

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, April 8, 2013

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

The prayer was offered by Pastor Rich Wyatt, Living Hope of the Nazarene Church, Bismarck.

The roll was called and all members were present except Representatives Brandenburg, Kiefert, and K. Koppelman.

A quorum was declared by the Speaker.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1192.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1027, HB 1048, HB 1128, HB 1263.

SENATE AMENDMENTS TO HOUSE BILL NO. 1027

Page 4, line 4, overstrike "subsection 5 of section 39-06-17 or"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1048

Page 1, line 1, remove "and subsection 2 of section"

Page 1, line 2, remove "40-05-06"

Page 2, line 16, after "of" insert "a dollar amount equal to the posted limit plus"

Page 4, remove lines 4 through 18

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1128

Page 1, line 2, after "Act" insert "and the abrogation of common law regarding premarital and marital agreements"

Page 2, line 31, replace "anticipated or pending" with "commenced"

Page 3, replace lines 13 and 14 with "Principles of law and equity may not:

1. Supplement an agreement executed in accordance with this chapter; or
2. Be used to alter a material term in an agreement executed in accordance with this chapter.

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1263

Page 1, line 3, replace "section" with "sections"

Page 1, line 3, after "39-06.1-05" insert "and 39-06.1-09"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-09. Moving violation defined.

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, sections 39-21-44 and 39-21-45.1, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08."

Page 4, line 17, after "evidence" insert ", including written or electronic proof of insurance."

Page 4, line 24, after "evidence" insert ", including written or electronic proof of insurance."

Re-number accordingly

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2030, SB 2047, SB 2087, SB 2113, SB 2114, SB 2115, SB 2162, SB 2201, SB 2210, SB 2213, SB 2225, SB 2243, SB 2244, SB 2310, SB 2352, SB 2353, and SB 2361, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2030: Sens. J. Lee; Dever; Anderson

SB 2047: Sens. Schaible; Poolman; Mathern

SB 2087: Sens. Larsen; Anderson; Axness

SB 2113: Sens. Berry; Armstrong; Grabinger

SB 2114: Sens. Anderson; Larsen; Axness

SB 2115: Sens. Berry; Hogue; Nelson

SB 2162: Sens. Dever; Larsen; Axness

SB 2201: Sens. Dever; Poolman; Nelson

SB 2210: Sens. Dever; Marcellais; Nelson

SB 2213: Sens. Schaible; Dever; Nelson

SB 2225: Sens. Armstrong; Sitte; Nelson

SB 2243: Sens. Dever; J. Lee; Axness

SB 2244: Sens. Larsen; Dever; Axness

SB 2310: Sens. Sitte; Armstrong; Nelson

SB 2352: Sens. Andrist; Sorvaag; Dotzenrod

SB 2353: Sens. Sorvaag; Anderson; Grabinger

SB 2361: Sens. Luick; Poolman; Marcellais

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2368.

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

MR. SPEAKER: The President has signed: HB 1113, HB 1125, HB 1131, HB 1149, HB 1168, HB 1175, HB 1196, HB 1197, HB 1201, HB 1236, HB 1274, HB 1276, HB 1278, HB 1316, HB 1327, HB 1333, HB 1336, HB 1360, HB 1378, HB 1424, HB 1428, HB 1429, HB 1464, HCR 3028, HCR 3031.

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

MR. SPEAKER: The President has signed: HB 1207.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative and United States Congressman Rick Berg.

MOTION

REP. VIGESAA MOVED that SB 2255, which is on the Fourteenth order, be laid over five legislative days, and that SCR 4006, which is on the Fourteenth order, be laid over one legislative day, and that HB 1075, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution to amend and reenact section 24 of article X of the Constitution of North Dakota, relating to allocation of revenue from oil extraction taxes.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 69 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Fehr; Frantsvog; Grande; Haak; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Hogan; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Klein; Klemin; Koppelman, B.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Meier; Monson; Nathe; Nelson, J.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Speaker Devlin

NAYS: Amerman; Boe; Boschee; Drovdal; Froseth; Glassheim; Gruchalla; Guggisberg; Hawken; Holman; Hunskor; Kelsh, J.; Kelsh, S.; Martinson; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Strinden; Williams; Zaiser

ABSENT AND NOT VOTING: Kiefert; Koppelman, K.

Engrossed SCR 4010, as amended, was declared adopted on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to funds received by the Bank of North Dakota in relation to the federal student loan program; to provide a continuing appropriation; 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 PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kiefert; Koppelman, K.

SB 2096 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to amend and reenact section 6-09-46 of the North Dakota Century Code, relating to the rebuilders loan program; to provide an exemption; to provide for transfers; 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 87 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Carlson; Damschen; Glassheim; Toman; Vigesaa

ABSENT AND NOT VOTING: Kiefert; Koppelman, K.

