

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

* * * * *

Bismarck, January 30, 2013

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

The prayer was offered by Pastor Merle Hoots, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Amerman and Silbernagel.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 103, line 5, replace "Warner" with "Wardner"

Page 261, after line 11, insert:

"MOTION

REP. VIGESAA MOVED that Engrossed HB 1059 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1059 was rereferred.

MOTION

REP. VIGESAA MOVED that Engrossed HB 1130 be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1130 was rereferred."

Page 261, line 13, remove "HB 1059" and "HB 1130"

Page 261, remove lines 15 through 16

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

ANNOUNCEMENT

SPEAKER DEVLIN ANNOUNCED that the reports received by the House under statutory requirements that reports be filed with the Legislative Assembly are filed with the Legislative Council.

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to HB 1085, HB 1195, and HB 1214.

HB 1085, HB 1195, and HB 1214, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that Engrossed HB 1263 be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1263 was rereferred.

SECOND READING OF HOUSE BILL

HB 1137: A BILL for an Act to amend and reenact section 54-10-27 of the North Dakota Century Code, relating to audits of occupational and professional boards.

ROLL CALL

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

YEAS: Anderson; Beadle; Becker; Bellew; Belter; Boe; 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; 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; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Amerman; Silbernagel

Engrossed HB 1137 passed.

SECOND READING OF HOUSE BILL

HB 1191: A BILL for an Act to provide for security interests in rents.

ROLL CALL

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

YEAS: Anderson; Beadle; Becker; Bellew; Belter; Boe; 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; 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; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Amerman; Silbernagel

Engrossed HB 1191 passed.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to instruction in personal finance at the middle school level.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Holman; Muscha

ABSENT AND NOT VOTING: Amerman; Silbernagel

Engrossed HB 1217 passed.

SECOND READING OF HOUSE BILL

HB 1267: A BILL for an Act to amend and reenact section 47-16-30.1 of the North Dakota Century Code, relating to disposal of abandoned property by a lessor.

ROLL CALL

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

YEAS: Anderson; Beadle; Becker; Bellew; Belter; Boe; 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; Hunsakor; 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; 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; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Amerman; Silbernagel

Engrossed HB 1267 passed.

SECOND READING OF HOUSE BILL

HB 1276: A BILL for an Act to create and enact section 15.1-19-23 and a new subdivision to subsection 9 of section 43-12.1-04 of the North Dakota Century Code, relating to medication administration in primary or secondary schools and exemptions from the Nurse Practices 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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Paur

ABSENT AND NOT VOTING: Amerman; Silbernagel

Engrossed HB 1276 passed.

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, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 3 NAYS, 0 EXCUSED, 2 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; 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.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Boe; Gruchalla; Nelson, M.

ABSENT AND NOT VOTING: Amerman; Silbernagel

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

SECOND READING OF HOUSE BILL

HB 1230: A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-09 of the North Dakota Century Code, relating to expiration of the increase in teachers' fund for retirement member and employer contributions.

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: 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; 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; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Amerman; Silbernagel

HB 1230 passed.

SECOND READING OF HOUSE BILL

HB 1262: A BILL for an Act to amend and reenact sections 54-03-02, 54-03-02.1, and 54-35-16 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 62 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Becker; Boe; Boschee; Brandenburg; Delmore; Drovda; Fehr; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hogan; Kelsh, J.; Kelsh, S.; Kempenich; Kretschmar; Kreun; Maragos; Mock; Nelson, J.; Nelson, M.; Paur; Schatz; Steiner; Strinden; Weisz; Zaiser

NAYS: Beadle; Bellew; Belter; Boehning; Brabandt; Carlson; Damschen; Delzer; Dockter; Dosch; Frantsov; Froseth; Grande; Hawken; Headland; Heilman; Heller; Hofstad; Holman; Hunsdor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Looyson; Louser; Martinson; Meier; Monson; Mooney; Muscha; Nathe; Onstad; Oversen; Owens; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Skarphol; Streyle; Sukut; Thoreson; Toman; Trotter; Vigasaa; Wall; Wieland; Williams; Speaker Devlin

ABSENT AND NOT VOTING: Amerman; Silbernagel

HB 1262 failed.

