

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

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Bismarck, March 10, 2015

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

The prayer was offered by Pastor Daniel Haveman, Open Door Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Belter, Frantsvog, and M. Johnson.

A quorum was declared by the Acting Speaker.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Steve Gorman

SIXTH ORDER OF BUSINESS

ACTING SPEAKER DEVLIN DEEMED approval of the amendments to HCR 3056.

HCR 3056, as amended, was placed on the Tenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2091: A BILL for an Act to amend and reenact section 54-24.4-01 of the North Dakota Century Code, relating to the membership of the North Dakota library coordinating council.

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 90 YEAS, 1 NAYS, 0 EXCUSED, 3 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; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kading; Karls; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke

NAYS: Kasper

ABSENT AND NOT VOTING: Frantsvog; Johnson, M.; Speaker Belter

SB 2091 passed.

SECOND READING OF SENATE BILL

SB 2055: A BILL for an Act to amend and reenact sections 57-33.2-06 and 57-33.2-20 of the North Dakota Century Code, relating to reports by electric transmission, distribution, and generation companies for tax 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Frantsvog; Johnson, M.; Speaker Belter

Engrossed SB 2055 passed.

SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to amend and reenact section 57-40.6-01, subsection 5 of section 57-40.6-02, section 57-40.6-03.1, and subsection 4 of section 57-40.6-10 of the North Dakota Century Code, relating to emergency services communications systems.

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 90 YEAS, 1 NAYS, 0 EXCUSED, 3 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; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke

NAYS: Owens

ABSENT AND NOT VOTING: Frantsvog; Johnson, M.; Speaker Belter

SB 2101 passed.

SECOND READING OF SENATE BILL

SB 2167: A BILL for an Act to provide for a legislative management study of the one-call system.

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 88 YEAS, 3 NAYS, 0 EXCUSED, 3 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; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan;

Holman; Hunskor; Johnson, D.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaas; Wallman; Zubke

NAYS: Porter; Streyle; Weisz

ABSENT AND NOT VOTING: Frantsvog; Johnson, M.; Speaker Belter

Engrossed SB 2167 passed.

SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to amend and reenact section 47-19-41 of the North Dakota Century Code, relating to unrecorded conveyances.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaas; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Frantsvog; Johnson, M.; Speaker Belter

SB 2180 passed.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 53-06.1-03 and section 53-06.1-10.1 of the North Dakota Century Code, relating to prize limits for raffles.

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 61 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boehning; Boschee; Brabandt; Delmore; Dockter; Dosch; Fehr; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Holman; Johnson, D.; Kading; Keiser; Kelsh; Kiefert; Kreidt; Kretschmar; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Ruby; Sanford; Schneider; Schreiber Beck; Seibel; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Wallman; Weisz; Zubke

NAYS: Anderson, B.; Bellew; Boe; Brandenburg; Carlson; Damschen; Delzer; Devlin; Froseth; Glassheim; Guggisberg; Hogan; Hunskor; Karls; Kasper; Kempenich; Klein; Klemin; Koppelman, B.; Koppelman, K.; Laning; Larson; Nelson, M.; Rohr; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Vigesaas

ABSENT AND NOT VOTING: Frantsvog; Johnson, M.; Speaker Belter

Engrossed SB 2184 passed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1027, HB 1125, HB 1131, HB 1192, HB 1239, HB 1330, HB 1337, HB 1470, HCR 3036.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1353.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1353

Page 2, line 5, overstrike "one thousand six hundred sixty-four" and insert immediately thereafter "six thousand six hundred fifty-six"

Page 2, line 6, remove "each year for four years of service"

Page 2, line 8, replace "years of service" with "hours of employment"

Renumber accordingly

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1026, HB 1028, HB 1036, HB 1037, HB 1104, HB 1105, HB 1121, HB 1127, HB 1156.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1045, HB 1074, HB 1129, HB 1168, HB 1208, HB 1212, HB 1220, HB 1335, HB 1346, HB 1385.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2024, SB 2028, SB 2036, SB 2047, SB 2062, SB 2063, SB 2064, SB 2071, SB 2089, SB 2112, SB 2115, SB 2117, SB 2152, SB 2229.

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

MR. SPEAKER: The President has signed: HB 1026, HB 1028, HB 1036, HB 1037, HB 1045, HB 1074, HB 1104, HB 1105, HB 1121, HB 1127, HB 1129, HB 1156, HB 1168, HB 1208, HB 1212, HB 1220, HB 1335, HB 1346, HB 1385.

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

MR. SPEAKER: The President has signed: SB 2060, SB 2081, SB 2082.

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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Wednesday, March 11, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HCR 3045: Education Committee (Rep. Nathe, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3045 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3047: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HCR 3047 was placed on the Sixth order on the calendar.

Page 1, line 21, overstrike "initiative" and insert immediately thereafter "initiated"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3054: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HCR 3054 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2053, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2053 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2057: 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). SB 2057 was placed on the Sixth order on the calendar.

Page 3, after line 16, insert:

"s. Any economic development tax incentive created by the sixty-fourth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2067, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2067 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2132: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2132 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2135: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2135 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2145: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2145 was placed on the Sixth order on the calendar.

Page 4, line 21, replace the first "board" with "superintendent of public instruction in the case"

Page 4, line 21, replace the second "board" with "nonpublic school"

Page 4, line 22, replace "board" with "nonpublic school"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2330, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2330 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2347, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2347 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subdivision d of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to the use of certain marking flags.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision d of subsection 3 of section 49-23-04 of the North Dakota Century Code is amended and reenacted as follows:

- d. Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American public works association and any flag marker used on agricultural property must be nonmetallic."

Renumber accordingly

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

Buell J. Reich, Chief Clerk