

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

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Bismarck, January 16, 2015

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

The prayer was offered by Sister Anna Rose, St. Vincent's, Bismarck.

The roll was called and all members were present except Representatives D. Anderson, Damschen, Guggisberg, Headland, M. Johnson, Klein, Looyesen, Owens, Skarphol, Steiner, and Vigesaa.

A quorum was declared by the Speaker.

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 Eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 130, line 48, replace "HCR3011" with "House rule 346 be suspended and HB 1087"

Page 131, line 10, delete "consent"

Page 133, line 36, delete "and HCR 3011"

Page 137, delete lines 20-23

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

SIXTH ORDER OF BUSINESS

SPEAKER BELTER DEEMED approval of the amendments to HB 1103, HB 1106, HB 1109, HB 1111, and HB 1128.

HB 1103, HB 1106, HB 1109, HB 1111, and HB 1128, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

SPEAKER BELTER DEEMED approval of the amendments to HCR 3005.

HCR 3005, as amended, was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. CARLSON MOVED that HB 1226 be returned to the House floor from the **Government and Veterans Affairs Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. SCHREIBER BECK REQUESTED the unanimous consent of the House to withdraw HB 1226. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1074: A BILL for an Act to amend and reenact sections 43-23-13.1 and 43-23-17 of the North Dakota Century Code, relating to the application deadline for renewal of a real estate license and practicing as a real estate broker or salesperson without a license; 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 82 YEAS, 1 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

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

NAYS: Olson

ABSENT AND NOT VOTING: Anderson, D.; Damschen; Guggisberg; Headland; Johnson, M.; Klein; Looysen; Owens; Skarphol; Steiner; Vigasaa

Engrossed HB 1074 passed.

SECOND READING OF HOUSE BILL

HB 1036: A BILL for an Act to provide for the state department of health to study health professional assistance programs and report to the legislative management.

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 74 YEAS, 9 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boehning; Boschee; Brandenburg; Carlson; Delmore; Devlin; Dockter; Fehr; Frantsvog; Froseth; Glassheim; Haak; Hanson; Hatlestad; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Porter; Rohr; Sanford; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Wallman; Weisz; Zubke; Speaker Belter

NAYS: Bellew; Boe; Brabandt; Delzer; Dosch; Olson; Pollert; Ruby; Schatz

ABSENT AND NOT VOTING: Anderson, D.; Damschen; Guggisberg; Headland; Johnson, M.; Klein; Looysen; Owens; Skarphol; Steiner; Vigasaa

HB 1036 passed.

MOTION

REP. CARLSON MOVED that HB 1102, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to amend and reenact section 15-10-46.1 of the North Dakota Century Code, relating to the university of North Dakota athletic nickname and logo; 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 NOT PASS, the roll was called and there were 21 YEAS, 62 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

YEAS: Becker, Rick C.; Bellew; Boehning; Brabandt; Carlson; Dockter; Dosch; Hatlestad; Kading; Karls; Koppelman, B.; Koppelman, K.; Louser; Maragos; Monson; Olson; Paur; Pollert; Ruby; Schatz; Weisz

NAYS: Amerman; Anderson, B.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boschee; Brandenburg; Delmore; Delzer; Devlin; Fehr; Frantsvog; Froseth; Glassheim; Haak; Hanson; Hawken; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klemm; Kreidt; Kretschmar; Laning; Larson; Lefor; Martinson; Meier; Mitskog; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Porter; Rohr; Sanford; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Wallman; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Anderson, D.; Damschen; Guggisberg; Headland; Johnson, M.; Klein; Looyesen; Owens; Skarphol; Steiner; Vigasaa

HB 1155 failed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3007: A concurrent resolution urging the Department of Transportation to use dynamic message signs solely for weather-related, road condition, emergency, work zone, and missing persons messages.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 38 YEAS, 43 NAYS, 0 EXCUSED, 13 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Becker, Rick C.; Bellew; Boehning; Brabandt; Delzer; Dosch; Fehr; Frantsvog; Froseth; Hanson; Hatlestad; Johnson, D.; Kading; Kasper; Kempenich; Kiefert; Klemm; Koppelman, B.; Koppelman, K.; Louser; Maragos; Meier; Monson; Nelson, M.; Olson; Paur; Rohr; Ruby; Sanford; Schatz; Schreiber Beck; Seibel; Streyle; Thoreson; Toman; Zubke; Speaker Belter

NAYS: Amerman; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boschee; Carlson; Delmore; Devlin; Dockter; Glassheim; Haak; Hawken; Hofstad; Hogan; Holman; Hunsakor; Karls; Keiser; Kelsh; Kreidt; Kretschmar; Laning; Larson; Lefor; Martinson; Mitskog; Mock; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Pollert; Porter; Schneider; Silbernagel; Strinden; Sukut; Trottier; Wallman; Weisz

ABSENT AND NOT VOTING: Anderson, D.; Brandenburg; Damschen; Guggisberg; Headland; Johnson, M.; Klein; Looyesen; Owens; Schmidt; Skarphol; Steiner; Vigasaa

HCR 3007 was declared lost on a recorded roll call vote.

