

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, January 25, 2013

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Church, Bismarck.

The roll was called and all members were present except Representatives Brandenburg, Devlin, Hawken, Headland, Klein, Kreidt, and Meier.

A quorum was declared by the Acting Speaker.

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 Twelfth and Thirteenth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 208, after line 25, insert "Page 2, remove lines thirteen through sixteen"

Page 218, delete lines 13 through 16

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

SIXTH ORDER OF BUSINESS

ACTING SPEAKER DROVDAL DEEMED approval of the amendments to HB 1079, HB 1084, HB 1092, HB 1098, HB 1106, HB 1171, and HB 1185.

HB 1084, as amended, was rereferred to the **Appropriations Committee**.

HB 1079, HB 1092, HB 1098, HB 1106, HB 1171, and HB 1185, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that HB 1461 be returned to the House floor from the **Education Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. TOMAN REQUESTED the unanimous consent of the House to withdraw HB 1461. There being no objection, it was so ordered by the Speaker.

MOTION

REP. VIGESAA MOVED that HB 1194 and HB 1299 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1194: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to short-term insurance; 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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 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; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich;

Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; 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; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland; Klein; Kreidt; Meier; Speaker Devlin

Engrossed HB 1194 passed.

SECOND READING OF HOUSE BILL

HB 1299: A BILL for an Act to create and enact a new subsection to section 10-32-02 of the North Dakota Century Code, relating to defining the term low-profit limited liability company; and to amend and reenact section 10-06.1-17, subsection 38 of section 10-32-02, subsections 2, 5, and 6 of section 10-32-02.2, subdivision b of subsection 1 of section 10-32-10, subsection 1 of section 10-32-114, subsection 2 of section 10-32-149, and subdivision c of subsection 1 of section 57-38-31.1 of the North Dakota Century Code, relating to low-profit limited liability companies.

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 23 YEAS, 65 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Boe; Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hofstad; Hogan; Hunskor; Kelsh, J.; Kelsh, S.; Looyesen; Mock; Mooney; Nelson, M.; Onstad; Oversen; Strinden; Zaiser

NAYS: Beadle; Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovda; Fehr; Frantsvog; Froseth; Grande; Hatlestad; Heilman; Heller; Holman; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Louser; Maragos; Martinson; Monson; Muscha; 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; Williams

ABSENT AND NOT VOTING: Hawken; Headland; Klein; Kreidt; Meier; Speaker Devlin

HB 1299 failed.

SECOND READING OF HOUSE BILL

HB 1248: A BILL for an Act to create and enact two new sections to chapter 15.1-06 of the North Dakota Century Code, relating to the school calendar; 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 NOT PASS, the roll was called and there were 35 YEAS, 53 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Beadle; Becker; Bellew; Belter; Boehning; Brabandt; Carlson; Delzer; Dockter; Dosch; Drovda; Grande; Hatlestad; Heller; Karls; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Larson; Louser; Maragos; Nathe; Porter; Rohr; Ruby; Schatz; Steiner; Streyle; Sukut; Thoreson; Toman

NAYS: Amerman; Anderson; Boe; Boschee; Brandenburg; Damschen; Delmore; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kelsh, J.; Kelsh, S.; Kiefert; Kretschmar; Kreun; Looyesen; Martinson; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Rust; Sanford;

Schmidt; Silbernagel; Skarphol; Strinden; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland; Klein; Kreidt; Meier; Speaker Devlin

HB 1248 failed.

SECOND READING OF HOUSE BILL

HB 1201: A BILL for an Act to amend and reenact section 50-24.1-32 of the North Dakota Century Code, relating to medical assistance services provided by physician assistants.

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 85 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; 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; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Brandenburg; Hawken; Headland; Keiser; Klein; Kreidt; Meier; Strinden; Speaker Devlin

HB 1201 passed.

SECOND READING OF HOUSE BILL

HB 1229: A BILL for an Act to amend and reenact section 15-20.1-23 of the North Dakota Century Code, relating to the North Dakota elementary student entrepreneurship program.

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 85 YEAS, 0 NAYS, 0 EXCUSED, 9 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; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland; Keiser; Klein; Kreidt; Meier; Streyle; Trottier; Speaker Devlin

HB 1229 passed.

SECOND READING OF HOUSE BILL

HB 1258: A BILL for an Act to amend and reenact section 15.1-21-02.5 of the North Dakota Century Code, relating to eligibility requirements for the North Dakota academic scholarship.

