

## JOURNAL OF THE HOUSE

## Sixty-third Legislative Assembly

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Bismarck, March 6, 2013

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

The prayer was offered by Pastor Jake Deboer with Lutheran Parish at Dawson and Steele.

The roll was called and all members were present except Representatives Drovdal, Glassheim, Holman, J. Nelson, Paur, Sanford, Skarphol, and Strinden.

A quorum was declared by the Speaker.

## MOTION

**REP. KEISER MOVED** the nomination of Karen Hoovestol for the office of Journal Reporter.

**REP. KLEMIN SECONDED** the motion and moved that nominations cease, which motion prevailed.

## OATH OF OFFICE

The Speaker administered the Oath of Office to Journal Reporter Karen Hoovestol.

## MOTION

**REP. VIGESAA MOVED** that SB 2200 be returned to the House floor from the **Education Committee**, which motion prevailed.

## MOTION

**REP. VIGESAA MOVED** that SB 2200 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2200 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that SB 2218 be returned to the House floor from the **Appropriations Committee**, which motion prevailed.

## MOTION

**REP. VIGESAA MOVED** that Engrossed SB 2218 be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2218 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that SB 2337 be returned to the House floor from the **Human Services Committee**, which motion prevailed.

## MOTION

**REP. VIGESAA MOVED** that SB 2337 be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2337 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that SB 2146 be returned to the House floor from the **Agriculture Committee**, which motion prevailed.

## MOTION

**REP. VIGESAA MOVED** that Reengrossed SB 2146 be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Reengrossed SB 2146 was rereferred.

## 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, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 7, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2055: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2055 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2057: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2058, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2058 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2086: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2086 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2090, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2090 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2092, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2092 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2093: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2093 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2110: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2110 was placed on the Fourteenth order on the calendar.

**FIRST READING OF SENATE BILLS**

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges. Was read the first time and referred to the **Appropriations Committee**.

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to provide an appropriation to the state board of higher education for a settlement payment for the termination of the contract of the commissioner of higher education; to amend and reenact sections 15-10-47 and 15-62.2-02, subsection 2 of section 15-70-04, and section 54-44.1-11 of the North Dakota Century Code, relating to construction project variance reports, student financial assistance grants, tribally controlled community college grants, and the cancellation of unexpended appropriations; to provide an exemption; to provide for transfer of funds; to authorize the state board of higher education to issue and sell bonds for capital projects; to provide for budget section reports; and to declare an emergency.

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

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the

state department of health; to repeal section 23-46-05 of the North Dakota Century Code, relating to state financial assistance for emergency medical services; and to provide legislative intent.

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

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota aeronautics commission.

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

**SB 2012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to provide appropriations to the state treasurer for transportation funding distributions; to amend and reenact sections 39-02-03 and 39-04-09 of the North Dakota Century Code, relating to department of transportation motor vehicle branch offices and the issuance of license plates; to provide for transfers and contingent transfers; to provide exemptions; to provide for budget section reports; to provide for a legislative management study; and to declare an emergency.

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

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for distributions from permanent funds; to amend and reenact subsection 1 of section 57-51-15 and section 57-62-04 of the North Dakota Century Code, relating to oil and gas gross production taxes and the energy infrastructure and impact office; to provide an effective date; to provide an expiration date; and to declare an emergency.

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

**SB 2014:** A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to provide legislative intent; to provide an appropriation; to provide a contingent appropriation; to authorize transfers; to amend and reenact subsection 1 of section 54-17.6-05 and sections 54-18-19, 57-51.1-07, and 57-51.1-07.3 of the North Dakota Century Code, relating to the resources trust fund, the oil and gas research council membership, the oil and gas research fund, and the transfer of North Dakota mill and elevator profits to the general fund; to provide for a value-added market opportunities for renewable energy resources and oil and gas study; to provide for a report to the legislative management; and to declare an emergency.

