

JOURNAL OF THE HOUSE

Sixty-second Legislative Assembly

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Bismarck, March 11, 2011

The House convened at 12:30 p.m., with Speaker Drovdal presiding.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Representatives Bellew, Carlson, Conklin, Devlin, Hawken, Headland, D. Johnson, N. Johnson, Kilichowski, Louser, Mueller, J. Nelson, Trottier, and Vigesaa.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER DROVDAL DEEMED approval of the amendments to SB 2114 and SB 2173.

SB 2114 and SB 2173, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2181: A BILL for an Act to amend and reenact section 14-10-06 of the North Dakota Century Code, relating to mitigating factors for contributing to the consumption or possession of alcoholic beverages by a minor.

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 79 YEAS, 0 NAYS, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; 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.; Monson; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

ABSENT AND NOT VOTING: Bellew; Carlson; Conklin; Devlin; Hawken; Headland; Johnson, D.; Johnson, N.; Kilichowski; Louser; Mock; Mueller; Nelson, J.; Trottier; Vigesaa

SB 2181 passed.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to amend and reenact subsection 9 of section 57-02-08 of the North Dakota Century Code, relating to the acreage of church property eligible for the church property tax exemption; to repeal subsection 7 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for church property; 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 4 YEAS, 75 NAYS, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

YEAS: Hogan; Kroeber; Maragos; Onstad

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

ABSENT AND NOT VOTING: Bellew; Carlson; Conklin; Devlin; Hawken; Headland; Johnson, D.; Johnson, N.; Kilichowski; Louser; Mock; Mueller; Nelson, J.; Trottier; Vigasaa

Engrossed SB 2189 lost.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to amend and reenact sections 57-39.2-04.5, 57-39.2-04.6, and 57-40.2-03.3 of the North Dakota Century Code, relating to the sales and use tax exemption for materials used in compressing, processing, gathering, or refining gas, the sales and use tax exemption for materials used in construction or expansion of an oil refinery, and the use tax on contractors; 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 77 YEAS, 2 NAYS, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Dahl; DeKrey; Delmore; Delzer; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; 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.; Monson; Nathe; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

NAYS: Damschen; Nelson, M.

ABSENT AND NOT VOTING: Bellew; Carlson; Conklin; Devlin; Hawken; Headland; Johnson, D.; Johnson, N.; Kilichowski; Louser; Mock; Mueller; Nelson, J.; Trottier; Vigasaa

SB 2202 passed.

SECOND READING OF SENATE BILL

SB 2205: A BILL for an Act to amend and reenact subsections 4 and 6 section 65-01-16 and subsection 2 of section 65-04-32 of the North Dakota Century Code, relating to attorney representation in a request for workforce safety and insurance reconsideration, who may file a request for assistance from the decision review office, and service of an employer.

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 79 YEAS, 0 NAYS, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark;

Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; 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.; Monson; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: Bellew; Carlson; Conklin; Devlin; Hawken; Headland; Johnson, D.; Johnson, N.; Kilichowski; Louser; Mock; Mueller; Nelson, J.; Trottier; Vigasaa

Engrossed SB 2205 passed.

SECOND READING OF SENATE BILL

SB 2278: A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to the disclosure of student names and addresses.

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 77 YEAS, 2 NAYS, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Dahl; Damschen; DeKrey; Delmore; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; 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.; Monson; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

NAYS: Delzer; Ruby

ABSENT AND NOT VOTING: Bellew; Carlson; Conklin; Devlin; Hawken; Headland; Johnson, D.; Johnson, N.; Kilichowski; Louser; Mock; Mueller; Nelson, J.; Trottier; Vigasaa

Engrossed SB 2278 passed.

SECOND READING OF SENATE BILL

SB 2284: A BILL for an Act to provide for an interstate compact on industrialized or modular buildings.

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 79 YEAS, 0 NAYS, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; 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.; Monson; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: Bellew; Carlson; Conklin; Devlin; Hawken; Headland; Johnson, D.; Johnson, N.; Kilichowski; Louser; Mock; Mueller; Nelson, J.; Trottier; Vigasaa

SB 2284 passed.

SECOND READING OF SENATE BILL

SB 2289: A BILL for an Act to amend and reenact section 15-20.1-22 of the North Dakota Century Code, relating to grants for innovations.