SECOND READING OF HOUSE BILL

HB 1118: A BILL 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.

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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Becker; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovda; Fehr; Frantsov; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsdor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; 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; Schmidt; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trotter; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Bellew; Delzer; Keiser; Schatz

ABSENT AND NOT VOTING: Amerman; Silbernagel

Engrossed HB 1118 passed.

SECOND READING OF HOUSE BILL

HB 1177: A BILL for an Act to amend and reenact section 2-06-06, subsection 7 of section 4.1-47-06, sections 11-09.1-02, 11-11.1-02, 11-28-02, and 11-33-05, subsection 1 of

section 11-36-07, subsection 2 of section 11-37-05, sections 23-11-05 and 23-24-05, subsection 6 of section 23-35-03, section 40-23-02, subsection 3 of section 40-38-03, subsection 4 of section 50-01.1-04, and sections 50-01.2-02 and 61-04.1-25 of the North Dakota Century Code, relating to compensation of members of political subdivision boards and committees.

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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Becker; Belter; Boe; Boehning; Boschee; Brabandt; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemmin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; 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; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Bellew; Brandenburg; Headland; Kasper

ABSENT AND NOT VOTING: Amerman; Silbernagel

Engrossed HB 1177 passed.

SECOND READING OF HOUSE BILL

HB 1193: A BILL for an Act to create and enact a new section to chapter 44-11 of the North Dakota Century Code, relating to appointment of a special commissioner to preside over removal proceedings; to amend and reenact sections 44-11-01, 44-11-02, 44-11-03, 44-11-04, 44-11-06, 44-11-07, 44-11-09, 44-11-10, 44-11-11, and 44-11-12 of the North Dakota Century Code, relating to proceedings to remove officials from office; and to repeal sections 44-11-05, 44-11-13, and 44-11-14 of the North Dakota Century Code, relating to taking of testimony, appeals, and assessment of costs on removal proceedings.

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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; 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; Klemmin; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; 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; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Delzer; Drovdal; Koppelman, B.; Koppelman, K.

ABSENT AND NOT VOTING: Amerman; Silbernagel

Engrossed HB 1193 passed.

SECOND READING OF HOUSE BILL

HB 1227: A BILL for an Act to create and enact section 19-20.1-17.1 of the North Dakota Century Code, relating to the imposition of civil penalties; to amend and reenact sections 19-20.1-02, 19-20.1-03, 19-20.1-03.1, 19-20.1-03.3, 19-20.1-03.4, 19-20.1-04, 19-20.1-06, 19-20.1-08, 19-20.1-10, 19-20.1-11, 19-20.1-12, 19-20.1-13, 19-20.1-14, 19-20.1-15, 19-20.1-16, 19-20.1-17, and 19-20.1-18 of the North Dakota Century Code, relating to fertilizers, fertilizer materials, micronutrients, specialty fertilizers, soil amendments, and plant amendments; to repeal sections 19-20.1-01, 19-20.1-05.1, and 19-20.1-07 of the North Dakota Century Code, relating to the agriculture commissioner and storage and fees; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Becker; Bellew; Belter; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovda; Fehr; Frantsov; Froese; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunsaker; 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, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trotter; Vigasaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Boe; Delzer; Nelson, J.; Weisz

ABSENT AND NOT VOTING: Amerman; Silbernagel

Engrossed HB 1227 passed.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1025, HB 1049, HB 1079, HB 1091, HB 1092, HB 1098, HB 1105, HB 1106, HB 1117, HB 1120, HB 1142, HB 1152, HB 1154, HB 1156, HB 1157, HB 1163, HB 1171, HB 1187, HB 1252.

