

## JOURNAL OF THE HOUSE

## Sixty-third Legislative Assembly

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Bismarck, January 28, 2013

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

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

The roll was called and all members were present except Representatives Boe, Hunsakor, Kempenich, Louser, Mock, and M. Nelson.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER DEVLIN DEEMED** approval of the amendments to HB 1025, HB 1033, HB 1061, HB 1120, HB 1137, HB 1161, HB 1191, HB 1217, HB 1267, and HB 1276.

HB 1033 and HB 1161, as amended, were rereferred to the **Appropriations Committee**.

HB 1025, HB 1061, HB 1120, HB 1137, HB 1191, HB 1217, HB 1267, and HB 1276, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. VIGESAA MOVED** that HB 1185, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

## 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, and 43-12.1-13 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, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 1 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; 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; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Maragos; Martinson; Meier; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trotter; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Paur

**ABSENT AND NOT VOTING:** Boe; Hunsakor; Kempenich; Louser; Mock; Nelson, M.;

Toman

Engrossed HB 1091 passed.

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### 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, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; 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; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; Maragos; Martinson; Meier; 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; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunskor; Louser; Mock; Nelson, M.; Toman

Engrossed HB 1117 passed.

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### SECOND READING OF HOUSE BILL

**HB 1049:** A BILL for an Act to amend and reenact subdivisions b, o, and r of subsection 4 of section 57-40.6-10 of the North Dakota Century Code, relating to standards and guidelines for public safety answering points.

### 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 86 YEAS, 2 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; 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; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looysen; Maragos; Martinson; Meier; 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; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Delzer; Kreun

**ABSENT AND NOT VOTING:** Boe; Hunskor; Louser; Mock; Nelson, M.; Toman

HB 1049 passed.

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### SECOND READING OF HOUSE BILL

**HB 1076:** A BILL for an Act to amend and reenact section 29-08-28 of the North Dakota Century Code, relating to bail as defendant's property.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 83 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Brabandt; Keiser; Kelsh, J.; Schmidt

**NAYS:** Anderson; Beadle; Becker; Bellew; Belter; Boehning; Boschee; 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; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Maragos; Martinson; Meier; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Boe; Hunskor; Louser; Mock; Nelson, M.; Toman

HB 1076 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1105:** A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the expiration of federal income tax treatment of the long-term capital gain and qualified dividend income tax exclusion; 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 85 YEAS, 2 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; 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; Holman; 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; Maragos; Martinson; Meier; 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; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Hogan; Zaiser

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunskor; Louser; Mock; Nelson, M.; Toman

HB 1105 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1114:** A BILL for an Act to amend and reenact section 30.1-26-04 of the North Dakota Century Code, relating to delegation of the powers of a parent or guardian of a minor or incapacitated person; 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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; 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; 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; Maragos; Martinson; Meier; 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; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunskor; Louser; Mock; Nelson, M.; Toman

HB 1114 passed and the emergency clause was declared carried.

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## SECOND READING OF HOUSE BILL

**HB 1157:** A BILL for an Act to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to county road machinery.

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

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; 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; 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; Maragos; Martinson; Meier; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunskor; Louser; Mock; Nelson, M.; Schatz; Toman

HB 1157 passed.

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## SECOND READING OF HOUSE BILL

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

### 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 68 YEAS, 18 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**NAYS:** Becker; Bellew; Brabandt; Delzer; Dosch; Grande; Headland; Koppelman, B.; Koppelman, K.; Meier; Pollert; Porter; Rohr; Ruby; Streyle; Thoreson; Weisz;

Wieland

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunskor; Louser; Mock; Nelson, M.; Schatz; Toman

Engrossed HB 1079 passed.

