

## JOURNAL OF THE HOUSE

## Sixty-third Legislative Assembly

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Bismarck, February 4, 2013

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

The prayer was offered by Pastor Rich Wyatt, Living Hope Nazarene, Bismarck.

The roll was called and all members were present except Representatives Amerman, Porter, and Strinden.

A quorum was declared by the 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 Sixteenth and Seventeenth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 267, remove lines 13 and 14

Page 275, lines 19, 20, 23, and 25, remove "Engrossed"

Page 281, line 34, remove "HB 1156"

Page 281, after line 38, insert:

**"MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK) MR. PRESIDENT:** The House has passed, the emergency clause failed, and your favorable consideration is requested on: HB 1156."

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

**MOTION**

**REP. VIGESAA MOVED** that HB 1308, which is on the Sixth order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1308 was rereferred.

**MOTION**

**REP. VIGESAA MOVED** that HB 1405, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1405 was rereferred.

**MOTION**

**REP. VIGESAA MOVED** that HB 1301, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1301 was rereferred.

**MOTION**

**REP. VIGESAA MOVED** that HB 1068 and HB 1287 be moved to the bottom of the calendar, which motion prevailed.

**MOTION**

**REP. VIGESAA MOVED** that HB 1166, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1220:** A BILL for an Act to create and enact chapter 57-64.1 of the North Dakota Century Code, relating to direct payment of a property tax relief royalty to property owners; to repeal chapter 57-64 of the North Dakota Century Code, relating to the mill levy

reduction grant program; and to provide a contingent 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 2 YEAS, 89 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Boe; Maragos

**NAYS:** Anderson; Beadle; Becker; Bellew; Belter; 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; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1220 failed.

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#### SECOND READING OF HOUSE BILL

**HB 1226:** A BILL for an Act to amend and reenact section 57-12-09 of the North Dakota Century Code, relating to notice of increased assessment for property tax purposes; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 73 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Boe; Delmore; Glassheim; Gruchalla; Guggisberg; Hawken; Hogan; Holman; Johnson, N.; Kelsh, J.; Kelsh, S.; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Zaiser

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1226 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1317:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to a student loan paydown program for early childhood education and care providers; and to provide an appropriation.

#### 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 34 YEAS, 57 NAYS,

0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Boe; Boschee; Delmore; Frantsvog; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hawken; Heilman; Heller; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kelsh, J.; Kelsh, S.; Kretschmar; Kreun; Maragos; Martinson; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Rohr; Sanford; Williams; Zaiser

**NAYS:** Anderson; Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Froseth; Grande; Hatlestad; Headland; Hofstad; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Looyesen; Louser; Meier; Monson; Nathe; Nelson, J.; Owens; Paur; Pollert; Ruby; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1317 failed.

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### SECOND READING OF HOUSE BILL

**HB 1334:** A BILL for an Act to authorize the North Dakota council on the arts to develop and implement a pilot grant program to integrate arts into science, technology, engineering, and mathematics and core disciplines; and to provide an appropriation.

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

**YEAS:** Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Kelsh, J.; Kelsh, S.; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Owens; Sanford; Williams; Zaiser

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

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1334 failed.

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### SECOND READING OF HOUSE BILL

**HB 1372:** A BILL for an Act to amend and reenact subsection 5 of section 16.1-01-09 and subsections 1, 5, and 7 of section 16.1-01-09.1 of the North Dakota Century Code, relating to requirements for initiative, referendum, and recall petitions.

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

**YEAS:** Anderson; Beadle; Becker; 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; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Bellew; Ruby; Thoreson

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1372 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1375:** A BILL for an Act to create and enact sections 57-36-02.1, 57-36-03.1, 57-36-03.2, 57-36-03.3, 57-36-08.1, 57-36-08.2, and 57-36-13.1 of the North Dakota Century Code, relating to tax stamping of cigarette packs; to amend and reenact section 57-36-01 and 57-36-25.1 of the North Dakota Century Code, relating to tobacco products tax definitions; 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 33 YEAS, 58 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Belter; Boehning; Carlson; Delmore; Dosch; Grande; Hanson; Hawken; Headland; Heller; Holman; Hunskor; Johnson, N.; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Larson; Martinson; Mock; Monson; Mooney; Nathe; Oversen; Owens; Pollert; Schatz; Silbernagel; Skarphol; Streyle; Thoreson; Weisz

**NAYS:** Anderson; Becker; Bellew; Boe; Boschee; Brabandt; Brandenburg; Damschen; Delzer; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hatlestad; Heilman; Hofstad; Hogan; Johnson, D.; Karls; Keiser; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Looyesen; Louser; Maragos; Meier; Muscha; Nelson, J.; Nelson, M.; Onstad; Paur; Rohr; Ruby; Rust; Sanford; Schmidt; Steiner; Sukut; Toman; Trottier; Vigasaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1375 failed.