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 79 YEAS, 0 NAYS, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; 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.; Monson; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: Bellew; Carlson; Conklin; Devlin; Hawken; Headland; Johnson, D.; Johnson, N.; Kilichowski; Louser; Mock; Mueller; Nelson, J.; Trottier; Vigasaa

SB 2289 passed.

SECOND READING OF SENATE BILL

SB 2079: A BILL for an Act to amend and reenact section 50-11-01.4 of the North Dakota Century Code, relating to a person's ability to provide adult foster care after a license is denied or revoked; to provide for a legislative management study; and to declare an emergency.

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 79 YEAS, 0 NAYS, 0 EXCUSED, 15 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; 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.; Monson; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovda

ABSENT AND NOT VOTING: Bellew; Carlson; Conklin; Devlin; Hawken; Headland; Johnson, D.; Johnson, N.; Kilichowski; Louser; Mock; Mueller; Nelson, J.; Trottier; Vigasaa

Engrossed SB 2079, as amended, passed and the emergency clause was declared carried.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2141, SB 2160, SB 2164, SB 2170, SB 2176.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1028, HB 1073, HB 1079, HB 1101, HB 1157, HB 1183, HB 1192, HB 1223, HB 1341, HB 1365, HB 1388, HCR 3001, HCR 3030, HCR 3034.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1254.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1254

Page 1, line 6, replace "eleven" with "ten"

Page 1, line 7, replace "3.3528" with "3.05"

Renumber accordingly

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1202.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1219.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1090, HB 1105, HB 1107, HB 1119, HB 1153, HB 1262, HB 1305, HB 1326, HB 1453, HCR 3029.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2034, SB 2040, SB 2099, SB 2111, SB 2119, SB 2123, SB 2124, SB 2125, SB 2133, SB 2139, SB 2146, SB 2341.

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

MR. SPEAKER: The President has signed: HB 1090, HB 1105, HB 1107, HB 1119, HB 1153, HB 1219, HB 1262, HB 1305, HB 1326, HB 1453, HCR 3029.

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

MR. PRESIDENT: The Speaker has signed: HB 1219.

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

MR. PRESIDENT: The Speaker has signed: SB 2034, SB 2040, SB 2099, SB 2111, SB 2119, SB 2123, SB 2124, SB 2125, SB 2133, SB 2139, SB 2146, SB 2341.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on March 11, 2011: HB 1219.

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 1:00 p.m., Monday, March 14, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2023: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (18 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2023 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2026: Government and Veterans Affairs Committee (Rep. Grande, Chairman)

recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
SB 2026 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2085, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)
recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).
Engrossed SB 2085 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2109, as engrossed: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2109 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2158, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2158 was placed on the Sixth order on the calendar.

Page 1, line 9, after the period insert:

"a."

Page 1, line 15, after the period insert "If the state's attorney, holder, or financial institution determines the person identified as the issuer of the instrument did not make, draw, utter, or deliver the instrument in violation of this section but instead is the victim of fraud, that state's attorney, holder, or financial institution shall provide the holder or its agent or representative written notice of the fraud and upon receipt of the notice that holder or its agent or representative may not collect fees or costs under this subdivision.

b."

Page 1, line 18, after the period insert:

"c."

Page 2, line 1, after the period insert:

"d."

Page 2, line 27, replace "ninety" with "one hundred twenty"

Page 2, line 28, remove ". and"

Page 2, remove line 29

Page 2, line 30, remove "notice under this subsection the state's attorney may."

Page 3, line 9, after the period insert "If the state's attorney, holder, or financial institution determines the person identified as the issuer of the instrument did not issue the instrument in violation of this section but instead is the victim of fraud, that state's attorney, holder, or financial institution shall provide the holder or its agent or representative written notice of the fraud and upon receipt of the notice that holder or its agent or representative may not collect fees or costs under this subsection."

Page 3, line 17, replace "ninety" with "one hundred twenty"

Page 3, line 18, remove ". and thereafter until the expiration of one hundred twenty days after the drawer"

Page 3, line 19, remove "received notice under this subsection the state's attorney may."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2165: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2165 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2179: Government and Veterans Affairs Committee (Rep. Grande, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2179 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2197: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2197 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2203, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2203 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2280, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2280 was placed on the Fourteenth order on the calendar.

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

Buell J. Reich, Chief Clerk