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### SECOND READING OF HOUSE BILL

**HB 1092:** A BILL for an Act to create and enact a new section to chapter 43-37 of the North Dakota Century Code, relating to licensing out-of-state audiologists and speech-language pathologists; to amend and reenact section 43-37-04 and subsection 2 of section 43-37-05 of the North Dakota Century Code, relating to the licensing of audiologists and the composition of the board of examiners on audiology and speech-language pathology; 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 57 YEAS, 29 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Grande; Guggisberg; Haak; Hanson; Heller; Hofstad; Hogan; Holman; Johnson, D.; Karls; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Kreidt; Kretschmar; Kreun; Laning; Looyen; Martinson; Monson; Mooney; Muscha; Nelson, J.; Onstad; Oversen; Owens; Porter; Rohr; Rust; Sanford; Silbernagel; Skarphol; Sukut; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Beadle; Becker; Belter; Delmore; Dosch; Glassheim; Gruchalla; Hatlestad; Hawken; Headland; Heilman; Johnson, N.; Kasper; Keiser; Koppelman, B.; Koppelman, K.; Larson; Maragos; Meier; Nathe; Paur; Pollert; Ruby; Schmidt; Steiner; Streyle; Strinden; Thoreson; Zaiser

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunskor; Louser; Mock; Nelson, M.; Schatz; Toman

Engrossed HB 1092 passed.

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### SECOND READING OF HOUSE BILL

**HB 1098:** A BILL for an Act to create and enact a new subsection to section 57-38-57 of the North Dakota Century Code, relating to disclosure of tax return information; and to amend and reenact subsection 18 of section 26.1-26-42 of the North Dakota Century Code, relating to insurance producer license suspension, revocation, or refusal.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; 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; 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; Maragos; Martinson; Meier; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunskor; Louser; Mock; Nelson, M.; Schatz; Toman

Engrossed HB 1098 passed.

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### SECOND READING OF HOUSE BILL

**HB 1106:** A BILL for an Act to create and enact two new sections to chapter 57-02, three new sections to chapter 57-06, a new subsection to section 57-13-04, a new section to chapter 57-33.2, sections 57-36-09.6, 57-38-60.3, 57-39.2-15.3, 57-40.2-15.3, 57-43.1-17.5, 57-43.2-16.4, and 57-43.3-21.1 of the North Dakota Century Code, relating to notice of township, city, and county equalization meetings, collection and certification of electric generation, transmission, and distribution taxes, appeals to the state board of equalization, and the liability of a general partner of a limited liability limited partnership for unpaid taxes; to amend and reenact section 23-27-04.7, subsection 5 of section 57-02-08.1, subsection 17 of section 57-06-06, sections 57-06-17.3, 57-33.2-16, and 57-38-01, subsection 5 of section 57-38-01.21, sections 57-38-01.22 and 57-38-01.23, subsection 2 of section 57-38-01.24, subsection 5 of section 57-38-01.25, subsections 2, 3, and 7 of section 57-38-01.26, subsection 9 of section 57-38-01.27, subsection 2 of section 57-38-01.31, subsection 9 of section 57-38-01.32, subsection 7 of section 57-38-01.33, subsections 6 and 12 of section 57-38-30.5, section 57-38.5-01, subsection 4 of section 57-38.5-03, section 57-38.6-01, subsection 4 of section 57-38.6-03, subsection 2 of section 57-39.2-04.8, and sections 57-40.2-15.2, 57-43.3-20, and 57-43.3-21 of the North Dakota Century Code, relating to the emergency medical services levy, the permanent and totally disabled property tax exemption certifications, public utility reports, collection and certification of transmission line property tax, liability of a general partner of a limited liability limited partnership for unpaid taxes, income tax credit for blending biodiesel or green diesel fuel in this state, qualifying investments in angel funds, the definition of passthrough entity for income tax purposes, and the sales tax exemption for equipment and machinery used in a new coal mine; to repeal section 57-23-02 of the North Dakota Century Code, relating to notice of township and city equalization meetings; to provide a penalty; to provide a continuing appropriation; 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 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunskor; Louser; Mock; Nelson, M.; Schatz; Toman

Engrossed HB 1106 passed.

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### SECOND READING OF HOUSE BILL

**HB 1171:** A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to unclaimed life insurance benefits; and to amend and reenact section 47-30.1-07 of the North Dakota Century Code, relating to the state's unclaimed property act.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; 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; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; Maragos; Martinson; Meier; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunsakor; Louser; Mock; Nelson, M.; Schatz; Toman

Engrossed HB 1171 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1142:** A BILL for an Act to amend and reenact section 39-04.2-04 of the North Dakota Century Code, relating to distributions from the public transportation fund; and to provide a continuing appropriation.