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#### SECOND READING OF HOUSE BILL

**HB 1387:** A BILL for an Act to amend and reenact section 57-36-32 of the North Dakota Century Code, relating to an increase in the tobacco products tax rate for cigarettes; 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 19 YEAS, 72 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Boe; Fehr; Glassheim; Gruchalla; Guggisberg; Hawken; Hogan; Holman; Hunskor; Johnson, N.; Kelsh, J.; Kelsh, S.; Larson; Mooney; Nelson, M.; Onstad; Oversen; Silbernagel; Zaiser

**NAYS:** Anderson; Beadle; Becker; Bellew; Belter; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Frantsvog; Froseth; Grande; Haak; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Looyesen;

Louser; Maragos; Martinson; Meier; Mock; Monson; Muscha; Nathe; Nelson, J.; Owens; Paur; Pollert; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1387 failed.

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### SECOND READING OF HOUSE BILL

**HB 1391:** A BILL for an Act to amend and reenact section 40-08-05 of the North Dakota Century Code, relating to qualifications of city council members.

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

**YEAS:** 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; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Nelson, M.

**ABSENT AND NOT VOTING:** Amerman; Porter; Rohr; Strinden

HB 1391 passed.

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### SECOND READING OF HOUSE BILL

**HB 1401:** A BILL for an Act to amend and reenact sections 15.1-09-14, 15.1-09-15, 15.1-09-16, 15.1-09-17, and 16.1-15-17 of the North Dakota Century Code, relating to the date for the canvass of an election.

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

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

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1401 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1167:** A BILL for an Act to create and enact a new section to chapter 21-10 of the North Dakota Century Code, relating to the definition of earnings of the legacy fund.

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

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

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

Engrossed HB 1167 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1208:** A BILL for an Act to create and enact section 54-27-19.3 of the North Dakota Century Code, relating to transfers to provide enhanced distributions through the highway tax distribution fund and state aeronautics commission special fund; to amend and reenact sections 57-43.1-02, 57-43.2-02, 57-43.2-03, and 57-43.3-02 of the North Dakota Century Code, relating to reduction of the tax rate of motor vehicle fuels, special fuels, and aircraft fuels taxes; to provide for transfers; 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 16 YEAS, 75 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Boe; Boschee; Heilman; Hunskor; Karls; Keiser; Klemin; Meier; Ruby; Steiner; Thoreson; Toman

**NAYS:** Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Johnson, D.; Johnson, N.; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Streyle; Sukut; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

Engrossed HB 1208 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1268:** A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to the driver education curriculum.

**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, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** 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; Hawken; Headland; 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; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Pollert; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Delzer; Owens; Ruby

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

Engrossed HB 1268 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1350:** A BILL for an Act to amend and reenact section 38-11.1-07 of the North Dakota Century Code, relating to statute of limitations for actions for injury due to oil and gas production.

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

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

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

Engrossed HB 1350 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1270:** A BILL for an Act to provide for open and fair competition in governmental construction; to provide for application; and to declare an emergency.

**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 72 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Haak; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan;

Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Martinson; Meier; Monson; Nathe; Nelson, J.; Owens; Paur; Pollert; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Speaker Devlin

**NAYS:** Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Holman; Hunskor; Kelsh, J.; Kelsh, S.; Maragos; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Williams; Zaiser

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

Engrossed HB 1270 passed and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1376:** A BILL for an Act to amend and reenact subsection 10 of section 65-01-02 of the North Dakota Century Code, relating to workers' compensation coverage of mental injuries arising from a mental stimulus; and to provide for application.

### 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 20 YEAS, 71 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Boe; Boschee; Delmore; Fehr; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hogan; Holman; Hunskor; Kelsh, J.; Kelsh, S.; Mock; Muscha; Nelson, M.; Onstad; Oversen; Zaiser

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

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1376 failed.

