

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

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**Bismarck, February 1, 2011**

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

The prayer was offered by Chaplain Dan Sweeney, Bismarck Police Department.

The roll was called and all members were present except Representatives Glassheim and Kingsbury.

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to HB 1080, HB 1156, HB 1185, HB 1346, and HB 1355.

HB 1080, HB 1156, HB 1185, HB 1346, and HB 1355, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SIXTH ORDER OF BUSINESS**

**HCR 3013: REP. ROHR (Government and Veterans Affairs Committee) MOVED** that the amendments on HJ pages 301-302 be adopted and then be placed on the Eleventh order with **DO PASS**. The question being on the motion to adopt the amendments to HCR 3013, the motion prevailed on a voice vote.

**MOTION**

**REP. VIGESAA MOVED** that the rules be suspended and HCR 3013, as amended, be placed at the top of the Eleventh order on today's calendar for immediate second reading and final passage and that Engrossed HCR 3013 be messaged to the Senate immediately, which motion prevailed on a voice vote.

**MOTION**

**REP. VIGESAA MOVED** that HB 1410 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1410 was rereferred.

**SECOND READING OF HOUSE BILL**

**HCR 3013:** A concurrent resolution to recognize February 6, 2011, as "Ronald Reagan Day" in North Dakota.

**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; 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; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Glassheim; Kingsbury; Weisz

Engrossed HCR 3013 passed.

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### SECOND READING OF HOUSE BILL

**HB 1439:** A BILL for an Act to amend and reenact subsection 6 of section 57-39.2-04 of the North Dakota Century Code, relating to elimination of the sales and use tax exemption for purchases by states, including the state of North Dakota; 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 16 YEAS, 76 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boehning; Damschen; Dosch; Kempenich; Maragos; Meier, L.; Monson; Nathe; Nelson, M.; Ruby; Schatz; Streyle; Thoreson; Weiler; Speaker Drovdal

**NAYS:** Amerman; Anderson; Beadle; Belter; Boe; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; DeKrey; Delmore; Delzer; Devlin; Frantsvog; Froseth; 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; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Nelson, J.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Rust; Sanford; Schmidt; Skarphol; Steiner; Sukut; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser

**ABSENT AND NOT VOTING:** Glasshiem; Kingsbury

HB 1439 lost.

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### SECOND READING OF HOUSE BILL

**HB 1340:** A BILL for an Act to amend and reenact section 5-01-17 of the North Dakota Century Code, relating to sales by a domestic winery.

### 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 62 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Bellew; Belter; Boehning; Brandenburg; Conklin; DeKrey; Devlin; Dosch; Frantsvog; Guggisberg; Hanson; Hawken; Headland; Heilman; Heller; Hogan; Holman; Hunskor; Kaldor; Karls; Kasper; Kelsh, J.; Kempenich; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Rohr; Ruby; Sanford; Schatz; Schmidt; Streyle; Thoreson; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Beadle; Boe; Brabandt; Carlson; Clark; Dahl; Damschen; Delmore; Delzer; Froseth; Grande; Gruchalla; Hatlestad; Hofstad; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kilichowski; Klemin; Maragos; Martinson; Nathe; Porter; Rust; Skarphol; Steiner; Sukut; Weiler; Winrich

**ABSENT AND NOT VOTING:** Glasshiem

HB 1340 passed.

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### SECOND READING OF HOUSE BILL

**HB 1296:** A BILL for an Act to amend and reenact section 26.1-36.4-09 of the North Dakota

Century Code, relating to health insurance utilization reports.

#### 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 15 YEAS, 78 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Clark; Dosch; Froseth; Headland; Kasper; Kempenich; Meier, L.; Nelson, J.; Rohr; Ruby; Streyle; Thoreson; Weiler; Wrangham

**NAYS:** Amerman; Anderson; Beadle; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Conklin; Dahl; Damschen; DeKrey; Delmore; Delzer; Devlin; Frantsvog; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Sukut; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Winrich; Zaiser; Speaker Drovda

**ABSENT AND NOT VOTING:** Glasshiem

HB 1296 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1388:** A BILL for an Act to amend and reenact section 28-05-07 of the North Dakota Century Code, relating to filing of a notice of lis pendens.

#### 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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; Owens; Paur; Pietsch; Pollert; 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:** Glasshiem

HB 1388 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1106:** A BILL for an Act to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to eligibility for North Dakota academic and career and technical scholarships.

#### 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 92 YEAS, 1 NAYS, 0 EXCUSED, 1 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; 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; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Kaldor

**ABSENT AND NOT VOTING:** Glassheim

Engrossed HB 1106 passed.

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### SECOND READING OF HOUSE BILL

**HB 1140:** A BILL for an Act to create and enact two new sections to chapter 10-04 of the North Dakota Century Code, relating to requirement of statutory or administrative rules as a basis for action by the securities commissioner and prohibition of imposition by the securities commissioner of restrictions on income or assets of investors or potential investors in real estate investment trusts; 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 89 YEAS, 4 NAYS, 0 EXCUSED, 1 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; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; 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; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**NAYS:** Dosch; Kasper; Nathe; Thoreson

**ABSENT AND NOT VOTING:** Glassheim

Engrossed HB 1140 passed.

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### SECOND READING OF HOUSE BILL

**HB 1430:** A BILL for an Act to amend and reenact sections 43-23-06.1 and 43-23-12.1 of the North Dakota Century Code, relating to definitions and the duties of real estate brokerage firms.

### 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, 8 NAYS, 0 EXCUSED, 1 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; Grande; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.;

Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kempenich; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Monson; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Speaker Drovdal

**NAYS:** Amerman; Gruchalla; Keiser; Kelsh, S.; Meyer, S.; Mock; Winrich; Zaiser

**ABSENT AND NOT VOTING:** Glasshiem

Engrossed HB 1430 passed.

