

## JOURNAL OF THE HOUSE

## Sixty-third Legislative Assembly

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Bismarck, February 19, 2013

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

The prayer was offered by Pastor Kristina Waters, Mayville United Ministry, Mayville.

The roll was called and all members were present.

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 Twenty-seventh and Twenty-ninth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 470, after line 14, insert:

**"REPORT OF STANDING COMMITTEE**

**HB 1433: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1433 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "and"

Page 1, line 5, after "appropriation" insert "; and to provide an expiration date"

Page 1, line 15, after "year" insert "and documentation of the hospital's policies requiring collection of copayments and deductibles from patients at the point of service when allowed under federal law and its process of verifying personal and health insurance information of patients"

Page 6, line 10, after the second "the" insert "state"

Page 6, line 10, replace "human services" with "health"

Page 6, after line 12, insert:

**"SECTION 12. APPROPRIATION.** There is appropriated out of any moneys in the health care delivery trust fund in the state treasury, not otherwise appropriated, the sum of \$700,000, or so much of the sum as may be necessary, to the state department of health for the purpose of providing a grant to an organization to assist hospitals in verifying personal and health insurance information of patients, for the biennium beginning July 1, 2013, and ending June 30, 2015.

**SECTION 13. EXPIRATION DATE.** Section 1 of this Act is effective through June 30, 2015, and after that date is ineffective."

ReNUMBER accordingly"

Page 514, remove lines 47 and 48

Page 515, remove lines 2 through 23

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

**SIXTH ORDER OF BUSINESS**

**SPEAKER DEVLIN DEEMED** approval of the amendments to HB 1131, HB 1132, HB 1147, HB 1275, HB 1348, HB 1397, HB 1403, HCR 3010, and HCR 3014.

HB 1131, HB 1132, HB 1147, HB 1275, HB 1348, HB 1397, HB 1403, HCR 3010, and HCR 3014, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. VIGESAA MOVED** that HB 1399 be returned to the House floor from the **Appropriations Committee** and be placed on the Eleventh order of business on the calendar for the succeeding legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1099:** A BILL for an Act to amend and reenact sections 54-44.1-04 and 54-44.1-06 of the North Dakota Century Code, relating to agency budget requests and the preparation of budget data.

**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 73 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Haak; 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; 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; Speaker Devlin

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

Engrossed HB 1099 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1169:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-02 of the North Dakota Century Code, relating to the suspension of hunting, fishing, and trapping privileges as a sentencing alternative.

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

**YEAS:** Amerman; Anderson; Beadle; Becker; Belter; Boe; Boehning; Boschee; Damschen; Delmore; Dockter; Drovdal; Frantsvog; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Strinden; Sukut; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Bellew; Brabandt; Brandenburg; Carlson; Delzer; Dosch; Fehr; Froseth; Heller; Hofstad; Kasper; Koppelman, B.; Koppelman, K.; Louser; Meier; Pollert; Rohr; Ruby; Schatz; Steiner; Streyle; Thoreson

Engrossed HB 1169 passed.

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### SECOND READING OF HOUSE BILL

**HB 1219:** A BILL for an Act to amend and reenact section 15-10-18.3 of the North Dakota Century Code, relating to tuition for dependents of disabled veterans.

### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1219 passed.

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### MOTION

**REP. VIGESAA MOVED** that HB 1292 be moved to the top of the calendar, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1292:** A BILL for an Act to amend and reenact sections 23-12-09 and 23-12-10.4 of the North Dakota Century Code, relating to smoking in public places and places of employment and the responsibility of proprietors.

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

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

**NAYS:** Amerman; Belter; Boe; Boschee; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hogan; Holman; Kelsh, J.; Kelsh, S.; Kretschmar; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Sanford; Strinden

Engrossed HB 1292 passed.

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### SECOND READING OF HOUSE BILL

**HB 1253:** A BILL for an Act to amend and reenact sections 23-12-10.4 and 23-42-04 of the North Dakota Century Code, relating to securing the necessary signage required to be in compliance with smoking restrictions in public places and places of

employment.

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

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Hatlestad; Headland; Heilman; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kreun; Laning; Larson; Looyesen; Louser; 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; Williams; Speaker Devlin

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

Engrossed HB 1253 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1274:** A BILL for an Act to amend and reenact section 23-01-38 of the North Dakota Century Code, relating to electronic drug prior authorization.

#### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; 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; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

Engrossed HB 1274 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1410:** A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for materials used to construct a processing facility to produce liquefied natural gas and for liquified natural gas used for railroad purposes; to amend and reenact subsection 4 of section 57-40.2-03.3, subsection 5 of section 57-40.2-04, and section 57-43.2-02.3 of the North Dakota Century Code, relating to exemption from sales and use and special fuels taxes for liquified natural gas used for railroad purposes and materials used to liquify natural gas; 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 91 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; 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; 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; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Boe; Skarphol; Steiner

Engrossed HB 1410 passed.