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### SECOND READING OF HOUSE BILL

**HB 1310:** A BILL for an Act to amend and reenact section 37-14-18 of the North Dakota Century Code, relating to eligibility of county veterans' service officers to be appointed as conservators.

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

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovda; 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; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur;

Pollert; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1310 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1321:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the penalty for overtaking a schoolbus.

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

**YEAS:** 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; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Lanning; Larson; Looyson; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Amerman; Porter; Strinden

HB 1321 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 1085, HB 1178, HB 1181, HB 1195, HB 1197, HB 1280, HB 1320, HB 1406, HB 1417.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1214.

**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 2025, SB 2169, SB 2174, SB 2175, SB 2239, SB 2257, SB 2265, SCR 4005.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2176.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2176.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed: SB 2176.

**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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until

1:00 p.m., Tuesday, February 5, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1070: 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 1070 was placed on the Sixth order on the calendar.

Page 1, line 3, after "substances" insert "; and to declare an emergency"

Page 11, line 11, after "system" insert "; or"

Page 11, line 20, after the underscored comma insert "methylenedioxybenzyl."

Page 25, line 18, after "dd." insert "Lorcaserin.

ee."

Page 25, line 19, overstrike "ee." and insert immediately thereafter "ff."

Page 25, line 20, overstrike "ff." and insert immediately thereafter "gg."

Page 25, line 21, overstrike "gg." and insert immediately thereafter "hh."

Page 25, line 22, overstrike "hh." and insert immediately thereafter "ii."

Page 25, line 23, overstrike "ii." and insert immediately thereafter "jj."

Page 25, line 24, overstrike "jj." and insert immediately thereafter "kk."

Page 25, line 25, overstrike "kk." and insert immediately thereafter "ll."

Page 25, line 26, overstrike "ll." and insert immediately thereafter "mm."

Page 25, line 27, overstrike "mm." and insert immediately thereafter "nn."

Page 25, line 28, overstrike "nn." and insert immediately thereafter "oo."

Page 25, line 29, overstrike "oo." and insert immediately thereafter "pp."

Page 25, line 30, overstrike "pp." and insert immediately thereafter "qq."

Page 25, line 31, overstrike "qq." and insert immediately thereafter "rr."

Page 26, line 1, overstrike "rr." and insert immediately thereafter "ss."

Page 26, line 2, overstrike "ss." and insert immediately thereafter "tt."

Page 26, line 3, overstrike "tt." and insert immediately thereafter "uu."

Page 26, line 4, overstrike "uu." and insert immediately thereafter "vv."

Page 26, line 5, overstrike "vv." and insert immediately thereafter "ww."

Page 26, line 6, overstrike "ww." and insert immediately thereafter "xx."

Page 26, line 7, overstrike "xx." and insert immediately thereafter "yy."

Page 26, line 8, overstrike "yy." and insert immediately thereafter "zz."

Page 26, line 9, overstrike "zz." and insert immediately thereafter "aaa."

Page 26, line 10, overstrike "aaa." and insert immediately thereafter "bbb."

Page 26, line 11, overstrike "bbb." and insert immediately thereafter "ccc."

Page 28, after line 19, insert:

**"SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1133: 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 1133 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to controlled substance analogs; to amend and reenact subsection 7 of section 12-44.1-21, subsection 7 of section 12-47-21, subsection 5 of section 12-46-24, section 19-03.1-01, subdivision b of subsection 1 of section 19-03.1-23, and subsection 7 of section 19-03.1-23 of the North Dakota Century Code, relating to controlled substance analogs; to provide a penalty; and to declare an emergency.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Subsection 7 of section 12-44.1-21 of the North Dakota Century Code is amended and reenacted as follows:

7. As used in this section, "controlled substance" is as defined in ~~subsection 6 of section 19-03.1-01~~ and includes counterfeit substances as defined in ~~subsection 7 of section 19-03.1-01~~. As used in this section, "willfully" is as defined in section 12.1-02-02. As used in this section, "alcohol" and "alcoholic beverage" are as defined in section 5-01-01. As used in this section, "tobacco" means any form of tobacco, including cigarettes, cigars, snuff, or tobacco in any form in which it may be used for smoking or chewing. As used in this section, a wireless electronic communication device includes a cellular telephone, personal digital assistant, pager, mobile broadband card, internet router, digital camera, two-way radio, modem, or any other electronic device capable of wireless transmission, reception, interception, or storage of oral communications, text, e-mail, video or photograph images, data signals, or radio communications, and also includes a component of a wireless electronic device, regardless whether the component itself is able to transmit, store, or receive oral communications, text, e-mail, video or photograph images, data signals, or radio communications. A wireless electronic communications device does not include a medically prescribed device or any other device approved by the department.

**SECTION 2. AMENDMENT.** Subsection 5 of section 12-46-24 of the North Dakota Century Code is amended and reenacted as follows:

5. As used in this section, "controlled substance" is as defined in ~~subsection 6 of section 19-03.1-01~~ and includes counterfeit substances as defined in ~~subsection 7 of section 19-03.1-01~~.

**SECTION 3. AMENDMENT.** Subsection 7 of section 12-47-21 of the North Dakota Century Code is amended and reenacted as follows:

7. As used in this section, "controlled substance" is as defined in ~~subsection 6 of section 19-03.1-01~~ and includes counterfeit substances as defined in ~~subsection 7 of section 19-03.1-01~~. As used in this section, "willfully" is as defined in section 12.1-02-02. As used in this section, "alcohol" and "alcoholic beverage" are as defined in section 5-01-01. As used in this section, "tobacco" means any form of tobacco, including cigarettes, cigars, snuff, or tobacco in any form in which it may be used for smoking or chewing. As used in this section, a wireless electronic communications device includes a cellular telephone, personal digital assistant, pager,

mobile broadband card, internet router, digital camera, two-way radio, modem, or any other electronic device capable of wireless transmission, reception, interception, or storage of oral communications, text, electronic mail, video or photograph images, data signals, or radio communications, and also includes a component of a wireless electronic device, regardless whether the component itself is able to transmit, store, or receive oral communications, text, electronic mail, video or photograph images, data signals, or radio communications. A wireless electronic communications device does not include a medically prescribed device or any other device approved by the department.

**SECTION 4. AMENDMENT.** Section 19-03.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-01. Definitions.**

As used in this chapter and in chapters 19-03.2 and 19-03.4, unless the context otherwise requires:

1. "Administer" means to apply a controlled substance, whether by injection, inhalation, ingestion, or any other means, directly to the body of a patient or research subject by:
  - a. A practitioner or, in the practitioner's presence, by the practitioner's authorized agent; or
  - b. The patient or research subject at the direction and in the presence of the practitioner.
2. "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.
3. "Anabolic steroids" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, and corticosteroids.
4. "Board" means the state board of pharmacy.
5. "Bureau" means the drug enforcement administration in the United States department of justice or its successor agency.
6. "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V as set out in this chapter.
7. "Controlled substance analog":
  - a. Means a substance:
    - (1) With a chemical structure substantially similar to the chemical structure of a schedule I or II controlled substance; or
    - (2) That is used:
      - (a) To affect the individual's central nervous system;
      - (b) To create or induce a condition of intoxication, hallucination, or elation; or
      - (c) To distort, disturb, or change the individual's eyesight, thinking process, balance, or coordination in a substantially similar manner as a schedule I or II controlled substance.

- b. Does not include an alcoholic beverage.
8. "Counterfeit substance" means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser other than the person who in fact manufactured, distributed, or dispensed the substance.
- 8-9. "Deliver" or "delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance whether or not there is an agency relationship.
- 9-10. "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.
- 10-11. "Dispenser" means a practitioner who dispenses.
- 11-12. "Distribute" means to deliver other than by administering or dispensing a controlled substance.
- 12-13. "Distributor" means a person who distributes.
- 13-14. "Drug" means:
- Substances recognized as drugs in the official United States pharmacopeia national formulary, or the official homeopathic pharmacopeia of the United States, or any supplement to any of them;
  - Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in individuals or animals;
  - Substances, other than food, intended to affect the structure or any function of the body of individuals or animals; and
  - Substances intended for use as a component of any article specified in subdivision a, b, or c. The term does not include devices or their components, parts, or accessories.
- 14-15. "Hashish" means the resin extracted from any part of the plant cannabis with or without its adhering plant parts, whether growing or not, and every compound, manufacture, salt, derivative, mixture, or preparation of the resin.
- 15-16. "Immediate precursor" means a substance:
- That the board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use in the manufacture of a controlled substance;
  - That is an immediate chemical intermediary used or likely to be used in the manufacture of the controlled substance; and
  - The control of which is necessary to prevent, curtail, or limit the manufacture of the controlled substance.
- 16-17. "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container.