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

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide an exemption; and to amend and reenact section 3 of chapter 15 of the 2011 Session Laws, relating to borrowing authority.

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

**SB 2018:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to create and enact a new chapter to title 6, a new section to chapter 10-30.5, section 54-45.5-10, and three new sections to chapter 54-65 of the North Dakota Century Code, relating to a loan guarantee program, the research North Dakota venture program, the energy conservation fund, and the research North Dakota program; to amend and reenact sections 4-14.1-02, 4-14.1-03, 4-44-03, 17-02-05, 54-17-07.3, 54-17-40, 54-18-21, 57-43.1-03, 57-43.1-03.1, 57-43.1-03.3, and 57-43.1-08 of the North Dakota Century Code, relating to the agricultural fuel tax fund, ethanol production incentive fund, the agricultural research fund, housing finance programs, and the housing incentive fund; to provide exemptions; to provide for transfers; to provide a continuing appropriation; to provide for an upper great plains transportation institute study; to provide for legislative management studies; and to declare an emergency.

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

**SB 2019:** A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education; to amend and reenact sections 52-08-09, 52-08-10, and 52-08-11 of the North Dakota Century Code, relating to workforce training board reporting requirements; and to provide for a report to the

budget section.

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

**SB 2030:** A BILL for an Act to amend and reenact sections 23-35.1-01, 23-35.1-02, 23-35.1-03, and 23-35.1-04 of the North Dakota Century Code, relating to regional public health network definitions, joint powers agreement review, annual plan, and receipt and use of moneys; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

**SB 2031:** A BILL for an Act to create and enact a new section to chapter 23-35 of the North Dakota Century Code, relating to tribal health districts; to amend and reenact section 23-35-01, subsection 2 of section 23-35-03, subsection 1 of section 23-35-04, and sections 23-35-06, 23-35-07, and 23-35-08 of the North Dakota Century Code, relating to health districts; to provide for reports; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

**SB 2088:** A BILL for an Act to amend and reenact sections 43-39-05 and 43-39-08, subsection 3 of section 43-39-09, subsection 2 of section 43-39-10, and section 43-39-11 of the North Dakota Century Code, relating to athletic trainers; to repeal section 43-39-07 of the North Dakota Century Code, relating to grandfathering initial licensees; and to provide a penalty.

Was read the first time and referred to the **Human Services Committee**.

**SB 2097:** A BILL for an Act to amend and reenact section 37-03-14 of the North Dakota Century Code, relating to eligibility for interment at the veterans' cemetery.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SB 2101:** A BILL for an Act to amend and reenact sections 11-18-02.2, 57-09-04, 57-11-04, and 57-12-09 of the North Dakota Century Code, relating to challenges of property tax assessments and notice to property owners of assessment increases; and to provide an effective date.

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

**SB 2125:** A BILL for an Act to create and enact two new sections to chapter 14-09 of the North Dakota Century Code, relating to the duty to report a missing child or the death of a child; and to provide a penalty.

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

**SB 2129:** A BILL for an Act to amend and reenact section 54-21.3-04.1 of the North Dakota Century Code, relating to the state building code and accessibility standards.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2148:** 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 North Dakota foster care scholarships.

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

**SB 2156:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for contributions to rural leadership North Dakota; to amend and reenact subsection 3 of section 57-38-01.26, section 57-38-30, and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to authorized investments of an angel fund for income tax credit purposes and a reduction in income tax rates for corporations, individuals, estates, and trusts; and to provide an effective date.

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

**SB 2183:** A BILL for an Act to amend and reenact subsections 3 and 4 of section 16.1-01-09 and subsections 3 and 6 of section 16.1-01-09.1 of the North Dakota Century Code, relating to qualifications of individuals circulating initiated or referred measure and recall petitions; and to provide for application.

Was read the first time and referred to the **Political Subdivisions Committee**.

**SB 2205:** A BILL for an Act to provide an appropriation to the department of human services for providing a grant for administering 2-1-1 services.