SB 2132, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Engrossed HB 1133 as printed on HJ pages 1152-1153 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1133: Reps. Kretschmar, Larson, Delmore.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Engrossed HB 1171 as printed on HJ pages 1225-1226 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1171: Reps. Keiser, Sukut, M. Nelson.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. JOHNSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1026 as printed on HJ page 912, which motion prevailed on a voice vote.

Engrossed HB 1026, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to create and enact chapters 4.1-72, 4.1-73, 4.1-74, 4.1-75, 4.1-83, and 4.1-88 of the North Dakota Century Code, relating to the North Dakota stockmen's association, livestock branding, estrays, registered livestock, and the licensing of livestock dealers and wool dealers; to repeal chapters 36-04, 36-09, 36-13, and 36-22 of the North Dakota Century Code, relating to livestock branding, estrays, and the licensing of livestock dealers and wool dealers; to provide a penalty; to provide for a legislative management study; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Delzer

ABSENT AND NOT VOTING: Kiefert; Koppelman, K.

Reengrossed HB 1026 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do concur in the Senate amendments to Engrossed HB 1052 as printed on HJ page 1202, which motion prevailed on a voice vote.

Engrossed HB 1052, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1052: A BILL for an Act to amend and reenact section 65-05-28.2 of the North Dakota Century Code, relating to the workers' compensation preferred provider program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kiefert; Koppelman, K.

Reengrossed HB 1052 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. JOHNSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1054 as printed on HJ pages 912-913, which motion prevailed on a voice vote.

Engrossed HB 1054, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1054: A BILL for an Act to amend and reenact section 4.1-14-01 of the North Dakota

Century Code, relating to forage certification; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kiefert; Koppelman, K.

Reengrossed HB 1054 passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do concur in the Senate amendments to Engrossed HB 1085 as printed on HJ page 953, which motion prevailed on a voice vote.

Engrossed HB 1085, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1085: A BILL for an Act to create and enact a new subsection to section 6-01-02 and section 6-03-59.2 of the North Dakota Century Code, relating to providing a definition for a financial corporation and to authorize lease financing of public facilities by a state-chartered bank; and to amend and reenact sections 6-01-01, 6-01-04, 6-01-04.3, 6-01-05, 6-01-06, and 6-01-09, subsection 1 of section 6-01-10, and sections 6-01-13, 6-01-14, 6-01-15, 6-01-16, 6-03-05, 6-03-11, 6-03-13, 6-03-27, 6-03-37, 6-05-04.1, 6-05-15.1, 6-05-26, 6-05-28, 6-05-29, and 6-08-27 of the North Dakota Century Code, relating to the management and control of entities regulated by the department of financial institutions, the powers and duties of the state banking board and state credit union board, assessment of civil money penalties, the taking of testimony and enforcement of orders, the appointment of receivers, the supervision and examination by the commissioner of financial institutions, the records kept and reports made by the commissioner of financial institutions, the appointment of an assistant commissioner and assignment of titles within the department of financial institutions, the reports of deputies of the commissioner of financial institutions, the prohibition of financial interest by officers and employees of the department of financial institutions in entities regulated by the department of financial institutions, the salaries of deputies of the commissioner of financial institutions, the regulation and limitation of loans on real estate, the conversion, consolidation, or merger of banking institutions, the removal to a new location of a banking association, requirements regarding how the list of shareholders of a banking institution is to be kept and when it is to be filed with the commissioner of financial institutions, reserve funds of banking associations, the right of action against security deposits of trust companies, responsibilities of trust companies to a beneficiary of a trust, reports regarding the increase in capital stock of trust companies to the state banking board, fees paid to the department of financial institutions by trust companies, the duty of the commissioner of financial institutions when an examination of a trust company discloses a violation of law, and the authorization and application by a nonresident bank or trust company intending to establish a place of business, branch office, or agency in the state.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Trottier

ABSENT AND NOT VOTING: Kiefert; Koppelman, K.

Reengrossed HB 1085 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do concur in the Senate amendments to Engrossed HB 1185 as printed on HJ page 1045, which motion prevailed on a voice vote.

Engrossed HB 1185, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1185: A BILL for an Act to amend and reenact section 6-09-46 of the North Dakota Century Code, relating to extension of the rebuilders loan program; to provide an exemption; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Nelson, M.

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1185 passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. JOHNSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1247 as printed on HJ pages 1018-1019, which motion prevailed on a voice vote.

Engrossed HB 1247, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to a database of agricultural wetland credits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Ruby

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1247 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1091 as printed on HJ pages 870-871, which motion prevailed on a voice vote.

