

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

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Bismarck, March 18, 2015

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

The prayer was offered by Gary Heaton, Sanford Health, Bismarck.

The roll was called and all members were present except Representatives Frantsvog, Hawken, and Kading.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER BELTER DEEMED approval of the amendments to Engrossed SB 2096, Engrossed SB 2326, Engrossed SB 2355, and Engrossed SB 2371.

Engrossed SB 2096, Engrossed SB 2326, Engrossed SB 2355, and Engrossed SB 2371, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2179: A BILL for an Act to amend and reenact section 26.1-40-25 of the North Dakota Century Code, relating to evidence of motor vehicle 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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Frantsvog; Hawken; Kading; Paur; Sanford

SB 2179 passed.

SECOND READING OF SENATE BILL

SB 2191: A BILL for an Act to create and enact a new subsection to section 43-17-02 and chapter 43-61 of the North Dakota Century Code, relating to the regulation of acupuncturists; to amend and reenact sections 43-17-41, 43-57-01, 43-57-03, 43-57-06, 43-57-07, and 43-57-11 of the North Dakota Century Code, relating to duties of acupuncturists and the board of integrative health care; and to provide a penalty.

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, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Becker, Rich S.; Becker, Rick C.; Boe; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Speaker Belter

NAYS: Beadle; Bellew; Boehning; Delzer; Devlin; Olson; Ruby; Silbernagel; Weisz; Zubke

ABSENT AND NOT VOTING: Frantsvog; Hawken; Kading

Engrossed SB 2191 passed.

ANNOUNCEMENT

SPEAKER BELTER ANNOUNCED that the House stand in recess until 1:00 p.m.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Belter presiding.

REQUEST

REP. VIGESAA REQUESTED that the House be on a Special Order of Business, which request was granted.

CHANGE OF CHAIR

SPEAKER BELTER YIELDED the Chair to Representative Rohr.

MOTION

REP. VIGESAA MOVED that the House be on the Ninth Order of Business, first reading of House bills and resolutions, which motion prevailed.

FIRST READING OF HOUSE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

Was read the first time.

MOTION

REP. VIGESAA MOVED that the rules be suspended, that HMR 7001 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Memorial Resolutions Committee introduced:

HOUSE MEMORIAL RESOLUTION NO. 7001

A memorial resolution for deceased members of the House of Representatives of North Dakota.

WHEREAS, God has welcomed to their eternal home our former colleagues:

Gordon Berg, who served in the 45th through the 47th Legislative Assemblies and in the 49th through the 52nd Legislative Assemblies, from District 15, died May 25, 2013;

Donald L. Clark, who served in the 59th through the 62nd Legislative Assemblies, from District 44, died January 22, 2015;

Patricia DeMers, who served in the 50th and 51st Legislative Assemblies, from District 9, died July 27, 2014;

Dayle Dietz, who served in the 46th and 47th Legislative Assemblies, from District 25, died November 25, 2013;

Larry Erickson, who served in the 39th Legislative Assembly, from District 29, died July 10, 2014;

James O. Fine, who served in the 34th Legislative Assembly, from District 20, died March 7, 2012;

Howard Grumbo, who served in the 52nd through the 57th Legislative Assemblies, from District 27, died February 6, 2015;

William L. Guy, who served in the 36th Legislative Assembly, from District 11, died April 26, 2013;

Virgil Haman, who served in the 42nd Legislative Assembly, from District 7, died July 7, 2013;

Clarence Jaeger, who served in the 43rd and 44th Legislative Assemblies, from District 33, died October 29, 2013;

Joe Keller, who served in the 48th and 49th Legislative Assemblies, from District 33, died October 23, 2013;

Ray Meyer, who served in the 48th through the 50th Legislative Assemblies and in the 52nd Legislative Assembly, from District 35, died July 29, 2013;

Mike Olienyk, who served in the 38th and 39th Legislative Assemblies, from District 31, and in the 40th through the 42nd Legislative Assemblies, from District 37, died November 23, 2012;

Joe Peltier, who served in the 46th through the 48th Legislative Assemblies, from District 22, died January 12, 2014;

Elmer Retzer, who served in the 46th through the 49th Legislative Assemblies and in the 54th Legislative Assembly, from District 29, died September 1, 2013;

Claire A. Sandness, who served in the 40th through the 42nd Legislative Assemblies, from District 27, died August 3, 2014;

Archie Shaw, who served in the 49th and 50th Legislative Assemblies, from District 34, died March 9, 2013;

Al Soukup, who served in the 51st through the 55th Legislative Assemblies, from District 44, died October 30, 2013;

Lynn J. (Jim) Thompson, who served in the 54th and 55th Legislative Assemblies, from District 16, died October 7, 2013;

Dick Tokach, who served in the 50th and 51st Legislative Assemblies, from District 53, died November 9, 2014;

Malcolm S. Tweten, who served in the 43rd through the 46th Legislative Assemblies, from District 20, died September 14, 2013;

John Wall, who served in the 59th through the 63rd Legislative Assemblies, from District 25, died July 18, 2014;

WHEREAS, we now pause to mourn the passing of our former House of Representatives colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the House of Representatives and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased Representatives.