Was read the first time and referred to the **Human Services Committee**.

**SB 2212:** A BILL for an Act to provide an appropriation to the attorney general for the rural crime and justice center victim assistance academy.

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

**SB 2221:** A BILL for an Act to provide an appropriation to the department of transportation for grants to counties and townships for improvements to scenic roadways and roadways providing access to recreational areas; to provide for a transfer; and to amend and reenact section 24-02-37.2 of the North Dakota Century Code, relating to the special road committee.

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

**SB 2226:** A BILL for an Act to amend and reenact section 23-01.2-04 of the North Dakota Century Code, relating to a medical director; and to provide an appropriation for the North Dakota trauma system.

Was read the first time and referred to the **Human Services Committee**.

**SB 2229:** A BILL for an Act to amend and reenact section 15.1-09-58 of the North Dakota Century Code, relating to early childhood education; and to provide an appropriation for early childhood education grants.

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

**SB 2244:** A BILL for an Act to provide an appropriation to the department of human services for early childhood services inclusion support services and grants; and to provide for a legislative management study.

Was read the first time and referred to the **Human Services Committee**.

**SB 2245:** A BILL for an Act to provide for gasoline marketing practices.

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

**SB 2269:** A BILL for an Act to provide for a legislative management study of the state's health care system; to provide for a health care consortium; to provide for reports to the legislative management; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

**SB 2279:** A BILL for an Act to provide for a legislative management study of the forestry stewardship tax.

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

**SB 2284:** A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to brewer taproom licenses; to amend and reenact section 5-03-07 of the North Dakota Century Code, relating to taxes on alcohol; and to provide for a statement of legislative intent and severability.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2307:** A BILL for an Act to create and enact a new subsection to section 23-35-08, four new subsections to section 61-28-02, and a new section to chapter 61-28 of the North Dakota Century Code, relating to regulation of septic system installers and septic systems; to provide a penalty; and to provide an appropriation.

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

**SB 2313:** A BILL for an Act to create and enact a new subsection to section 11-11-14 and a new subsection to section 40-05-01 of the North Dakota Century Code, relating to authorizing a county or a city to expend public funds to retain a lobbyist.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SB 2317:** A BILL for an Act to create and enact two new subsections to section 39-01-01 of the North Dakota Century Code, relating to definitions; and to amend and reenact sections 39-18-01, 39-18-02, 39-18-06, and 39-18-08 of the North Dakota Century Code, relating to mobile home and manufactured home dealer regulation.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2323:** A BILL for an Act to amend and reenact sections 50-25.2-03 and 50-25.2-10 of the North Dakota Century Code, relating to the reporting of abuse or neglect of a vulnerable adult; and to provide a penalty.

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

**SB 2330:** A BILL for an Act to amend and reenact section 57-38-35.2, subsection 1 of section 57-38-45, and section 57-38-62 of the North Dakota Century Code, relating to income tax penalties, interest, and underpayment of estimated taxes; and to provide an effective date.

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

**SB 2333:** A BILL for an Act to provide a contingent appropriation to the university of North Dakota for the school of medicine and health sciences facility project; and to declare an emergency.

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

**SB 2336:** A BILL for an Act to create and enact a new section to chapter 57-38 and subsection 10 of section 57-51.1-03 of the North Dakota Century Code, relating to income tax withholding on oil and gas royalty payments to nonresidents and an oil extraction tax exemption for wells completed outside the Bakken and Three Forks formations; to amend and reenact subsection 4 of section 38-08-04 and sections 57-51.1-01, 57-51.1-02, 57-51.1-03, and 57-51.1-03.1 of the North Dakota Century Code, relating to oil extraction tax rates and exemptions; to provide an effective date; and to provide an expiration date.