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 1061, HB 1114.

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 2061, SB 2116, SB 2120, SB 2135, SB 2158, SB 2177, SCR 4001.

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 2134.

MOTION

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

MOTION

REP. VIGASAA 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 1:15 p.m., Thursday, January 31, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1145: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends

DO PASS and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1145 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "18-04-02,"

Page 1, line 3, remove "and"

Page 1, line 3, after "appropriation" insert "; and to declare an emergency"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 18-04-02 of the North Dakota Century Code is amended and reenacted as follows:

18-04-02. City auditor or secretary of rural fire department to file certificate with state fire marshal and insurance commissioner - Report to budget section.

1. On or before the thirty-first day of October in each year, the auditor or secretary of any city or rural fire department that has an organized fire department shall file with the state fire marshal and with the insurance commissioner the auditor's or secretary's certificate stating the existence of the fire department, the date of its organization, the number of fire engines, hook and ladder trucks, and the system of water supply in use by the department, with such other facts as the state fire marshal or commissioner may require.
2. A certified city fire department, certified rural fire department, or certified fire protection district receiving funds under section 18-04-05 shall file an annual report with the state fire marshal detailing the expenditure of the funds. The state fire marshal shall present a biennial report to the budget section of the legislative management summarizing the expenditures by certified city fire departments, certified rural fire departments, and certified fire protection districts of funds received under section 18-04-05."

Page 1, line 9, replace "collected and" with "transferred or"

Page 2, line 1, after the second "the" insert "certified"

Page 2, line 2, after "or" insert "certified"

Page 2, line 4, overstrike "one-half of the"

Page 2, line 4, remove "available"

Page 2, line 5, replace "funds" with "an amount equal to one hundred percent of the total premium tax collected for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, commercial multiple peril, and crop hail insurance, less the amount transferred to the firefighters death benefit fund and the amount distributed to the North Dakota firefighter's association"

Page 2, line 5, after "subsection" insert an underscored comma

Page 2, line 5, after "a" insert "certified"

Page 2, line 6, after the first "each" insert "certified"

Page 2, line 12, after the first comma insert "certified"

Page 2, after line 13, insert:

- "5. After July 30, 2015, a certified city fire department, certified rural fire department, or certified fire protection district does not qualify for an

allocation of a distribution under subsection 4 and must be excluded from that allocation for any taxable year during which the governing body of the certified fire department or certified fire protection district did not levy at least two mills for fire protection purposes or provide the certified fire department or certified fire protection district an equivalent amount of funding in dollars from property taxes levied within the service area of the certified fire department or certified fire protection district."

Page 2, line 20, replace "deposited in" with "transferred from"

Page 2, line 20, after "the" insert "insurance tax distribution fund to the emergency medical services insurance tax distribution"

Page 2, line 21, overstrike "one"

Page 2, line 22, overstrike "million two hundred fifty thousand dollars" and insert immediately thereafter "one-half"

Page 3, line 28, remove "If the due date falls on a Saturday or legal holiday, the tax is"

Page 3, remove lines 29 through 31

Page 4, remove lines 1 through 3

Page 4, line 4, remove "collections"

Page 4, line 4, overstrike "from this tax, except for collections deposited in the firefighters death"

Page 4, line 5, overstrike "benefit fund, must be deposited in" and insert immediately thereafter "If the due date falls on a Saturday or legal holiday, the tax is payable on the next succeeding business day."

- a. The insurance tax distribution fund is a special fund in the state treasury. The insurance commissioner shall deposit in the insurance tax distribution fund the revenue provided in this section for disbursement as provided in this section.
- b. Annually, the commissioner shall transfer from the insurance tax distribution fund to the fire insurance tax distribution fund created under section 18-04-04.1 all collections from this tax from the following policies: fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, and commercial multiple peril.
- c. Annually, the commissioner shall transfer from the insurance tax distribution fund to"

Page 4, line 6, remove "chapter 23-46."

