

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, February 13, 2013

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

The prayer was offered by Pastor Kurt Chaffee, New Song Church, Bismarck.

The roll was called and all members were present except Representatives Heilman and Monson.

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 Twentieth, Twenty-third, and Twenty-sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 331, line 31, remove "HB 1406"

Page 379, remove lines 23 through 41

Page 429, line 33, replace "Sixth" with "Eleventh"

Page 429, line 41, replace "thirtieth" with "twenty-seventh"

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

MOTION

REP. VIGESAA MOVED that HB 1355, which is on the Sixth order, be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1355 was rereferred.

MOTION

REP. VIGESAA MOVED that HB 1463, which is on the Sixth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1463 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to HB 1231, HB 1247, HB 1272, HB 1333, HB 1349, Engrossed HB 1356, HB 1380, HB 1429, HB 1464, and HB 1466.

HB 1333 and HB 1466, as amended, were rereferred to the **Appropriations Committee**.

HB 1231, HB 1247, HB 1272, HB 1349, Engrossed HB 1356, HB 1380, HB 1429, and HB 1464, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1257: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 23-15-01 of the North Dakota Century Code, relating to fireworks permitted to be sold.

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 53 YEAS, 37 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Becker; Bellew; Belter; Boehning; Boschee; Brabandt; Brandenburg;

Carlson; Delzer; Dockter; Dosch; Drovdal; Fehr; Grande; Haak; Hatlestad; Headland; Heller; Hofstad; Holman; Kasper; Kempenich; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Kreun; Larson; Looyesen; Louser; Meier; Nathe; Nelson, J.; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Streyle; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

NAYS: Amerman; Beadle; Boe; Damschen; Delmore; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hawken; Hogan; Hunskor; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Klemin; Kretschmar; Laning; Maragos; Martinson; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Paur; Silbernagel; Steiner; Strinden; Sukut; Zaiser

ABSENT AND NOT VOTING: Heilman; Monson; Owens; Sanford

HB 1257 passed.

SECOND READING OF HOUSE BILL

HB 1339: A BILL for an Act to amend and reenact section 11-28.2-02 of the North Dakota Century Code, relating to compensation of recreational service district board 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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; 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; Mooney; Muscha; Nathe; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigesaa; Wall; Weisz; Williams; Zaiser; Speaker Devlin

NAYS: Boe; Brabandt; Nelson, J.; Nelson, M.; Trottier; Wieland

ABSENT AND NOT VOTING: Heilman; Monson; Sanford

HB 1339 passed.

SECOND READING OF HOUSE BILL

HB 1344: A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to state highway 28.

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

YEAS: Brabandt; Froseth; Hunskor; Maragos; Onstad; Rust; Streyle; Sukut

NAYS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Holman; 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; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Heilman; Monson; Sanford

HB 1344 failed.

SECOND READING OF HOUSE BILL

HB 1345: A BILL for an Act to amend and reenact sections 16.1-01-01, 16.1-07-10, 16.1-15-12, and 16.1-15-13 of the North Dakota Century Code, relating to safeguarding of ballots.

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

YEAS: Headland; Muscha; Pollert

NAYS: 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; 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; Mooney; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Heilman; Monson; Sanford

HB 1345 failed.

SECOND READING OF HOUSE BILL

HB 1448: A BILL for an Act to provide free electronic access to state-funded research.

