

## JOURNAL OF THE HOUSE

### Sixty-second Legislative Assembly

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**Bismarck, January 25, 2011**

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

The prayer was offered by Pastor Tim Jenks, Bethel Lutheran Church, Bismarck.

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

A quorum was declared by the Speaker.

#### SIXTH ORDER OF BUSINESS

**SPEAKER DROVDAL DEEMED** approval of the amendments to HB 1188 and HB 1216.

HB 1188 and HB 1216, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF HOUSE BILL

**HB 1271:** A BILL for an Act to amend and reenact subsection 2 of section 37-01-42 of the North Dakota Century Code, relating to honorary high school diplomas for Korean conflict veterans.

#### 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:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Frantsvog; 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.; Kempenich; Kilichowski; Kingsbury; 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; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**NAYS:** Dosch; Klein

**ABSENT AND NOT VOTING:** Owens; Pollert; Wrangham

HB 1271 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1273:** A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to readiness testing and formative assessments of kindergarten students.

#### 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; Frantsvog; 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.; Kempenich; 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; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Owens; Pollert; Skarphol; Wrangham

HB 1273 passed.

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### SECOND READING OF HOUSE BILL

**HB 1055:** A BILL for an Act to amend and reenact section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation permanent partial impairment benefits; and to provide for application.

### 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 85 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** 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; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Onstad; Paur; Pietsch; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Zaiser; Speaker Drovdal

**NAYS:** Amerman; Kaldor; Kroeber; Mueller; Winrich

**ABSENT AND NOT VOTING:** Owens; Pollert; Skarphol; Wrangham

Engrossed HB 1055 passed.

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### SECOND READING OF HOUSE BILL

**HB 1066:** A BILL for an Act to amend and reenact sections 15.1-36-01, 15.1-36-04, and 18-12-04 of the North Dakota Century Code, relating to thresholds and criteria for school district construction projects; to provide an effective date; 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 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsvog; 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.; Kempenich; 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; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**NAYS:** Boe; Delzer; Schatz

**ABSENT AND NOT VOTING:** Owens; Pollert; Wrangham

Engrossed HB 1066 passed and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1122:** A BILL for an Act to amend and reenact sections 54-34.4-03, 54-44.5-04, 54-60-02, 54-60-04, 54-60-16, and 54-60-25 of the North Dakota Century Code, relating to the state tourism policy, division of community services, department of commerce, North Dakota economic development foundation, North Dakota international business and trade office, and North Dakota rural development council; to repeal sections 4-14.1-01.1 and 54-34.3-12 of the North Dakota Century Code, relating to the definition of eligible facility and the value-added agriculture promotion board; to provide an effective date; 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 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; Frantsvog; 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.; Kempenich; 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; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Owens; Pollert; Wrangham

Engrossed HB 1122 passed and the emergency clause was declared carried.

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### MOTION

**REP. KEMPENICH MOVED** that the House reconsider its action whereby HB 1255 failed to pass, which motion failed on a verification vote.

### SECOND READING OF HOUSE BILL

**HB 1130:** A BILL for an Act to create and enact section 13-08-05.1 and two new sections to chapter 13-09 of the North Dakota Century Code, relating to notice regarding change of name and address of licensed deferred presentment service providers and money transmitters and prohibited acts and practices of licensed money transmitters; to amend and reenact sections 13-08-02 and 13-08-11, subsection 6 of section 13-08-12, sections 13-08-14 and 13-08-14.1, subsection 7 of section 13-09-02, subsection 3 of section 13-09-14, and section 13-09-17 of the North Dakota Century Code, relating to license requirements, retention of records, licensee transaction procedures, suspension and revocation of license, suspension and removal of agency officers and employees, definition of electronic instruments regarding deferred presentment service providers, and money transmitters; and to provide a penalty.

### 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 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.; Kempenich; 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; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Owens; Pollert; Wrangham

Engrossed HB 1130 passed.

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### SECOND READING OF HOUSE BILL

**HB 1158:** A BILL for an Act to create and enact a new section to chapter 54-21.3 of the North Dakota Century Code, relating to wheelchair accessibility of retail businesses that receive state or local economic development funds; and to provide for application.