**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 86 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; 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; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; Maragos; Martinson; Meier; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunsakor; Louser; Mock; Nelson, M.; Schatz; Toman

HB 1142 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1151:** A BILL for an Act to amend and reenact subsection 12 of section 20.1-02-05 of the North Dakota Century Code, relating to nonresident military personnel lottery permits; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 59 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boschee; Brabandt; Brandenburg; Damschen; Fehr; Frantsvog; Gruchalla; Haak; Hanson; Hawken; Hogan; Kasper; Kelsh, J.; Klein; Larson; Monson; Muscha; Nelson, J.; Onstad; Owens; Pollert; Sanford; Strinden; Thoreson; Wieland; Zaiser

**NAYS:** Anderson; Beadle; Becker; Belter; Boehning; Carlson; Delmore; Delzer; Dockter; Dosch; Drovdal; Froseth; Glassheim; Grande; Guggisberg; Hatlestad; Headland; Heilman; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, S.; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Looyesen; Maragos; Martinson; Meier; Mooney; Nathe; Oversen; Paur; Porter; Rohr; Ruby; Rust; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weisz; Williams; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Boe; Hunsakor; Louser; Mock; Nelson, M.; Schatz; Toman

HB 1151 failed.

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**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 2066, SB 2068, SB 2081, SB 2089, SB 2181.

#### **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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, January 29, 2013, which motion prevailed.

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

**HB 1056: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1056 was rereferred to the **Appropriations Committee**.

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

**HB 1059: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1059 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "54-52.1-03.1,"

Page 1, line 1, after "54-52.1-03.4" insert a comma

Page 1, line 2, after "to" insert "withdrawal of a political subdivision from the uniform group insurance program,"

Page 1, after line 7, insert:

**"SECTION 1. AMENDMENT.** Section 54-52.1-03.1 of the North Dakota Century Code is amended and reenacted as follows:

#### **54-52.1-03.1. Certain political subdivisions authorized to join uniform group insurance program - Employer contribution.**

A political subdivision may extend the benefits of the uniform group insurance program under this chapter to its permanent employees, subject to minimum requirements established by the board and a minimum period of participation of sixty months. If the political subdivision withdraws from participation in the uniform group insurance program, before completing sixty months of participation, unless federal or state laws or rules are modified or interpreted in a way that makes participation by the political subdivision in the uniform group insurance program no longer allowable or appropriate, the political subdivision shall make payment to the board in an amount equal to any expenses incurred in the uniform group insurance program that exceed income received on behalf of the political subdivision's employees as determined under rules adopted by the board.

The Garrison Diversion Conservancy District, and district health units required to participate in the public employees retirement system under section 54-52-02, shall participate in the uniform group insurance program under the same terms and conditions as state agencies. A retiree who has accepted a retirement allowance from a participating political subdivision's retirement plan may elect to participate in the uniform group under this chapter without meeting minimum requirements at age sixty-five, when the employee's spouse reaches age sixty-five, upon the receipt of a benefit, when the political subdivision joins the uniform group insurance plan if the retiree was a member of the former plan, or when the spouse terminates employment. If a retiree or surviving spouse does not elect to participate at the times specified in this section, the retiree or surviving spouse must meet the minimum requirements established by the board. Each retiree or surviving spouse shall pay directly to the board the premiums in effect for the coverage then being provided. The board may require documentation that the retiree has accepted a retirement allowance from an eligible retirement plan other than the public employees retirement system."

Page 1, line 22, after "for" insert "medical and hospital benefits"

Page 2, line 1, after the first "for" insert "medical and hospital benefits"

Page 2, line 2, replace "the" with "this"

Page 2, line 2, remove "being provided"

Renumber accordingly

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

**HB 1118: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1118 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 amend and reenact sections 12-47-06 and 54-23.3-05 of the North Dakota Century Code, relating to the appointing authority of the director of the department of corrections and rehabilitation.

