

JOURNAL OF THE HOUSE

Sixty-third Legislative Assembly

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Bismarck, March 22, 2013

The House convened at 12:38 p.m., with Speaker Devlin presiding.

The prayer was offered by Pastor Bill Busch, Faith Assembly of God, Lisbon.

The roll was called and all members were present except Representatives Hawken and Headland.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER DEVLIN DEEMED approval of the amendments to Engrossed SB 2094, Engrossed SB 2095, SB 2163, Engrossed SB 2222, Engrossed SB 2243, and Reengrossed SB 2325.

Engrossed SB 2094, Engrossed SB 2095, SB 2163, Engrossed SB 2222, Engrossed SB 2243, and Reengrossed SB 2325, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that Engrossed SB 2222, as amended, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2222, as amended, was rereferred.

SECOND READING OF SENATE BILL

SB 2305: A BILL for an Act to amend and reenact subsection 1 of section 14-02.1-04 of the North Dakota Century Code, relating to limitations on physicians and abortion facilities.

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 58 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Heilman; Heller; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Kempenich; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looyen; Louser; Meier; Muscha; Nathe; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Thoreson; Toman; Trottier; Vigesaa; Weisz; Wieland; Speaker Devlin

NAYS: Amerman; Beadle; Becker; Boe; Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hogan; Holman; Johnson, N.; Keiser; Kelsh, J.; Kelsh, S.; Kreun; Maragos; Martinson; Mock; Monson; Mooney; Nelson, J.; Nelson, M.; Onstad; Oversen; Sanford; Strinden; Sukut; Wall; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland

Engrossed SB 2305 passed.

SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code, relating to limitations on and penalties for performing an

abortion; and to amend and reenact sections 14-02.1-02, 14-02.1-07, 14-02.3-01, and 14-02.3-02 of the North Dakota Century Code, relating to definitions, reporting requirements, and the use of public funds for abortions and family planning.

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 60 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Becker; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Heilman; Heller; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Kelsh, J.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looyesen; Louser; Meier; Monson; Nathe; Paur; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Thoreson; Toman; Trottier; Vigesaa; Weisz; Wieland; Speaker Devlin

NAYS: Amerman; Beadle; Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hogan; Holman; Johnson, N.; Keiser; Kelsh, S.; Kreun; Maragos; Martinson; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Sanford; Strinden; Sukut; Wall; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland

Engrossed SB 2368, as amended, passed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4009: A concurrent resolution to create and enact a new section to article I of the Constitution of North Dakota, relating to the inalienable right to life of every human being at every stage of development.

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 57 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Grande; Heilman; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kempenich; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looyesen; Louser; Meier; Nathe; Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

NAYS: Amerman; Anderson; Beadle; Becker; Boschee; Delmore; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hogan; Holman; Hunskor; Johnson, N.; Keiser; Kelsh, J.; Kelsh, S.; Klemin; Kreun; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nelson, J.; Onstad; Oversen; Sanford; Strinden; Sukut; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland

Engrossed SCR 4009 was declared adopted on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to the application of sections in chapter 12.1-17 to certain medical procedures; to amend and reenact sections 12.1-01-04 and 12.1-16-06 of the North Dakota Century Code, relating to the definition of human being and the application of sections in chapter 12.1-16 to certain medical procedures; to provide directives to the department of human services regarding

medicaid and other coverage for pregnant women; and to provide an effective date.

REQUEST

REP. VIGESAA REQUESTED that the House divide Reengrossed SB 2303, as amended, which request was granted.

DIVISION A: Sections 1, 2, 3, and 6

DIVISION B: Sections 4 and 5

ROLL CALL

The question being on the final adoption of Division A of Reengrossed SB 2303, as amended, the roll was called and there were 59 YEAS, 33 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Frantsvog; Grande; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Kempenich; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looyen; Louser; Maragos; Meier; Monson; Nathe; Nelson, J.; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Speaker Devlin

NAYS: Amerman; Beadle; Becker; Boschee; Delmore; Fehr; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hogan; Holman; Hunskor; Keiser; Kelsh, J.; Kelsh, S.; Klemm; Kreun; Martinson; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Pollert; Strinden; Sukut; Williams; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland

Division A of Reengrossed SB 2303, as amended, was adopted on a recorded roll call vote.

ROLL CALL

The question being on the final adoption of Division B of Reengrossed SB 2303, as amended, the roll was called and there were 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; 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; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

NAYS: Becker; Kreun

ABSENT AND NOT VOTING: Hawken; Headland

Division B of Reengrossed SB 2303, as amended, was adopted on a recorded roll call vote.

ROLL CALL

The question being on the final passage of the amended bill, which includes Division A and Division B, which have been read, the roll was called and there were 43 YEAS, 49 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dosch; Drovdal; Frantsvog; Grande; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kempenich; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kretschmar; Laning; Larson; Looyen; Louser; Meier; Monson; Paur; Porter; Rohr; Ruby; Rust; Schatz; Silbernagel; Skarphol; Steiner; Streyle; Thoreson; Toman; Trottier; Vigesaa; Wieland

NAYS: Amerman; Anderson; Beadle; Becker; Boe; Boehning; Boschee; Delmore; Dockter; Fehr; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Heilman; Hogan; Holman; Hunskor; Johnson, N.; Keiser; Kelsh, J.; Kelsh, S.; Klemin; Kreidt; Kreun; Maragos; Martinson; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Pollert; Sanford; Schmidt; Strinden; Sukut; Wall; Weisz; Williams; Zaiser; Speaker Devlin

ABSENT AND NOT VOTING: Hawken; Headland

Reengrossed SB 2303, as amended, failed.

MOTION

REP. VIGESAA MOVED that Engrossed SB 2314, which is on the Fourteenth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2314 was rereferred.

MOTION

REP. VIGESAA MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 25, 2013, which motion prevailed.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2245, SB 2336.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1084, HB 1228, HB 1350, HB 1357, HB 1359.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1153, HB 1270, HB 1301.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1227, HB 1247, HB 1336.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1227

Page 1, line 7, after the first comma insert "19-20.1-03.3,"

Page 1, line 7, remove "and"

Page 1, line 7, after "19-20.1-07" insert ", and 19-20.2-11"

Page 1, line 8, after "commissioner" insert ", protected information, rulemaking,"

Page 17, line 11, after the first comma insert "19-20.1-03.3,"

Page 17, line 11, remove "and"

Page 17, line 11, after "19-20.1-07" insert ", and 19-20.2-11"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1247

Page 1, line 2, after "to" insert "a database of"

Page 1, line 6, replace "**Establishment of program**" with "**Database**"

Page 1, line 7, remove "implement a program under which wetland credits may"

Page 1, replace lines 8 and 9 with "create and maintain an electronic database of wetland credits that are available for purchase by an agricultural landowner."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1336

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

Page 1, remove line 3

Page 1, line 4, remove "relating to paddlefish tag license fees"

Page 1, remove lines 14 through 18

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1309.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1309

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

Page 3, after line 22, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2040, SB 2190, SB 2312.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1077, HB 1243, HCR 3009, HCR 3012, HCR 3013, HCR 3026.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1077, HB 1243, HCR 3009, HCR 3012, HCR 3013.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HCR 3026.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2040, SB 2190, SB 2312.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 22, 2013: HB 1034, HB 1036, HB 1042, HB 1043, HB 1047, HB 1049, HB 1051, HB 1056, HB 1057, HB 1058, HB 1062, HB 1078.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 22, 2013: HB 1064, HB 1065, HB 1066, HB 1068, HB 1069, HB 1070, HB 1072, HB 1073, HB 1074, HB 1077, HB 1081, HB 1083.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 22, 2013: HB 1087, HB 1088, HB 1089, HB 1092, HB 1094, HB 1095, HB 1098.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 22, 2013: HB 1100, HB 1101, HB 1104, HB 1107, HB 1108, HB 1110, HB 1111, HB 1115, HB 1122, HB 1123, HB 1124, HB 1132.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on March 22, 2013: HCR 3009, HCR 3012, HCR 3013, HCR 3026.

REPORT OF STANDING COMMITTEE

SB 2059, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2059 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2158: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2158 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2191: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2191 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2210, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2210 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 provide for a legislative management study of creation of a record of North Dakota veterans."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - RECORD OF NORTH DAKOTA VETERANS. During the 2013-14 interim, the legislative management shall consider studying the feasibility and desirability of creating a record of all North Dakota veterans since the Vietnam War and a record of all North Dakotans killed in action since statehood. The study may include consideration of what types of personal and military information may be appropriate to include in the record, the projected cost of creating this record, which entity would be responsible for creating and maintaining the record, and the appropriate format for the compiled information. 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

SB 2216: Education Committee (Rep. Nathe, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2216 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2218, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2218 was placed on the Sixth order on the calendar.

Page 3, line 27, remove "No more than fifty percent of the appropriation may be expended during the first"

Page 3, remove line 28

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2279, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2279 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2297: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2297 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2310: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2310 was placed on the Sixth order on the calendar.

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

Page 1, line 1, after "4" insert "and 6"

Page 1, line 2, after "forms" insert "; and to declare an emergency"

Page 1, line 10, remove "In addition, any information contained in the report which"

Page 1, replace lines 11 through 14 with "In addition, the following information contained in the report is an exempt record as defined in section 44-04-17.1 unless the requester is a party to the accident, a party's legal representative, or the insurer of any party to the accident or the agent of that insurer:

- a. Driver identification number of a party in the report;
- b. Street address of a party in the report;
- c. Telephone number of a party in the report;
- d. Insurance company name and policy number of a party in the report;
and
- e. Date of birth of a party in the report.

SECTION 2. AMENDMENT. Subsection 6 of section 39-08-13 of the North Dakota Century Code is amended and reenacted as follows:

6. Upon request of any person and upon payment of a fee of two dollars, the director or the law enforcement agency may furnish to a requester a copy of that portion of an investigating officer's accident report which does not disclose the opinion of the reporting officer or contain any exempt information that may not be disclosed, if the report shows that the accident is one for which a driver is required to file a report under section 39-08-09.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2318, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2318 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2348, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2348

was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2360: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2360 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4008: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4008 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4011, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4011 was placed on the Fourteenth order on the calendar.

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

Buell J. Reich, Chief Clerk