SECOND READING OF HOUSE MEMORIAL RESOLUTION

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

The question being on the final adoption of the resolution, which has been read.

HMR 7001 was declared adopted on a voice vote.

HOUSE MEMORIAL SERVICE

Memorial Service Committee

Representative Karen Rohr, Chairwoman

Representative Gary R. Sukut

Representative Mike Nathe

Representative Richard Holman

Representative Kathy Hogan

Welcome and Introductions

Representative Karen Rohr, Chairwoman
Sergeant-at-Arms

Invocation

Representative Bob Hunskor

"You Are My All In All"

House Choir Comprised of Representatives and Employees of the 64th Legislative Assembly
Accompanied by Joel Gilbertson

Poem

Composed by Representative Kathy Hawken
Read by Representative Vicky Steiner

"Just A Closer Walk With Thee"

House Choir

First and Second Reading of Memorial Resolution

Representative Mike Nathe
Representative Richard Holman

Presentation of Resolution and Roses

Secretary of State, Alvin A. Jaeger
Representative Gary R. Sukut
Representative Kathy Hogan

"Soon and Very Soon"

House Choir

Remarks

Majority Leader Al Carlson

"The Lord Be With You"

House Choir

Benediction Written and Accompanied by Joel Gilbertson

REMARKS OF MAJORITY LEADER CARLSON

Welcome back to the North Dakota House of Representatives.

It is our honor to recognize your loved ones for their services to this chamber and the State of North Dakota.

As you look back on the time your family members served here, you can remember what a special place this is. It's a brother and sisterhood. For eighty days they would eat, sleep, and breathe policy for the good of our state.

Policy, not politics drove their passion for this state. Too often we take for granted the work that was done by those before us.

We as the 64th Legislative Assembly are grateful for their efforts in their years of service and the excellent condition that they left the state in. They might be gone- but they are never forgotten.

It is truly my honor to welcome you, and to express our gratitude for your loved ones' service.

May God bless you and your families, and the State of North Dakota.

MOTION

REP. VIGESAA MOVED that the remarks of Majority Leader Carlson be printed in the Journal, which motion prevailed.

CHANGE OF CHAIR

REPRESENTATIVE ROHR YIELDED the Chair to Speaker Belter.

MOTION

REP. VIGESAA MOVED that the Special Order of Business be dissolved, which motion prevailed.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2118, SB 2149, SB 2183, SB 2185, SB 2195, SB 2198, SB 2245, SB 2252, SB 2291, SB 2325.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2066, SB 2259, SB 2324.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2052.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2146, SB 2251.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has passed, unchanged: HB 1062, HB 1064, HB 1110, HB 1149, HB 1163, HB 1189, HB 1375, HB 1418.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1305.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1305

Page 1, line 10, after "citizen" insert "or permanent resident alien"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SCR 4001, SCR 4004.

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

MR. PRESIDENT: The Speaker has signed: HMR 7001.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)

MR. SPEAKER: The President has signed: SMR 8001.

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 Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 19, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2049, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2049 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2113, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2113 was placed on the Sixth order on the calendar.

Page 2, line 8, remove "A surviving spouse who has become ineligible for the exemption under subsection 1"

Page 2, remove lines 9 through 11

Page 2, line 12, remove "4."

Page 2, line 13, remove "or a surviving spouse seeking to regain eligibility under"

Page 2, line 14, remove "subsection 3"

Page 2, line 21, remove the overstrike over "4."

Page 2, line 21, remove "5."

Page 2, line 25, remove the overstrike over "5."

Page 2, line 25, remove "6."

Page 2, line 27, remove the overstrike over "6."

Page 2, line 27, remove "7."

Page 2, line 29, replace "8." with "7."

Page 3, line 3, replace "9." with "8."

Page 3, line 10, replace "10." with "9."

Page 3, line 16, replace "11." with "10."

Page 3, line 20, replace "12." with "11."

Page 3, line 24, replace "13." with "12."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2129, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2129 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2131: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2131 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2168, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2168 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2171, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2171 was placed on the Sixth order on the calendar.