### 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 50 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Boehning; Brandenburg; Conklin; Dahl; Delmore; Frantsovog; Froseth; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Kreun; Maragos; Martinson; Meyer, S.; Mock; Nathe; Nelson, M.; Onstad; Pietsch; Porter; Ruby; Sanford; Sukut; Thoreson; Trottier; Winrich; Zaiser; Speaker Drovdal

**NAYS:** Beadle; Bellew; Belter; Boe; Brabandt; Carlson; Clark; Damschen; DeKrey; Delzer; Devlin; Dosch; Glassheim; Grande; Headland; Heller; Holman; Kempenich; Kilichowski; Kreidt; Kroeber; Louser; Meier, L.; Metcalf; Monson; Mueller; Nelson, J.; Paur; Rohr; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams

**ABSENT AND NOT VOTING:** Owens; Pollert; Wrangham

Engrossed HB 1158 passed.

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### SECOND READING OF HOUSE BILL

**HB 1174:** A BILL for an Act to amend and reenact sections 23-12-14 and 26.1-41-12 of the North Dakota Century Code, relating to copies of medical records and medical bills.

### 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 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.; Kempenich; 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; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Owens; Pollert; Wrangham

Engrossed HB 1174 passed.

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### SECOND READING OF HOUSE BILL

**HB 1192:** A BILL for an Act to amend and reenact section 29-04-05 of the North Dakota Century Code, relating to the commencement of a criminal prosecution; and to repeal sections 29-09-02, 29-09-06, and 29-09-07 of the North Dakota Century Code, relating to criminal procedure and the methods of prosecution.

### 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 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; Frantsvog; 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.; Kempenich; 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; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Owens; Pollert; Wrangham

Engrossed HB 1192 passed.

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### SECOND READING OF HOUSE BILL

**HB 1215:** A BILL for an Act to amend and reenact section 15.1-06-12 of the North Dakota Century Code, relating to a requirement for lockdown drills at schools.

### 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 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; Devlin; Dosch; Frantsvog; 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.; Kempenich; 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; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Delzer; Owens; Pollert; Wrangham

Engrossed HB 1215 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1197:** A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to a veteran indicator on an operator's license.

**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.; Kempenich; 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; Streytle; Sukut; Thoreson; Trotter; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Owens; Pollert; Wrangham

HB 1197 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1207:** A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to certain number plates for driving while under the influence.

**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 1 YEAS, 90 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Gruchalla

**NAYS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsovog; Froseth; Glassheim; Grande; 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.; Kempenich; 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; Streytle; Sukut; Thoreson; Trotter; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Owens; Pollert; Wrangham

HB 1207 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1242:** A BILL for an Act to provide for a portion of a paved four-lane highway for United States highway 85.

**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 14 YEAS, 77 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Conklin; Froseth; Hatlestad; Kempenich; Maragos; Meyer, S.; Nelson, M.; Onstad; Schatz; Streytle; Sukut; Thoreson; Weiler; Speaker Drovdal

**NAYS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Dosch; Frantsvog; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; 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; Martinson; Meier, L.; Metcalf; Mock; Monson; Mueller; Nathe; Nelson, J.; Paur; Pietsch; Porter; Rohr; Ruby; Rust; Sanford; Schmidt; Skarphol; Steiner; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Owens; Pollert; Wrangham

HB 1242 lost.

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#### MOTION

**REP. SCHATZ MOVED** that the rules be suspended on the reconsideration of HB 1255.

#### REQUEST

**REP. SCHATZ REQUESTED** a verification vote, which request was granted. The motion to suspend the rules on HB 1255 lost on a verification vote.

#### 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 1048, HB 1163, HB 1182, HB 1238.

#### 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 1167.

#### 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 2064, SB 2073, SB 2077, SB 2107, SB 2121, SB 2164, SB 2165, SB 2197, SB 2205.

#### 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., Wednesday, January 26, 2011, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1038: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1038 was placed on the Sixth order on the calendar.

Page 1, line 3, after "6-01-01.1" insert "and section 13-07-01"

Page 1, line 4, after "fund" insert "and the definition of consumer credit counseling service; to repeal chapter 13-06 of the North Dakota Century Code, relating to regulation of debt adjusters"

Page 1, after line 12, insert:

**"SECTION 2. AMENDMENT.** Section 13-07-01 of the North Dakota Century Code is amended and reenacted as follows:

**13-07-01. Consumer credit counseling service - Definition.**

As used in this chapter, "consumer credit counseling service" means a nonprofit corporation engaged in the business of debt adjusting as defined in section 13-06-04 whose agreements contemplate that a debtor will liquidate the debtor's debts by structured installments or that a creditor will reduce finance charges or fees for late payments, default, or delinquency. For purposes of this chapter, a nonprofit corporation means an entity that is:

1. Organized and properly operating as a nonprofit entity under the laws of the state in which it was formed;
2. Exempt from taxation under the federal Internal Revenue Code [26 U.S.C. 501]; and
3. Not owned, operated, managed by, or affiliated with a for-profit entity."