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

NAYS: 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; 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; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Heilman; Monson; Sanford

HB 1448 failed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3024: A concurrent resolution urging the state Department of Transportation and federal Department of Transportation to build a new bridge to replace the Long X Bridge on United States Highway 85.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 35 YEAS, 56 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Brabandt; Brandenburg; Drovdal; Fehr; Grande; Hanson; Hatlestad; Heller; Holman; Hunskor; Kasper; Kelsh, S.; Kempenich; Kreidt; Louser; Maragos; Meier; Mock; Muscha; Onstad; Oversen; Pollert; Porter; Rust; Schatz; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Wieland; Zaiser

NAYS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hawken; Headland; Hofstad; Hogan; Johnson, D.; Johnson, N.; Karls; Keiser; Kelsh, J.; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyen; Martinson; Mooney; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Rohr; Ruby; Schmidt; Strinden; Vigasaa; Wall; Weisz; Williams; Speaker Devlin

ABSENT AND NOT VOTING: Heilman; Monson; Sanford

HCR 3024 was declared lost on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1309: A BILL for an Act to amend and reenact sections 54-06-32, 54-06-33, and 54-06-34 of the North Dakota Century Code, relating to state agency reporting requirements for employee service awards, employer-paid tuition, and employer-paid dues and memberships.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 1 NAYS, 0 EXCUSED, 3 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; Hawken; Headland; 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; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Delzer

ABSENT AND NOT VOTING: Heilman; Monson; Sanford

Engrossed HB 1309 passed.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act to amend and reenact section 15-39.1-19.1 and subsection 2 of section 15-39.1-19.2 of the North Dakota Century Code, relating to discontinuance

of member contributions for retired teachers returning to active service under the teachers' fund for retirement; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 85 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bellew; Drovdal; Holman; Kempenich; Mooney; Ruby

NAYS: Amerman; Anderson; Beadle; Becker; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Hogan; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemmin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Heilman; Monson; Weisz

HB 1203 failed.

SECOND READING OF HOUSE BILL

HB 1347: A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to controls on gas and liquid gathering transmission lines.

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 4 YEAS, 86 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Kempenich; Onstad; Rust; Steiner

NAYS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boschee; 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; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemmin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Boehning; Heilman; Monson; Weisz

HB 1347 failed.

SECOND READING OF HOUSE BILL

HB 1369: A BILL for an Act to amend and reenact subsection 4 of section 14-02.4-02, subsection 5 of section 14-02.5-01, subsection 4 of section 34-01-20, sections 34-05-01.1 and 34-05-01.2, subsection 8 of section 34-05-01.3, sections 34-07-05, 34-11.1-04, 34-14-11, 34-14-12, and 34-14-13 of the North Dakota Century Code, relating to a name change from the department of labor to the department of labor and human 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 69 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Boe; Boehning; Boschee; Delmore; Dockter; Dosch; Fehr; Frantsvog; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Louser; Maragos; Martinson; Meier; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Wall; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Becker; Bellew; Belter; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Drovdal; Froseth; Grande; Headland; Kempenich; Kreun; Looyesen; Owens; Pollert; Rust; Silbernagel; Skarphol; Streyle; Vigesaa

ABSENT AND NOT VOTING: Heilman; Monson; Weisz

HB 1369 passed.

SECOND READING OF HOUSE BILL

HB 1379: A BILL for an Act providing an appropriation to the office of management and budget for the construction of a governor's residence and executive conference center.

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 40 YEAS, 51 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Becker; Boehning; Brandenburg; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Hanson; Hatlestad; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kiefert; Klein; Klemin; Koppelman, B.; Kretschmar; Kreun; Looyesen; Louser; Maragos; Martinson; Meier; Nathe; Porter; Ruby; Rust; Schatz; Steiner; Streyle; Thoreson; Toman; Trottier; Zaiser

NAYS: Amerman; Bellew; Belter; Boe; Boschee; Brabandt; Carlson; Damschen; Delmore; Delzer; Drovdal; Grande; Gruchalla; Guggisberg; Haak; Hawken; Headland; Heller; Hogan; Holman; Hunskor; Johnson, N.; Kelsh, J.; Kelsh, S.; Kempenich; Koppelman, K.; Kreidt; Laning; Larson; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Rohr; Sanford; Schmidt; Silbernagel; Skarphol; Strinden; Sukut; Vigesaa; Wall; Wieland; Williams; Speaker Devlin

