

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

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Bismarck, January 27, 2011

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

The prayer was offered by Pastor Lee Herberg, First Lutheran Church, Mandan.

The roll was called and all members were present except Representatives Dahl, DeKrey, Pollert, and Wrangham.

A quorum was declared by the Speaker.

MOTION

REP. VIGESAA MOVED that a committee of two be appointed to escort the Honorable Rick Berg, United States Congressman, to the rostrum, which motion prevailed. Speaker Drovdal appointed Reps. Heilman and Thoreson to the escort committee.

REMARKS OF THE HONORABLE CONGRESSMAN RICK BERG

It is great to be back here at the North Dakota Legislature, back home.

Thank you Mr. Speaker, Rep. Carlson, Rep. Vigesaa, Rep. Kelsh, Rep. Kaldor.

People have been asking what it's like in the US House, the most surprising thing to me is how similar it is to our process. At my first caucus, the caucus chairman worked to quiet the caucus just like here.

People fight over committee assignments, office space, parking and when the cameras are out the speeches get longer...and the cameras are always out in DC.

One of the major differences is if a bill passes one chamber, the other chamber doesn't have to take it up.

In committees questions are asked by seniority, it took me two hours to ask a question on the health care hearing and you know how hard it was for me to stay quiet for that long.

When I was first elected to the legislature, North Dakota was facing some tough issues--hard economic times, out-migration, high taxes and a business climate that was hardly the envy of the nation.

Back then, there were those in other states that wrote off North Dakota's prospects. Some going so far as to say our state wasn't good for much more than grazing animals—they called this place the buffalo commons.

A lot has changed, now North Dakota is known as one of the best places in America to do business. This didn't happen by accident. Our successes are in no small part due to this body.

The legislature in North Dakota was proactive in its pursuit of business and job growth. We focused on creating a great business climate first. We made sure that those who wanted to start or grow a business could be assured that the rules wouldn't change on a whim.

North Dakota has become a place of stability, of certainty.

This attitude transformed North Dakota into what we have today...we truly are the envy of the nation.

When I first got out to Washington, DC, other congressmen would ask, how come North Dakota is doing so good? I hear your unemployment is only 5%... I respond by saying, you're wrong, it's only 3.5%. And in North Dakota, we learned long ago that we can't spend

more than we bring in and we must save for a rainy day.

We know that the best way to boost our economy is jobs, and that business, not the state or federal government, create these jobs. And we also learned that too much government can kill jobs and growth by creating uncertainty and overbearing regulations, scaring the private sector and creating a stagnant economy.

This is the situation we are seeing across our nation, and after getting out to Washington, DC, I've found the situation is even worse than I thought. There remains a cloud of uncertainty for our families and businesses, and this must change if we are to get America back on track.

The US House of Representatives is pushing policies to reduce spending and promote an environment that creates jobs and economic growth.

- Ways and Means –simplify tax code
- Rein Act
- We need ideas from the states

Yesterday, the Congressional Budget Office reported that the nation's federal deficit will grow to nearly \$1.5 trillion this year alone. Our nation's mounting debt makes it obvious that the out of control government spending must stop.

For you veteran legislators, you know my old charts that show on going spending and revenue...and the gap, when I tried for the federal budget I couldn't get it on one page.

Our federal government needs tangible, common-sense solutions to reduce federal spending and lower our national debt. They need the common sense that we have in North Dakota.

Washington's current level of spending is unsustainable. Congress must set its budgetary priorities and provide the American people with confidence that Congress is serious about getting our country back on track.

In our nation's capitol, there are those who believe we can't get out of the mess we are in. To those, I say "look west to a state called North Dakota."

If you want to know how to govern, look west from Washington to a city called Bismarck. Look west to a place called the North Dakota House of Representatives and the North Dakota Senate. The answers to our nation's problems can be found right here in North Dakota.

When I ran for this office, I said I wanted to make Washington more like North Dakota. I have thought it would be great to turn over some of these federal problems to the Republicans and Democrats in the North Dakota Legislature and in 80 days, we could get things done.

Thank you so much for your support and friendship over the years. I am proud to say I was a member of this great body – the North Dakota Legislature.

MOTION

REP. VIGESAA MOVED that the remarks of Congressman Berg be printed in the journal, which motion prevailed.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Sixteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 258, after line 15, insert:

"Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact chapter 57-02.4 of the North Dakota Century Code, relating to special use permit fees for crew housing facilities; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 57-02.4 of the North Dakota Century Code is created and enacted as follows:

57-02.4-01. Definitions.