Page 4, line 6, overstrike "but"

Page 4, line 7, overstrike "not in" and insert immediately thereafter "chapter 23-46"

Page 4, line 7, overstrike "exceeding" and insert immediately thereafter "not to exceed"

Page 4, line 7, after "appropriated" insert "from revenues collected under this subsection"

Page 4, line 10, remove "c."

Page 4, line 10, overstrike "Collections" and insert immediately thereafter:

"d. Annually, collections"

Page 4, line 10, replace "deposited in" with "transferred to"

Page 4, line 11, overstrike "deposited in" and insert immediately thereafter "transferred to"

Page 4, line 13, overstrike "deposited in" and insert immediately thereafter "transferred from the insurance tax distribution fund to"

Page 5, after line 28, insert:

"SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1181: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1181 was placed on the Sixth order on the calendar.

Page 2, line 7, replace the first underscored comma with "and"

Page 2, line 7, remove ". and tax"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1197: 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 1197 was placed on the Sixth order on the calendar.

Page 1, line 20, remove the second "or"

Page 1, line 21, remove "computer system password or"

Page 1, line 21, after "address" insert "; or

m. An individual's username and password of any digital service or computer system"

Page 2, line 6, remove "An individual is guilty of an offense if the individual uses or attempts to use any"

Page 2, remove lines 7 through 13

Page 2, line 14, remove "4."

Page 2, line 20, remove the overstrike over "4."

Page 2, line 20, remove "5."

Page 2, line 22, remove the overstrike over "5."

Page 2, line 22, remove "6."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1244: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1244 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1249: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1249 was placed

on the Sixth order on the calendar.

Page 1, line 9, remove "appointed by the majority leader"

Page 1, line 9, replace the underscored comma with "and"

Page 1, line 9, remove the second "appointed"

Page 1, line 10, remove "by the majority leader"

Page 1, line 10, after "representatives" insert "appointed by the chairman of the legislative management"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1270: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1270 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and"

Page 1, line 2, after "application" insert "; and to declare an emergency"

Page 3, after line 13, insert:

"SECTION 7. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1280: 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 1280 was placed on the Sixth order on the calendar.

Page 2, line 4, overstrike "a class C felony" and insert immediately thereafter "an offense"

Page 2, line 5, overstrike "to enter, modify,"

Page 2, overstrike lines 6 and 7

Page 2, line 8, overstrike "is the individual or is acting with the authorization or consent of the individual" and insert immediately thereafter "without the authorization or consent of the individual, in order to interfere with or initiate a contract or service for a person other than that individual, to obtain or continue employment, to gain access to personal identifying information of another individual, or to commit an offense in violation of the laws of this state, regardless of whether there is any actual economic loss to the individual. A first offense under this subsection is a class A misdemeanor. A second or subsequent offense under this subsection is a class C felony"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1320: 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 1320 was placed on the Sixth order on the calendar.

Page 2, line 4, overstrike "911" and insert immediately thereafter "emergency"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1377: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1377 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1406: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1406 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1450: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1450 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Kempenich, Brandenburg, Drovdal, Grande, Hatlestad, Onstad, Sukut and Sens. Armstrong, Bowman, Carlisle, Lyson, Oehlke introduced:

HCR 3024: A concurrent resolution urging the state Department of Transportation and federal Department of Transportation to build a new bridge to replace the Long X Bridge on United States Highway 85.

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

Reps. Heilman, Belter, Carlson, Kasper, B. Koppelman, Thoreson, Wieland and Sens. Flakoll, Grindberg, J. Lee, Nelson, Sorvaag introduced:

HCR 3025: A concurrent resolution of commendation to the North Dakota State University Bison football team and Coach Craig Bohl for achieving a rare level of dominance in NCAA Division I football.

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