ABSENT AND NOT VOTING: Heilman; Monson; Weisz

HB 1379 failed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3026: A concurrent resolution urging the United States Environmental Protection Agency to refrain from enacting regulations that place unreasonable economic burden on electric consumers living in the Northern Great Plains.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 88 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee;

Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Hogan; Owens

ABSENT AND NOT VOTING: Haak; Heilman; Monson; Weisz

HCR 3026 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1048: A BILL for an Act to amend and reenact section 39-06.1-06 and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to fees for speeding.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 61 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Becker; Boe; Boschee; Brabandt; Damschen; Delmore; Dockter; Fehr; Frantsvog; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hatlestad; Hawken; Heller; Hogan; Holman; Hunskor; Johnson, N.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Ruby; Rust; Sanford; Schmidt; Silbernagel; Steiner; Strinden; Sukut; Trottier; Vigesaa; Wall; Wieland; Williams; Zaiser

NAYS: Amerman; Beadle; Bellew; Belter; Boehning; Brandenburg; Carlson; Delzer; Dosch; Drovdal; Froseth; Hanson; Headland; Hofstad; Johnson, D.; Kasper; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Meier; Porter; Rohr; Schatz; Skarphol; Streyle; Thoreson; Toman; Speaker Devlin

ABSENT AND NOT VOTING: Heilman; Monson; Weisz

Engrossed HB 1048 passed.

SECOND READING OF HOUSE BILL

HB 1144: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and section 39-21-44.1 of the North Dakota Century Code, relating to covering a load in a vehicle and fee for a violation.

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 30 YEAS, 61 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boe; Brandenburg; Drovdal; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hogan; Hunskor; Keiser; Kelsh, S.; Kempenich; Klein; Klemin; Koppelman, K.; Kreidt; Kretschmar; Mock; Mooney; Onstad; Oversen; Paur; Pollert; Rust; Schmidt; Steiner; Sukut; Zaiser

NAYS: Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boehning; Boschee; Brabandt; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Fehr; Frantsvog; Froseth; Grande; Hawken; Headland; Heller; Hofstad; Holman; Johnson, D.; Johnson, N.;

Karls; Kasper; Kelsh, J.; Kiefert; Koppelman, B.; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Muscha; Nathe; Nelson, J.; Nelson, M.; Owens; Porter; Rohr; Ruby; Sanford; Schatz; Silbernagel; Skarphol; Streyle; Strinden; Thoreson; Toman; Trottier; Vigesaa; Wall; Wieland; Williams; Speaker Devlin

ABSENT AND NOT VOTING: Heilman; Monson; Weisz

Engrossed HB 1144 failed.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to amend and reenact sections 15-10-12.1 and 48-01.2-25 of the North Dakota Century Code, relating to the approval of higher education campus improvements financed by donations, gifts, grants, and bequests and the approval of a change or expansion of a public improvement project.

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, 18 NAYS, 0 EXCUSED, 4 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; Heller; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Muscha; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wieland; Zaiser; Speaker Devlin

NAYS: Amerman; Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Kelsh, J.; Kelsh, S.; Mock; Mooney; Onstad; Oversen; Strinden; Wall; Williams

ABSENT AND NOT VOTING: Heilman; Keiser; Monson; Weisz

Engrossed HB 1200 passed.

SECOND READING OF HOUSE BILL

HB 1249: A BILL for an Act to amend and reenact section 21-10-01 of the North Dakota Century Code, relating to the membership of the state investment board.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 63 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Johnson, N.; Kelsh, J.; Kelsh, S.; Larson; Mock; Mooney; Muscha; Nathe; Onstad; Oversen; Porter; Skarphol; Strinden; Toman; Zaiser

ABSENT AND NOT VOTING: Heilman; Keiser; Monson; Weisz

Reengrossed HB 1249 passed.

SECOND READING OF HOUSE BILL

HB 1259: A BILL for an Act to amend and reenact subsection 2 of section 23-15-01 of the North Dakota Century Code, relating to fireworks.

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 82 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Froseth; Guggisberg; Kelsh, S.; Klemin; Silbernagel; Zaiser

ABSENT AND NOT VOTING: Heilman; Keiser; Monson; Nathe; Weisz

Engrossed HB 1259 passed.

SECOND READING OF HOUSE BILL

HB 1343: A BILL for an Act to create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to an apiary setback; and to provide an appropriation.

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 10 YEAS, 79 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Beadle; Glassheim; Gruchalla; Heller; Johnson, D.; Kasper; Klemin; Kreidt; Meier; Steiner

NAYS: Amerman; Anderson; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, N.; Karls; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Heilman; Keiser; Monson; Nathe; Weisz

Engrossed HB 1343 failed.

MOTION

REP. VIGESAA MOVED that Engrossed HB 1439, which is on the Eleventh order, be

referred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1439 was rereferred.

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 2210, SB 2254, SB 2375.

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 12:45 p.m., Thursday, February 14, 2013, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1038: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1038 was placed on the Sixth order on the calendar.

Page 1, line 3, after "registry" insert ", STEMI registry, stroke registry,"

Page 1, line 7, after "**registry**" insert "**- Required reporting**"

Page 1, line 12, after the underscored period insert "A physician, psychologist, or any other licensed provider who is qualified by training to make the diagnosis and who then makes the diagnosis that a child is affected with autism spectrum disorder shall report each new case of this diagnosis to the department in a form and manner prescribed by the state health officer. The report must include the child's birth date, gender, zip code at birth residence, and the specific diagnosis of the child diagnosed as having autism spectrum disorder. The report may not include the name or address of the child. Nothing in this section may be construed to compel a child who has been reported as affected with autism spectrum disorder to submit to medical or health examination or supervision by the department."

Page 1, line 13, remove "**AUTISM**"

Page 1, line 14, remove "**SPECTRUM DISORDER**"

Page 1, line 17, after the first comma insert "STEMI registry, and stroke registry"

Page 1, line 19, replace "this initiative" with "these initiatives"

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

Page 2, line 1, after "staff" insert ", and parents"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1067: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1067 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1071: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1071 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1084, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (18 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1084 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1099: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1099 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "54-16-04.3,"

Page 1, line 1, remove the second comma

Page 1, line 2, remove "budget section authority to add employee positions,"

Page 1, line 3, remove the comma

Page 1, remove lines 5 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1161, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1161 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1165: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1165 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1169: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1169 was placed on the Sixth order on the calendar.

Page 2, line 10, after the underscored period insert "Upon imposition of the suspension, the court shall forward a certified copy of the suspension order to the director, along with any hunting, trapping, or fishing license or permit held by the defendant."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1170: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1170 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to amend and reenact"

Page 1, remove line 3

Page 1, line 4, remove "home ratesetting"

Page 1, remove lines 17 through 23

Page 2, remove lines 1 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1172: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1172 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1219: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1219 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 amend and reenact section 15-10-18.3 of the North Dakota Century Code, relating to tuition for dependents of disabled veterans.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-18.3 of the North Dakota Century Code is amended and reenacted as follows:

15-10-18.3. Free tuition in North Dakota institutions of higher education.

Any dependent, as defined in section 15-10-18.2 upon being duly accepted for enrollment into any undergraduate degree or certificate program of a North Dakota state institution of higher education, must be allowed to obtain a bachelor's degree or certificate of completion, for so long as the dependent is eligible, free of any tuition and fee charges; ~~provided, however, that~~ if the bachelor's degree or certificate of completion is earned within a forty-five-month or ten-semester period or its equivalent; and ~~further provided that~~ if tuition and fee charges ~~shall~~ do not include costs for aviation flight charges or expenses. Once a person qualifies as a dependent under sections 15-10-18.2 and 15-10-18.3, the dependent may not be disqualified from the benefits of this section due to ~~such an occurrence as the return of the prisoner of war or person missing in action, or due to the death of the disabled veteran through whom the benefit was obtained, if the dependent was duly accepted for enrollment before the death.~~

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1233: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1233 was placed on the Sixth order on the calendar.