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### SECOND READING OF HOUSE BILL

**HB 1413:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales tax exemption for tangible personal property used to construct or expand a facility for use of coal gasification byproducts; to amend and reenact section 57-40.2-03.3 of the North Dakota Century Code, relating to a sales tax exemption for tangible personal property used to construct or expand a facility for use of coal gasification byproducts; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; 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; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

HB 1413 passed.

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### SECOND READING OF HOUSE BILL

**HB 1459:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales tax rebate for certain purchases of replacement property for property damaged or destroyed by 2011 flooding; to provide an effective date; and to provide an expiration 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 54 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Boe; Boehning; Boschee; Brabandt; Delmore; Dosch; Fehr; Frantsvog; Glassheim; Guggisberg; Hawken; Heilman; Holman; Hunskor; Johnson, N.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kretschmar; Laning; Larson; Louser; Maragos; Martinson; Meier; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Porter; Ruby; Rust; Sanford; Schatz; Steiner; Streyle; Strinden; Sukut;

Toman; Wall; Williams

**NAYS:** Becker; Belter; Brandenburg; Carlson; Damschen; Delzer; Dockter; Drovdal; Froseth; Grande; Gruchalla; Haak; Hanson; Hatlestad; Headland; Heller; Hofstad; Hogan; Johnson, D.; Keiser; Kempenich; Klein; Kreidt; Kreun; Looyesen; Monson; Owens; Paur; Pollert; Rohr; Schmidt; Silbernagel; Skarphol; Thoreson; Trottier; Vigesaa; Weisz; Wieland; Zaiser; Speaker Devlin

HB 1459 passed.

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#### MOTION

**REP. VIGESAA MOVED** that HB 1140 be moved to the top of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1140:** A BILL for an Act to provide for a loan from the Bank of North Dakota to the western area water supply authority; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; 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; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

Engrossed HB 1140 passed and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1190:** A BILL for an Act to create and enact chapter 23-20.6 of the North Dakota Century Code, relating to the intrastate use of thorium.

#### 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 28 YEAS, 65 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Boe; Boehning; Boschee; Brabandt; Delmore; Fehr; Hanson; Hawken; Heilman; Holman; Kasper; Kretschmar; Kreun; Maragos; Monson; Muscha; Nelson, J.; Nelson, M.; Onstad; Owens; Ruby; Streyle; Thoreson; Trottier; Weisz

**NAYS:** Amerman; Becker; Belter; Brandenburg; Carlson; Damschen; Delzer; Dockter; Drovdal; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hatlestad; Headland; Heller; Hofstad; Hogan; Hunskor; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Looyesen; Louser; Martinson; Meier; Mock; Mooney; Nathe; Oversen; Paur; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Toman; Vigesaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Dosch

HB 1190 failed.

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### SECOND READING OF HOUSE BILL

**HB 1172:** A BILL for an Act to amend and reenact subsection 1 of section 50-24.1-07 of the North Dakota Century Code, relating to the recovery from the estate of a medical assistance recipient.

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

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; 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; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Dosch

HB 1172 passed.

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### SECOND READING OF HOUSE BILL

**HB 1134:** A BILL for an Act to create and enact sections 57-51-02.6 and 57-51.1-02.1 of the North Dakota Century Code, relating to oil and gas gross production tax exemption for natural gas and an oil extraction tax exemption for liquids produced from natural gas extracted to encourage use of gas that might otherwise be flared; to amend and reenact sections 38-08-06.4 and 57-39.2-04.5 of the North Dakota Century Code, relating to flaring restrictions for natural gas and sales tax exemption for property used to process natural gas to encourage use of gas that might otherwise be flared; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; 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; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Dosch

Engrossed HB 1134 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to create and enact two new sections to chapter 15.1-21 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education; and to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to the provision of North Dakota scholarships to students who receive home education.

**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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; 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; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Dosch

Engrossed HB 1291 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1355:** A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to definition of commencement of drilling operations.

**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 54 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Becker; Boe; Boehning; Boschee; Brandenburg; Delmore; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hogan; Holman; Hunskor; Johnson, N.; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Klein; Klemm; Koppelman, K.; Laning; Maragos; Meier; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Rust; Sanford; Skarphol; Steiner; Strinden; Sukut; Thoreson; Wall; Williams; Zaiser

**NAYS:** Beadle; Bellew; Belter; Brabandt; Carlson; Damschen; Delzer; Dockter; Grande; Headland; Hofstad; Johnson, D.; Karls; Kasper; Kiefert; Koppelman, B.; Kreidt; Kretschmar; Kreun; Larson; Looyen; Louser; Martinson; Nathe; Owens; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Silbernagel; Streyle; Toman; Trottier; Vigasaa; Weisz; Wieland; Speaker Devlin

**ABSENT AND NOT VOTING:** Dosch

Engrossed HB 1355 passed.