As used in this chapter:

1. "Crew housing facilities" means one or more single or multisectional lodging units used as human living quarters, whether or not attached to utility services, which are not real property, as defined in section 57-02-04, and are not mobile homes, as defined in section 57-55-01. A group of crew housing facilities that are connected physically or by common ownership may be treated as a single crew housing facility for purposes of imposition of special use permit fees imposed under this chapter.
2. "Special use permit" means a right granted by a city or county to locate crew housing facilities on property within the jurisdiction of the city or county under this chapter and to enjoy attendant services and facilities provided by the city or county.

57-02.4-02. Crew housing special use permit fees - Fee revenue sharing with other taxing districts.

A city, for property within city limits, or a county, for property outside city limits, may impose special use permit fees that apply to crew housing facilities. A city or county imposing fees under this section may share revenues from the fees with other taxing districts in which the property is located.

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

REP. KRETSCHMAR MOVED that the report be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

SPEAKER DROVDAL DEEMED approval of the amendments to HB 1115, HB 1135, HB 1144, HB 1149, HB 1304, HB 1320, and HB 1328.

HB 1115, HB 1135, HB 1144, HB 1149, HB 1304, HB 1320, and HB 1328, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

HB 1225: REP. BELTER (Finance and Taxation Committee) MOVED that the amendments on HJ pages 1258-1259 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a verification vote.

MOTION

REP. VIGESAA MOVED that HB 1225 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1225: A BILL for an Act to amend and reenact subsection 22 of section 57-15-06.7 of the North Dakota Century Code, relating to the county emergency fund levy limitation; 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 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Damschen; DeKrey; Delmore; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; 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; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Porter; Ruby; Rust; Sanford; Schmidt; Skarphol; Steiner; Sukut; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

NAYS: Bellew; Delzer; Headland; Louser; Rohr; Schatz; Streyle; Thoreson; Wrangham

ABSENT AND NOT VOTING: Dahl; Pollert

Engrossed HB 1225 passed.

MOTION

REP. GLASSHEIM MOVED that HB 1307, which is on the Eleventh order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Glassheim's motion, HB 1307 was rereferred.

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 1200, HB 1230, HB 1260, HB 1262.

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 1076, HB 1188, HB 1216.

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 2035, SB 2175, SB 2214, SB 2231, SB 2233, SB 2243.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2078.

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 12:30 p.m., Friday, January 28, 2011, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1027: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1027 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1041: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1041 was placed on the Sixth order on the calendar.

Page 1, line 4, remove the first "and"

Page 1, line 6, after "administration" insert "; and to provide for application"

Page 3, after line 29, insert:

"SECTION 6. APPLICATION. The department of human services shall implement and administer the registration of unlicensed assistive persons as provided under section 2 of this Act within the limits of the budget requested by the department. The department may not add any full-time equivalent positions to assist with the implementation and administration of the registration of unlicensed assistive persons."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1106: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1106 was placed on the Sixth order on the calendar.

Page 1, remove lines 13 through 15

Page 2, after line 3, insert:

- "6. Notwithstanding the provisions of this section, if during any semester or quarter a student fails to maintain a cumulative grade point average of 2.75, the state board of higher education shall notify the student that the requirements of this section have not been met and that if the student fails to increase the student's cumulative grade point average to at least 2.75 during the ensuing semester or quarter, the student will not be eligible for additional scholarship funds under this section. The provisions of this subsection are applicable only one time during a student's college or university programs.
7. For purposes of this section, full-time enrollment status is defined by the institution at which a student is enrolled."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1140: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1140 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "section" with "sections"

Page 1, line 2, after "to" insert "requirement of statutory or administrative rules as a basis for action by the securities commissioner and"

Page 1, line 3, after "trusts" insert "; and to provide an effective date"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 10-04 of the North Dakota Century Code is created and enacted as follows:

Statute or administrative rule basis for actions of commissioner.

Any order, directive, policy, refusal, disapproval, restriction, or requirement made by the securities commissioner must be based on and contain a reference to a state statute or administrative rule provision providing authority for the action taken in the circumstances in which that action is taken."

Page 1, after line 12, insert:

"SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on January 1, 2012."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1151: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO NOT PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1151 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1166: Judiciary Committee (Rep. DeKrey, Chairman) recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1166 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1244: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1244 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1274: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1274 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1309: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1309 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1367: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1367 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1391: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **DO PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1391 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1430: 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 1430 was placed on the Sixth order on the calendar.

Page 3, line 15, remove the overstrike over "~~person~~"

Page 3, line 15, remove "individual"

Page 3, line 15, overstrike "who" and insert immediately thereafter "that"

Page 5, line 14, replace "may" with "do"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1439: Political Subdivisions Committee (Rep. N. Johnson, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1439 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1453: 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). HB 1453 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "one hundred" with "seventy-five"

Renumber accordingly

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

Buell J. Reich, Chief Clerk