JOURNAL OF THE HOUSE - SPECIAL SESSION

Sixty-second Legislative Assembly

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Bismarck, November 10, 2011

The House convened at 8:15 a.m., with Speaker Drovdal presiding.

The prayer was offered by Pastor Donna Dohrmann, Lutheran Church of the Cross, Bismarck.

The roll was called and all members were present except Representative Glassheim.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER DROVDAL DEEMED approval of the amendments to HB 1476.

HB 1476, as amended, was placed on the Eleventh order of business on today's calendar.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HCR 3053, HCR 3054.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SMR 8002.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HCR 3053, HCR 3054.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HCR 3053, HCR 3054.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SMR 8002.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SMR 8002.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on November 10, 2011: HCR 3053, HCR 3054.

ANNOUNCEMENT

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

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

REPORT OF STANDING COMMITTEE

HB 1474, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (15 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1474 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1475: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (18 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1475 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1477: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1477 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "appropriations" with "an appropriation"

Page 2, replace lines 9 through 29 with:

"**SECTION 3. LEGISLATIVE INTENT - DICKINSON STATE UNIVERSITY THEODORE ROOSEVELT CENTER APPROPRIATION.** It is the intent of the sixty-second legislative assembly that the $750,000 general fund appropriation provided in House Bill No. 1003, as approved by the sixty-second legislative assembly, to Dickinson state university for the digitization of documents related to the Theodore Roosevelt center may be used for any project or program related to the Theodore Roosevelt center, for the biennium beginning July 1, 2011, and ending June 30, 2013.

SECTION 4. APPROPRIATION - WILLISTON STATE COLLEGE. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of $2,000,000, or so much of the sum as may be necessary, to Williston state college for public safety or other unusual or unexpected expenses due to the impact of oil and gas development in the region, for the period beginning with the effective date of this Act and ending June 30, 2013. The funding provided in this section is considered one-time funding."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes Sections 3 and 4 of the bill providing appropriations to Williston State College and Dickinson State University. The amendment adds a section of legislative intent regarding the use of funds appropriated by the 62nd Legislative Assembly for the Theodore Roosevelt Center at Dickinson State University and adds a new appropriation section to provide a $2 million one-time general fund appropriation to Williston State College for expenses associated with the impact of oil and gas development.

ANNOUNCEMENT

SPEAKER DROVDAL ANNOUNCED that the House will stand in recess until 4:00 p.m.

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

CORRECTION AND REVISION OF THE JOURNAL

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

Page 2166, after line 14, insert:
"MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1473."

Page 2166, after line 16, insert:
"MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SB 2370.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on November 9, 2011: HB 1473."

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

SIXTH ORDER OF BUSINESS

SPEAKER DROVDAL DEEMED approval of the amendments to HB 1477.

HB 1477, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1477: A BILL for an Act to amend and reenact section 15 of chapter 3 of the 2011 Session Laws, relating to authorization of the state board of higher education to

issue revenue bonds; to provide legislative intent; to provide an 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 93 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Ruby

Engrossed HB 1477 passed.

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MOTION

REP. VIGESAA MOVED that that House Rule 306 Rules of Debate be suspended, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1474: A BILL for an Act to create and enact chapter 54-66 of the North Dakota Century Code, relating to creation of a North Dakota health benefit exchange; to repeal chapter 26.1-54 of the North Dakota Century Code and section 3 of chapter 225 of the 2011 Session Laws, relating to the insurance commissioner's and department of human services' duties to establish a health benefit exchange and provide updates to the legislative management; to provide a statement of legislative intent; to provide for reports to the legislative management; to provide an appropriation; to provide a continuing appropriation; to provide a transfer; to provide an effective date; and to provide for a contingent expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 30 YEAS, 64 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Clark; Conklin; Delmore; Glassheim; Gruchalla; Guggisberg; Hawken; Hogan; Hunskor; Johnson, N.; Kaldor; Kasper; Keiser; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Kretschmar; Kroeber; Maragos; Metcalf; Mueller; Nelson, M.; Onstad; Sukut; Williams; Winrich; Zaiser

NAYS: Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Dahl; Damschen; DeKrey; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Holman; Johnson, D.; Karls; Kelsch, R.; Kelsh, J.; Kempenich; Klein; Koppelman; Kreidt; Kreun; Louser; Martinson; Meier, L.; Meyer, S.; Mock; Monson; Nathe; Nelson, J.; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Wrangham; Speaker Drovdal

Engrossed HB 1474 lost.

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SECOND READING OF HOUSE BILL

HB 1475: A BILL for an Act to provide for appropriations for certain medical services, health insurance, economic assistance, and information technology programs and systems; 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 72 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Belter; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Rust; Sanford; Schmidt; Skarphol; Steiner; Sukut; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser

NAYS: Beadle; Bellew; Brabandt; Delzer; Devlin; Dosch; Headland; Karls; Kasper; Kelsch, R.; Kempenich; Koppelman; Nathe; Porter; Rohr; Ruby; Schatz; Streyle; Thoreson; Weiler; Speaker Drovdal

ABSENT AND NOT VOTING: Meier, L.

HB 1475 passed.

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SECOND READING OF HOUSE BILL

HB 1476: A BILL for an Act to amend and reenact section 26.1-36-46 of the North Dakota Century Code, relating to the external review procedures for health insurance; 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 70 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Carlson; Clark; Conklin; DeKrey; Delmore; Dosch; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Kreidt; Kretschmar; Kreun; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schmidt; Skarphol; Steiner; Sukut; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Boehning; Brabandt; Brandenburg; Dahl; Damschen; Delzer; Devlin; Grande; Headland; Karls; Kempenich; Klein; Koppelman; Kroeber; Louser; Monson; Ruby; Schatz; Streyle; Thoreson; Trottier; Weiler; Wrangham

ABSENT AND NOT VOTING: Meier, L.

Engrossed HB 1476 passed.

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MOTION

REP. VIGESAA MOVED that the absent member be excused, which motion prevailed.

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Seventh, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Friday, November 11, 2011, which motion prevailed.

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 1475.

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 1476, HB 1477.

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

MR. PRESIDENT: The House has failed to pass: HB 1474.

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 2371.

FIRST READING OF SENATE BILL

SB 2371: A BILL for an Act to create and enact a new section to chapter 6-09 and a new subsection to section 39-12-02 of the North Dakota Century Code, relating to the establishment of a rebuilders loan program and to special permits for vehicles of excessive size and weight; to amend and reenact subsection 5 of section 57-35.3-05 and subsections 1 and 5 of section 57-38-01.32 of the North Dakota Century Code, section 4 of chapter 12 of the 2011 Session Laws, and subsection 4 of section 10 of chapter 12 of the 2011 Session Laws, relating to financial institutions tax and income tax credits for contributions to the housing incentive fund, department of transportation borrowing authority for emergency relief projects, and the county and township road reconstruction program; to provide for a rebuilders loan program, principal reduction grants, a flood-impacted political subdivision infrastructure development grant program, road grade raising grants, oil and gas impact grant funding enhancement, and transportation funding enhancement; to provide for transfers; to provide appropriations; to provide contingent appropriations and transfers; to provide a continuing appropriation; to provide statements of legislative intent; to provide for a study; to provide for retroactive application; to provide an effective date; and to provide an expiration date.

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