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

**SECTION 1. AMENDMENT.** Section 12-47-06 of the North Dakota Century Code is amended and reenacted as follows:

##### **12-47-06. Appointment of officers.**

~~The director of the division of adult services with the concurrence of the~~ director of the department of corrections and rehabilitation shall appoint the warden. The warden may be removed by the director of the division of adult services with the approval of the director of the department of corrections and rehabilitation for misconduct, neglect of duty, incompetency, or other proper cause showing an inability or refusal to properly perform the duties of the office. All other officers and employees must be appointed by the warden, ~~subject to the approval of the director of the division of adult services. The warden shall show in the record of any officer or employee who is discharged by the warden the reason therefor~~ director of the department of corrections and rehabilitation.

**SECTION 2. AMENDMENT.** Section 54-23.3-05 of the North Dakota Century Code is amended and reenacted as follows:

##### **54-23.3-05. Appointment and removal of officers.**

The director of the department of corrections and rehabilitation with the approval of the governor may appoint a director of the division of juvenile services, a director of the division of adult services, and other division directors and personnel as deemed necessary for the effective and efficient operation of the department. The

director of the division of juvenile services, the director of the division of adult services, and other division directors who may be appointed shall meet qualifications as established for the classified service. ~~The division directors may be removed by the director of the department, with the approval of the governor, for misconduct, neglect of duty, incompetency, or other cause showing an inability or refusal to properly perform the duties of their office.~~ All other officers and employees of each division must be appointed and removed by the director of the division, ~~subject to the approval of the director of the department of corrections and rehabilitation.~~ All officers and employees of the department of corrections and rehabilitation are subject to the provisions of the state personnel policies."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1130: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1130 was placed on the Sixth order on the calendar.

Page 1, line 23, overstrike "ten" and insert immediately thereafter "sixteen"

Page 1, line 24, after "over" insert ", the license fee is five dollars."

Page 2, line 1, overstrike "thirty-five" and insert immediately thereafter "forty-five"

Page 2, line 2, overstrike "For a nonresident short-term seven-day fishing license, twenty dollars."

Page 2, line 3, overstrike "9."

Page 2, line 3, overstrike "fourteen" and insert immediately thereafter "twenty-two"

Page 2, line 4, overstrike "10." and insert immediately thereafter "9."

Page 2, line 5, overstrike "11." and insert immediately thereafter "10."

Page 2, line 6, overstrike "12." and insert immediately thereafter "11."

Page 2, line 7, overstrike "13." and insert immediately thereafter "12."

Page 2, line 11, overstrike "14." and insert immediately thereafter "13."

Page 2, line 13, overstrike "15." and insert immediately thereafter "14."

Page 2, line 15, overstrike "16." and insert immediately thereafter "15."

Page 2, line 16, overstrike "17." and insert immediately thereafter "16."

Page 2, line 20, overstrike "18." and insert immediately thereafter "17."

Page 2, line 22, overstrike "19." and insert immediately thereafter "18."

Page 2, line 24, overstrike "twelve" and insert immediately thereafter "eighteen"

Page 2, line 25, overstrike "twenty-four" and insert immediately thereafter "thirty-six"

Page 2, line 27, overstrike "thirty-three" and insert immediately thereafter "forty-five"

Page 2, line 28, overstrike "20." and insert immediately thereafter "19."

Page 3, line 11, overstrike "21." and insert immediately thereafter "20."

Page 3, line 14, overstrike "22." and insert immediately thereafter "21."

Page 3, line 14, overstrike "three" and insert immediately thereafter "ten"

Page 3, line 15, overstrike "23." and insert immediately thereafter "22."

Page 3, line 15, overstrike "and fifty cents"

Page 3, line 16, overstrike "24." and insert immediately thereafter "23."

Page 3, line 18, overstrike "25." and insert immediately thereafter "24."

Page 3, line 20, overstrike "26." and insert immediately thereafter "25."

Page 3, line 21, overstrike "27." and insert immediately thereafter "26."

Page 3, line 22, overstrike "28." and insert immediately thereafter "27."

Page 3, line 23, overstrike "29." and insert immediately thereafter "28."

Page 3, line 24, overstrike "30." and insert immediately thereafter "29."

Page 3, line 25, overstrike "31." and insert immediately thereafter "30."

Page 3, line 27, overstrike "32." and insert immediately thereafter "31."