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 85 YEAS, 1 NAYS, 0 EXCUSED, 8 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; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemm; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser

NAYS: Trottier

ABSENT AND NOT VOTING: Hawken; Headland; Keiser; Klein; Kreidt; Meier; Streyle; Speaker Devlin

HB 1258 passed.

SECOND READING OF HOUSE BILL

HB 1266: A BILL for an Act to amend and reenact subsection 9 of section 15.1-06-04 of the North Dakota Century Code, relating to the length of a schoolday.

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 2 YEAS, 84 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Froseth; Maragos

NAYS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemm; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland; Keiser; Klein; Kreidt; Meier; Streyle; Speaker Devlin

HB 1266 failed.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to create and enact chapters 4.1-72, 4.1-73, 4.1-74, 4.1-75, 4.1-83, and 4.1-88 of the North Dakota Century Code, relating to the North Dakota stockmen's association, livestock branding, estrays, registered livestock, and the

licensing of livestock dealers and wool dealers; to repeal chapters 36-04, 36-09, 36-13, and 36-22 of the North Dakota Century Code, relating to livestock branding, estrays, and the licensing of livestock dealers and wool dealers; to provide a penalty; to provide for a legislative management study; and to provide a continuing appropriation.

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, 0 NAYS, 0 EXCUSED, 8 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; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland; Keiser; Klein; Kreidt; Meier; Streyle; Speaker Devlin

Engrossed HB 1026 passed.

SECOND READING OF HOUSE BILL

HB 1028: A BILL for an Act to amend and reenact section 15.1-18.2-04 of the North Dakota Century Code, relating to concussion management program requirements.

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, 0 NAYS, 0 EXCUSED, 8 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; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland; Keiser; Klein; Kreidt; Meier; Streyle; Speaker Devlin

Engrossed HB 1028 passed.

SECOND READING OF HOUSE BILL

HB 1064: A BILL for an Act to amend and reenact section 49-07-05.1 of the North Dakota Century Code, relating to the maximum penalty for a violation of pipeline safety standards.

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 73 YEAS, 13 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovdal; Fehr; Frantsovog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kelsh, J.; Kelsh, S.; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Maragos; Martinson; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Porter; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

NAYS: Bellew; Delzer; Grande; Heller; Kasper; Kempenich; Louser; Monson; Paur; Pollert; Rohr; Ruby; Schatz

ABSENT AND NOT VOTING: Hawken; Headland; Keiser; Klein; Kreidt; Meier; Streyle; Speaker Devlin

HB 1064 passed.

SECOND READING OF HOUSE BILL

HB 1086: A BILL for an Act to create and enact a new section to chapter 43-05 of the North Dakota Century Code, relating to the powers of the board of podiatric medicine in investigating and prosecuting complaints.

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 3 YEAS, 83 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Froseth; Maragos; Nelson, M.

NAYS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsovog; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland; Keiser; Klein; Kreidt; Meier; Streyle; Speaker Devlin

HB 1086 failed.

SECOND READING OF HOUSE BILL

HB 1141: A BILL for an Act to amend and reenact section 20.1-13-10 of the North Dakota Century Code, relating to towing an individual on water skis or similar devices.

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 78 YEAS, 9 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Fehr; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos;

Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Oversen; Owens; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Sukut; Thoreson; Toman; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

NAYS: Boschee; Drovdal; Hogan; Holman; Nelson, M.; Onstad; Paur; Strinden; Trottier

ABSENT AND NOT VOTING: Hawken; Headland; Klein; Kreidt; Meier; Streyle; Speaker Devlin

HB 1141 passed.

SECOND READING OF HOUSE BILL

HB 1173: A BILL for an Act to amend and reenact section 54-35-24 of the North Dakota Century Code, relating to the expiration date of the commission on alternatives to incarceration.

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 86 YEAS, 1 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Delzer

ABSENT AND NOT VOTING: Hawken; Headland; Klein; Kreidt; Meier; Streyle; Speaker Devlin

HB 1173 passed.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to amend and reenact section 62.1-02-04 of the North Dakota Century Code, relating to a firearm or dangerous weapon in a gaming site.

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 85 YEAS, 0 NAYS, 0 EXCUSED, 9 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; Heilman; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams

ABSENT AND NOT VOTING: Hawken; Headland; Hogan; Klein; Kreidt; Meier; Streyle; Zaiser; Speaker Devlin

HB 1241 passed.

