

## JOURNAL OF THE HOUSE

## Sixty-fourth Legislative Assembly

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Bismarck, January 14, 2015

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

The prayer was offered by Pastor Gretchen Deeg, United Church of Christ, Wilton.

The roll was called and all members were present except Representatives Boe, Delmore, Hanson, M. Johnson, Kading, Karls, Klemin, B. Koppelman, K. Koppelman, Mooney, Pollert, Porter, and Schreiber Beck.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER BELTER DEEMED** approval of the amendments to HB 1035.

HB 1035, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. VIGESAA MOVED** that HB 1186 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1186 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1265 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1265 was rereferred.

## SECOND READING OF HOUSE BILL

**HB 1107:** A BILL for an Act to amend and reenact sections 37-17.3-09 of the North Dakota Century Code, relating to public safety answering point service by the division of state radio; 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 73 YEAS, 8 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Kasper; Keiser; Kelsh; Kiefert; Klein; Kreidt; Kretschmar; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Seibel; Silbernagel; Steiner; Strinden; Sukut; Thoreson; Trottier; Vigesaa; Wallman; Weisz; Zubke

**NAYS:** Delzer; Devlin; Kempenich; Laning; Paur; Skarphol; Streyle; Toman

**ABSENT AND NOT VOTING:** Boe; Delmore; Hanson; Kading; Karls; Klemin; Koppelman, B.; Koppelman, K.; Mooney; Pollert; Porter; Schreiber Beck; Speaker Belter

Engrossed HB 1107 passed and the emergency clause was declared carried.

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#### STATEMENT

**SPEAKER BELTER STATED** that his intention was to vote YEA on HB 1107.

#### SECOND READING OF HOUSE BILL

**HB 1077:** A BILL for an Act to amend and reenact subsection 1 of section 15.1-36-01 and sections 43-19.1-28 and 48-01.2-02.1 of the North Dakota Century Code, relating to approval of school construction projects by the superintendent of public instruction and bids and plans and specifications for public improvements; 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 NOT PASS, the roll was called and there were 51 YEAS, 31 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, P.; Becker, Rich S.; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Frantsvog; Froseth; Hawken; Headland; Hofstad; Johnson, D.; Johnson, M.; Kasper; Kempenich; Kiefert; Kreidt; Laning; Larson; Lefor; Looyesen; Louser; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Paur; Ruby; Schatz; Schmidt; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Weisz

**NAYS:** Amerman; Anderson, D.; Beadle; Becker, Rick C.; Glassheim; Guggisberg; Haak; Hatlestad; Hogan; Holman; Hunskor; Keiser; Kelsh; Klein; Kretschmar; Maragos; Martinson; Mitskog; Muscha; Olson; Onstad; Oversen; Owens; Rohr; Sanford; Schneider; Strinden; Toman; Wallman; Zubke; Speaker Belter

**ABSENT AND NOT VOTING:** Boe; Delmore; Hanson; Kading; Karls; Klemin; Koppelman, B.; Koppelman, K.; Mooney; Pollert; Porter; Schreiber Beck

Engrossed HB 1077 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1060:** A BILL for an Act to create and enact a new subsection to section 52-01-03 and a new subsection to section 57-38-57 of the North Dakota Century Code, relating to disclosure of certain information in possession of job service North Dakota or the tax commissioner to the department of commerce and restricting the use and disclosure of that information by the department of commerce.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 4 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Devlin; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Ruby; Sanford; Schatz; Schmidt; Schneider; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigesaa; Wallman; Weisz; Zubke; Speaker Belter

**NAYS:** Becker, Rick C.; Delzer; Rohr; Toman

**ABSENT AND NOT VOTING:** Boe; Delmore; Hanson; Kading; Karls; Klemin; Koppelman, B.; Koppelman, K.; Mooney; Pollert; Porter; Schreiber Beck

HB 1060 passed.

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### SECOND READING OF HOUSE BILL

**HB 1082:** A BILL for an Act to amend and reenact subsection 38 of section 57-02-08 of the North Dakota Century Code, relating to application of property taxes to the value or the leasehold interest in state lands leased for pasture or grazing purposes; 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 73 YEAS, 9 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boehning; Boschee; Brabandt; Carlson; Devlin; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Muscha; Nathe; Olson; Onstad; Oversen; Owens; Paur; Rohr; Ruby; Sanford; Schatz; Schneider; Seibel; Silbernagel; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

**NAYS:** Becker, Rick C.; Bellew; Brandenburg; Damschen; Delzer; Nelson, J.; Nelson, M.; Schmidt; Skarphol

**ABSENT AND NOT VOTING:** Boe; Delmore; Hanson; Kading; Karls; Klemin; Koppelman, B.; Koppelman, K.; Mooney; Pollert; Porter; Schreiber Beck

HB 1082 passed.