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

MR. SPEAKER: The Senate has passed, unchanged: HCR 3011.

MOTION

REP. CARLSON MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. CARLSON 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., Monday, January 19, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1026: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1026 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1027: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1027 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1028: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1028 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1032: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (8 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1051: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1051 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "54-56-02" with "54-46-02"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1052: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1052 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1061: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (8 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1061 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1064: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1064 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1081: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (8 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1081 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1088: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1088 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1092: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1092 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "amend and reenact" with "repeal"

Page 1, replace lines 4 through 16 with:

"SECTION 1. REPEAL. Section 15-12-12 of the North Dakota Century Code is repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1101: 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** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1101 was placed on the Sixth order on the calendar.

Page 1, line 4, after "13-09-07.1" insert ", and subsection 1 of section 13-10-03"

Page 1, line 6, remove the second "and"

Page 1, line 7, after "requirements" insert ", and mortgage loan originator license exemptions"

Page 2, line 17, after "the" insert "registered to engage in money brokering in this"

Page 2, line 17, remove the overstrike over "state"

Page 4, after line 22, insert:

"SECTION 10. AMENDMENT. Subsection 1 of section 13-10-03 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual, unless specifically exempted from this chapter under subsection 32, shall not engage in the business of a mortgage loan originator with respect to any dwelling located in this state without first obtaining and maintaining annually a license under this chapter. Each licensed mortgage loan originator must register with and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1112: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1112 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1124: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1124 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1125: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1125 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1132: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1132 was placed on the Sixth order on the calendar.

Page 2, line 18, after "4." insert:

""Groupwide supervisor" means the regulatory official authorized to engage in conducting and coordinating groupwide supervision activities who is determined or acknowledged by the commissioner under section 26.1-10-06.2 to have sufficient significant contacts with the internationally active insurance group.

Page 2, line 20, replace "5." with "6."

Page 2, line 23, replace "6." with "7." and immediately thereafter insert:

""Internationally active insurance group" means an insurance holding company system that includes an insurer registered under section 26.1-10-04, and meets the following criteria:

- a. Premiums written in at least three countries:
- b. The percentage of gross premiums written outside United States is at least ten percent of the insurance holding company system's total gross written premiums; and
- c. Based on a three-year rolling average, the total assets of the insurance holding company system are at least fifty billion dollars or the total gross written premiums of the insurance holding company system are at least ten billion dollars.

8. "

Page 2, line 29, replace "7." with "9."

Page 3, line 1, replace "8." with "10."

Page 3, line 3, replace "9." with "11."

Page 21, line 13, after the underscored closing bracket insert "or the federal Securities Exchange Act of 1934, as amended, [15 U.S.C. 78a et seq.]"

Page 21, line 20, replace "for which" with "that"

Page 21, line 20, replace "are" with "is"

Page 21, line 20, after "responsible" insert "for"

Page 21, line 20, remove "which"

Page 21, line 21, remove "the board"

Page 21, line 21, remove the first "and" and insert immediately thereafter ", relating to"

Page 33, line 18, after the first "commissioner" insert "shall identify a single groupwide supervisor for an internationally active insurance group and"

Page 34, line 9, after the underscored period insert "However, a commissioner identified under this section as the groupwide supervisor may determine it is appropriate to acknowledge another supervisor to serve as the groupwide supervisor. The acknowledgment of the groupwide supervisor must be made after the consideration of the factors listed in subdivisions a through e, and must be made in cooperation with and subject to the acknowledgment of other regulatory officials involved with supervision of members of the internationally active insurance group, and in consultation with the internationally active insurance group."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1145: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1145 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1148: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1148 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

Reps. Dosch, Belter, B. Koppelman, Laning, Larson, Louser, Meier, Porter, Silbernagel, Steiner and Sens. Poolman, Wanzek introduced:

HB 1355: A BILL for an Act to create and enact section 57-38-01.36 of the North Dakota Century Code, relating to a corporate income tax credit for charitable gifts to a scholarship endowment fund for nonpublic school students; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Porter, Damschen and Sens. Schaible, Unruh introduced:

HB 1356: A BILL for an Act to amend and reenact subdivision c of subsection 17 of section 20.1-02-05, sections 20.1-02-28 and 20.1-05-02 of the North Dakota Century Code, relating to depredation prevention by landowners.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. Trottier, Maragos, Mock, Paur, Sanford and Sens. Armstrong, Grabinger, G. Lee, Oehlke introduced:

HB 1357: A BILL for an Act to create and enact section 49-10.1-22 of the North Dakota Century Code, relating to the required railroad crew on a freight train; and to provide a penalty.