SECOND READING OF HOUSE BILL

HB 1260: A BILL for an Act to amend and reenact subsection 1 of section 62.1-02-01.1 of the North Dakota Century Code, relating to jurisdiction for petitions to restore firearm rights.

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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 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; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland; Klein; Kreidt; Meier; Streytle; Speaker Devlin

HB 1260 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 2076, SB 2092, SB 2107, SB 2140, SB 2178, SB 2217.

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 Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 28, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1025: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1025 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the first comma with " and"

Page 1, line 2, remove ", and 37-17.1-27"

Page 2, remove lines 25 through 30

Page 3, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1033: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 1 NAYS, 3 ABSENT AND NOT VOTING). HB 1033 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 require authorization of the purchase or lease of aircraft; to provide for the use of department of transportation airplanes; to provide for the sale of airplanes; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1.

Authorization to purchase or lease aircraft - Legislative assembly or budget section approval.

A state agency or other entity of state government may not purchase or lease an aircraft without specific authorization from the legislative assembly or the budget section of the legislative management if the legislative assembly is not in session. This section does not apply to aircraft purchased or leased by the office of the adjutant general or the university of North Dakota school of aviation.

SECTION 2.

Use of department of transportation airplanes.

Upon request, the department of transportation shall provide air transportation services to other state agencies. Each agency using air transportation services from the department shall pay a user charge determined by the department of transportation which must be based upon the actual cost of operating the aircraft. The department shall give priority to requests for air transportation services from the attorney general's office when the request is for law enforcement purposes. The director of the department of transportation shall allow employees of other state agencies to operate the department's airplanes for official purposes if the employee is properly licensed and has the proper rating and type endorsement to operate the requested airplane.

SECTION 3. SALE OR DISPOSAL OF DEPARTMENT OF TRANSPORTATION AIRPLANES. The director of the department of transportation shall sell or dispose of the department's 1977 piper cheyenne airplane and the department's 1975 cessna skymaster airplane. The proceeds from the sale or disposal of the airplanes must be used for replacement airplane purchases as provided in section 6 of this Act. After June 30, 2014, the department may not use any funds appropriated by the legislative assembly to maintain or operate the department's 1977 piper cheyenne airplane or the department's 1975 cessna skymaster airplane.

SECTION 4. DISPOSAL OF ATTORNEY GENERAL'S OFFICE AIRPLANE.

The attorney general's office shall sell or dispose of the office's 1965 beechcraft baron airplane. The proceeds from the sale of the airplane must be retained by the attorney general's office and used in accordance with the agreement entered into by the office to obtain the airplane. After June 30, 2014, the office may not use any funds appropriated by the legislative assembly to maintain or operate the airplane.

SECTION 5. NORTH DAKOTA STATE UNIVERSITY AIRPLANE. After June 30, 2014, North Dakota state university may not use any funds appropriated by the legislative assembly, including funds from continuing appropriations authorized by the legislative assembly, for the purpose of leasing an airplane.

SECTION 6. APPROPRIATION - DEPARTMENT OF TRANSPORTATION - AIRPLANE REPLACEMENT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,500,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of purchasing replacement airplanes for the department's airplane fleet, for the biennium beginning July 1, 2013, and ending June 30, 2015. The appropriation provided in this section must be reduced by an amount equal to the total proceeds received from the sale or disposal of department

airplanes as provided in section 3 of this Act. The funding provided in this section is considered a one-time funding item."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1061: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1061 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "61-03-23" insert "and 61-04-30"

Page 1, line 2, after the semicolon insert "to provide a penalty;"

Page 1, line 9, overstrike "knowingly"

Page 1, line 10, replace "fifteen" with "twenty-five"

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Section 61-04-30 of the North Dakota Century Code is amended and reenacted as follows:

61-04-30. Penalty.

A person who constructs works for an appropriation, or diverts, impounds, withdraws, or uses a significant amount of water from any source without a permit specifically authorizing such action, except as otherwise provided in section 61-04-02; who violates an order of the state engineer; who fails or refuses to install meters, gauges, or other measuring devices or to control works; who violates an order establishing corrective controls for an area or for a source of water; who violates the terms of the permit; or who knowingly makes a false or misleading statement in a declaration of existing rights is guilty of a class A misdemeanor. As used in this section, "significant amount of water" means any amount of water in excess of that allowed in a valid water permit, or any amount of water in excess of the needs for domestic and livestock purposes where no permit has been issued. The state engineer shall inform the tax commissioner of violations of industrial use permits."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1120: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.