- The term does not include the preparation or compounding of a controlled substance by an individual for the individual's own use or the preparation, compounding, packaging, or labeling of a controlled substance:
- a. By a practitioner as an incident to the practitioner's administering or dispensing of a controlled substance in the course of the practitioner's professional practice; or
  - b. By a practitioner, or by the practitioner's authorized agent under the practitioner's supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.
- 17-18. "Marijuana" means all parts of the plant cannabis whether growing or not; the seeds thereof; the resinous product of the combustion of the plant cannabis; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.
- 18-19. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:
- a. Opium and opiate and any salt, compound, derivative, or preparation of opium or opiate.
  - b. Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subdivision a, but not including the isoquinoline alkaloids of opium.
  - c. Opium poppy and poppy straw.
  - d. Coca leaves and any salt, compound, derivative, or preparation of coca leaves, any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions of coca leaves which do not contain cocaine or ecgonine.
- 19-20. "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. The term does not include, unless specifically designated as controlled under section 19-03.1-02, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). The term includes its racemic and levorotatory forms.
- 20-21. "Opium poppy" means the plant of the species *papaver somniferum* L., except its seeds.
- 21-22. "Over-the-counter sale" means a retail sale of a drug or product other than a controlled, or imitation controlled, substance.
- 22-23. "Person" means individual, corporation, limited liability company, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.
- 23-24. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 24-25. "Practitioner" means:

- a. A physician, dentist, veterinarian, pharmacist, scientific investigator, or other person licensed, registered, or otherwise permitted by the jurisdiction in which the individual is practicing to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research.
  - b. A pharmacy, hospital, or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state.
- ~~25-26.~~ "Production" includes the manufacturing, planting, cultivating, growing, or harvesting of a controlled substance.
- ~~26-27.~~ "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by a person, whether as principal, proprietor, agent, servant, or employee.
- ~~27-28.~~ "Scheduled listed chemical product" means a product that contains ephedrine, pseudoephedrin, or phenylpropanolamine, or each of the salts, optical isomers, and salts of optical isomers of each chemical, and that may be marketed or distributed in the United States under the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 301 et seq.] as a nonprescription drug unless prescribed by a licensed physician.
- ~~28-29.~~ "State" when applied to a part of the United States includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States.
- ~~29-30.~~ "Ultimate user" means an individual who lawfully possesses a controlled substance for the individual's own use or for the use of a member of the individual's household or for administering to an animal owned by the individual or by a member of the individual's household.

**SECTION 5. AMENDMENT.** Subdivision b of subsection 1 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

- b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog is guilty of a class B felony. Except for a person who manufactures, delivers, or possesses with the intent to manufacture or deliver marijuana, any person found guilty under this subdivision must be sentenced:
  - (1) For a second offense, to imprisonment for at least three years.
  - (2) For a third or subsequent offense, to imprisonment for ten years.

**SECTION 6. AMENDMENT.** Subsection 7 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

- 7. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class C felony. If, at the time of the offense the person is in or on, or within one thousand feet [300.48 meters] of the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony. Any person who violates this subsection regarding possession of

one-half ounce [14.175 grams] to one ounce [28.35 grams] of marijuana is guilty of a class A misdemeanor. Any person, except a person operating a motor vehicle, who violates this subsection regarding possession of less than one-half ounce [14.175 grams] of marijuana is guilty of a class B misdemeanor. Any person who violates this subsection regarding possession of less than one-half ounce [14.175 grams] of marijuana while operating a motor vehicle is guilty of a class A misdemeanor.

**SECTION 7.** A new section to chapter 19-03.1 of the North Dakota Century Code is created and enacted as follows:

**Controlled substance analog use - Venue for violation - Penalty.**

1. The use of controlled substance analog includes the ingestion, inhalation, absorption, or any other method of taking the controlled substance analog into the body. An individual who intentionally uses a controlled substance analog is guilty of a class C felony, unless the individual obtains the analog directly from a practitioner or pursuant to a valid prescription or order of a practitioner.
2. The venue for a violation under this section exists in the jurisdiction in which the substance was used or in which the substance was detected.

**SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1313: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1313 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1329: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1329 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over "4."

Page 2, remove the overstrike over lines 1 through 3

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1336: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1336 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1361: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1361 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1370: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1370 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1402: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1402 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1407: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1407 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1420: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO NOT PASS** (11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1420 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**

