

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

* * * * *

Bismarck, March 9, 2015

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

The prayer was offered by Rep. Kim Koppelman.

The roll was called and all members were present except Representatives Belter, Damschen, and Frantsvog.

A quorum was declared by the Acting Speaker.

POINT OF PERSONAL PRIVILEGE

REP. KLEIN rose on a point of personal privilege.

REMARKS OF REPRESENTATIVE KLEIN

MR. SPEAKER: and Members of the Assembly:

This past weekend, the Bishop Ryan girls' basketball team achieved a rare goal - a three-peat, winning the North Dakota Class B basketball championship for the past three seasons. The senior class went 107-3 over the past four seasons including 83 consecutive wins against Class B opponents and 11 straight victories in state tournament play. Their only loss in the last three years was to Class A Fargo Shanley.

Not only does Bishop Ryan High School have great athletes but also great academic students. The four seniors on the team have a 3.99 grade point average.

Congratulations to the Bishop Ryan girls' basketball team and their coach, Julie Stewart, who is also the coach of the year.

MOTION

REP. VIGESAA MOVED that the remarks of Rep. Klein be printed in the Journal, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

REP. KLEMIN rose on a point of personal privilege.

REMARKS OF REPRESENTATIVE KLEMIN

MR. SPEAKER: It is my honor today to recognize the Century boys swimming and diving team members for winning their third state championship this past weekend. CHS swimmers Logan Stucki, Sam Artz, Taylor Hedge, and Loren Sether set a new state record in the 400-yard freestyle relay at 3 minutes, 13.01 seconds. The last record was set in 2009. Congratulations to the entire team and coach Dennis Kemmesat.

In addition, the Bismarck Blizzard girls' hockey team placed first in the state last weekend under Coach Tim Meyer.

And the Bismarck High School wrestling team also became North Dakota state champions for the second year in a row, coached by Scott Knowlen and Jeff Schumacher.

This coming weekend, the winter sports season draws to a close with state girls' and boys' basketball. We look forward to another championship by a Bismarck team!

MOTION

REP. VIGESAA MOVED that the remarks of Rep. Klemin be printed in the Journal, which motion prevailed.

MOTION

REP. VIGESAA MOVED that SB 2118, which is on the Sixth order, be rereferred to the

Transportation Committee, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2118 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2074, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2074 was rereferred.

SIXTH ORDER OF BUSINESS

ACTING SPEAKER DEVLIN DEEMED approval of the amendments to Engrossed SB 2323.

Engrossed SB 2323, as amended, was rereferred to the **Appropriations Committee**.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3042: A concurrent resolution to amend and reenact section 26 of article X of the Constitution of North Dakota, relating to the use of funds in the legacy fund; and to provide an effective date.

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 23 YEAS, 68 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Beadle; Boe; Boschee; Delmore; Glassheim; Hanson; Hawken; Hogan; Holman; Hunskor; Kelsh; Kretschmar; Maragos; Mitskog; Mock; Muscha; Nelson, J.; Onstad; Oversen; Paur; Schneider; Wallman

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Delzer; Devlin; Dockter; Dosch; Fehr; Froeth; Guggisberg; Haak; Hatlestad; Headland; Hofstad; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Lefor; Looyen; Louser; Martinson; Meier; Monson; Mooney; Nathe; Nelson, M.; Olson; Owens; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Weisz; Zubke

ABSENT AND NOT VOTING: Damschen; Frantsvog; Speaker Belter

HCR 3042 was declared lost on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2059: A BILL for an Act to amend and reenact subsection 7 of section 65-05-08 of the North Dakota Century Code, relating to workers' compensation job offers; and to provide for application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 64 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, P.; Becker, Rich S.; Boe; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hogan; Holman; Hunskor; Johnson, M.; Kelsh; Maragos; Mitskog; Mock; Mooney; Muscha; Nelson, M.; Olson; Onstad; Oversen; Schneider; Strinden; Wallman

NAYS: Anderson, B.; Anderson, D.; Beadle; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Delzer; Devlin; Dockter; Dosch; Fehr; Froeth; Hatlestad; Hawken; Headland; Hofstad; Johnson, D.; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Martinson; Meier; Monson; Nathe; Nelson, J.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut;

Thoreson; Toman; Trottier; Vigesaa; Weisz; Zubke

ABSENT AND NOT VOTING: Damschen; Frantsvog; Speaker Belter

Engrossed SB 2059 failed.

SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to amend and reenact section 60-02-07 of the North Dakota Century Code, relating to public warehouse licenses; 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 PASS, the roll was called and there were 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Carlson; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Zubke

NAYS: Brandenburg; Pollert; Weisz

ABSENT AND NOT VOTING: Damschen; Frantsvog; Speaker Belter

Engrossed SB 2301 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2102: A BILL for an Act to amend and reenact sections 54-52-06.2, 54-52-06.4, and 54-52-06.5, and subsection 3 of section 54-52-17 of the North Dakota Century Code, relating to state employee retirement plans and retirement contributions by national guard security officers and firefighters.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Damschen; Frantsvog; Speaker Belter

SB 2102 passed.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to amend and reenact section 18-11-28 of the North Dakota Century Code, relating to alternate firefighters relief association plan benefits.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Damschen; Frantsvog; Speaker Belter

SB 2306 passed.

SECOND READING OF SENATE BILL

SB 2114: A BILL for an Act to create and enact a new subsection to section 39-24-03 and a new subsection to section 39-29-03 of the North Dakota Century Code, relating to registration of snowmobiles and to registration of off-highway vehicles; to amend and reenact subsection 2 of section 57-40.3-01 of the North Dakota Century Code, relating to the definition of motor vehicle; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 88 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Hanson; Hogan; Maragos

NAYS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Damschen; Frantsvog; Speaker Belter

SB 2114 failed.

SECOND READING OF SENATE BILL

SB 2142: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to a purple heart recipient exemption from motor vehicle registration fees; and to amend and reenact section

39-04-10.10 of the North Dakota Century Code, relating to veterans' number plates.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Damschen; Frantsvog; Speaker Belter

SB 2142 passed.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and section 39-08-20 of the North Dakota Century Code, relating to the offense of driving without liability insurance.

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 78 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Dockter; Dosch; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Kelsh; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke

NAYS: Becker, Rich S.; Boe; Devlin; Fehr; Keiser; Kempenich; Klemin; Mock; Monson; Mooney; Onstad; Skarphol; Steiner

ABSENT AND NOT VOTING: Damschen; Frantsvog; Speaker Belter

SB 2211 passed.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2024, SB 2028, SB 2036, SB 2062, SB 2071, SB 2112, SB 2115, SB 2117, SB 2152, SB 2229.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2047, SB 2063, SB 2064, SB 2089.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2137, SB 2165.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4023.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has passed, unchanged: HB 1026, HB 1028, HB 1156, HB 1208.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1104, HB 1105.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2060, SB 2081, SB 2082.

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

MR. PRESIDENT: The Speaker has signed: SB 2060, SB 2081, SB 2082.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 10, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HCR 3040: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3040 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3056: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HCR 3056 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "programs" with "opportunities"

Page 1, line 20, replace the first "and" with a comma

Page 1, line 21, replace "programs" with "opportunities"

Page 1, line 21, after "individuals" insert ", ways to encourage and improve financial literacy among the people of this state, and ways in which the private sector can assist people in improving their financial stability"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2084: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2084 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2055, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2055 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2091: Education Committee (Rep. Nathe, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2091 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2101: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2101 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2167, as engrossed: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2167 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2180: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2180 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2184, as engrossed: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2184 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4015: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SCR 4015 was placed on the Tenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4023: A concurrent resolution directing the Legislative Management to study options for protecting farmers who prepay for chemicals, feed, fertilizer, seed, and similar agricultural supplies.

Was read the first time and referred to the **Agriculture Committee**.

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

Buell J. Reich, Chief Clerk

