

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, February 20, 2013

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

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

The roll was called and all members were present.

A quorum was declared by the Speaker.

MOTION

REP. VIGESAA MOVED that HCR 3019, HCR 3016, HCR 3010, and HCR 3014 be moved to the Tenth order, which motion prevailed.

REQUEST

REP. ONSTAD REQUESTED that the amendments to HB 1035 be heard separately, which request was granted.

SIXTH ORDER OF BUSINESS

HB 1035: REP. WEISZ (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

REP. PORTER REQUESTED a verification vote, which request was granted.

The proposed amendments to HB 1035 failed on a verification vote.

MOTION

REP. VIGESAA MOVED that HB 1035 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to amend and reenact subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on expansion of long-term care bed capacity.

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 82 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Drovdal; Fehr; Frantsvog; 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; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Trottier; Vigesaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Becker; Bellew; Brabandt; Dosch; Koppelman, B.; Koppelman, K.; Nathe; Porter; Ruby; Streyle; Toman; Weisz

HB 1035 passed.

MOTION

REP. VIGESAA MOVED that HB 1324 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1324: A BILL for an Act to amend and reenact subsection 2 of section 23-16-01.1 of the North Dakota Century Code, relating to the transfer of long-term care bed capacity; 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 46 YEAS, 48 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Boe; Boehning; Boschee; Delmore; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Heller; Hogan; Holman; Hunskor; Kelsh, J.; Kelsh, S.; Kiefert; Kreidt; Kretschmar; Kreun; Maragos; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Rohr; Rust; Sanford; Schmidt; Skarphol; Strinden; Sukut; Wall; Williams; Zaiser

NAYS: Becker; Bellew; Belter; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Grande; Hawken; Headland; Heilman; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Klein; Klemin; Koppelman, B.; Koppelman, K.; Laning; Larson; Looysen; Louser; Martinson; Meier; Nathe; Paur; Pollert; Porter; Ruby; Schatz; Silbernagel; Steiner; Streyle; Thoreson; Toman; Trottier; Vigesaa; Weisz; Wieland; Speaker Devlin

HB 1324 failed.

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to HB 1126, Engrossed HB 1210, HB 1314, HB 1373, and HCR 3018.

HB 1126, Engrossed HB 1210, HB 1314, HB 1373, and HCR 3018, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1381: A BILL for an Act to amend and reenact section 57-62-06 of the North Dakota Century Code, relating to legislative intent on impact grants.

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 26 YEAS, 68 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Boe; Boschee; Delmore; Drovdal; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hogan; Holman; Hunskor; Kelsh, J.; Kelsh, S.; Kempenich; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Strinden; Williams; Zaiser

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

Engrossed HB 1381 failed.

SECOND READING OF HOUSE BILL

HB 1404: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemption for sales by a thrift store of a nonprofit corporation; 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 44 YEAS, 50 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Bellew; Boe; Boschee; Damschen; Delmore; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hogan; Holman; Hunskor; Johnson, N.; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Kretschmar; Maragos; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Rust; Sanford; Silbernagel; Steiner; Strinden; Weisz; Williams; Zaiser

NAYS: Beadle; Becker; Belter; Boehning; Brabandt; Brandenburg; Carlson; Delzer; Dockter; Dosch; Drovdal; Grande; Headland; Heilman; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Kreun; Laning; Larson; Looysen; Louser; Martinson; Meier; Monson; Nathe; Paur; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Skarphol; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Wieland; Speaker Devlin

Engrossed HB 1404 failed.

SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to amend and reenact subsection 21 of section 57-39.2-01 of the North Dakota Century Code, relating to sales tax application to tangible personal property delivered to out-of-state purchasers for incorporation into or attachment to real property in another state; 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 NOT PASS, the roll was called and there were 7 YEAS, 87 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Carlson; Heilman; Johnson, N.; Klein; Koppelman, B.; Koppelman, K.; Wieland

NAYS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemin; 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; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Williams; Zaiser; Speaker Devlin

Engrossed HB 1419 failed.

SECOND READING OF HOUSE BILL

HB 1451: A BILL for an Act to amend and reenact sections 29-10.1-02, 29-10.1-21, and 29-10.1-22 of the North Dakota Century Code, relating to the requirements for calling and the duties of a grand jury.

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 61 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Larson; Looyen; Louser; Meier; Monson; Nathe; Nelson, J.; Owens; Paur; Pollert; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

NAYS: Amerman; Becker; Bellew; Boe; Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hogan; Holman; Hunskor; Kelsh, J.; Kelsh, S.; Kiefert; Laning; Maragos; Martinson; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Porter; Rohr; Ruby; Steiner; Strinden; Toman; Zaiser

Engrossed HB 1451 passed.

SECOND READING OF HOUSE BILL

HB 1458: A BILL for an Act to amend and reenact sections 5-01-08.1 and 5-01-09 of the North Dakota Century Code, relating to the penalty for delivery of alcohol to an underage individual; 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 61 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Bellew; Boschee; Brabandt; Carlson; Damschen; Delmore; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Hogan; Holman; Hunskor; Johnson, N.; Karls; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Laning; Larson; Looyen; Martinson; Meier; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Silbernagel; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Amerman; Becker; Belter; Boe; Boehning; Brandenburg; Delzer; Froseth; Grande; Headland; Heller; Hofstad; Johnson, D.; Kasper; Keiser; Kelsh, J.; Kempenich; Kreidt; Kreun; Louser; Maragos; Mock; Mooney; Muscha; Onstad; Oversen; Pollert; Schmidt; Skarphol; Steiner; Streyle; Strinden; Toman

Engrossed HB 1458 passed.

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 2017, SB 2021, SB 2022, SB 2048, SB 2218, SB 2227, SB 2240, SB 2250, SB 2308, SB 2320, SB 2340, SCR 4006.

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 2074, SB 2198, SB 2225, SB 2299, SB 2319, SB 2329, SB 2343, SCR 4010, SCR 4013.

MOTION

REP. VIGESAA 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 12:30 p.m., Thursday, February 21, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1135, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)

recommends **DO PASS** (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1135 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1174, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)
recommends **DO NOT PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1174 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1176, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)
recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed HB 1176 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1281: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1281 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the assessment of institutions of higher education; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

Assessment of institutions.

1. Before the state board of higher education may impose an assessment on or otherwise require that individual institutions of higher education pay for any goods or services provided by or through the university system office, the state board must seek approval from the budget section of the legislative management.
2. This section does not apply to any assessments or payment obligations for goods or services in effect before the effective date of this Act.

SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 2015, and after that date is ineffective.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1385, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)
recommends **DO NOT PASS** (16 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING).
Engrossed HB 1385 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk