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**MOTION**

**REP. VIGESAA MOVED** that HB 1364 be returned to the House floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. SKARPHOL REQUESTED** the unanimous consent of the House to withdraw HB 1364. There being no objection, it was so ordered by the Speaker.

**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 2078, SB 2234, SB 2272, SB 2303, SB 2310, SB 2368.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2214.

**COMMUNICATION FROM GOVERNOR JACK DALRYMPLE**

This is to inform you that on February 19, 2013, I have signed the following: HB 1269.

**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., Wednesday, February 20, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1035: 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 1035 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 1 of section 23-09.3-01.1 and"

Page 1, line 3, remove "expansion of basic care bed capacity and the moratorium on"

Page 1, remove lines 6 through 24

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1126: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1126 was placed on the Sixth order on the calendar.

Page 2, line 2, remove "national institute for automotive service excellence-certified"

Page 2, line 2, replace "that" with "certified by an industry-recognized certificate who"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1210, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1210 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the underscored comma

Page 1, line 10, remove "subject to legislative appropriations."

Page 2, line 2, remove "with state"

Page 2, line 3, remove "funding assistance"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1293: Education Committee (Rep. Nathe, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1293 was placed on the

Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1314: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1314 was placed on the Sixth order on the calendar.

Page 1, line 11, after "acids" insert ", ribonucleic acids, proteins, metabolites,"

Page 1, line 12, after "characteristic" insert ", genotype, mutation, or chromosomal change"

Page 1, line 14, replace "the human immunodeficiency virus" with "infectious agents"

Page 1, line 15, replace "widely accepted and in use" with "used"

Page 1, line 15, after "clinical" insert "or public health"

Page 2, line 15, remove the second "or"

Page 2, line 16, after "treatment" insert ": or"

- e. For crime laboratory quality assurance procedures, validation procedures, and crime laboratory personnel training"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1373: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1373 was placed on the Sixth order on the calendar.

Page 1, line 1, after "surveillance" insert "; and to provide for a legislative management study"

Page 1, line 16, replace "4" with "3"

Page 1, line 20, replace "that" with "issued by a court which"

Page 2, line 1, remove "the"

Page 2, remove line 2

Page 2, line 3, replace "of misdemeanors, traffic infractions, or other violations of law" with "a criminal investigation"

Page 2, remove lines 4 through 21

Page 3, line 4, after the second underscored comma insert "survey environmental damage to determine if a state of emergency should be declared,"

Page 3, line 4, after "or" insert "to"

Page 3, line 6, remove "during a lawfully declared state of emergency"

Page 3, after line 6, insert:

- "4. Testing, training, education, and research of unmanned aircraft systems."

Page 3, line 31, after the underscored period insert "The prohibition on the use or admissibility of evidence in this subsection does not apply to evidence of other unrelated criminal activity that is observed during a duly warranted flight."

Page 4, line 31, remove "before a court of law who has been a target of"

Page 5, remove line 1

Page 5, line 2, replace "court" with "accused of a crime that includes evidence gathered through the use of unmanned aircraft system surveillance may obtain"

Page 5, after line 2, insert "through subpoena and discovery proceedings available in criminal proceedings"

Page 5, after line 4, insert:

"6. The documentation required by this section applies to all uses of unmanned aircraft systems, including testing, training, education, and research.

## **SECTION 8.**

### **Application to federal law.**

This Act may not be construed to limit, constrain, or adversely impact testing and operations of a state test range under the FAA Modernization and Reform Act of 2012 [Pub. L. 112-95; 126 Stat. 11].

**SECTION 9. LEGISLATIVE MANAGEMENT STUDY - UNMANNED AIRCRAFT SYSTEM SURVEILLANCE.** During the 2013-14 interim, the legislative management shall consider studying the implications of using unmanned aircraft systems for surveillance purposes. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement those recommendations, to the sixty-fourth legislative assembly."

ReNUMBER accordingly

## **REPORT OF STANDING COMMITTEE**

**HCR 3018: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3018 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A concurrent" replace the remainder of the resolution with "resolution directing the Legislative Management to study the most beneficial use of the earnings of the legacy fund.

**WHEREAS**, the voters of North Dakota approved adoption of section 26 of article X of the Constitution of North Dakota in 2010, providing for deposit of 30 percent of oil and gas tax revenue in the legacy fund; and

**WHEREAS**, the constitutional provision requires transfer of legacy fund earnings to the state general fund beginning in 2017; and

**WHEREAS**, before the time legacy fund earnings become available for appropriation is the appropriate time for careful legislative consideration of establishing legislative priorities for appropriate uses of legacy fund earnings; and

**WHEREAS**, development of legislative priorities for legacy fund earnings is the best method to implement the vision of North Dakota citizens who enacted the constitutional provision;

### **BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Legislative Management study the most beneficial uses of earnings of the legacy fund; and

**BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-fourth Legislative Assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3027: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HCR 3027 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**