Page 3, line 28, overstrike "33." and insert immediately thereafter "32."

Page 3, line 28, overstrike "forty-five" and insert immediately thereafter "sixty"

Page 3, line 29, overstrike "34." and insert immediately thereafter "33."

Page 3, line 29, overstrike "fifteen" and insert immediately thereafter "twenty"

Page 3, line 30, overstrike "35." and insert immediately thereafter "34."

Page 4, line 1, overstrike "36." and insert immediately thereafter "35."

Page 4, line 2, overstrike "37." and insert immediately thereafter "36."

Page 4, line 4, overstrike "38." and insert immediately thereafter "37."

Page 4, line 5, overstrike "39." and insert immediately thereafter "38."

Page 4, line 6, overstrike "40." and insert immediately thereafter "39."

Page 4, line 7, overstrike "41." and insert immediately thereafter "40."

Page 4, line 8, overstrike "42." and insert immediately thereafter "41."

Page 4, line 9, overstrike "43." and insert immediately thereafter "42."

Page 4, line 11, overstrike "44." and insert immediately thereafter "43."

Page 4, line 13, overstrike "45." and insert immediately thereafter "44."

Page 4, line 14, overstrike "46." and insert immediately thereafter "45."

Page 4, line 15, overstrike "47." and insert immediately thereafter "46."

Page 4, line 16, overstrike "48." and insert immediately thereafter "47."

Page 4, line 19, overstrike "49." and insert immediately thereafter "48."

Page 4, line 19, overstrike "twenty-five" and insert immediately thereafter "thirty"

Page 4, line 20, overstrike "50." and insert immediately thereafter "49."

Page 4, line 21, overstrike "51." and insert immediately thereafter "50."

Page 4, line 23, overstrike "52." and insert immediately thereafter "51."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1177: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1177 was placed on the Sixth order on the calendar.

Page 5, line 30, replace "appointing authority" with "governing body of the city or county"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1193: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1193 was placed on the Sixth order on the calendar.

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

Page 2, line 30, after the underscored period insert "If the governor decides not to appoint a special commissioner, the governor shall notify the individuals who filed the petition and summarize the reasons for the decision."

Page 4, overstrike lines 15 through 20

Page 4, line 21, overstrike "by attorney."

Page 5, line 13, after the period insert "If the governor decides that removal is not in the best interests of the state, the governor shall notify the individuals who filed the petition and summarize the reasons for the decision."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1227: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1227 was placed on the Sixth order on the calendar.

Page 10, after line 26, insert:

"5. The agriculture commissioner shall forward all fees received under this section to the state treasurer for deposit in the environment and rangeland protection fund."

Page 16, line 27, replace "five" with "two"

Page 16, line 27, after "thousand" insert "five hundred"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1230: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1230 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1262: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1262 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1263: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1263 was placed on the Sixth order on the calendar.

Page 5, line 13, remove the overstrike over "one"

Page 5, line 13, remove "three"

Page 5, line 13, remove the overstrike over "fifty"

Page 5, line 14, remove the overstrike over "A person convicted for a second or subsequent violation of driving without"

Page 5, remove the overstrike over line 15

Page 5, line 16, remove the overstrike over "dollars which may not be suspended."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3015: Education Committee (Rep. Nathe, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3015 was placed on the Eleventh order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

Reps. Kreun, Delmore, Oversen, Owens, Paur, Sanford, Steiner and Sens. Laffen, Schneider introduced:

**HCR 3020:** A concurrent resolution directing the Legislative Management to study the process for planning transportation projects, including placing an interchange on an interstate.

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

Reps. Amerman, J. Kelsh, Wall and Sens. Dotzenrod, Luick introduced:

**HCR 3021:** A concurrent resolution directing the Legislative Management to study the feasibility and desirability of providing assistance to obtain rural water for households with arsenic and other harmful substances in the well water.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

**FIRST READING OF SENATE BILL**

**SB 2176:** A BILL for an Act to provide an appropriation to the department of transportation for the construction and maintenance of state highways; to provide an appropriation to the state treasurer for transportation funding distributions; and to declare an emergency.

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

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

**Buell J. Reich, Chief Clerk**