Engrossed HB 1091, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1091: A BILL for an Act to amend and reenact sections 43-12.1-02, 43-12.1-03, 43-12.1-05, 43-12.1-06, 43-12.1-08, 43-12.1-09, 43-12.1-09.1, 43-12.1-11, 43-12.1-13, and 43-12.1-14 and subsection 1 of section 43-12.1-17 of the North Dakota Century Code, relating to definitions concerning advanced practice registered nurses, licensed practical nurses, registered nurses, and specialty practice registered nurses, license and registration requirements, composition of the state board of nursing, qualifications of state board of nursing members, duties of the state board of nursing, initial licensure and registration, criminal history record checks, duties of licensees and registrants, disciplinary proceedings, and nursing education programs; and to repeal sections 43-12.1-18 and 43-12.1-20 of the North Dakota Century Code, relating to nursing practice standards and continuing education requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Paur

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1091 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. K. KOPPELMAN MOVED that the House do concur in the Senate amendments to Engrossed HB 1117 as printed on HJ page 1149, which motion prevailed on a voice vote.

Engrossed HB 1117, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1117: A BILL for an Act to create and enact a new section to chapter 26.1-02 of the North Dakota Century Code, relating to consumer assistance records received by the insurance commissioner.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1117 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PORTER MOVED that the House do concur in the Senate amendments to Engrossed HB 1130 as printed on HJ pages 1229-1230, which motion prevailed on a voice vote.

Engrossed HB 1130, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1130: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to computerized issuance of game and fish licenses.

ROLL CALL

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

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

NAYS: Bellew; Belter; Boe; Delzer; Drovdal; Grande; Kempenich; Koppelman, B.; Koppelman, K.; Owens; Steiner; Thoreson

ABSENT AND NOT VOTING: Kiefert

Reengrossed HB 1130 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. K. KOPPELMAN MOVED that the House do concur in the Senate amendments to HB 1241 as printed on HJ page 1130, which motion prevailed on a voice vote.

HB 1241, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to amend and reenact section 62.1-02-04 of the North Dakota Century Code, relating to a firearm or dangerous weapon in a gaming site.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Hawken; Hogan; Mooney; Nelson, M.; Strinden

ABSENT AND NOT VOTING: Kiefert

Engrossed HB 1241 passed.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2096.

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

MR. PRESIDENT: The House has amended and subsequently passed: SCR 4010.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2132.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1267, HB 1402.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1134, HB 1139, HB 1338, HB 1348, HB 1352, HB 1397, HB 1440, HCR 3010.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1134

Page 1, line 1, after "enact" insert "section 57-06-17.5, a new subsection to section 57-51-02.2, and"

Page 1, line 2, after "to" insert "a new natural gas gathering and collection system property tax exemption,"

Page 1, line 2, after the second "gas" insert a comma

Page 1, line 14, overstrike "during a one-year period" and insert immediately thereafter "for six months"

Page 1, line 16, replace "time period in subsection 1" with "six months"

Page 1, line 22, remove "or"

Page 2, line 3, replace the underscored comma with an underscored semicolon

Page 2, line 3, after "or" insert:

"e. Equipped with"

Page 2, line 4, after "commission" insert "which reduce the volume or intensity of the flare by more than sixty percent"

Page 2, line 15, overstrike "upon" and insert immediately thereafter "if an"

Page 2, line 15, after "application" insert "for the exemption is filed within ninety days from the date of first production from the well"

Page 2, line 15, overstrike "a showing" and insert immediately thereafter "the producer shows to the satisfaction of the industrial commission"

Page 2, after line 19, insert:

"SECTION 2. Section 57-06-17.5 of the North Dakota Century Code is created and enacted as follows:

57-06-17.5. New natural gas gathering and collection systems property tax exemption.

1. A natural gas gathering pipeline, and its associated equipment, or a natural gas or natural gas liquids collection system that is initially placed in service on or between January 1, 2013, and December 31, 2017, is exempt from property taxes for the first taxable year after the line is initially placed in service, and the taxable valuation as otherwise determined by law on the gathering pipeline or collection system and the associated equipment must be reduced by:
 - a. Seventy-five percent for the second taxable year of operation of the gathering pipeline or collection system.
 - b. Fifty percent for the third taxable year of operation of the gathering pipeline or collection system.
 - c. Twenty-five percent for the fourth taxable year of operation of the gathering pipeline or collection system.
2. After the fourth taxable year of operation the gathering or collection system is no longer exempt, in any way, from payment of full property taxes as otherwise determined by law.
3. For purposes of this section, the following terms have the following definitions:
 - a. "Associated equipment" includes compression, liquid separation facilities, and any other equipment absolutely necessary to gather or collect natural gas and natural gas liquids.
 - b. "Collection system" means a system that collects at least seventy-five percent of the gas and natural gas liquids from the well for compression to liquid or dense phase fluid for use as fuel or transport to a processing facility, production of petrochemicals or fertilizer, or conversion to liquid fuels.