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

Page 1, line 1, remove ", 50-03-08, 50-06-20, 50-09-27, and"

Page 1, line 2, remove "50-24.1-14"

Page 1, line 2, remove "programs funded at state expense; to"

Page 1, remove line 3

Page 1, line 4, replace "subsidized adoption costs" with "the county social service board budget"

Page 1, line 4, replace "a study of" with "department of human services payment for certain social service programs; to provide for the development of a plan for"

Page 1, line 19, remove "pursuant to sections 3, 4, and 6 of this Act"

Page 1, line 21, replace "sections 2 and 5" with "section 2"

Page 2, remove lines 4 through 31

Page 3, replace lines 1 through 30 with:

"SECTION 2. DEPARTMENT OF HUMAN SERVICES TO PAY LOCAL EXPENSES OF ADMINISTRATION OF CERTAIN SOCIAL SERVICE PROGRAMS.

Notwithstanding sections 50-03-08, 50-06.2-05, 50-09-21.1, and 50-24.1-14, or any other provision in title 50 to the contrary, the department of human services shall pay the county share of, and the local expenses of administration incurred by, a county for the foster care program, including family preservation programs; subsidized adoption; and service payments for the elderly and disabled programs.

Notwithstanding any provision in title 50 to the contrary, the department of human services also shall pay the local expenses of administration incurred by a county for all social services delivered by the county at the direction of the department of human services under title 50. The department shall pay the county share and local expenses of administration under this section during the 2013-15 biennium pending the outcome of the plan to be developed pursuant to section 3 of this Act. The department of human services shall develop a process by which the department and a county determine whether to fill a vacant county social service position that has responsibility for any portion of the programs delivered by the county at the direction of the department of human services under title 50. A county social service employee may not receive a salary increase in excess of the increase authorized by the legislative assembly for state employees."

Page 4, line 1, replace "**STUDY -**" with "**DEVELOPMENT OF PLAN FOR**"

Page 4, line 3, remove "study and"

Page 4, line 6, after "programs" insert "by July 1, 2015"

Page 4, line 9, after the period insert "Section 2 of this Act is effective through July 31, 2015, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1251: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1251 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "fifty" with "thirty"

Page 1, line 15, replace "fifty" with "thirty"

Page 2, line 9, replace "fifty" with "thirty"

Page 2, line 10, replace "fifty" with "thirty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1253: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1253 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "reimbursement of costs incurred in complying" with "securing the necessary signage required to be in compliance"

Page 2, line 9, replace "submit receipts to" with "request from"

Page 2, line 10, remove "for"

Page 2, remove line 11

Page 2, line 12, replace "person in control of the public place or place of employment in complying" with "the signs necessary to comply"

Page 2, line 13, remove "and enforcement"

Page 2, line 26, replace "The executive committee shall reimburse the actual costs incurred by" with "Upon the request of"

Page 2, line 28, remove "in complying with the signage and enforcement requirements of"

Page 2, replace line 29 with "where smoking is prohibited under section 23-12-10, the executive committee shall provide the signs necessary to be in compliance with the signage requirements of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1274: 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 1274 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "2014" with "2015"

Page 1, line 14, remove "The health information technology advisory committee may"

Page 1, remove lines 15 and 16

Page 1, line 17, replace "2014" with "The requirements in this section do not apply to workforce safety and insurance"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1302: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1302 was placed on the Sixth order on the calendar.

