

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, January 14, 2011

The House convened at 12:30 p.m., with Acting Speaker Monson presiding.

The prayer was offered by Rev. Daniel Paulson, United As One Lutheran Parish ELCA, Powers Lake.

The roll was called and all members were present except Representatives Belter, Drovdal, Headland, D. Johnson, and Wrangham.

A quorum was declared by the Speaker.

## COMMUNICATION

**MR. SPEAKER:** On Thursday, January 13, 2011, the House Appropriations Committee - Education and Environment Division held a hearing on the community services block grant moneys anticipated by the Department of Commerce during the period beginning October 1, 2011, and ending September 30, 2013. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the House Appropriations Committee during the block grant hearing, the House Appropriations Committee clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the Department of Commerce includes the legislative action regarding the use of the federal block grant funds.

## MOTION

**REP. SKARPHOL MOVED** that the communication read by the Chief Clerk be printed in the House Journal, which motion prevailed.

## SIXTH ORDER OF BUSINESS

**ACTING SPEAKER MONSON DEEMED** approval of the amendments to HB 1054, HB 1071, HB 1085, HB 1110, HB 1119, and HCR 3003.

HB 1054, HB 1071, HB 1085, HB 1110, HB 1119, and HCR 3003, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. VIGESAA MOVED** that HB 1320 be returned to the House floor from the **Finance and Taxation Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1320 was rereferred.

## MOTION

**REP. PORTER MOVED** that HB 1277 be returned to the House floor from the **Energy and Natural Resources Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. S. MEYER REQUESTED** the unanimous consent of the House to withdraw HB 1277. There being no objection, it was so ordered by the Speaker.

## MOTION

**REP. KEISER MOVED** that HB 1233 be returned to the House floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. GLASSHEIM REQUESTED** the unanimous consent of the House to withdraw HB 1233. There being no objection, it was so ordered by the Speaker.

**SECOND READING OF HOUSE BILL**

**HB 1040:** A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on expansion of basic care bed capacity and the moratorium on expansion of long-term care bed capacity.

**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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Belter; Headland; Johnson, D.; Wrangham; Speaker Drovdal

Engrossed HB 1040 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1056:** A BILL for an Act to amend and reenact section 65-02-30 of the North Dakota Century Code, relating to the independent performance evaluation of workforce safety and insurance; and to provide for application.

**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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; 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; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Belter; Headland; Johnson, D.; Wrangham; Speaker Drovdal

Engrossed HB 1056 passed.

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**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 1030, HB 1087, HB 1102, HB 1117, HB 1118, HB 1124, HB 1138.

**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 2083, SB 2099, SB 2123, SB 2139.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 17, 2011, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1045: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1045 was placed on the Sixth order on the calendar.

Page 7, line 9, replace "is dedicated to" with "has primary responsibility for"

Page 10, line 6, remove "hearing-impaired and mute"

Page 10, line 6, after "callers" insert "with hearing or speech impairments"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1053: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1053 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with "to provide for a report;"

Page 1, line 2, after "application" insert "; and to provide an expiration date"

Page 1, line 7, replace "If" with "For all controlled substances identified under subsection 3 of section 19-03.5-01, if"

Page 1, line 7, replace "is" with "becomes"

Page 1, line 8, replace "create a life-threatening side effect" with "produce a verifiable allergic reaction"

Page 1, after line 11, insert:

**"SECTION 2. REPORT TO LEGISLATIVE MANAGEMENT.** During the 2011-12 interim, the director of workforce safety and insurance or director's designee shall prepare and present a report regarding dispense as written utilization information to the legislative management."

Page 1, after line 13, insert:

**"SECTION 4. EXPIRATION DATE.** This Act is effective through July 31, 2013, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1081: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1081 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1094: Government and Veterans Affairs Committee (Rep. Grande, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1094 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1131: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1131 was placed

on the Sixth order on the calendar.

Page 7, line 13, remove the underscored comma

Page 7, line 14, remove "subject to the rules of the state credit union board"

Page 9, line 10, remove "as defined by the state credit"

Page 9, line 11, remove "union board by rule"

Page 9, line 16, remove "as required by"

Page 9, line 17, remove "the state credit union board by rule"

Page 9, line 19, remove "as defined by the state"

Page 9, line 20, remove "credit union board by rule"

Page 9, line 26, after "The" insert "board or"

Page 9, line 28, remove "as determined by state credit union board rule"

Page 9, line 29, remove the overstrike over "~~board~~" and insert immediately thereafter "or"

Renumber accordingly

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

**HB 1145: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1145 was placed on the Eleventh order on the calendar.

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

**HB 1153: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1153 was placed on the Eleventh order on the calendar.

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

**HCR 3005: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**