- c. "Initially placed in service" includes both new construction and substantial expansion of a preexisting gathering or collection system.
 - d. "Natural gas gathering pipeline" means an underground gas or liquid pipeline that is designed for or capable of transporting natural gas produced in association with oil and which is not subject to public service commission jurisdiction as a gas or liquid transmission line under chapter 49-22.
 - e. "Substantial expansion" means a capacity increase of twenty percent or more.
4. Natural gas processing and other natural gas liquid refining plants or facilities are not included in the exemption provided by this section."

Page 3, after line 18, insert:

"SECTION 4. A new subsection to section 57-51-02.2 of the North Dakota Century Code is created and enacted as follows:

An operator who collects natural gas at a well site by natural gas gathering line, electrical generator, or collection system described in section 38-08-06.4 is entitled to an exemption from the tax imposed under this section for a period of one year from the day the natural gas is first collected."

Page 3, line 23, after "years" insert "and thirty days"

Page 4, line 9, after "years" insert "and thirty days"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1139

Page 1, line 2, after "husbandry" insert "; and to provide an expiration date"

Page 1, after line 11, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2015, and after that date is ineffective."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1338

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a board of university and school lands study of private lands owned adjacent to lands under the control of the United States army corps of engineers and a report to the legislative management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. STUDY BY BOARD OF UNIVERSITY AND SCHOOL LANDS - REPORT TO LEGISLATIVE MANAGEMENT. During the 2013-14 interim, the board of university and school lands shall study options to address the concerns of landowners adjacent to land under the control of the United States army corps of engineers surrounding Lake Sakakawea and Lake Oahe. The study must include consideration of control of noxious weeds, protecting public access for hunting and fishing, the costs of possible transition of land from the United States army corps of engineers, and the costs associated with maintaining any property that may become a responsibility of the state. The study must also include consideration of the interests of North Dakota Indian tribes. The board may establish a task force consisting of landowners, hunting and fishing organizations, the game and fish department, the parks and recreation department, the North Dakota national guard,

and other parties that utilize the land for access. Before October 1, 2014, the board shall provide to the legislative management a report on the outcome of this study."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1348

Page 1, line 22, replace "landowner" with "owner"

Page 1, after line 22 insert "permanently"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1352

Page 1, line 14, replace "The" with "If the mediation is provided by the North Dakota mediation service."

Page 1, line 14, remove "at least one"

Page 1, line 15, replace "hundred seventy dollars per hour" with "the actual cost of the mediator to the North Dakota mediation service"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1397

Page 1, after line 6 insert:

"1."

Page 1, line 8, overstrike "1." and insert immediately thereafter "a."

Page 1, line 10, overstrike "2." and insert immediately thereafter "b."

Page 1, line 11, overstrike "3." and insert immediately thereafter "c."

Page 1, line 12, overstrike "4." and insert immediately thereafter "d."

Page 1, line 13, overstrike "5." and insert immediately thereafter "e."

Page 1, line 14, overstrike "6." and insert immediately thereafter "f."

Page 1, line 16, overstrike "7." and insert immediately thereafter "g."

Page 1, line 17, overstrike "8." and insert immediately thereafter "h."

Page 1, line 19, overstrike "9."

Page 1, line 21, after "40." insert "i."

Page 1, line 23, replace "10." with "j."

Page 2, line 11, after the period insert "Any signature obtained in violation of this subdivision is void and may not be counted."

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

Page 2, line 14, replace "12." with "l."

Page 2, line 15, replace "13." with "m."

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

Page 2, line 21, replace "15." with "o."

Page 2, after line 22 insert:

"2. a."

Page 2, line 23, overstrike "subsections 1" and insert immediately thereafter "subdivisions a"

Page 2, line 23, replace "12" with "l of subsection 1"

Page 2, line 23, overstrike "Any signature obtained"

Page 2, line 24, overstrike "in violation of subsection"

Page 2, line 24, remove "10"

Page 2, line 24, overstrike "is void and may not be counted." and insert immediately thereafter:

"b. A violation of subdivision m of subsection 1 is a class C felony.

c."

Page 2, line 24, after the second "of" insert "subdivision n of"

Page 2, line 24, replace "14" with "1"

Page 2, line 26, after the period insert:

"d. A violation of subdivision o of subsection 1 is a class A misdemeanor if an individual signs one or two names other than the individual's own name to a petition and is a class C felony if an individual signs more than two names other than the individual's own name to a petition.

e."