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### SECOND READING OF HOUSE BILL

**HB 1110:** A BILL for an Act to amend and reenact subsection 28 of section 57-39.2-04 and subsection 14 of section 57-40.2-04 of the North Dakota Century Code, relating to statements when tax has been paid on a transaction; 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 81 YEAS, 1 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

**NAYS:** Trottier

**ABSENT AND NOT VOTING:** Boe; Delmore; Hanson; Kading; Karls; Klemin; Koppelman, B.; Koppelman, K.; Mooney; Pollert; Porter; Schreiber Beck

HB 1110 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1117:** A BILL for an Act to create and enact section 57-39.4-33.4 of the North Dakota Century Code, relating to administration of the streamlined sales and use tax agreement; and to amend and reenact subsection 2 of section 57-39.2-04.1, section 57-39.4-29, and subsection 2 of section 57-40.2-04.1 of the North Dakota Century Code, relating to the definition of prepared food for sales tax purposes, the taxability matrix to be used for administration of the sales and use tax agreement, and the definition of prepared food for use tax purposes.

**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 49 YEAS, 33 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, P.; Becker, Rich S.; Boschee; Dockter; Dosch; Frantsovog; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kelsh; Kempenich; Kiefert; Klein; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Mitskog; Mock; Muscha; Nathe; Nelson, M.; Onstad; Oversen; Owens; Sanford; Schneider; Silbernagel; Steiner; Strinden; Sukut; Trottier; Wallman; Zubke; Speaker Belter

**NAYS:** Anderson, D.; Beadle; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Fehr; Johnson, M.; Kasper; Keiser; Kreidt; Martinson; Meier; Monson; Nelson, J.; Olson; Paur; Rohr; Ruby; Schatz; Schmidt; Seibel; Skarphol; Streyle; Thoreson; Toman; Vigasaa; Weisz

**ABSENT AND NOT VOTING:** Boe; Delmore; Hanson; Kading; Karls; Klemin; Koppelman, B.; Koppelman, K.; Mooney; Pollert; Porter; Schreiber Beck

HB 1117 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1130:** A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for donations of motor vehicles to a nonprofit organization that donates motor vehicles to individuals with demonstrated need of a motor vehicle to enable them to become self-sufficient members of the workforce; 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 82 YEAS, 0 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Frantsovog; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

**ABSENT AND NOT VOTING:** Boe; Delmore; Hanson; Kading; Karls; Klemin; Koppelman, B.; Koppelman, K.; Mooney; Pollert; Porter; Schreiber Beck

HB 1130 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1079:** A BILL for an Act to provide for a legislative management study of the state's health care delivery system.

**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, 81 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Kasper

**NAYS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Keiser; Kelsh; Kempenich; Kiefert; Klein; Kreidt; Kretschmar; Laning; Larson; Lefor; Looysen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke; Speaker Belter

**ABSENT AND NOT VOTING:** Boe; Delmore; Hanson; Kading; Karls; Klemin; Koppelman, B.; Koppelman, K.; Mooney; Pollert; Porter; Schreiber Beck

HB 1079 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1098:** A BILL for an Act to amend and reenact section 43-05-16.3 of the North Dakota Century Code, relating to the powers of the North Dakota board of podiatric medicine.

**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 72 YEAS, 10 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Keiser; Kelsh; Kempenich; Kiefert; Klein; Kreidt; Kretschmar; Laning; Larson; Lefor; Looysen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Rohr; Ruby; Sanford; Schatz; Schneider; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Wallman; Zubke; Speaker Belter

**NAYS:** Damschen; Delzer; Devlin; Johnson, M.; Kasper; Owens; Paur; Schmidt; Vigesaa; Weisz

**ABSENT AND NOT VOTING:** Boe; Delmore; Hanson; Kading; Karls; Klemin; Koppelman, B.; Koppelman, K.; Mooney; Pollert; Porter; Schreiber Beck

HB 1098 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1135:** A BILL for an Act to create and enact sections 13-02.1-11, 13-02.1-12, and 13-02.1-13 of the North Dakota Century Code, relating to the Uniform Voidable Transactions Act; to amend and reenact sections 13-02.1-01, 13-02.1-02,

13-02.1-04, 13-02.1-05, 13-02.1-06, 13-02.1-07, 13-02.1-08, and 13-02.1-09 of the North Dakota Century Code, relating to renaming the Uniform Fraudulent Transfers Act the Uniform Voidable Transactions Act and making revisions; and to provide for application.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 1 NAYS, 0 EXCUSED, 12 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Devlin; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke; Speaker Belter

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** Boe; Delmore; Hanson; Kading; Karls; Klemin; Koppelman, B.; Koppelman, K.; Mooney; Pollert; Porter; Schreiber Beck

HB 1135 passed.

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#### 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., Thursday, January 15, 2015, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1037: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1037 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1074, as amended: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1074, as amended, was placed on the Sixth order on the calendar.

Page 2, line 7, replace "A" with "B"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1120: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1120 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**