

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, January 16, 2013

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

The prayer was offered by Chaplain Dan Sweeney, Crisis Care Chaplaincy, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to HB 1043.

HB 1043, as amended, was rereferred to the **Judiciary Committee**.

MOTION

REP. VIGESAA MOVED that HB 1186 be returned to the House floor from the **Judiciary Committee**, which motion prevailed.

MOTION

REP. VIGESAA MOVED that HB 1186 be placed on the Eleventh order for immediate consideration and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1186: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to access to records relating to legislative bill tracking systems; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

HB 1186 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1024: A BILL for an Act to amend and reenact section 28-32-10 of the North Dakota Century Code, relating to notice of administrative rulemaking implementing recent legislation and the depth of newspaper publication of notice of administrative rulemaking; and to provide an effective date.

ROLL CALL

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

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; 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; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Brandenburg

Engrossed HB 1024 passed.

SECOND READING OF HOUSE BILL

HB 1054: A BILL for an Act to amend and reenact subsections 2 and 3 of 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, 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; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; 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; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Brandenburg

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

SECOND READING OF HOUSE BILL

HB 1102: A BILL for an Act to amend and reenact section 15-62.2-01 of the North Dakota Century Code, relating to the student financial assistance and scholars program.

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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Carlson; Damschen; Delmore; Delzer; Dockter; 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; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz;

Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Dosch

ABSENT AND NOT VOTING: Brandenburg

HB 1102 passed.

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 1186.

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 2039, SB 2040, SB 2049, SB 2055, SB 2056, SB 2057, SB 2062, SB 2073, SB 2093, SB 2105, SB 2110, SB 2112, SB 2124.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4003.

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 2065.

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 17, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1025: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1025 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1032: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1044: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1044 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1069: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1069 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "An agency shall"

Page 1, remove line 16

Page 1, line 17, replace "agreeing to any liability limitation" with "The agency, in consultation with the office of management and budget and the attorney general's office, shall prepare a written documentation before agreeing to any liability limitation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1072: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends

AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1072 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "; and to provide a penalty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1073: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1073 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1074: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1074 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1094: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1094 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "allied health"

Page 1, line 11, overstrike "educational programs" and insert immediately thereafter "respiratory care"

Page 3, line 9, replace "one hundred" with "ninety"

Page 3, line 21, remove "one"

Page 3, line 22, replace "hundred" with "ninety"

Page 4, line 25, after "~~8.~~" insert "7."

Page 4, line 25, remove the overstrike over "~~Licenses issued under this chapter expire annually, but may be renewed upon~~"

Page 4, remove the overstrike over lines 26 through 28

Page 4, line 29, remove the overstrike over "~~the board, and after payment of a fee established by the board.~~"

Page 5, line 1, replace "7." with "8."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1097: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1097 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1107: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1107 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1111: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1111 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1112: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1112 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1113: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1113 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1115: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1115 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1128: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1128 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1129: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1129 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1150: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1150 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Reps. Onstad, Drovdal, Kempenich and Sens. Andrist, Warner introduced:

HB 1318: A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to establishment and use of a school influx fund to address funding needs of school districts impacted by an influx of students due to oil and gas development; to amend and reenact sections 57-51-15, 57-51.1-07.5, and 57-62-06 of the North Dakota Century Code, relating to oil and gas gross production tax revenue allocation to political subdivisions; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Monson, Heilman, Nathe, Rust, Sanford, Schatz, Williams and Sens. Cook, Flakoll, Holmberg, Heckaman, O'Connell introduced:

HB 1319: A BILL for an Act to create and enact sections 15.1-27-04.1, 15.1-27-04.2, 15.1-27-04.3, and 15.1-27-45 of the North Dakota Century Code, relating to determination of state aid payable to school districts; to amend and reenact sections 15.1-09-33, 15.1-09-39, 15.1-09-40, 15.1-09-47, 15.1-09-48, 15.1-09-49, 15.1-22-01, 15.1-27-03.1, 15.1-27-04, 15.1-27-17, 15.1-27-35, 15.1-27-39, 15.1-29-15, 15.1-30-04, 15.1-36-02, 40-55-09, 57-15-01.1, 57-15-14, 57-15-14.2, 57-15-14.5, 57-15-17, 57-15-17.1, 57-15-31, 57-19-01, 57-19-02, and 57-19-09 of the North Dakota Century Code, relating to the determination of state aid payable to school districts; to repeal sections 15.1-27-07.1, 15.1-27-11, 15.1-27-22.1, 15.1-27-42, 15.1-27-43, 15.1-27-44, 15.1-32-20, 57-15-14.4, 57-19-04, 57-19-10, and chapter 57-64 of the North Dakota Century Code, relating to the determination of state aid payable to school districts, school district levy authority, and the mill levy reduction grant program; and to provide for a legislative management study.

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

Reps. Kreun, Delmore, Hatlestad, N. Johnson and Sens. Hogue, Laffen, Sorvaag introduced:

HB 1320: A BILL for an Act to amend and reenact section 12.1-17-07 of the North Dakota Century Code, relating to harassment offenses through electronic communications.

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

Reps. Bellew, Gruchalla, Heller, Monson, Sanford, Trottier introduced:

HB 1321: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the penalty for overtaking a schoolbus.
Was read the first time and referred to the **Transportation Committee**.

Reps. Hofstad, Damschen, D. Johnson and Sens. Miller, Oehlke introduced:
HB 1322: A BILL for an Act to amend and reenact section 20.1-02-05.1 of the North Dakota Century Code, relating to game and fish department land purchases.
Was read the first time and referred to the **Agriculture Committee**.

Reps. Kempenich, Delmore, Drovdal, Owens, Thoreson, Wieland and Sens. Carlisle, Flakoll introduced:
HB 1323: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to patriotic plates.
Was read the first time and referred to the **Transportation Committee**.

Reps. Kreidt, Bellew, Heller, Rohr, Schmidt and Sen. Dever introduced:
HB 1324: A BILL for an Act to amend and reenact subsection 2 of section 23-16-01.1 of the North Dakota Century Code, relating to the transfer of long-term care bed capacity; and to declare an emergency.
Was read the first time and referred to the **Human Services Committee**.

Reps. Drovdal, Devlin, Monson and Sen. Wardner introduced:
HB 1325: A BILL for an Act to provide a North Dakota-Saskatchewan legislative exchange; to provide an appropriation; and to declare an emergency.
Was read the first time and referred to the **Political Subdivisions Committee**.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Strinden, Delmore, Glassheim, Holman, Mock, Mooney, Oversen, Owens and Sens. Murphy, Schneider, Triplett introduced:
HCR 3012: A concurrent resolution urging the United States Air Force to select the Grand Forks Air Force Base as the active duty main operating base for the new KC-46A refueling tanker mission.
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Beadle, Heilman, N. Johnson, Looyesen, Sanford, Mock, Oversen and Sen. Flakoll introduced:
HCR 3013: A concurrent resolution urging the State Board of Higher Education and faculty members of North Dakota University System institutions to increase the use of open textbooks for academic courses in order to reduce the financial burden to higher education students.
Was read the first time and referred to the **Education Committee**.

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

Buell J. Reich, Chief Clerk