Page 1, line 6, after the first semicolon insert "to provide for a legislative management study;"

Page 6, line 20, after the comma insert "if the alcohol concentration is at least eight-hundredths of one percent by weight but less than fifteen-hundredths of one percent by weight, the sentence must include a fine of at least five hundred dollars and an order for an addiction evaluation by an appropriate licensed addiction treatment program. If the alcohol concentration is at least fifteen-hundredths of one percent by weight, or if the individual refused to submit to a chemical test, or a test required under section 39-06.2-10.2, 39-20-01, or 39-20-14,"

Page 7, line 4, replace "year and one" with "hundred eighty"

Page 7, line 13, overstrike "one" and insert immediately thereafter "at least three"

Page 7, line 21, after "sentence" insert "under subsection 3 of section 12.1-32-02 if the alcohol concentration is at least eight-hundredths of one percent by weight but less than fifteen-hundredths of one percent by weight. If the alcohol concentration is at least fifteen-hundredths of one percent by weight, or if the individual refused to submit to a chemical test, or a test required under section 39-06.2-10.2, 39-20-01, or 39-20-14, a municipal court or district court may suspend a sentence"

Page 8, line 17, after "g." insert "If the court sentences an individual to the legal and physical custody of the department of corrections and rehabilitation, the department may place the defendant in an alcohol treatment program designated by the department. Upon the individual's successful completion of the alcohol treatment program, the department shall release the individual from imprisonment to serve the remainder of the sentence of imprisonment on probation, which may include placement in another"

facility or treatment program. If an individual is placed in another facility or treatment program after release from imprisonment, the remainder of the individual's sentence of imprisonment must be considered time spent in custody. A court may not order the department to be responsible for the costs of treatment in a private treatment facility.

h."

Page 8, line 21, replace "h." with "i."

Page 8, line 23, replace "tests" with "a test"

Page 8, line 25, replace "i." with "j."

Page 10, line 24, remove the overstrike over "~~and shall consent~~"

Page 19, line 31, remove the overstrike over "~~from~~"

Page 19, line 31, remove "electronically posted by"

Page 20, line 1, after "designee" insert ", or electronically posted by the director of the state crime laboratory or the director's designee"

Page 21, remove line 4

Page 21, line 5, remove "designee on the crime laboratory information management system"

Page 21, line 6, remove the overstrike over "~~the director of the state crime laboratory or the director's~~"

Page 21, line 7, remove the overstrike over "~~designee or~~" and insert immediately thereafter "electronically posted by the director of the state crime laboratory or the director's designee on the crime laboratory information management system and certified by, and received from."

Page 25, after line 3, insert:

"SECTION 14. LEGISLATIVE MANAGEMENT STUDY - DRIVING UNDER THE INFLUENCE. During the 2013-14 interim, the legislative management shall consider studying the feasibility and desirability of North Dakota Century Code provisions that relate to administrative hearings and administrative sanctions for driving while under the influence of alcohol or drugs. With the assistance of the department of corrections and rehabilitation and the department of human services, the study must include the need for supervision, methods of treatment, and penalties for repeat driving while under the influence of alcohol or drug offenders. The legislative management shall 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

HB 1327: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1327 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "subsection" with "subsections 1 and"

Page 2, after line 3, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 62.1-01-01 of the North Dakota Century Code is amended and reenacted as follows:

1. "Dangerous weapon" includes any switchblade or gravity knife, machete, scimitar, stiletto, sword, dagger, or knife with a blade of five inches [12.7 centimeters] or more; any throwing star, nunchaku, or other martial arts weapon; any billy, blackjack, sap, bludgeon, cudgel, metal knuckles, or sand club; any slungshot; any bow and arrow, crossbow, or spear; ~~any stun gun~~; any weapon that will expel, or is readily capable of expelling, a projectile by the action of a spring, compressed air, or compressed gas, including any such weapon, loaded or unloaded, commonly referred to as a BB gun, air rifle, or CO2 gun; and any projector of a bomb or any object containing or capable of producing and emitting any noxious liquid, gas, or substance. "Dangerous weapon" does not include a spray or aerosol containing CS, also known as ortho-chlorobenzamalonitrile; CN, also known as alpha-chloroacetophenone; or other irritating agent intended for use in the defense of an individual nor does the term include a device that uses direct contact to deliver voltage for the defense of an individual.