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### SECOND READING OF HOUSE BILL

**HB 1453:** A BILL for an Act to amend and reenact subsection 5 of section 65-05-07 of the North Dakota Century Code, relating to workers' compensation coverage for real estate modifications; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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; Owens; Paur; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Glasshiem

Engrossed HB 1453 passed.

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### SECOND READING OF HOUSE BILL

**HB 1043:** A BILL for an Act to amend and reenact section 57-40.3-10 of the North Dakota Century Code, relating to the allocation of motor vehicle excise tax collections; 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 5 YEAS, 87 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Hogan; Kelsh, J.; Kilichowski; Kingsbury

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

**ABSENT AND NOT VOTING:** Glassheim; Nelson, M.

HB 1043 lost.

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### SECOND READING OF HOUSE BILL

**HB 1141:** A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 54-03-20 of the North Dakota Century Code, relating to housing reimbursement for members of the legislative assembly; to provide for retroactive application; 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 76 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Clark; Conklin; Dahl; Damschen; DeKrey; Delmore; Dosch; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Monson; Nathe; Nelson, J.; Onstad; Owens; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Speaker Drovdal

**NAYS:** Amerman; Boe; Delzer; Devlin; Holman; Hunskor; Kaldor; Kelsh, J.; Kilichowski; Metcalf; Meyer, S.; Mock; Mueller; Paur; Trottier; Zaiser

**ABSENT AND NOT VOTING:** Glassheim; Nelson, M.

HB 1141 passed and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1171:** A BILL for an Act to amend and reenact subsection 2 of section 39-08-20 of the North Dakota Century Code, relating to proof of motor vehicle liability insurance.

### 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 67 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Boehning; Brabandt; Carlson; Clark; Conklin; Delmore; Dosch; Frantsvog; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Owens; Pietsch; Rohr; Ruby; Sanford; Steiner; Streyle; Sukut; Trottier; Vigesaa; Wall; Weiler; Wieland; Williams; Winrich; Zaiser; Speaker Drovdal

**NAYS:** Belter; Boe; Brandenburg; Dahl; Damschen; DeKrey; Delzer; Devlin; Froseth; Grande; Headland; Kelsch, R.; Kempenich; Koppelman; Kreidt; Monson; Paur; Pollert; Porter; Rust; Schatz; Schmidt; Skarphol; Thoreson; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Glassheim

HB 1171 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1186:** A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02 of the North Dakota Century Code, relating to the membership of the North Dakota racing commission.

**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 5 YEAS, 88 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Heller; Kreidt; Nelson, J.; Schatz; Wrangham

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

**ABSENT AND NOT VOTING:** Glasshiem

HB 1186 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1201:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases made by a contractor, subcontractor, or builder on behalf of an exempt entity; 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 10 YEAS, 82 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Boehning; Conklin; Damschen; Kilichowski; Koppelman; Monson; Nelson, M.; Owens; Paur; Weisz

**NAYS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Brabandt; Brandenburg; Carlson; Clark; Dahl; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; 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; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson, J.; Onstad; Pietsch; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** DeKrey; Glasshiem

HB 1201 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1203:** A BILL for an Act to amend and reenact section 54-35-06 of the North Dakota

Century Code, relating to the authority of the legislative management and the legislative council.

#### 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 19 YEAS, 73 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Delmore; Guggisberg; Hanson; Hogan; Holman; Hunskor; Kaldor; Kelsh, J.; Kelsh, S.; Kilichowski; Kroeber; Meyer, S.; Mock; Mueller; Nelson, M.; Onstad; Winrich; Zaiser

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

**ABSENT AND NOT VOTING:** DeKrey; Glasheim

HB 1203 lost.

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#### SECOND READING OF HOUSE BILL

**HB 1253:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to reassessment of property that has been sold for less than its most recently assessed true and full value; 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 23 YEAS, 69 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Boehning; Brabandt; Clark; Conklin; Damschen; Heilman; Heller; Kasper; Kempenich; Klemin; Koppelman; Meier, L.; Monson; Owens; Paur; Rohr; Ruby; Sanford; Schatz; Schmidt; Sukut; Thoreson

**NAYS:** Amerman; Anderson; Beadle; Belter; Boe; Brandenburg; Carlson; Dahl; Delmore; Delzer; Devlin; Dosch; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Kreidt; Kretschmar; Kreun; Kroeber; Louser; Maragos; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Nathe; Nelson, J.; Nelson, M.; Onstad; Pietsch; Pollert; Porter; Rust; Skarphol; Steiner; Streyle; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** DeKrey; Glasheim

HB 1253 lost.

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#### 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 1244, HB 1367.

#### 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: HCR 3013.

**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 2039, SB 2041, SB 2076, SB 2089, SB 2091, SB 2112, SB 2147, SB 2219, SB 2246.

**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 2079, SB 2128.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4009.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SCR 4009.

#### 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, February 2, 2011, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1221: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1221 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "proposing"

Page 1, line 13, after "~~customers~~" insert "that intends to make"

Page 1, line 15, overstrike "proposal" and insert immediately thereafter "resource addition"

Page 2, line 14, overstrike "annual"

Page 2, line 15, after the period insert "The public utility shall provide periodic reports, as directed by the commission, which must include a description of the status of the resource addition and any changes in material circumstances affecting the resource addition."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1341: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1341 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1363: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1363 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**HB 1378: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1378 was placed on the Sixth order on the calendar.

Page 1, line 14, after "beans" insert ", canola"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1432: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1432 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1435: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1435 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1464: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1464 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3011: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3011 was placed on the Tenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**