Page 2, line 27, remove "An"

Page 2, remove line 28

Page 2, line 29, remove "under section 12.1-03-01."

Page 3, line 3, remove "A violation of subsection 13 is a class C felony. A violation of subsection 15 is"

Page 3, replace lines 4 through 6 with:

"f. An individual who is a member of an organization may be convicted of a violation as an accomplice under section 12.1-03-01.

3."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1440

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 61-35 of the North Dakota Century Code, relating to water services by cities and water districts and state water commission policies on funds for water districts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 61-35 of the North Dakota Century Code is created and enacted as follows:

Statement of intent.

It is the intent of the legislative assembly that potable water should be available in sufficient quality and quantity to meet citizens' needs for a healthy and safe standard of living and to promote economic growth and development. In order to meet this objective in the most economical way, water service districts and city water service systems shall coordinate their service plans. Competition for users and duplication of service must be avoided whenever possible.

SECTION 2. A new section to chapter 61-35 of the North Dakota Century Code is created and enacted as follows:

Plans for water service by providers - Filing plans - Existing agreements.

1. A city planning to expand water service through annexation shall establish a city water service area plan. The city shall notify any other water service provider whose water service area is affected by the city's water service area plan of the establishment of the plan.
2. The city shall file the city water service area plan with the commission. Upon filing of the plan with the commission, the city may proceed with water service to the annexed area. A city water service area plan is perfected by a water service agreement among the water service providers that are encompassed by or which abut the water service boundary.
3. The provisions of this Act do not supersede an existing water service agreement between a city and a district.

SECTION 3. A new section to chapter 61-35 of the North Dakota Century Code is created and enacted as follows:

State water commission funding.

Before providing a grant or loan to a district or city for a water service project in any area within the extraterritorial zoning jurisdiction of any affected city, the commission shall require that district and city to have a water service agreement. The absence of a water service agreement may not affect the funding by the commission of other projects for a district or city which are not related to potable water service and are not located within the extraterritorial zoning jurisdiction.

SECTION 4. A new section to chapter 61-35 of the North Dakota Century Code is created and enacted as follows:

Water service agreement - Mediation - Administrative law judge.

1. If a water service agreement between the district and the city is not executed within sixty days after the city notifies the district that a city water service area plan has been established, the matter must be submitted to a committee for mediation. The committee must be comprised of a mediator retained jointly by the city and the district, two members appointed by the governing body of the city, and two members appointed by the district. The retained mediator shall arrange and preside over the mediation proceedings.
2. If the mediation committee is unable to resolve the dispute to the satisfaction of the parties involved, either party may petition the office of administrative hearings to appoint an administrative law judge to determine the terms of the water service agreement. Before a hearing may be held, at least two weeks' written notice must be given to the parties involved in the dispute. At the hearing, the retained mediator who presided over the mediation proceedings may provide information to the administrative law judge on the dispute between the parties involved and any proposed resolutions or recommendations made by a majority of the

members appointed to the committee. Any resident of or person owning property in a city or district involved in the dispute, or a representative of such a resident or property owner, and any representative of a city or district involved, may appear at the hearing and present evidence on any matter to be determined by the administrative law judge. A decision by the administrative law judge must consider the following factors related to water service in the annexed area in making a decision under this subsection:

- a. The recommendation of the mediation committee;
- b. The firefighting flow capacity of the water system;
- c. The anticipated growth patterns of the district and city involved in the dispute;
- d. Special conditions or needs, including topographic or physical features influencing service;
- e. The system capacity and trunk main delivery structure of each provider;
- f. The age, condition, and worth of the affected existing infrastructure;
- g. Outstanding debt attributable to current users;
- h. The impact on future revenues lost from existing infrastructure;
- i. Whether development would have occurred without annexation; and
- j. Any other factor determined to be relevant by the administrative law judge."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE
CONCURRENT RESOLUTION NO. 3010**

Page 1, line 20, replace "when it holds" with "in a"

Page 1, line 20, replace "hearings" with "hearing held"

Page 1, line 20, after "Dakota" insert "in 2013"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1121, HB 1217, HB 1231, HB 1304, HB 1342, HB 1388, HB 1446.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1026, HB 1052, HB 1054, HB 1085, HB 1091, HB 1117, HB 1130, HB 1185, HB 1241, and HB 1247.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1133 and HB 1171, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1133: Reps. Kretschmar; Larson; Delmore

HB 1171: Reps. Keiser; Sukut; M. Nelson

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

MR. SPEAKER: The Senate has appointed as a conference committee to act with a like committee from the House on:

