

## JOURNAL OF THE HOUSE

## Sixty-third Legislative Assembly

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Bismarck, February 8, 2013

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

The prayer was offered by Representative Hogan, District 21, Fargo.

The roll was called and all members were present except Representatives Schatz, Trottier, and Williams.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER DEVLIN DEEMED** approval of the amendments to HB 1176, HB 1222, HB 1240, HB 1300, HB 1330, HB 1331, HB 1356, HB 1359, HB 1360, HB 1412, HB 1432, and HB 1454.

HB 1176, as amended, was rereferred to the **Appropriations Committee**.

HB 1222, HB 1240, HB 1300, HB 1330, HB 1331, HB 1356, HB 1359, HB 1360, HB 1412, HB 1432, and HB 1454, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. VIGESAA MOVED** that HB 1209, which is on the Eleventh order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1209 was rereferred.

## SECOND READING OF HOUSE BILL

**HB 1305:** A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code, relating to the prohibition on abortions for sex selection or genetic abnormalities; to amend and reenact section 14-02.1-02 of the North Dakota Century Code, relating to definitions; and to provide a penalty.

## 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 64 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Headland; Heilman; Heller; Hofstad; Hunsakor; Johnson, D.; Karls; Kasper; Kelsh, J.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looyesen; Louser; Martinson; Meier; Muscha; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Thoreson; Toman; Vigesaa; Wall; Weisz; Wieland; Speaker Devlin

**NAYS:** Amerman; Beadle; Becker; Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hogan; Holman; Johnson, N.; Keiser; Kelsh, S.; Kreun; Maragos; Mock; Monson; Mooney; Onstad; Oversen; Strinden; Sukut; Zaiser

**ABSENT AND NOT VOTING:** Schatz; Trottier; Williams

HB 1305 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1456:** A BILL for an Act to create and enact two new sections to chapter 14-02.1 and a new subsection to section 43-17-31 of the North Dakota Century Code, relating to limitations on abortion after determination of detectable heartbeat in an unborn child and to grounds for disciplinary action for physicians; 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 63 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Gruchalla; Headland; Heilman; Heller; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Kelsh, J.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looyen; Louser; Meier; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Paur; Pollert; Porter; Rohr; Ruby; Rust; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Speaker Devlin

**NAYS:** Amerman; Beadle; Becker; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hogan; Holman; Johnson, N.; Keiser; Kelsh, S.; Kreun; Maragos; Martinson; Mock; Mooney; Onstad; Oversen; Owens; Sanford; Strinden; Sukut; Zaiser

**ABSENT AND NOT VOTING:** Schatz; Trottier; Williams

Engrossed HB 1456 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1093:** A BILL for an Act to amend and reenact section 43-41-05 of the North Dakota Century Code, relating to the private practice of social work.

**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 66 YEAS, 25 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Hatlestad; Headland; Heilman; Heller; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Monson; Nathe; Nelson, J.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Speaker Devlin

**NAYS:** Amerman; Becker; Boe; Boschee; Delmore; Gruchalla; Guggisberg; Haak; Hanson; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kelsh, J.; Kelsh, S.; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Strinden; Zaiser

**ABSENT AND NOT VOTING:** Schatz; Trottier; Williams

Engrossed HB 1093 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1180:** A BILL for an Act to create and enact two new sections to chapter 50-06.2 and a new section to chapter 50-24.7 of the North Dakota Century Code, relating to the qualifications, authority, and duties of independent home and community-based

services case managers.

#### 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 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; 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; 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; Looysen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigesaa; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

**NAYS:** Hogan

**ABSENT AND NOT VOTING:** Schatz; Trottier; Williams

HB 1180 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1455:** A BILL for an Act to create and enact a new subsection to section 30.1-18-15 and a new chapter to title 34 of the North Dakota Century Code, relating to authority of personal representatives relating to internet accounts and workplace privacy of social media accounts.

#### 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, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; 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; 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; Looysen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Toman; Vigesaa; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

**NAYS:** Headland; Larson; Nathe; Streyle; Thoreson

**ABSENT AND NOT VOTING:** Schatz; Trottier; Williams

Engrossed HB 1455 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1232:** A BILL for an Act to amend and reenact sections 43-10.1-03.1 and 50-24.1-02.3 of the North Dakota Century Code, relating to pre-need funeral contracts and medicaid eligibility.