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

**SB 2339:** A BILL for an Act to create and enact a new section to chapter 6-09.4 of the North Dakota Century Code, relating to the financing of housing projects and creation of a public infrastructure revolving loan fund through the public finance authority; to provide an appropriation; and to provide a continuing appropriation.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**SB 2345:** A BILL for an Act to amend and reenact section 12.1-31-07.1 of the North Dakota Century Code, relating to the penalty for the exploitation of a disabled adult or vulnerable elderly adult.

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

**SB 2347:** A BILL for an Act to create and enact a new section to chapter 16.1-07 of the North Dakota Century Code, relating to emergency authority of the secretary of state for the administration of elections.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SB 2353:** A BILL for an Act to create and enact two new sections to chapter 37-17.3 of the North Dakota Century Code, relating to statewide integrated radio communication; to provide for a legislative management study; and to provide an appropriation.

Was read the first time and referred to the **Political Subdivisions Committee**.

**SB 2354:** A BILL for an Act to provide an appropriation to the state department of health for a loan repayment program for dentists in public health and nonpublic dental clinics.

Was read the first time and referred to the **Human Services Committee**.

**SB 2356:** A BILL for an Act to provide an appropriation to the department of human services for grants to children's advocacy centers.

Was read the first time and referred to the **Human Services Committee**.

**SB 2359:** A BILL for an Act to create and enact sections 61-40-10 and 61-40-11 of the North Dakota Century Code, relating to the western area water supply authority; and to amend and reenact sections 61-40-01 and 61-40-06 of the North Dakota Century Code, relating to the western area water supply authority.

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

**SB 2369:** A BILL for an Act to amend and reenact sections 16.1-06-04, 16.1-11-22, 16.1-11-30, and 16.1-12-02 of the North Dakota Century Code, relating to primary election ballot access and eligibility for minor political parties.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SB 2370:** A BILL for an Act to create and enact section 57-06-17.5 and a new subsection to section 57-51-02.2 of the North Dakota Century Code, relating to a new natural gas gathering and collection systems property tax exemption and oil and gas gross production tax exemption; and to provide an effective date.

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

**SB 2374:** A BILL for an Act to amend and reenact sections 15.1-09-08 and 15.1-09-24, subsection 10 of section 16.1-01-09.1, sections 16.1-03-12 and 16.1-03-14, subsection 1 of section 16.1-07-15, sections 16.1-09-02, 16.1-11-06, 16.1-11-11, 16.1-11-11.1, 16.1-11-15, 16.1-11-18, 16.1-11-19, 16.1-11-30, 16.1-12-02, and 16.1-12-02.3, subsection 3 of section 16.1-12-04, sections 16.1-12-07, 16.1-12-09, 27-25-04, 40-21-02, 40-21-07, 40-21-08, and 40-57.3-01.1, subsection 4 of section 44-08-21, and sections 46-06-03, 61-24-03, 61-24.5-06, and 61-24.5-07 of the North Dakota Century Code, relating to election and recall filing requirements.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

#### **FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4007:** A concurrent resolution directing the Legislative Management to study the growth in use of state False Claims Acts with qui tam provisions in state and local taxation matters and whether that approach is feasible and desirable in North Dakota.

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

**SCR 4011:** A concurrent resolution urging the National Park Service to recognize the historical value of the Nokota horse and provide for its appropriate management in Theodore Roosevelt National Park.

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

**SCR 4015:** A concurrent resolution urging the Department of Career and Technical Education to identify programs and initiatives in the fields of science, technology, engineering, and mathematics, and identify opportunities for coordinated public and private sector participation.

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

**SCR 4017:** A concurrent resolution relating to the Obama Administration's proposal that the Senate of the United States consider adoption of a United Nations Arms Trade Treaty.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**SCR 4019:** A concurrent resolution directing the Legislative Management to study early childhood services in the state, including the United States Department of Agriculture's food reimbursement program for early childhood service providers and the income guidelines for the Department of Human Services' child care assistance program.

Was read the first time and referred to the **Human Services Committee**.

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

**Buell J. Reich, Chief Clerk**

