

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

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Bismarck, November 9, 2011

The House convened at 8:00 a.m., with Speaker Drovdal presiding.

The prayer was offered by Chaplain Gary Heaton, MedCenter One Health Center, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

REPORT OF STANDING COMMITTEE

SB 2370, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2370 was placed on the Fourteenth order on the calendar.

SECOND READING OF SENATE BILL

SB 2370: A BILL for an Act relating to adoption of a nickname and logo for the university of North Dakota athletic teams; to repeal section 15-10-46 of the North Dakota Century Code, relating to the university of North Dakota fighting Sioux nickname and logo; 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 PASS, the roll was called and there were 63 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Boe; Clark; Conklin; Dahl; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Rust; Sanford; Streyle; Sukut; Wall; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; DeKrey; Grande; Headland; Heller; Karls; Kempenich; Koppelman; Kreidt; Monson; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Skarphol; Steiner; Thoreson; Trottier; Vigasaa; Weiler; Weisz; Wieland; Wrangham

Engrossed SB 2370 passed.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2370.

ANNOUNCEMENT

SPEAKER DROVDAL ANNOUNCED that the House will stand in recess until 1:00 p.m.

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

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 Second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 2153, line 22, replace "doing" with "going"

Page 2158, line 50, replace "Chairman" with "Co-Chairman"

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

REPORT OF STANDING COMMITTEE

HB 1474: Joint Health Care Reform Committee (Rep. Keiser, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (15 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1474 was placed on the Sixth order on the calendar.

Page 18, line 5, after the underscored period insert "A person that does not charge a fee or otherwise receive consideration may assist employers, employees, and consumers in making health coverage decisions through use of the exchange without being certified under this subsection."

Page 18, after line 15, insert:

"c. A certificate holder may not in a single transaction charge a fee and receive consideration from a health insurance issuer in connection with the enrollment of a qualified individual or qualified employees in a qualified health plan."

Page 22, line 30, after the underscored period insert "To the extent the division's proposal includes the collection of funds that are based on insurance, the division shall consult with the commissioner in designing the proposal."

Page 22, line 31, after the underscored period insert "To the extent the board's plan includes the collection of funds that are based on insurance, the board shall consult with the commissioner."

Page 23, line 9, remove ", in consultation with the commissioner."

Page 23, line 12, after the underscored period insert "If the board's funding plan includes the collection of funds that are based on insurance, upon request of the board the commissioner shall charge and collect such funds and shall deposit such funds in the health benefit exchange fund."

Page 25, line 12, after "interim" insert "which must include monthly written reports on the status of state and federal funds received and the status of state and federal funds expended"

Page 27, after line 21, insert:

"SECTION 10. LEGISLATIVE INTENT. Creation of a state-administered health benefit exchange is not intended to express the sixty-second legislative assembly's support of the federal Patient Protection and Affordable Care Act, but instead is intended to express its support of state control."

Renumber accordingly

SIXTH ORDER OF BUSINESS

SPEAKER DROVDAL DEEMED approval of the amendments to HB 1474.

HB 1474, as amended, was rereferred to the **Appropriations Committee**.

ANNOUNCEMENT

SPEAKER DROVDAL ANNOUNCED that the House will stand in recess until 4:15 p.m.

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

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on November 9, 2011, I have signed the following: HB 1473.

FIRST READING OF SENATE MEMORIAL RESOLUTION

Sens. Flakoll, Christmann, Klein, O'Connell, Wardner, Carlisle and Reps. Carlson, Delmore, Nathe, Weiler introduced:

(Approved by the Delayed Bills Committee)

SMR 8002: A Senate concurrent memorial resolution for Senator Bob Stenehjem.

Was read the first time.

MOTION

REP. VIGESAA MOVED that the rules be suspended, that SMR 8002 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, placed on the calendar for immediate second reading and final passage, and be messaged to the Senate immediately, which motion prevailed.

Sens. Flakoll, Christmann, Klein, O'Connell, Wardner, Carlisle and Reps. Carlson, Delmore, Nathe, Weiler introduced:

(Approved by the Delayed Bills Committee)

**SENATE CONCURRENT MEMORIAL
RESOLUTION NO. 8002**

A Senate concurrent memorial resolution for Senator Bob Stenehjem.

WHEREAS, Bob Stenehjem was first elected to the North Dakota Senate in 1992 and was chosen to serve as its majority leader in 2001, a position he held without interruption until his untimely death in 2011; and

WHEREAS, Senator Stenehjem was a rare person who could see the big picture and take the many small steps that are necessary to get the job done, could build the kind of constructive compromise that moved important legislation, and used his leadership and statesmanship to produce legacy legislation that will improve the quality of life for North Dakotans for generations to come; and

WHEREAS, Senator Stenehjem earned the respect and friendship of colleagues on both sides of the aisle and people throughout the State Capitol, the nation, and the world; and

WHEREAS, during his distinguished career, Senator Stenehjem was a national leader in tribal relations and transportation issues; and

WHEREAS, Senator Stenehjem treasured time with family, friends, and colleagues and exhibited a great zest for life and was passionate about politics and the great outdoors; and

WHEREAS, on July 18, 2011, we lost a very special friend when Senator Stenehjem tragically passed away; and

WHEREAS, Senator Stenehjem will be deeply missed by the many friends and colleagues he left behind, his wife Kathy, four children, and three grandchildren;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That we express our sorrow on the passing of Senator Bob Stenehjem and express our deepest sympathy to his family, friends, and colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of his memory this token of respect and sympathy by his successors in trust be printed in the Journal of the Senate and the Journal of the House and that the Secretary of State present enrolled copies of this resolution to the surviving family.

SECOND READING OF SENATE MEMORIAL RESOLUTION

SMR 8002: A Senate concurrent memorial resolution for Senator Bob Stenehjem.

The question being on the final adoption of the resolution, which has been read.

SMR 8002 was declared adopted on a voice vote.

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:15 a.m., Thursday, November 10, 2011, which motion prevailed.

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

MR. PRESIDENT: The House has passed, unchanged: SMR 8002.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SMR 8002.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1473.

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

MR. SPEAKER: The Senate has passed, unchanged: HCR 3053, HCR 3054.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1473.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2370.

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

MR. SPEAKER: The President has signed: HB 1473.

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

MR. PRESIDENT: The Speaker has signed: SB 2370.

REPORT OF STANDING COMMITTEE

HB 1476: Joint Health Care Reform Committee (Rep. Keiser, Co-Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1476 was placed on the Sixth order on the calendar.

Page 2, line 23, remove the overstrike over "The insurance"

Page 2, line 24, remove the overstrike over "commissioner"

Page 2, line 24, after "steps" insert "shall adopt rules as"

Page 2, line 24, remove the overstrike over "~~necessary to ensure compliance with this section~~" and insert immediately thereafter "and the federal minimum consumer protection standards"

Page 2, line 24, remove the overstrike over the overstruck period

Page 2, line 26, remove the overstrike over "~~adopt~~" and insert immediately thereafter "rules that"

Renumber accordingly

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

Buell J. Reich, Chief Clerk