

JOURNAL OF THE HOUSE

Sixty-second Legislative Assembly

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Bismarck, January 24, 2011

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

The prayer was offered by Sister Anna Rose Ruhland, St. Vincent's Care Center, Bismarck.

The roll was called and all members were present except Representatives Kempenich, Owens, and Pollert.

A quorum was declared by the Speaker.

REQUEST

REP. J. KELSH REQUESTED that the amendments to HB 1048 be heard separately, which request was granted.

SIXTH ORDER OF BUSINESS

SPEAKER DROVDAL DEEMED approval of the amendments to HB 1076 and HB 1200.

HB 1076 and HB 1200, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

HB 1048: REP. HATLESTAD (Finance and Taxation Committee) MOVED that the amendments on HJ page 228 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

REP. VIGESAA MOVED that the rules be suspended and HB 1048, as amended, be placed at the top of the Eleventh order of today's calendar for immediate second reading and final passage, which motion prevailed on a voice vote.

MOTION

REP. GRANDE MOVED that HB 1443 be returned to the House floor from the **Government and Veterans Affairs Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. J. KELSH REQUESTED the unanimous consent of the House to withdraw HB 1443. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1048: A BILL for an Act to amend and reenact subsection 10 of section 57-02-27.2 of the North Dakota Century Code, relating to extension of the deadline for counties to implement use of soil survey data in agricultural property tax assessments; and to provide an effective date.

ROLL CALL

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

YEAS: Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Monson; Nathe; Nelson, J.; Paur; Pietsch; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Wieland; Williams; Speaker Drovdal

NAYS: Amerman; Boe; Conklin; DeKrey; Delmore; Glassheim; Gruchalla; Guggisberg; Hanson; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Metcalf; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Weisz; Winrich; Wrangham; Zaiser

ABSENT AND NOT VOTING: Kempenich; Owens; Pollert

Engrossed HB 1048 passed.

SECOND READING OF HOUSE BILL

HB 1163: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the national honor and remember flag.

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; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: Kempenich; Owens; Pollert

HB 1163 passed.

SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to women veterans' month; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: Kempenich; Owens; Pollert; Williams

HB 1167 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to amend and reenact section 4-24-09 of the North Dakota Century Code, relating to investments of agricultural commodity funds.

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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

NAYS: Amerman; Kelsh, J.

ABSENT AND NOT VOTING: Kempenich; Owens; Pollert

HB 1182 passed.

SECOND READING OF HOUSE BILL

HB 1212: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to the possession and sale of alcoholic beverages at college sporting events; and to provide a penalty.

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

YEAS: Bellew; Belter; Brabandt; Damschen; Froseth; Guggisberg; Hunskor; Kingsbury; Metcalf; Nelson, M.; Rust; Vigasaa; Weisz

NAYS: Amerman; Anderson; Beadle; Boe; Boehning; Brandenburg; Carlson; Clark; Conklin; Dahl; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Glassheim; Grande; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Onstad; Paur; Pietsch; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Wall; Weiler; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: Kempenich; Owens; Pollert

HB 1212 lost.

SECOND READING OF HOUSE BILL

HB 1238: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to authorized charitable gaming under a charity local permit.

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 74 YEAS, 16 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; DeKrey; Delmore; Dosch; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Meyer, S.; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Porter; Rohr; Sanford; Schatz; Schmidt; Steiner; Streyle; Sukut; Thoreson; Trottier; Wall; Weiler; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Bellew; Boe; Damschen; Delzer; Devlin; Grande; Heller; Hogan; Keiser; Kingsbury; Metcalf; Mueller; Ruby; Rust; Vigesaa; Weisz

ABSENT AND NOT VOTING: Kempenich; Owens; Pollert; Skarphol

HB 1238 passed.

SECOND READING OF HOUSE BILL

HB 1255: A BILL for an Act to amend and reenact subsection 2 of section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks; 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 39 YEAS, 52 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Bellew; Belter; Boehning; Brandenburg; Carlson; Conklin; Dahl; DeKrey; Delzer; Devlin; Dosch; Grande; Headland; Heilman; Heller; Hofstad; Kasper; Kelsch, R.; Klein; Koppelman; Kreidt; Louser; Meier, L.; Monson; Nathe; Nelson, J.; Porter; Ruby; Rust; Schatz; Skarphol; Streyle; Thoreson; Wall; Weiler; Weisz; Wrangham; Speaker Drovdal

NAYS: Amerman; Beadle; Boe; Brabandt; Clark; Damschen; Delmore; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Paur; Pietsch; Rohr; Sanford; Schmidt; Steiner; Sukut; Trottier; Vigesaa; Wieland; Williams; Winrich; Zaiser

ABSENT AND NOT VOTING: Kempenich; Owens; Pollert

HB 1255 lost.

ANNOUNCEMENT

SPEAKER DROVDAL ANNOUNCED that Rep. Kretschmar will be the Parliamentarian for the 2011 Legislative Session.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1096, HB 1097, HB 1116, HB 1137, HB 1139, HB 1161, HB 1179, HB 1222, HB 1240, HB 1252, HB 1308.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your

favorable consideration is requested on: HB 1114.

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 2100, SB 2149, SB 2151, SB 2168, SB 2192, SCR 4002, SCR 4006.

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 Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, January 25, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1188: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1188 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to fees for depositing rubbish on highways; to"

Page 1, line 3, remove the second "and"

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

Page 2, after line 2, insert:

"SECTION 3. A new subdivision to subsection 2 of section 39-06.1-06 of the North Dakota Century Code is created and enacted as follows:

A violation of section 39-10-59, a fee of two hundred dollars."

Page 2, replace lines 14 and 15 with:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1216: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1216 was placed on the Sixth order on the calendar.

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

Page 1, after line 8, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Heller, Delzer, Kreidt, Wrangham and Sens. Christmann, Freborg introduced:

HCR 3021: A concurrent resolution urging the Citizen's Stamp Advisory Committee of the United States Postal Service to issue a commemorative stamp honoring coal miners and their contributions to our nation.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Headland, Thoreson, S. Meyer and Sens. Burckhard, Christmann, Dotzenrod

introduced:

HCR 3022: A concurrent resolution urging the Federal Communications Commission to make substantive changes to the National Broadband Plan so that the plan does not limit the future economic livelihood and social well-being of rural consumers.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Belter, Carlson, Headland and Sens. Christmann, Cook, Stenehjem introduced:

HCR 3023: A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the vote required to enact an income, sales, use, or motor vehicle excise tax rate increase by the legislative assembly.

Was read the first time and referred to the **Constitutional Revision Committee**.

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

Buell J. Reich, Chief Clerk