Was read the first time and referred to the **Transportation Committee**.

Reps. D. Anderson, Hatlestad, J. Nelson, Porter, Weisz and Sens. Bekkedahl, O'Connell introduced:

HB 1358: A BILL for an Act amend and reenact section 38-08-04.5 of the North Dakota Century Code, relating to the uses of the abandoned oil and gas well plugging and site reclamation fund; and to provide an appropriation.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. Kreidt, Hofstad, Kempenich, J. Nelson and Sen. Unruh introduced:

HB 1359: A BILL for an Act to create and enact section 50-24.4-02.3 of the North Dakota Century Code, relating to basic care payment rates; and to provide an appropriation.

Was read the first time and referred to the **Human Services Committee**.

Reps. Meier, Fehr, Karls, Lefor, Owens, Porter, Steiner, Toman, Trottier and Sens. Carlisle, Oehlke introduced:

HB 1360: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to patriotic number plates; and to amend and reenact subdivision j of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to disabled veteran motor vehicle registration.

Was read the first time and referred to the **Transportation Committee**.

Reps. Hanson, Rick C. Becker, Louser, Mock, Oversen, Steiner and Sens. Axness, Cook introduced:

HB 1361: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to legislative management review of boards and commissions.

Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Wallman, Beadle, Delmore, Guggisberg, Kelsh, Mock, Sanford introduced:

HB 1362: A BILL for an Act to provide an appropriation for continuum-based English language learner grants to school districts.

Was read the first time and referred to the **Education Committee**.

Reps. Brabandt, Frantsvog, Froseth and Sen. Larsen introduced:

HB 1363: A BILL for an Act to amend and reenact section 11-21-02 of the North Dakota Century Code, relating to bonds, coverage, and legal representation for public administrators.

Was read the first time and referred to the **Political Subdivisions Committee**.

Rep. Pollert and Sen. Carlisle introduced:

HB 1364: A BILL for an Act to provide an appropriation to the department of veterans' affairs; and to declare an emergency.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Lefor, Beadle, Keiser, Meier and Sens. Armstrong, Krebsbach introduced:

HB 1365: A BILL for an Act to amend and reenact subsection 2 of section 26.1-39-13, subsection 1 of section 26.1-39-16, and section 26.1-40-07 of the North Dakota Century Code, relating to proof of mailing of insurance notices.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Maragos, Hofstad, D. Johnson and Sen. Oehlke introduced:

HB 1366: A BILL for an Act relating to a bill of rights for children who are deaf or hearing-impaired.

Was read the first time and referred to the **Human Services Committee**.

Reps. Brabandt, K. Koppelman, Louser and Sen. Burckhard introduced:

HB 1367: A BILL for an Act to amend and reenact section 12.1-32-06.1 of the North Dakota Century Code, relating to court authority to impose additional periods of probation.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Delmore, Keiser, Kretschmar, Oversen and Sens. Carlisle, Casper, Grabinger, Poolman introduced:

HB 1368: A BILL for an Act to amend and reenact section 12.1-17-13 of the North Dakota Century Code, relating to the minimum guidelines for domestic violence offender treatment programs.

Was read the first time and referred to the **Judiciary Committee**.

Reps. P. Anderson, Haak, Hanson, Hawken, Mitskog, M. Nelson, Schneider, Streyle, Strinden, Wallman and Sens. Nelson, Oban introduced:

HB 1369: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to student loan interest rate reductions.

Was read the first time and referred to the **Education Committee**.

Reps. P. Anderson, Hawken, Mitskog, Strinden and Sen. Nelson introduced:

HB 1370: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to mammogram result notices.

Was read the first time and referred to the **Human Services Committee**.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Dosch, Rick C. Becker, Bellew, Fehr, Kading, Kasper, Schatz, Streyle, Thoreson and Sens. Casper, Dever, Larsen introduced:

HCR 3015: A concurrent resolution making a formal application to Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States which requires a balanced federal budget.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

Buell J. Reich, Chief Clerk