Page 3, line 11, replace "the" with "this"

Page 3, line 17, after the fourth underscored comma insert "farm credit system institution,"

Page 4, line 1, after "person" insert "currently"

Page 4, line 1, replace "chapter 13-10" with "any chapter administered by the department of financial institutions or registered with the attorney general's office"

Page 4, line 11, remove "or"

Page 4, line 18, after "debt" insert "; or

- (3) Offering to provide advice or service, or acting as an intermediary between or on behalf of a person and a state or federal government agency where the primary purpose of the advice, service, or action is to obtain a settlement, adjustment, or satisfaction of the person's tax obligation to the government agency in an amount less than the current outstanding balance of the tax obligation"

Page 4, line 24, remove "or"

Page 4, line 31, after "requirement" insert "; or

- (4) A nonprofit corporation engaged in consumer credit counseling services under chapter 13-07"

Page 5, line 10, after "Person" insert "means an individual, corporation, limited liability company, partnership, trust, firm, association, or other legal entity. The term"

Page 7, line 2, remove "or disciplined with respect to a license"

Page 8, line 5, replace "registered" with "licensed"

Page 10, line 27, replace "will" with "may"

Page 12, line 1, remove "Such funds are not subject to attachment, lien, levy of execution, or sequestration by"

Page 12, remove lines 2 and 3

Page 12, line 4, remove "3."

Page 12, line 10, replace "4." with "3."

Page 12, line 29, replace "will" with "may"

Page 14, line 18, replace "WILL" with "MAY"

Page 18, line 23, remove ". except for a one-time"

Page 18, line 24, remove "enrollment fee of no more than one hundred dollars"

Page 18, line 26, replace "fifteen" with "thirty"

Page 19, line 9, remove "A provider may accept voluntary"

Page 19, remove lines 10 through 12

Page 19, line 19, remove ". unless the"

Page 19, remove line 20

Page 19, line 21, remove "more than fifty percent of the principal amount of the debt owed a creditor"

Page 20, line 20, after "debt" insert "or is part of a payment plan, the terms of which are included in the certification, that upon completion, will lead to full settlement of the debt"

Page 22, line 3, after "law" insert "in this state"

Page 23, line 26, remove "or any rule or order of the commissioner under"

Page 23, remove line 27

Page 23, line 28, remove "provision of this chapter to be unlawful"

Page 24, after line 25, insert:

**"SECTION 4. REPEAL.** Chapter 13-06 of the North Dakota Century Code is repealed."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1078: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1078 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "lay"

Page 1, line 8, overstrike "lay"

Page 1, line 11, remove "lay"

Page 1, line 12, remove "acts"

Page 1, line 13, replace "or omissions of ordinary negligence" with "any act or omission"

Page 1, line 14, remove "lay"

Page 1, line 14, after "litem" insert ". unless the act or omission constitutes gross or willful negligence or gross or willful misconduct"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1204: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1204 was placed on the Sixth order on the

calendar.

Page 1, line 9, after the first "court" insert "of record"

Page 1, line 9, replace the first underscored comma with "or"

Page 1, line 9, remove "a court"

Page 1, line 10, remove "of another country."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1230: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1230 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1260: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1260 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1262: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1262 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1280: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1280 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1307: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1307 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1329: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1329 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "in the defendant's possession"

Page 1, line 18, remove "in the defendant's possession"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1339: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1339 was placed on the Sixth order on the calendar.

Page 1, line 17, remove "Subject to local ordinance, sales"

Page 1, remove line 18

Page 1, line 19, remove "midnight."

Page 2, line 1, remove "liquor"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1340: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1340 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1366: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1366 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1416: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1416 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1421: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1421 was placed  
on the Sixth order on the calendar.

Page 2, line 4, replace "one" with "three"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1471: Industry, Business and Labor Committee (Rep. Keiser, Chairman)**  
recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1471 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**