Page 2, line 17, remove ", except a spray"

Page 2, remove line 18

Page 2, line 19, remove "alpha-chloroacetophenone also known as CN."

Page 6, line 31, after "alcohol" insert "within ten years prior to the date of application"

Page 7, line 1, overstrike "an" and insert immediately thereafter "a misdemeanor"

Page 7, line 2, after "substances" insert "within ten years prior to the date of application"

Page 9, line 1, after "c." insert "A North Dakota resident who has a valid class one firearm license also may carry a class two dangerous weapon without any further testing required.

d."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1351: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1351 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1378: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1378 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1379: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1379 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1385: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1385 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and the supplemental nutrition assistance"

Page 1, line 4, remove "program"

Page 1, line 9, replace "**and supplemental nutrition assistance programs**" with "**program**"

Page 1, line 10, replace "The" with "If a reasonable suspicion exists, the"

Page 1, line 10, replace "every applicant" with "an eligible recipient"

Page 1, line 11, remove "and every applicant for the supplemental nutrition assistance"

Page 1, line 12, remove "program"

Page 1, line 12, replace "applicant" with "eligible recipient"

Page 1, line 17, remove "or supplemental nutrition assistance program"

Page 1, line 20, remove "or supplemental nutrition"

Page 1, line 21, remove "assistance program"

Page 2, line 3, remove "or"

Page 2, line 4, remove "supplemental nutrition assistance program"

Page 2, line 7, remove "The individual must be advised that the"

Page 2, remove lines 8 and 9

Page 2, line 10, remove "assistance program benefits."

Page 2, line 21, remove "or supplemental"

Page 2, line 22, remove "nutrition assistance program"

Page 2, after line 28, insert:

"g. Comply with the confidentiality requirements for substance abuse treatment records as governed by title 42, Code of Federal Regulations, part 2.

h. Require an eligible recipient for the temporary assistance for needy families program to sign a release of information form at the time of application. The release must allow the county to receive treatment records and disclose that information to the department and to the office of administrative hearings when necessary."

Page 2, line 30, remove "or supplemental nutrition assistance program"

Page 3, line 4, remove "or"

Page 3, line 5, remove "supplemental nutrition assistance program"

Page 3, line 8, remove "or supplemental nutrition assistance program"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1410: 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). HB 1410 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new section to chapter 57-39.2 and"

Page 1, line 2, remove "a"

Page 1, line 2, replace "exemption" with "exemptions for materials used to construct a processing facility to produce liquefied natural gas and"

Page 1, line 3, replace "section 57-39.2-04.5" with "subsection 4 of section 57-40.2-03.3"

Page 1, remove lines 12 through 24

Page 2, replace lines 1 through 16 with:

"SECTION 2. A new section to chapter 57-39.2 of the North Dakota Century Code is created and enacted as follows:

Sales tax exemption for materials used to construct a processing facility to produce liquefied natural gas.

1. Gross receipts from sales of tangible personal property used to construct or expand a processing facility in this state to produce liquefied natural gas are exempt from taxes under this chapter. To be exempt, the tangible personal property must be incorporated in the structure of the facility or used in the construction process to the point of having no residual economic value.
2. To receive the exemption at the time of purchase, the owner of the processing facility must receive from the commissioner a certificate that the tangible personal property used to construct the processing facility which the owner intends to purchase qualifies for the exemption. If a certificate is not received prior to the purchase, the owner shall pay the applicable tax imposed by this chapter and apply to the commissioner for a refund.
3. If the tangible personal property is purchased or installed by a contractor subject to the tax imposed by this chapter, the owner may apply for a refund of the difference between the amount remitted by the contractor and the exemption imposed or allowed by this section.