#### 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 90 YEAS, 0 NAYS,

0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovda; Fehr; Frantsov; 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; Klemin; 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; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Klein; Schatz; Trottier; Williams

HB 1232 passed.

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### SECOND READING OF HOUSE BILL

**HB 1285:** A BILL for an Act to amend and reenact subsection 1 of section 43-26.1-04 and subsection 4 of section 43-26.1-11 of the North Dakota Century Code, relating to physical therapy licensure and supervision of physical therapy assistants; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovda; Fehr; Frantsov; 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; Klemin; 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; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Klein; Schatz; Trottier; Williams

HB 1285 passed and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1303:** A BILL for an Act to provide an appropriation to the state board of higher education to provide grants to establish college preparatory academies; and to provide for a report to the legislative council.

### 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 16 YEAS, 74 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Boschee; Gruchalla; Guggisberg; Haak; Holman; Hunskor; Kelsh, J.; Kelsh, S.; Mock; Mooney; Muscha; Onstad; Oversen; Strinden; Zaiser

**NAYS:** Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovda; Fehr; Frantsov; Froseth; Glassheim; Grande; Hanson; Hatlestad; Hawken; Headland; Heilman;

Heller; Hofstad; Hogan; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Speaker Devlin

**ABSENT AND NOT VOTING:** Klein; Schatz; Trottier; Williams

HB 1303 failed.

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### SECOND READING OF HOUSE BILL

**HB 1392:** A BILL for an Act to amend and reenact sections 12-44.1-01 and 12-44.1-04 and subsection 1 of section 12-44.1-06 of the North Dakota Century Code, relating to correctional facilities.

### 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; 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; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Klein; Schatz; Trottier; Williams

HB 1392 passed.

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### SECOND READING OF HOUSE BILL

**HB 1468:** A BILL for an Act to amend and reenact subsection 2 of section 40-57-02 of the North Dakota Century Code, relating to authorized municipal industrial development bond projects.

### 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 83 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Damschen; Delmore; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

**NAYS:** Belter; Carlson; Delzer; Drovdal; Headland; Silbernagel; Skarphol

**ABSENT AND NOT VOTING:** Klein; Schatz; Trottier; Williams

HB 1468 passed.

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### SECOND READING OF HOUSE BILL

**HB 1116:** A BILL for an Act to amend and reenact section 12.1-04-06 of the North Dakota Century Code, relating to an evaluation to determine a defendant's fitness to proceed.

### 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, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; 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; Klemin; 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; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Speaker Devlin

**NAYS:** Zaiser

**ABSENT AND NOT VOTING:** Klein; Schatz; Trottier; Williams

Engrossed HB 1116 passed.

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### SECOND READING OF HOUSE BILL

**HB 1138:** A BILL for an Act to amend and reenact sections 12-63-09 and 12-63-12 of the North Dakota Century Code, relating to peace officer licenses; and to repeal section 12-63-08 of the North Dakota Century Code, relating to peace officer licenses.

### 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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; 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; Klemin; 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; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Klein; Schatz; Trottier; Williams

Engrossed HB 1138 passed.

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### SECOND READING OF HOUSE BILL

**HB 1316:** A BILL for an Act to create and enact two new sections to chapter 47-34 of the North Dakota Century Code, relating to good funds and disclosures for real estate

transactions; and to amend and reenact sections 47-34-01 and 47-34-02 of the North Dakota Century Code, relating to good funds for real estate transactions.

#### 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; 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; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Klein; Maragos; Schatz; Trottier; Williams

Engrossed HB 1316 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1460:** A BILL for an Act to amend and reenact section 54-21.3-03 of the North Dakota Century Code, relating to the membership of the state building code advisory committee.

#### 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 8 YEAS, 81 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Becker; Belter; Boehning; Koppelman, B.; Koppelman, K.; Ruby; Vigasaa

**NAYS:** Amerman; Anderson; Bellew; Boe; 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; Klemin; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Klein; Maragos; Schatz; Trottier; Williams

Engrossed HB 1460 failed.

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#### SECOND READING OF HOUSE BILL

**HB 1040:** A BILL for an Act to create and enact section 30.1-28-10.1 of the North Dakota Century Code, relating to the appointment of an emergency guardian; to amend and reenact section 30.1-28-09 of the North Dakota Century Code, relating to requirements of guardianship proceedings; and to repeal section 30.1-28-10, relating to the appointment of temporary guardians.

#### 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 89 YEAS, 0 NAYS,

0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovda; Fehr; Frantsov; Froeth; 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; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigessaa; Wall; Weisz; Wieland; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Klein; Maragos; Schatz; Trottier; Williams

HB 1040 passed.

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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 2160, SB 2305, SCR 4009.

#### MOTION

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

#### MOTION

**REP. VIGESSAA 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., Monday, February 11, 2013, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1175: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1175 was placed on the Sixth order on the calendar.

Page 1, line 2, after "system" insert "; to provide a statement of legislative intent; and to provide a continuing appropriation"

Page 1, line 11, after "**health**" insert "**- Continuing appropriation**"

Page 2, line 21, after "registry" insert "and shall pay associated fees charged by the department"

Page 2, after line 24, insert:

"3. The department shall charge designated receiving centers a system registries fee for licensing and administration of the database. The department shall deposit fees collected under this subsection in the operating fund and these moneys are appropriated as a standing and continuing appropriation to the department for the purpose of funding the system registries."

Page 3, after line 26, insert:

"4. Except for a member of the acute cardiovascular emergency medical system of care advisory committee serving on the advisory committee in the member's capacity as a department employee and who is therefore entitled to receive reimbursement of mileage and expenses from the department, a member of the advisory committee serves without compensation or reimbursement of mileage and expenses from the



department but may receive compensation and reimbursement from the advisory committee member's employer or sponsoring entity."

Page 3, after line 31, insert:

**"SECTION 2. FULL-TIME EQUIVALENT POSITION.** This Act does not create any new full-time equivalent positions. The state department of health shall use full-time equivalent positions included in section 1 of Senate Bill No. 2004 of the sixty-third legislative assembly to carry out the provisions of this Act."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1202: 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 1202 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "emergency service communications" with "enhanced 911 and next generation 911 communications services"

Page 1, line 15, replace "emergency service communication" with "enhanced 911 and next generation 911 communication"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1213: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1213 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1256: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1256 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1257: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1257 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1309: 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 1309 was placed on the Sixth order on the calendar.

Page 1, line 20, remove the overstrike over "~~Within sixty days after the close of~~"

Page 1, remove the overstrike over line 21 and 22

Page 1, line 23, remove the overstrike over "~~office of management and budget a report indicating the~~"

Page 1, line 24, after "expenditures" insert "total amount of service awards paid"

Page 1, line 24, remove the overstrike over "~~Within~~"

Page 2, remove the overstrike over line 1

Page 2, line 2, remove the overstrike over "~~submit to the legislative council a report summarizing this information:~~"

Page 2, line 21, remove the overstrike over "~~Within sixty days after the close of~~"

Page 2, remove the overstrike over lines 22 through 24

Page 2, line 25, remove the overstrike over "~~indicating the~~"

Page 2, line 27, after "expenditure" insert "total employer-paid costs of training and educational courses, including tuition and fees"

Page 2, line 27, remove the overstrike over "~~Within ninety days after the close of each biennial period, the office of~~"

Page 2, remove the overstrike over line 28

Page 2, line 29, remove the overstrike over "~~information.~~"

Page 3, line 10, remove the overstrike over "~~Within sixty days after the~~"

Page 3, remove the overstrike over lines 11 through 13

Page 3, line 14, remove the overstrike over "~~indicating the~~"

Page 3, line 16, after "expenditure" insert "total employer-paid professional organization membership and service club dues"

Page 3, line 16, remove the overstrike over "~~Within ninety days after the close of each biennial period, the office of~~"

Page 3, remove the overstrike over line 17

Page 3, line 18, remove the overstrike over "~~information.~~"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1339: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1339 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1344: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1344 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1345: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1345 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1369: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1369 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1448: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1448 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3023: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3023 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3024: Transportation Committee (Rep. Ruby, Chairman)** recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HCR 3024 was placed on the Eleventh order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Thoreson, Bosch, N. Johnson, Kasper, Maragos, J. Nelson, M. Nelson and Sens. Dever, Laffen, Larsen, O'Connell introduced:

**HCR 3033:** A concurrent resolution directing the Legislative Management to study opportunities to reduce the risk of death and disease among smokers who will not quit smoking, by considering tobacco harm reduction strategies that encourage smokers to switch from cigarettes to less risky tobacco products and by accurately informing the public of the health risks posed by smokeless tobacco products, vapor products, and tobacco-derived products relative to cigarettes.

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**