Page 1, line 17, after "general" insert an underscored comma

Page 1, line 17, after "electrical" insert an underscored comma

Page 1, line 17, remove the underscored comma

Page 1, line 18, remove the underscored comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2188, as engrossed: Industry, Business and Labor Committee (Rep. Keiser,

Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2188 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "two" and insert immediately thereafter "six"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2215: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2215 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2234, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2234 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2257, as reengrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2257 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to provide an appropriation;"

Page 1, line 4, after the first semicolon insert "and"

Page 1, line 4, remove "; and to declare an emergency"

Page 2, line 18, overstrike "multifamily"

Page 2, line 27, overstrike "multifamily"

Page 4, remove lines 15 through 20

Page 4, line 22, after "2017" insert ", and are thereafter ineffective"

Page 4, remove line 24

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2278, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2278 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to repeal section 43-07-05 of the North Dakota Century Code, relating to contractor license fees;"

Page 3, line 26, after the boldfaced period insert "**Classes of licenses -**"

Page 3, line 26, after "**fees**" insert "**- License renewal fees**"

Page 3, overstrike line 27 and insert immediately thereafter:

1. Four classes of licenses may be issued under this chapter, which must be designated as class A, B, C, and D licenses. A holder of a license engage in the contracting business within this state subject to the following limitations:
 - a. The holder of a class A license is subject to no limitation as to the value of any single contract project.

- b. The holder of a class B license is not entitled to engage in the construction of any single contract project of a value in excess of five hundred thousand dollars.
- c. The holder of a class C license is not entitled to engage in the construction of any single contract project of a value in excess of three hundred thousand dollars.
- d. The holder of a class D license is not entitled to engage in the construction of any single contract project of a value in excess of one hundred thousand dollars.

2. When applying"

Page 3, line 29, overstrike "1." and insert immediately thereafter "a."

Page 3, line 29, replace "five" with "four"

Page 3, line 29, after "hundred" insert "fifty"

Page 3, line 30, overstrike "2." and insert immediately thereafter "b."

Page 3, line 30, replace "four" with "three"

Page 3, line 31, overstrike "3." and insert immediately thereafter "c."

Page 3, line 31, replace "three" with "two"

Page 3, line 31, after "fifty" insert "twenty-five"

Page 4, line 1, overstrike "4." and insert immediately thereafter "d."

Page 4, line 1, replace "two" with "one"

Page 4, line 1, after "dollars" insert: "."

3. For a certificate of renewal for a license, the licensee shall pay to the registrar the following fees:

- a. For a class A license the sum of ninety dollars.
- b. For a class B license the sum of sixty dollars.
- c. For a class C license the sum of forty-five dollars.
- d. For a class D license the sum of thirty dollars"

Page 4, after line 2, insert:

"4."

Page 5, line 14, overstrike "a" and insert immediately thereafter "the"

Page 5, line 14, overstrike "equal to twenty"

Page 5, line 15, overstrike "percent of the license fee"

Page 6, after line 25, insert:

"SECTION 7. REPEAL. Section 43-07-05 of the North Dakota Century Code is repealed."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2335: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2335 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2352, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2352 was placed on the Sixth order on the calendar.

Page 1, line1, replace "section" with "sections"

Page 1, line1, after "39-10-47" insert "and 39-10-48"

Page 1, line 2, remove the semicolon

Page 1, line 2, remove "to amend and reenact section 39-10-48 of the"

Page 1, line 3, remove "North Dakota Century Code, relating to"

Page 2, after line 9, insert:

"5. The decision and method used to remove a vehicle or any personal property, or cause a vehicle or any personal property to be removed, is a discretionary decision under this section. In the event of a public necessity, a police officer, an employee of the department of transportation, or an employee of a political subdivision authorized by a police officer may take an action that may damage a vehicle or property removed under this section."

Page 3, after line 19, insert:

"6. The decision and method used to remove a vehicle or any personal property, or cause a vehicle or any personal property to be removed, is a discretionary decision under this section. In the event of a public necessity, a police officer, an employee of the department of transportation, or an employee of a political subdivision authorized by a police officer may take an action that may damage a vehicle or property removed under this section."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SCR 4016: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the Sixth order on the calendar.

Page 2, line 1, after "resolution" insert ", via certified mail return receipt requested,"

Page 2, line 3, replace the period with "; and"

Page 2, after line 3, insert:

"BE IT FURTHER RESOLVED, that the Sixty-fourth Legislative Assembly urges Congress and the President of the United States to direct the federal Food and Drug Administration to review and update the Compassionate Care application process so a greater number of terminally ill patients may benefit."

ReNUMBER accordingly

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

Buell J. Reich, Chief Clerk

