

## JOURNAL OF THE HOUSE

## Sixty-third Legislative Assembly

\* \* \* \* \*

Bismarck, April 5, 2013

The House convened at 9:00 a.m., with Speaker Devlin presiding.

The prayer was offered by Pastor Gary Benton, Lighthouse Assembly of God Church, Stanton.

The roll was called and all members were present except Representatives Belter, Kiefert, and Strinden.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER DEVLIN DEEMED** approval of the amendments to Engrossed SB 2298, Engrossed SCR 4006, and Engrossed SCR 4010.

Engrossed SB 2298, Engrossed SCR 4006, and Engrossed SCR 4010, as amended, were placed on the Fourteenth order of business on the calendar.

## SIXTH ORDER OF BUSINESS

**SB 2344, as engrossed: REP. KARLS (Government and Veterans Affairs Committee) MOVED** that the amendments on HJ page 1235 be adopted and then be placed on the Fourteenth order with **DO PASS**.

## REQUEST

**REP. BOEHNING REQUESTED** that the House divide the amendments to Engrossed SB 2344, which request was granted.

**DIVISION A:** Those amendments relating to Section 1 of the bill

**DIVISION B:** Those amendments relating to Section 2 of the bill

## REQUEST

**REP. BOEHNING REQUESTED** a recorded roll call vote on Division A of the proposed amendments to Engrossed SB 2344, which request was granted.

## ROLL CALL

The question being the adoption of Division A of the proposed amendments to Engrossed SB 2344, the roll was called and there were 44 YEAS, 47 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dosch; Drovdal; Fehr; Frantsovog; Grande; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Kasper; Keiser; Kempenich; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Kreun; Laning; Looyson; Louser; Meier; Monson; Paur; Pollert; Rohr; Ruby; Silbernagel; Skarphol; Streyle; Sukut; Vigasaa; Wall; Weisz; Wieland; Speaker Devlin

**NAYS:** Amerman; Anderson; Beadle; Boe; Boehning; Boschee; Delmore; Dockter; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hogan; Holman; Hunskor; Karls; Kelsh, J.; Kelsh, S.; Klemin; Kretschmar; Larson; Maragos; Martinson; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Porter; Rust; Sanford; Schatz; Schmidt; Steiner; Thoreson; Toman; Trottier; Williams; Zaiser

**ABSENT AND NOT VOTING:** Belter; Kiefert; Strinden

Division A of the proposed amendments to Engrossed SB 2344 failed on a recorded roll call

vote.

The question being the adoption of Division B of the proposed amendments to Engrossed SB 2344, the motion passed on a verification vote.

Division B of the proposed amendments to Engrossed SB 2344 was adopted on a verification vote.

Therefore, the question being on the motion to adopt the amendments to Engrossed SB 2344, which consists of Division B only, the proposed amendments were adopted on a voice vote.

#### MOTION

**REP. CARLSON MOVED** that Engrossed SB 2344, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Carlson's motion, Engrossed SB 2344, as amended, was rereferred.

#### SECOND READING OF SENATE BILL

**SB 2298:** A BILL for an Act to amend and reenact section 65-05-08.3 of the North Dakota Century Code, relating to workers' compensation consideration of treating doctor's opinions; and to provide for application.

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

**YEAS:** Anderson; Beadle; Becker; Bellew; 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; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kreun; Laning; Larson; Looyesen; Louser; Meier; Monson; Nathe; Owens; Paur; Pollert; Porter; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaas; Wall; Weisz; Wieland; Speaker Devlin

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

**ABSENT AND NOT VOTING:** Belter; Kiefert; Strinden

Engrossed SB 2298, as amended, passed.

\*\*\*\*\*

#### SECOND READING OF SENATE BILL

**SB 2323:** A BILL for an Act to amend and reenact sections 50-25.2-03 and 50-25.2-10 of the North Dakota Century Code, relating to the reporting of abuse or neglect of a vulnerable adult; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; 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; 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; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Bellew; Brabandt; Drovdal; Streyle

**ABSENT AND NOT VOTING:** Belter; Kiefert; Strinden; Zaiser

Engrossed SB 2323, as amended, passed.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. VIGESAA MOVED** that the House do not concur in the Senate amendments to HB 1080 as printed on HJ page 1208 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1080: Reps. Ruby, Frantsvog, Gruchalla.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. VIGESAA MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1227 as printed on HJ page 1018 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1227: Reps. Wall, Rust, M. Nelson.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. VIGESAA MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1251 as printed on HJ pages 1169-1170 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1251: Reps. Vigesaa, Beadle, Boschee.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. VIGESAA MOVED** that the House do not concur in the Senate amendments to Engrossed HCR 3016 as printed on HJ page 1202 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HCR 3016: Reps. Vigesaa, Drovdal, Delmore.

**ANNOUNCEMENT**

**SPEAKER DEVLIN ANNOUNCED** that, in accordance with House Rule 355, House Bill 1156 will be placed on the Eleventh order of business on the calendar for reconsideration of the Governor's veto.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2298, SB 2323.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1080, HB 1227, HB 1251, and HCR 3016, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1080:** Reps. Ruby; Frantsvog; Gruchalla

**HB 1227:** Reps. Wall; Rust; M. Nelson

**HB 1251:** Reps. Vigesaa; Beadle; Boschee  
**HCR 3016:** Reps. Vigesaa; Drovdal; Delmore

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1113, HB 1125, HB 1149, HB 1168, HB 1175, HB 1196, HB 1201, HB 1207, HB 1236, HB 1276, HB 1316, HB 1333, HB 1336, HB 1360, HCR 3031.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1131, HB 1197, HB 1274, HB 1278, HB 1327, HB 1378, HB 1424, HB 1428, HB 1429, HB 1464, HCR 3028.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2060, SB 2076.

**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, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, April 8, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2096: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2096 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2132, as amended: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (20 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2132, as amended, was placed on the Fourteenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**