HB 1080: Sens. Laffen; Sorvaag; Sinner
HB 1112: Sens. Unruh; Klein; Murphy
HB 1126: Sens. Armstrong; Campbell; Sinner
HB 1157: Sens. J. Lee; Dotzenrod; Anderson
HB 1163: Sens. Andrist; Klein; Murphy
HB 1227: Sens. Miller; Luick; Heckaman
HB 1251: Sens. Unruh; Sorvaag; Murphy
HCR 3016: Sens. Laffen; Burckhard; Murphy

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2067, SB 2068, SB 2085, SB 2116, SB 2128, SB 2164, SB 2165, SB 2180, SB 2239, SB 2294, SB 2308, SB 2314, SB 2340, and SB 2342.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2032, SB 2072, SB 2074, SB 2126, SB 2163, SB 2175, SB 2207, SB 2227, SB 2257, SB 2298, SB 2325, and SB 2330, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2032: Sens. Flakoll; Poolman; Heckaman
SB 2072: Sens. Miller; Larsen; Heckaman
SB 2074: Sens. Armstrong; Sitte; Grabinger
SB 2126: Sens. Miller; Cook; Dotzenrod
SB 2163: Sens. Oehlke; Burckhard; Triplett
SB 2175: Sens. Sorvaag; Unruh; Sinner
SB 2207: Sens. Oehlke; Campbell; Triplett
SB 2227: Sens. Berry; Nelson; Sitte
SB 2257: Sens. Sitte; Lyson; Nelson
SB 2298: Sens. Klein; Laffen; Murphy
SB 2325: Sens. Burckhard; Miller; Dotzenrod
SB 2330: Sens. Miller; Campbell; Dotzenrod

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1192.

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

MR. PRESIDENT: The Speaker has signed: HB 1028, HB 1030, HB 1060, HB 1079, HB 1103, HB 1193, HB 1200, HB 1246, HB 1310.

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

MR. PRESIDENT: The Speaker has signed: HB 1113, HB 1125, HB 1131, HB 1149, HB 1168, HB 1175, HB 1196, HB 1197, HB 1201, HB 1236, HB 1274, HB 1276, HB 1278, HB 1316, HB 1327, HB 1333, HB 1336, HB 1360, HB 1378, HB 1424, HB 1428, HB 1429, HB 1464, HCR 3028, HCR 3031.

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

MR. PRESIDENT: The Speaker has signed: HB 1207.

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

MR. PRESIDENT: The Speaker has signed: SB 2060, SB 2076.

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

MR. SPEAKER: The President has signed: SB 2041, SB 2140, SB 2166, SB 2306, SCR 4017.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 8, 2013: HB 1024, HB 1028, HB 1030, HB 1059, HB 1060, HB 1079, HB 1103, HB 1113, HB 1118, HB 1119,

HB 1125, HB 1131, HB 1149, HB 1168, HB 1175, HB 1193, HB 1196, HB 1197, HB 1200, HB 1201, HB 1206, HB 1207, HB 1236, HB 1246, HB 1274, HB 1276, HB 1278.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 8, 2013: HB 1035, HB 1040, HB 1046, HB 1067, HB 1084, HB 1097, HB 1116, HB 1129, HB 1135, HB 1172, HB 1173, HB 1176, HB 1191, HB 1209, HB 1225, HB 1228, HB 1232, HB 1253, HB 1259, HB 1260, HB 1270, HB 1283, HB 1292, HB 1301.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on April 8, 2013, I have signed the following: HB 1035, HB 1040, HB 1067, HB 1084, HB 1097, HB 1116, HB 1129, HB 1135, HB 1172, HB 1173, HB 1176, HB 1191, HB 1225, HB 1232, HB 1253, HB 1259, HB 1260, HB 1270, HB 1283, HB 1292, and HB 1301.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 8, 2013: HCR 3001, HCR 3014, HCR 3022, HCR 3023, HCR 3025, HCR 3028, HCR 3030, HCR 3031.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Tuesday, April 9, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2144: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2144 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 4, after "organizations" insert "; and to provide legislative intent"

Page 8, line 16, after "has" insert "a"

Page 8, line 16, replace "owners" with "owner"

Page 8, after line 24, insert:

- "5. In order to help defray the costs associated with regulating organizations that have minority ownership, the secretary of state may establish fees for filings related to an organization that has a minority owner. Fees collected by the secretary of state under this subsection must be deposited in the secretary of state's general services operating fund.