Page 1, line 6, after "**disasters**" insert "**mandatory evacuations,**"

Page 1, line 7, remove the overstrike over "~~Unless so declared in accordance with the provisions of subsection 4~~"

Page 1, line 8, remove the overstrike over "of"

Page 1, line 8, remove "Notwithstanding"

Page 1, line 9, remove the overstrike over "only"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1137: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends

AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1137 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "one hundred" with "fifty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1142: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1142 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1151: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1151 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1152: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1152 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1154: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1154 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1156: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1156 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1159: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1159 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1161: Energy and Natural Resources Committee (Rep. Porter, 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 1161 was placed on the Sixth order on the calendar.

Page 3, line 9, replace "January" with "April"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1163: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1163 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1187: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1187 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1189: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1189 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1191: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1191 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "**rates**" with "**in rents**"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1217: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1217 was placed on the Sixth order on the calendar.

Page 1, line 1, after "BILL for" replace the remainder of the for with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to instruction in personal finance at the middle school level.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Concepts of personal finance - Inclusion in curriculum for grades seven and eight

In addition to the requirements of 15.1-21-01, beginning July 1, 2014, each school district shall develop a curriculum for personal finance in consultation with the department of career and technical education.

1. The curriculum must be delivered to students in grades seven or eight.
2. The curriculum must include:
 - a. Checkbook mechanics, including writing checks, balancing, and statement reconciliation;
 - b. Saving for larger purchases;
 - c. Credit, including credit card usage, interest, and fees;
 - d. Earning power, including jobs for teenagers;
 - e. Taxation and paycheck withholdings;
 - f. Making and living within a budget; and
 - g. Consumer rights and responsibilities.
3. The requirements of this section may be provided by a regular classroom teacher."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1218: Transportation Committee (Rep. Ruby, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1218 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1252: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1252 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1267: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1267 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "abandoned" with "vacated"

Page 1, line 12, replace "abandoned" with "vacated"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1276: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1276 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a new section to chapter 15.1-19" with "section 15.1-19-23"

Page 1, line 3, remove "public"

Page 1, line 3, remove "nurse practices"

Page 1, line 4, replace "act" with "Nurse Practices Act"

Page 1, line 6, replace "A new section to chapter 15.1-19" with "Section 15.1-19-23"

Page 1, line 8, replace "**Administration of medication**" with "**15.1-19-23. Medication program - Establishment**"

Page 1, line 8, after "**Liability**" insert "**- Immunity from liability**"

Page 1, line 9, remove "A teacher or classified staff member who is not employed as a school nurse or"

Page 1, replace lines 10 and 11 with "The board of a school district or the governing body of a nonpublic school may establish a program for providing medication to students that includes authorizing individuals to provide medication to a student if the individual has received education and training in medication administration and has received written consent of the student's parent or guardian."

2. A teacher or classified staff member, who is not employed as a licensed health care provider to provide medication, may choose to not provide medication under the program established under subsection 1."

Page 1, line 12, replace "2." with "3."

Page 1, line 12, replace "administer" with "provide"

Page 1, line 12, replace "by section 43-12.1-04" with "under subsection 1, or a school district, the board of a school district, or the governing body of a nonpublic school that establishes a program for providing medication to students"

Page 1, line 14, replace "administering" with "providing"

Page 1, line 18, after "school" insert "under a program established under section 15.1-19-23"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1282: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1282 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Brandenburg, Belter, Headland, Kempenich, Schmidt, Boe and Sens. Schaible, Wanzek, Dotzenrod, O'Connell introduced:

HCR 3017: A concurrent resolution urging the United States Fish and Wildlife Service and the United States Department of Agriculture's Natural Resource Conservation Service to fairly administer water management laws and regulations in a manner that allows landowners and tenants certainty and cooperation in the management of these laws and regulations.

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

Reps. Carlson, Devlin, Nathe, Schatz, Vigesaa introduced:

HCR 3018: A concurrent resolution to amend and reenact section 26 of article X of the Constitution of North Dakota, relating to transfer of a portion of the earnings of the legacy fund to the legacy scholarship fund.

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

Rep. Louser introduced:

HCR 3019: A concurrent resolution directing the Legislative Management to study the feasibility and desirability of replacement of assessment and levy of property taxes as the primary funding source for local government services.

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

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

Buell J. Reich, Chief Clerk