SECTION 3. AMENDMENT. Subsection 4 of section 57-40.2-03.3 of the North Dakota Century Code is amended and reenacted as follows:

4. The tax imposed by this section does not apply to:
 - a. Production equipment or tangible personal property as authorized or approved for exemption by the tax commissioner under section 57-39.2-04.2;
 - b. Machinery, equipment, or other tangible personal property used to construct an agricultural commodity processing facility as authorized or approved for exemption by the tax commissioner under section 57-39.2-04.3 or 57-39.2-04.4;
 - c. Tangible personal property used to construct or expand a system used to compress, process, gather, or refine gas recovered from an oil or gas well in this state or used to expand or build a gas-processing facility in this state as authorized or approved for exemption by the tax commissioner under section 57-39.2-04.5; ~~or~~
 - d. Tangible personal property used to construct to expand a qualifying oil refinery as authorized or approved for exemption by the tax commissioner under section 57-39.2-04.6; or
 - e. Tangible personal property used to construct or expand a qualifying facility as authorized or approved for exemption by the tax commissioner under section 2 of this Act."

Page 3, line 18, replace "This Act is" with "Sections 2 and 3 of this Act are "

Page 3, line 19, after the period insert "Sections 1, 4, and 5 of this Act are effective upon receipt of certification by the tax commissioner from the plant owner that construction of the gas liquefaction plant is complete."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1422: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1422 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "to" insert "create and enact a new subsection to section 50-11.1-03 and two new sections to chapter 50-11.1 of the North Dakota Century Code, relating to staffing as group sizes for licensed child care; to amend and reenact subsection 9 of section 50-11.1-02 of the North Dakota Century Code, relating to the definition of group child care; and to"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 9 of section 50-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

9. "Group child care" means a child care program licensed to provide early childhood services for ~~eighteen~~thirty or fewer children.

SECTION 2. A new subsection to section 50-11.1-03 of the North Dakota Century Code is created and enacted as follows:

A license is not required for onsite child care provided by an employer for the children of employees which is not open to the public.

SECTION 3. A new section to chapter 50-11.1 of the North Dakota Century Code is created and enacted as follows:

Play area regulation.

The department may not require the recreation areas used by children in a facility licensed under this chapter to be indoors.

SECTION 4. A new section to chapter 50-11.1 of the North Dakota Century Code is created and enacted as follows:

Staffing requirements.

1. The operator shall ensure that the center or group child care facility is sufficiently staffed at all times to meet the child-to-staff ratios for children in attendance and that no more children than the licensed capacity are served at one time.
2. The minimum ratio of staff members responsible for caring for or teaching children to children in a child care center and a group child care facility and maximum group size of children must be:
 - a. If all children in care are less than eighteen months of age, one staff member may care for five children, a ratio of .20 in decimal form, with a maximum group size of ten children with two staff members;
 - b. If all children in care are eighteen months of age to thirty-six months of age, one staff member may care for seven children, a ratio of .14 in decimal form, with a maximum group size of fifteen children with two staff members;
 - c. If all children in care are three years of age to four years of age, one staff member may care for ten children, a ratio of .10 in decimal form, with a maximum group size of twenty children with two staff members;

- d. If all children in care are four years of age to five years of age, one staff member may care for twelve children, a ratio of .08 in decimal form, with a maximum group size of twenty-five children with two staff members;
- e. If all children in care are five years of age to six years of age, one staff member may care for fifteen children, a ratio of .05 in decimal form, with a maximum group size of thirty children with two staff members; and
- f. If all children in care are six years of age to twelve years of age, one staff member may care for an unlimited number of children."

Page 1, line 5, replace "\$15,425,000" with "\$2,100,000"

Page 1, remove lines 11 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1438: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1438 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1443: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1443 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk