

JOURNAL OF THE HOUSE**Sixty-second Legislative Assembly**

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Bismarck, March 10, 2011

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

The prayer was offered by Pastor Bob Copenhaver, Healing Rooms of the Northern Plains, Bismarck.

The roll was called and all members were present except Representatives Bellew, Headland, D. Johnson, Kilichowski, Louser, Mueller, and Vigesaa.

A quorum was declared by the Speaker.

ANNOUNCEMENT

REP. DROVDAL ANNOUNCED that the House stand in recess for a fire drill, which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Drovdal presiding.

MOTION

REP. MONSON MOVED that a committee of two be appointed to escort the Honorable Martin Loken, Canada's Consul General to the podium, which motion prevailed. The Speaker appointed Reps. Carlson and J. Kelsh to the escort committee.

**Consul General Martin Loken
Address to the North Dakota House of Representatives
Bismarck, North Dakota**

Thank you Mr. Speaker (David Drovdal) and members of the House of Representatives for inviting me to speak. It's a tremendous honor to join you to celebrate the North Dakota-Canada partnership.

Across three centuries, our countries have progressively developed the closest, warmest, most integrated and most successful relationship in the world. We are partners, neighbours, allies and most of all, we are true friends.

All this holds particularly true right here in North Dakota, where we share a long, secure border that's a gateway for extensive business and personal ties.

Not only is the U.S. Canada's major export market, Canada is also America's largest export market – larger than China, larger than Mexico, larger than Japan or all the countries of the European Union combined. We have the biggest two-way trading relationship in the world, with about \$600 billion in goods and services crossing our border last year.

North Dakota is one of 34 U.S. states that looks to Canada as its largest customer. In fact, last year over 60% of your exports went to Canada. Two-way trade in goods alone was about \$3.6 billion in 2010, or well over \$5,000 for every man, woman and child in North Dakota.

Trade means jobs. More than 8 million across the US and some 21,400 in North Dakota alone are supported by Canada-US trade. And more jobs still are tied to the important investments that we have in each others' countries. Our economies are so closely integrated that "we make things together", rather than just sell things to one another. And I think there's great potential to do more, especially right here in our continent's Heartland.

I wish to commend you -- the state's hardworking legislators, as well as the administration, the business community and many, many others for the way you have navigated your great state through difficult times in the global economy. Your low unemployment rate and your growing, diverse and resilient economy are the envy of many.

Similarly, Canada has weathered the recession better than most. We have a strong financial sector and our recovery is well on track. We look forward to creating jobs and increasing trade and investment opportunities within the highly integrated North American economy. This requires that we do all we can to keep markets open to the benefit of our citizens and avoid protectionist measures that only serve to restrain job growth and slow our collective economic recovery.

Mr. Speaker, we can't talk about the Canada-US relationship, or the North Dakota-Canada relationship, without referring to energy. Canada is your country's largest, most secure, most stable and friendliest supplier of oil, natural gas, electricity and uranium. The United States imports far more oil from Canada than from any other country in the world – more than from Saudi Arabia and Kuwait combined, more than from Venezuela and Iraq combined.

Our energy infrastructure, including oil and gas pipeline networks and electricity grids, is tightly integrated and is a foundation for North American energy security. Like North Dakota, Canada is fortunate to have tremendous energy resources. Canada's oil sands comprise the third largest oil deposit in the world with more than 175 billion barrels of reserves.

To develop the oil sands resource and to meet the energy security needs of the US, new pipeline construction and technology development provide jobs, revenue and other benefits to North Dakotans. The proposed Keystone XL pipeline, along with existing Canadian pipelines, offers much-needed access to markets for your state's rapidly growing production of oil from the Bakken, and other fields, some of which extend across the border to Canada.

At the same time, North Dakota and Canada are aggressively researching and investing in various renewable energy technologies; and the world's largest carbon capture and storage project has been operating across our border for over ten years. Together, we are leaders in responsible North American energy production and transmission.

Our strong partnership with North Dakota might be traced back to 1800 when a trade route was established between Canadian fur trading posts near Lake Winnipeg to the Native American villages along the Missouri river. Since then our people-to-people ties have grown spectacularly. Hockey and baseball teams, high school choirs and weekend shoppers travel back and forth across our border by the tens of thousands.

Our two nations have grown up together and we have forged ties that run wide and deep at the local and national levels. Because we have much in common, our national interests throughout history have often intersected. Our friendship has been manifested in the defense of our shared values when Canadian and US soldiers have fought and died together in many conflicts, including, more recently, Afghanistan. I want to take this opportunity to honor the brave military personnel from North Dakota who serve around the world in the name of freedom and those who have made the ultimate sacrifice.

Mr. Speaker, as I mentioned, our long, secure border is a gateway for extensive business and personal ties. Canadian and US law enforcement officials – including the Grand Forks sector of the US Border Patrol, cooperate closely, and successfully, to address threats to our countries. And this will continue. And when it comes to our common border, there is perhaps no more beautiful tribute to border cooperation anywhere in the world than the International Peace Garden established in 1932 honoring the friendship between our nations.

Mr. Speaker, as we all know, we anticipate a very difficult spring this year when it comes to flooding, particularly in the Red River Basin. We all want to minimize harm from flooding. Recent discussions between leaders in the region have led to a renewed level of cooperation on shared water issues – including Devils Lake. We must continue to assume a spirit of cooperation as we look for solutions to water challenges, including flooding. By continuing to work closely together, we are better placed to ensure that our shared resources are protected for all, including generations to come.

In closing, let me underline that my office looks forward to continuing to work with North Dakota legislators and with Governor Dalrymple's administration to do everything we can to enhance our linkages. Building on the strength of our ties, the future looks very bright indeed. I'm delighted that Rod Backman works with my office as Canada's Honorary Consul in North Dakota. We thank Rod for all that he does, including helping to make this "Canada Day at the North Dakota Capitol" a reality.

Mr. Speaker, thank you for celebrating our relationship, for passing Resolution #3025 and for the great honor you have extended my country in inviting me to speak. I hope you and your staffs will join us later today as we continue to celebrate with a reception at the Ramkota. Merci beaucoup. Thank you very much.

MOTION

REP. MONSON MOVED that the remarks of General Consul Loken be printed in the Journal, which motion prevailed.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on March 9, 2011, I have signed the following: HB 1037, HB 1050, HB 1051, HB 1056, and HB 1063.

SIXTH ORDER OF BUSINESS

SPEAKER DROVDAL DEEMED approval of the amendments to Engrossed SB 2035, Engrossed SB 2097, SB 2100, and SB 2180.

Engrossed SB 2035, Engrossed SB 2097, SB 2100, and SB 2180, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. MONSON MOVED that SB 2302 be returned to the House floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Rep. Monson's motion, SB 2302 was rereferred.

SECOND READING OF SENATE BILL

SB 2141: A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to the granting of performance-based sentence reduction to offenders in a correctional facility; and to amend and reenact section 12-54.1-01 of the North Dakota Century Code, relating to performance-based sentence reduction.

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 86 YEAS, 0 NAYS, 0 EXCUSED, 8 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; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Hawken; Headland; Johnson, D.; Kempenich; Kilichowski; Louser; Mueller; Vigesaa

SB 2141 passed.

SECOND READING OF SENATE BILL

SB 2160: A BILL for an Act to create and enact subsection 4 to section 57-35.3-05 of the North Dakota Century Code, relating to a financial institutions tax credit for charitable gifts to qualified endowments by financial institutions; to amend and reenact sections 57-35.3-07 and 57-38-01.21 of the North Dakota Century Code, relating to the tax credit for charitable gifts, planned gifts, or endowments; 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 PASS, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Hawken; Headland; Johnson, D.; Kilichowski; Louser; Mueller; Vigesaa

SB 2160 passed.

SECOND READING OF SENATE BILL

SB 2164: A BILL for an Act to amend and reenact sections 43-31-02, 43-31-07, and 43-31-16 of the North Dakota Century Code, relating to requirements for detection of deception instruments and examiners.

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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Hawken; Headland; Johnson, D.; Kilichowski; Louser; Mueller; Vigesaa

SB 2164 passed.

SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to the imposition of individual income taxes and employer income tax withholding for mobile workforce employees; to amend and reenact subsection 1 of section 57-38-59 of the North Dakota Century Code, relating to the imposition of individual income taxes and employer income tax withholding for mobile workforce employees; 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 PASS, the roll was called and there were 78 YEAS, 9 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Dosch; Frantsvog; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Steiner; Streyle; Sukut; Thoreson; Trottier; Wall; Weisz; Wieland; Williams; Winrich; Speaker Drovda

NAYS: Carlson; Delzer; Devlin; Froseth; Glassheim; Skarphol; Weiler; Wrangham; Zaiser

ABSENT AND NOT VOTING: Hawken; Headland; Johnson, D.; Kilichowski; Louser; Mueller; Vigesaa

Engrossed SB 2170 passed.

SECOND READING OF SENATE BILL

SB 2176: A BILL for an Act to amend and reenact section 50-25.1-03 of the North Dakota Century Code, relating to individuals required to report child abuse and neglect.

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 81 YEAS, 6 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Delzer; Owens; Rohr; Streyle; Wrangham

ABSENT AND NOT VOTING: Hawken; Headland; Johnson, D.; Kilichowski; Louser; Mueller; Vigesaa

SB 2176 passed.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2034, SB 2040, SB 2125, SB 2133, SB 2139, SB 2146, SB 2341.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2145.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2104, SB 2117.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2093.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1090, HB 1105, HB 1107, HB 1153, HB 1219, HB 1262, HB 1305, HB 1326, HB 1453, HCR 3029.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1119.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1471.

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

MR. SPEAKER: The President has signed: HB 1026, HB 1064, HB 1065, HB 1076, HB 1081, HB 1082, HB 1088, HB 1104, HB 1115, HB 1116, HB 1118, HB 1121, HB 1135, HB 1180, HB 1273, HB 1288, HB 1315, HB 1366, HB 1436, HCR 3002.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2025, SB 2041, SB 2081, SB 2083, SB 2127, SB 2143, SB 2186, SB 2196, SB 2283, SB 2318, SB 2330.

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

MR. PRESIDENT: The Speaker has signed: SB 2025, SB 2041, SB 2081, SB 2083, SB 2127, SB 2143, SB 2186, SB 2196, SB 2283, SB 2318, SB 2330.

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

MR. SPEAKER: The President has signed: SB 2301.

MOTION

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

MOTION

REP. MONSON 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 12:30 p.m., Friday, March 11, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2062, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2062 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2064, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2064 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2075: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2075 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2114: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2114 was placed on the Sixth order on the calendar.

Page 1, line 22, remove the overstrike over "certified"

Page 1, line 22, remove "regular"

Page 1, line 23, remove "a notice of decision reversing the previous decision or, in accordance with the"

Page 1, line 24, remove "North Dakota Rules of Civil Procedure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2173: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2173 was placed on the Sixth order on the calendar.

Page 1, line 3, after "qualifications" insert "; and to provide an expiration date"

Page 1, after line 13, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2013, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2183: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2183 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2215: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2215 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2234, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2234 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2322, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2322 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2352, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2352 was placed on the Fourteenth order on the calendar.

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

Buell J. Reich, Chief Clerk