SECTION 7. LEGISLATIVE INTENT. It is the intent of the sixty-third legislative assembly:

1. That if the secretary of state establishes additional fees under section 6 of this Act, that the secretary of state take all reasonable efforts to minimize costs associated with regulating professional organizations that have minority ownership; and
2. That if the secretary of state regulates more than a combined total of nine professional organizations that have minority ownership and, if Senate Bill No. 2152 is approved by the sixty-third legislative assembly and becomes effective, professional organizations that have ownership that renders more than one professional service, the secretary of state not invest in software changes related to regulation of those professional organizations until after December 31, 2014."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2146, as reengrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2146 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "\$100,000" with "\$80,000"

Page 1, line 15, remove "and from the agricultural fuel tax fund, not otherwise appropriated,"

Page 1, line 16, remove "the sum of \$100,000, or so much of the sum as may be necessary,"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2146 - Department of Agriculture - House Action

	Executive Budget	Senate Version	House Changes	House Version
Grape and wine grants		\$200,000	(\$120,000)	\$80,000
Total all funds	\$0	\$200,000	(\$120,000)	\$80,000
Less estimated income	0	100,000	(100,000)	0
General fund	\$0	\$100,000	(\$20,000)	\$80,000
FTE	0.00	0.00	0.00	0.00

Department No. 602 - Department of Agriculture - Detail of House Changes

	Reduces the Funding for Grape and Wine Grants ¹	Total House Changes
Grape and wine grants	(\$120,000)	(\$120,000)
Total all funds	(\$120,000)	(\$120,000)
Less estimated income	(100,000)	(100,000)
General fund	(\$20,000)	(\$20,000)
FTE	0.00	0.00

¹ This amendment reduces the funding for grape and wine grants providing a total of \$80,000, all of which is from the general fund.

REPORT OF STANDING COMMITTEE

SB 2152: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). SB 2152 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 10-31-13 of the North Dakota Century Code, relating to regulation of professional organizations; to"

Page 1, line 2, after "organizations" insert "; and to provide legislative intent"

Page 1, after line 15, insert:

"SECTION 2. A new subsection to section 10-31-13 of the North Dakota Century Code is created and enacted as follows:

In order to help defray the costs associated with regulating organizations that have ownership that renders more than one professional service, the

secretary of state may establish fees for filings related to an organization that has ownership that renders more than one professional service. Fees collected by the secretary of state under this subsection must be deposited in the secretary of state's general services operating fund.

SECTION 3. LEGISLATIVE INTENT. It is the intent of the sixty-third legislative assembly:

1. That if the secretary of state establishes additional fees under section 2 of this Act, that the secretary of state take all reasonable efforts to minimize costs associated with regulating professional organizations that have ownership that renders more than one professional service; and
2. That if the secretary of state regulates more than a combined total of nine professional organizations that have ownership that renders more than one professional service and, if Senate Bill No. 2144 is approved by the sixty-third legislative assembly and becomes effective, professional organizations that have minority ownership, the secretary of state not invest in software changes related to regulation of those professional organizations until after December 31, 2014."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2187, as reengrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (15 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2187, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1175 of the House Journal, Reengrossed Senate Bill No. 2187 is amended as follows:

Page 1, line 4, replace "an" with "a contingent"

Page 1, line 5, after the second semicolon insert "to provide for a report;"

Page 2, line 7, remove "and to applicants that are prospective payment system hospitals that receive"

Page 2, line 8, remove "trauma patients from oil-producing counties"

Page 2, line 10, replace "three" with "fifteen"

Page 2, line 10, replace "twenty-five" with "seventy-five"

Page 3, line 23, remove "~~and to applicants that are prospective payment system hospitals that receive trauma patients from oil-producing counties~~"

Page 3, line 26, replace "~~three~~" with "fifteen"

Page 3, line 26, replace "~~twenty-five~~" with "seventy-five"

Page 4, line 19, after "3." insert "**CONTINGENT**"

Page 4, line 19, replace "There" with "If the board of university and school lands confirms that it will authorize no more than \$100,000,000 from the strategic investment and improvements fund to provide school construction projects under section 15.1-36-02, there"

Page 4, line 21, replace "\$12,000,000" with "\$100,000,000"

Page 4, line 28, replace "30" with "31"

Page 4, after line 29, insert:

"SECTION 5. REPORT TO SIXTY-FOURTH LEGISLATIVE ASSEMBLY. The Bank of North Dakota shall report to the sixty-fourth legislative assembly on the status of the loan program provided for in this Act."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2187 - Bank of North Dakota - House Action

	Executive Budget	Senate Version	House Changes	House Version
Medical facility infrastructure loans		\$12,000,000	\$88,000,000	\$100,000,000
Total all funds	\$0	\$12,000,000	\$88,000,000	\$100,000,000
Less estimated income	0	12,000,000	88,000,000	100,000,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Department No. 471 - Bank of North Dakota - Detail of House Changes

	Adds Funding for Loans ¹	Total House Changes
Medical facility infrastructure loans	\$88,000,000	\$88,000,000
Total all funds	\$88,000,000	\$88,000,000
Less estimated income	88,000,000	88,000,000
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment increases the funding for medical facility infrastructure loans from \$12 million to \$100 million, all of which is from the strategic investment and improvements fund. The funding is contingent on the Department of Trust Lands confirming that it will authorize no more than \$100 million from the strategic investment and improvements fund for school construction project loans.

This amendment also requires the Bank of North Dakota to report on the status of the medical facility infrastructure loan program to the 64th Legislative Assembly.

REPORT OF STANDING COMMITTEE

SB 2205, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2205 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$233,979" with "\$125,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2205 - Department of Human Services - House Action

	Executive Budget	Senate Version	House Changes	House Version
Grant for 2-1-1 services		\$233,979	(\$108,979)	\$125,000
Total all funds	\$0	\$233,979	(\$108,979)	\$125,000
Less estimated income	0	0	0	0
General fund	\$0	\$233,979	(\$108,979)	\$125,000
FTE	0.00	0.00	0.00	0.00

Department No. 325 - Department of Human Services - Detail of House Changes

	Reduces Funding for Grant ¹	Total House Changes
Grant for 2-1-1 services	(\$108,979)	(\$108,979)
Total all funds	(\$108,979)	(\$108,979)
Less estimated income	0	0
General fund	(\$108,979)	(\$108,979)
FTE	0.00	0.00

¹ Funding is reduced from \$233,879 for a grant to an organization for administering statewide 2-1-1 services.

REPORT OF STANDING COMMITTEE

SB 2214, as amended: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). SB 2214, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1089 of the House Journal, Senate Bill No. 2214 is amended as follows:

Page 1, line 8, after "year" insert an underscored comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2219: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2219 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 a new chapter to title 6 of the North Dakota Century Code, relating to an energy conservation revolving loan program; to provide a continuing appropriation; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Energy conservation revolving loan program - Continuing appropriation.

1. A revolving loan fund must be maintained in the Bank of North Dakota for the purpose of making loans to low-income and moderate-income homeowners or to homeowners with low-income or moderate-income renters for the installation or implementation of energy conservation measures in homes determined by the department of commerce, in consultation with local agencies, to be eligible for energy conservation alterations or measures.
2. The energy conservation revolving loan fund consists of all moneys transferred into the fund, interest upon moneys in the fund, and collections of interest and principal on loans made from the fund. The moneys in the fund are appropriated on a continuing basis for disbursement under the requirements of this chapter.

Loan guidelines adopted by department of commerce - Loan application.

The department of commerce shall develop policies and guidelines for granting loans under this chapter. The guidelines must establish income eligibility criteria for homeowners or renters of homeowners at equal to or less than one hundred fifty percent of the federal poverty guidelines. The guidelines must provide that a loan granted under this chapter to an eligible homeowner may not exceed six thousand dollars. An application for a loan under this chapter must be made to the department. If the department approves the application of a qualified applicant, the department shall forward the application to the Bank of North Dakota for further review.

Loan terms and conditions.

The Bank of North Dakota may make a no-interest loan to an eligible applicant in consideration of the homeowner contracting with the Bank and granting the Bank a mortgage or other security interest to secure the loan. The contract with the homeowner must provide that the loan must be repaid in full within ninety days of the sale of the property or the death of the homeowner. The contract with a homeowner renting the property to an eligible low-income or moderate-income renter must also provide that the loan must be repaid in ten equal annual payments. The Bank shall allow the homeowner the option of repaying the loan earlier. The Bank may take any action necessary to negotiate a loan under this chapter and to preserve security under this chapter, including any right of redemption. The Bank may deduct annually, as a service fee for administering the loan fund, one-half of one percent of the principal balance of the outstanding loans from the energy conservation revolving loan fund and may recover from the fund any amounts actually expended by the Bank for legal fees to effect a redemption.

SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of funding the energy conservation revolving loan fund as provided under section 1 of this Act, for the biennium beginning July 1, 2013, and ending June 30, 2015. This funding is considered a one-time funding item."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds two new sections:

- To replace a North Dakota state energy conservation program administered by the Department of Commerce with an energy conservation revolving loan program administered by the Bank of North Dakota. This amendment provides \$1 million in funding from the general fund.
- To establish the criteria for an energy conservation revolving loan program.

REPORT OF STANDING COMMITTEE

SB 2307, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (16 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2307 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove "; and to provide an appropriation"

Page 2, line 6, after "**Fees**" insert "**- Penalty**"

Page 3, remove lines 14 through 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2356: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (17 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2356 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2368, as engrossed: Your conference committee (Sens. Berry, Lyson, Grabinger and Reps. Weisz, Silbernagel, Oversen) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 861-862 and place SB 2368 on the Seventh order.

Engrossed SB 2368 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk