines 1 through 5 with:

**"61-24.8-41. Contracts for construction or maintenance of project.**

If the cost of construction or maintenance of a project does not exceed the amount provided for construction of a public improvement under section 48-01.2-02, the work may be done on a day work basis or a contract may be let without being advertised. If the costs of the construction or maintenance exceed the amount provided for construction of a public improvement under section 48-01.2-02, the board must let a contract in accordance with chapter 48-01.2.

**SECTION 3. REPORT TO STATE WATER COMMISSION.** The Garrison Diversion Conservancy District shall report periodically to the state water commission on the development and status of irrigation projects constructed under this Act.

**SECTION 4. EXPIRATION DATE.** This Act is effective through July 31, 2013, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1322, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1322 was placed on the Sixth order on the calendar.

Page 2, line 18, remove "is exempt from assessment and collection of special"

Page 2, line 19, replace "assessments for benefits conferred under this title" with "may not be subjected to special assessments at a greater percentage of true and full valuation than the percentage that special assessments are of true and full valuation of commercial property in the special assessment district"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1350: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 16 with:

"Administration	\$2,926,419	\$230,963	\$3,157,382
Field operations	37,198,354	3,060,162	40,258,516
Law enforcement training academy	<u>1,496,942</u>	<u>104,367</u>	<u>1,601,309</u>
Total all funds	\$41,621,715	\$3,395,492	\$45,017,207
Less estimated income	<u>10,893,730</u>	<u>455,053</u>	<u>11,348,783</u>
Total general fund	\$30,727,985	\$2,940,439	\$33,668,424
Full-time equivalent positions	194.00	(3.00)	191.00"

Page 2, replace lines 1 through 4 with:

"Weigh station repairs	100,000	250,000
Digital radio upgrade	<u>0</u>	<u>1,237,000</u>
Total all funds	\$280,000	\$1,487,000
Total special funds	<u>0</u>	<u>161,000</u>
Total general fund	\$280,000	\$1,326,000"

Page 2, line 10, replace "\$4,550,725" with "\$4,849,220"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1350 - Highway Patrol - House Action

	Base Budget	House Changes	House Version
Administration	\$2,926,419	\$230,963	\$3,157,382
Field operations	37,198,354	3,060,162	40,258,516
Law enforcement training academy	1,496,942	104,367	1,601,309
Total all funds	\$41,621,715	\$3,395,492	\$45,017,207
Less estimated income	10,893,730	455,053	11,348,783
General fund	\$30,727,985	\$2,940,439	\$33,668,424
FTE	194.00	(3.00)	191.00

#### Department No. 504 - Highway Patrol - Detail of House Changes

	Adjusts Funding for Compensation <sup>1</sup>	Adjusts Operating Budget <sup>2</sup>	Adds Funding for Radio Equipment Replacement <sup>3</sup>	Adds Funding for Weigh Station Repairs <sup>4</sup>	Total House Changes
Administration	\$221,423	\$9,540			\$230,963
Field operations	1,967,376	(394,214)	\$1,237,000	\$250,000	3,060,162
Law enforcement training academy	101,546	2,821			104,367
Total all funds	\$2,290,345	(\$381,853)	\$1,237,000	\$250,000	\$3,395,492
Less estimated income	363,443	(69,390)	161,000	0	455,053
General fund	\$1,926,902	(\$312,463)	\$1,076,000	\$250,000	\$2,940,439
FTE	(3.00)	0.00	0.00	0.00	(3.00)

<sup>1</sup>The following compensation adjustments are made:

FTE	General	Special	Total
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	Fund	Funds	
Add state employee market equity adjustment (2009-11 allocation)	\$350,000		\$350,000
Adjust for base payroll changes, including reduction of 3 FTE positions	(3.00) 314,132	\$19,619	333,751
Add funding for state employee compensation package	1,262,770	343,824	1,606,594
Total	(3.00) \$1,926,902	\$363,443	\$2,290,345

<sup>2</sup>The following adjustments to operating expenses are made:

	FTE	General Fund	Special Funds	Total
Decrease funding for operating expenses associated with the 3 FTE positions removed in base payroll changes		(\$123,000)	(\$18,000)	(\$141,000)
Increase funding for information technology costs		117,000	19,000	136,000
Increase funding for mobile data systems service contracts		55,000	8,000	63,000
Decrease funding for mileage reimbursement to provide for an estimated rate of 58 cents per mile		(347,463)	(76,045)	(423,508)
Decrease funding for cell phone costs		(2,000)	(345)	(2,345)
Remove funding for equipment over \$5,000		(12,000)	(2,000)	(14,000)
Total		(\$312,463)	(\$69,390)	(\$381,853)

<sup>3</sup>One-time funding of \$1,237,000 is added for the replacement of radio equipment in Highway Patrol vehicles.

<sup>4</sup>One-time funding of \$250,000 is added for weigh station repairs.

This amendment also provides for the following changes:

- Section 2 is amended to provide that funding for vehicle radio replacements and weigh station repairs is one-time funding.
- Section 3 is changed to provide funding of \$4,849,220 from the highway tax distribution fund compared to \$4,550,725 provided in the 2009-11 biennium.

**For comparison purposes only**, the following is a list of budget adjustments included in the agency budget request:

	FTE	General Fund	Special Funds	Total
Add state employee market equity adjustment (2009-11 allocation)		\$350,000		\$350,000
Base payroll changes, including reduction of 3 FTE positions	(3.00)	296,887	\$17,041	313,928
Decrease funding for operating expenses associated with the 3 FTE positions removed		(123,000)	(18,000)	(141,000)
Increase funding for information technology costs		117,000	19,000	136,000
Increase funding for mobile data systems service contracts		55,000	8,000	63,000
Decrease funding for mileage reimbursement		(165,000)	(25,000)	(190,000)
Decrease funding for cell phone costs		(2,000)	(345)	(2,345)
Increase funding for building lease costs		285,621	64,379	350,000
Remove funding for equipment over \$5,000		(12,000)	(2,000)	(14,000)
Total	(3.00)	\$802,508	\$63,075	\$865,583

**For comparison purposes only**, the following is a list of changes included in the executive budget recommendation:

	FTE	General Fund	Special Funds	Total
Base payroll changes		\$17,245	\$2,578	\$19,823
Add funding to restore positions removed in agency base budget request	3.00	494,387	73,497	567,884
Add funding for 3 FTE motor carrier positions	3.00	631,731	94,397	726,128
Remove funding for building lease costs added in base budget request		(285,621)	(64,379)	(350,000)
Add one-time funding for radio equipment replacement		1,076,000	161,000	1,237,000
Add one-time funding for emergency operations course and firearms range		3,558,300	531,700	4,090,000
Add funding for state employee compensation package		1,269,348	344,806	1,614,154
Total	6.00	\$6,761,390	\$1,143,599	\$7,904,989

#### REPORT OF STANDING COMMITTEE

**HB 1363: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1363 was placed on the Sixth order on the calendar.

Page 1, line 13, after "for" insert "each of"

Page 1, line 14, after "for" insert "each of"

Page 1, line 24, remove "one million two"

Page 1, line 24, overstrike "hundred thousand" and insert immediately thereafter "one million"

Page 2, line 4, replace "\$1,200,000" with "\$1,000,000"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1373, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (16 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1373 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1379: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1379 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact four new sections to chapter 37-15 of the North Dakota Century Code, relating to governance of the veterans' home; to amend and reenact sections 37-15-03, 37-15-07, 37-18-07, 37-18-12, 37-18.1-01, 37-18.1-02, 37-18.1-03, and 37-18.1-04 of the North Dakota Century Code, relating to county veterans' service officers, governance of the veterans' home, the commissioner of the department of veterans' affairs, and the administrative committee on veterans' affairs.

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

**SECTION 1. AMENDMENT.** Section 37-15-03 of the North Dakota Century Code is amended and reenacted as follows:

##### **37-15-03. Government of veterans' home.**

The general supervision and government of the veterans' home is vested in the ~~administrative committee on veterans' affairs~~veterans' home governing board.

**SECTION 2. AMENDMENT.** Section 37-15-07 of the North Dakota Century Code is amended and reenacted as follows:

##### **37-15-07. Administrator of veterans' home - Appointment—Qualifications.**

~~The appointment, qualifications, term of office, and salary of the administrator of the veterans' home must be as prescribed in section 37-18.1-03~~governor shall appoint the administrator. The administrator serves at the pleasure of the governor. The administrative committee on veterans' affairsveterans' home governing board may designate the administrator as commandant of the veterans' home if the administrator is an honorably discharged veteran.

**SECTION 3.** Four new sections to chapter 37-15 of the North Dakota Century Code are created and enacted as follows:

##### **Veterans' home governing board - Membership - Appointment.**

1. The governing board for the veterans' home consists of seven voting members appointed by the governor.
2. On August 1, 2011, the governor shall appoint seven members of the committee. Of the appointments, four members must qualify as a veteran under section 37-01-40. The governor shall appoint persons based on experience and qualifications. The governor shall appoint three of the members to a term of three years, two members to a term of two years, and two members to a term of one year, or until their successors are appointed and qualified.



3. On the first day of August in each year beginning in 2012, the governor shall appoint members to fill the expiring terms of committee members. If a committee member with an expiring term was appointed as a veteran, the governor shall appoint a member qualifying as a veteran under section 37-01-40.
4. Beginning in 2012, each appointment must be for a term of three years, or until a successor is appointed and qualified. All terms begin on August first and end on July thirty-first in the year specified.
5. If a position becomes vacant, the governor shall fill the vacancy for the unexpired portion of the term in the same manner as the initial appointment.

#### **Veterans' home governing board - Chairman - Duties - Meetings.**

The governor shall appoint the chairman of the veterans' home governing board from among the membership of the board. Meetings of the governing board must be held upon the call of the chairman, at such times and places as may be selected by the chairman, and upon due notice to members by the chairman. Meetings must also be called by the chairman upon the written request of any four voting members of the board.

#### **Powers and duties of veterans' home governing board.**

The governing board is responsible for the administration of the veterans' home. The governing board has all ordinary powers required of a governing board. The governing board shall assure compliance with applicable federal and state laws in the administration of the veterans' home. The governing board shall conduct an annual performance evaluation of the administrator and create and implement a strategic plan for the veterans' home. The governing board annually shall report on the status of the strategic plan to the governor and the legislative management.

#### **Veterans' home governing board - Compensation - Expenses.**

The veterans' home governing board members may receive compensation of one hundred thirty-five dollars per day for the performance of their official duties. Members may be reimbursed for travel expenses and meals and lodging expenses in connection with their official duties at the same rate and in the same manner as are elected officials and employees of the state. Payment for compensation and expense reimbursement must be made by the veterans' home. The payment must be made upon approval of the administrator of the veterans' home.

**SECTION 4. AMENDMENT.** Section 37-18-07 of the North Dakota Century Code is amended and reenacted as follows:

#### **37-18-07. Commissioner - Appointment - Qualifications - Term - Salary.**

The appointment, qualifications, term of office, and salary of the commissioner must be as prescribed in section 37-18.1-03. The governor shall appoint the commissioner. The commissioner must be a veteran as defined in section 37-01-40 and shall serve at the pleasure of the governor. The commissioner must be allowed such amounts for travel, clerkhire, and expenses as may be prescribed from time to time by legislative appropriations.

**SECTION 5. AMENDMENT.** Section 37-18-12 of the North Dakota Century Code is amended and reenacted as follows:

#### **37-18-12. Funding authority - Continuing appropriation.**

The department of veterans' affairs may accept and expend funds from any source, including federal or private sources, to be used to assist veterans or qualified veterans' spouses in obtaining assistance and to pay other expenses authorized by law incurred in carrying out programs of benefit and service for resident North Dakota veterans as authorized by the administrative committee on veterans' affairs with the approval of the emergency commission. However, all interest earnings from the

veterans' postwar trust fund received by the department of veterans' affairs from the administrative committee on veterans' affairs are appropriated to the department on a continuing basis.

**SECTION 6. AMENDMENT.** Section 37-18.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**37-18.1-01. Administrative committee on veterans' affairs - Membership - Appointment.**

~~—There is hereby created an administrative committee on veterans' affairs, which, for purposes of this chapter, must hereinafter be referred to as the committee. The committee must consist of three ex officio nonvoting members and fifteen voting members. The adjutant general, the center director of the veterans' administration, and the executive director of job service North Dakota are the ex officio nonvoting members who shall serve in an advisory capacity to the committee. On or before June 20, 1971, the American legion, the veterans of foreign wars, the disabled American veterans, the veterans of World War II, Korea, and Vietnam, (amvets), and Vietnam veterans of America, incorporated, shall each prepare a list containing the names of six persons qualifying as veterans under the provisions of section 37-01-40, for appointment as voting members of the committee. On or before July 1, 1971, the governor shall select fifteen nominees, three from each list, five of whom must be appointed to a term of three years, five of whom must be appointed to a term of two years, and five of whom must be appointed to a term of one year, or until their successors are appointed and qualified. On or before the twentieth day of June in each year, beginning in the year 1972, each of the above listed nominating organizations shall submit a list containing the names of two persons who qualify as veterans under the provisions of section 37-01-40, to the governor for appointment or reappointment as voting members of the committee. On or before the first day of July in each year, beginning in the year 1972, the governor shall select one nominee from each list, a total of five nominees, to fill expiring terms of voting members of the committee. Each such appointment must be for a term of three years, or until a successor is appointed and qualified. All terms begin on the first day of July and end on the thirtieth day of June in the year specified. In case of the inability or failure of any voting member of the committee to serve, the governor shall appoint another member from a list of two persons qualifying as veterans under the provisions of section 37-01-40, submitted by the nominating organization represented by the member who was unable or failed to serve. Such appointments must be made for the remainder of the unexpired term.~~

1. There is created an administrative committee on veterans' affairs, which for the purposes of this chapter, is referred to as the committee. The committee consists of nine voting members and three ex officio nonvoting members. The nine voting members are members appointed by the governor. The adjutant general, director of the department of human services, and the executive director of job service North Dakota are ex officio nonvoting members of the committee.
2. On August 1, 2011, the governor shall appoint nine members of the committee. The governor shall appoint one member each from the American legion; the veterans of foreign wars; the disabled American veterans; the veterans of world war II, Korea, and Vietnam, amvets; and Vietnam veterans of America. Each of the remaining four members must qualify as a veteran under section 37-01-40. The governor shall appoint members based on experience and qualifications while attempting to fairly represent the state's veterans' population. Any organization or citizen may nominate an individual for appointment to the governor. The governor shall appoint three of the members to a term of three years, three of the members to a term of two years, and three of the members to a term of one year, or until their successors are appointed and qualified.
3. On the first day of August in each year beginning in 2012, the governor shall appoint members to fill the expiring terms of the committee members in the same manner as the initial appointment.

4. Beginning in 2012, each appointment must be for a term of three years, or until a successor is appointed and qualified. All terms begin on August first and end on July thirty-first in the year specified.
5. If a voting member position becomes vacant, the governor shall fill the vacancy for the unexpired portion of the term in the same manner as the initial appointment.

**SECTION 7. AMENDMENT.** Section 37-18.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**37-18.1-02. Chairman - Secretary--Duties - Terms--Meetings.**

~~A chairman and a secretary of the committee must be appointed by the governor from among the voting membership of the committee. Such appointment must be made annually, with the term of office to begin on the first day of July of the year specified and to end on the thirtieth day of June of the following year. The governor shall appoint the chairman of the committee from the membership of the committee. Meetings of the committee must be held upon the call of the chairman, at such times and places as may be selected by the chairman, and upon due notice to committee members by the secretary.~~ Meetings must also be called by the chairman upon the written request of any ~~four~~three voting members of the committee. A majority of the members of the committee is required for a quorum, and a majority of the members present voting in favor thereof is required for any action.

**SECTION 8. AMENDMENT.** Section 37-18.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**37-18.1-03. Powers and duties of committee--Creation of subcommittee and governing board.**

~~The committee is responsible for organization, policy, and general administration of all veterans' affairs in the state of North Dakota. It has the following powers and duties:~~

1. ~~The chairman and secretary of the committee, acting jointly, shall appoint a seven-member governing board for administration of the veterans' home, from within or outside the committee, subject to ratification of a majority vote of the committee, and shall establish term lengths for service on the governing board. The governing board has all ordinary powers required of a governing board, including the power to establish qualifications for and selection of an administrator and to establish an appropriate salary structure, subject to limitations of legislative appropriation. The administrator serves at the pleasure of the governing board.~~
2. ~~The chairman and secretary of the committee jointly shall appoint a subcommittee to be responsible for supervision and government of the department of veterans' affairs. Once appointed, a subcommittee member may continue to serve as long as the member remains a voting member of the committee, unless removed from the subcommittee by joint action of the committee chairman and secretary. A member of the subcommittee may not serve on the governing board of the veterans' home. Each nominating organization listed in section 37-18.1-01 must have at least one voting member nominated by the organization serving on the subcommittee. The subcommittee shall select by majority vote of the members a chairman to preside for the term of one year.~~
3. ~~The committee shall appoint the commissioner of the department of veterans' affairs. The commissioner must be a bona fide resident of the state, and must qualify as a veteran as defined in section 37-01-40. The commissioner serves at the pleasure of the committee. The committee shall determine the salary paid to the commissioner of the department of veterans' affairs within the limits of legislative appropriation. The commissioner of veterans' affairs shall serve as the executive secretary for~~

~~the subcommittee. The commissioner has no vote in the affairs of the subcommittee.~~

4. ~~The committee shall, under recommendation from the board or the subcommittee, present any matters needing attention and action to the appropriate board, commission, agency, or department of the state, and the North Dakota veterans' coordinating council.~~
- 5.2. ~~The committee shall assure compliance with applicable federal and state laws in the administration of both the department of veterans' affairs and the North Dakota veterans' home and shall exercise its responsibilities in all things necessary to carry out the provisions of this chapter in regard to organization, policy, and general administration of the agencies served and involved in the conduct of veterans' affairs. The board governing the veterans' home and the subcommittee governing the department of veterans' affairs shall conduct an annual performance evaluation of the administrator and commissioner, respectively, with the evaluation presented to the committee. The board and subcommittee shall create and implement a strategic plan for the veterans' home and the department of veterans' affairs, respectively, delivery of veterans' services by the commissioner. The board and the subcommittee committee annually shall report as to the status of the respective strategic plan to the committee. After receiving a report, the committee shall submit the report to the governor.~~

**SECTION 9. AMENDMENT.** Section 37-18.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**37-18.1-04. Committee members not to receive compensation - Compensation - Expenses permitted.**

~~Committee~~Voting members may ~~not~~ receive ~~any~~ compensation of one hundred thirty-five dollars per day for the performance of their official duties. Voting members may be reimbursed for travel expenses and meals and lodging expenses in connection with their official duties at the same rate and in the same manner as are elected officials and employees of the state, ~~with payment to.~~ Payment of compensation and expense reimbursement must be made by the department of veterans' affairs and the veterans' home to each of their respective subcommittee members incurring the expenses. The payment must be made by warrant check drawn by the office of management and budget upon the submission of a proper voucher to it, ~~signed by~~upon approval of the commissioner of veterans' affairs or the administrator of the veterans' home, as the case may be."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1398: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1398 was placed on the Sixth order on the calendar.

Page 1, line 23, remove the overstrike over "For the"

Page 1, line 23, remove "Except as"

Page 2, line 1, remove "otherwise provided in this subsection, for"

Page 2, line 5, remove the overstrike over "For"

Page 2, line 5, remove "However, a tier one member employed in the profession of"

Page 2, remove lines 6 through 17

Page 2, line 18, remove "otherwise provided in this subsection, for"

Page 2, line 19, after "member" insert "or a member employed in the profession of teaching who subsequently is employed as an administrator"

Page 2, remove lines 22 through 31

Page 3, remove lines 1 through 6

Page 3, line 29, remove the overstrike over "A"

Page 3, line 29, remove "Subject to paragraph 3. a"

Page 4, line 9, remove the overstrike over "A"

Page 4, line 9, remove "Subject to paragraph 3. a"

Page 4, line 9, after "member" insert "or a member employed in the profession of teaching who subsequently is employed as an administrator"

Page 4, remove lines 20 through 31

Page 5, remove lines 1 through 18

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1411: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (12 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING). HB 1411 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1429: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1429 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "may" and insert immediately thereafter "shall"

Page 1, line 10, after officers insert "and the board of county commissioners of each county of this state"

Page 1, line 13, replace "Each" with "In addition to any recommended qualifications or standards made by the commissioner of veterans' affairs to the board of county commissioners and adopted by the board, and any training, certification, and accreditation required by the commissioner of veterans' affairs, to be qualified for the position, a"

Page 1, line 13, overstrike "be"

Page 1, line 14, overstrike "accredited" and insert immediately thereafter "attend training provided"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1455: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (17 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1455 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "\$26,500,000" with "\$18,000,000"

Page 1, line 12, after "revenues" insert "by at least \$500,000,000"

Page 1, line 13, remove "The grant amount provided to each county under this section is"

Page 1, replace lines 14 through 17 with "The department of transportation shall develop guidelines to be used in determining which county roadway projects are eligible to receive grant funding under this section. Each county requesting a grant under this section shall submit an application to the department of transportation detailing the projects for which funding is requested, how much funding is requested for each project, and how the projects relate to the county's transportation plan. The department of transportation shall review the projects and provide a grant to the county in the amount requested for each approved project with maximum grant funding of \$500,000 available to each county."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1458, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1458 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "and"

Page 1, line 10, after the second "date" insert "; and to declare an emergency"

Page 1, line 21, replace "and" with "or"

Page 1, line 21, after "planner" insert ", or both."

Page 2, line 5, replace "amount" with "number"

Page 2, line 7, replace "amount" with "number"

Page 2, line 24, remove "energy"

Page 2, line 27, after the underscored period insert "Eligible grantees under the energy infrastructure development grant fund include a county, city, school district, township, rural ambulance service district, rural fire protection district, hospital district, park district, water district, and any other political subdivision that can demonstrate initial impact affecting basic governmental services it provides, directly necessitated by oil and gas development."

Page 3, line 6, after "through" insert "allocations and"

Page 4, line 16, remove ", provided through grants to school districts in the county for one-time expenditures, or"

Page 4, remove line 17

Page 4, line 18, remove "road and bridge purposes"

Page 6, line 8, overstrike "county superintendent of"

Page 6, line 9, overstrike "schools" and insert immediately thereafter "superintendent of public instruction"

Page 6, line 21, overstrike "county superintendent of schools of each"

Page 6, line 22, overstrike "oil-producing county" and insert immediately thereafter "superintendent of public instruction"

Page 6, line 22, after "treasurer" insert "of each oil-producing county"

Page 6, line 26, overstrike "county superintendent of schools" and insert immediately thereafter "superintendent of public instruction"

Page 9, line 17, after "year" insert "beginning with the fiscal year ending June 30, 2012."

Page 9, line 23, after the underscored period insert "The payment under this subsection for the fiscal year ending June 30, 2012, may be made by the state treasurer as soon as funds are available after the effective date of this subsection."

Page 9, line 23, after the underscored comma insert "in June of each year"

Page 10, line 27, after the underscored comma insert "in June of each year"

Page 11, line 18, after "a" insert "or from other sources"

Page 11, line 20, replace "Grants" with "The infrastructure development office shall provide an annual report on grants"

Page 11, line 20, remove "must obtain prior"

Page 11, line 21, replace "approval from" with "to"

Page 14, line 12, remove "first fiscal year of the"

Page 14, line 13, replace "biennium beginning July 1, 2011," with "period beginning with the effective date of this Act "

Page 14, line 13, after the period insert "During the period from the effective date of this Act through June 30, 2011, the energy development impact office shall perform the functions of the infrastructure development office under this section and section 57-51-15.1 relating to direct allocation of funds to political subdivisions but not including making of grants under section 57-51-15.1."

Page 14, line 16, remove "energy"

Page 14, after line 28, insert:

**"SECTION 12. EMERGENCY.** Sections 1 and 2, that portion of section 3 designated as subsection 6 of section 57-51-15, and sections 5, 9, and 11 of this Act are declared to be an emergency measure."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HCR 3026: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3026 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "for"

Page 1, line 4, remove "less than fair market value of the property"

Page 1, after line 5, insert:

**"WHEREAS**, the terms of many wetland easements obtained by representatives of the United States Fish and Wildlife Service were not clearly defined; and"

Page 1, after line 8, insert:

**"WHEREAS**, if wetlands are to be protected to the extent desired by the United States Fish and Wildlife Service, then large volumes of water in surficial, unconfined aquifers in North Dakota will be prevented from being put to beneficial use; and

**WHEREAS**, the contemporary interpretation of United States Fish and Wildlife Service wetland easements by the service is outside the scope of the original intent of the easement that was to prevent surface drainage of wetlands; and

**WHEREAS**, the United States Fish and Wildlife Service is not following federal court decisions that have been rendered concerning the acquisition of easements by the United States Fish and Wildlife Service; and

**WHEREAS**, the state has incurred legal expenses in forcing the United States Fish and Wildlife Service to delineate wetlands; and

**WHEREAS**, the creation of wetland easements has resulted in lost tax revenues to political subdivisions as well as devaluation of surrounding real estate; and

**WHEREAS**, the ever-changing definition of wetlands by the United States Fish and Wildlife Service has led to uncertainty and the inability of landowners to properly plan for the future in their farming operations; and"

Page 1, line 10, remove "more fairly compensate the landowner,"

Page 1, line 11, remove the comma

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HCR 3040: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HCR 3040 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**