

## JOURNAL OF THE HOUSE

## Sixty-second Legislative Assembly

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Bismarck, January 7, 2011

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

The prayer was offered by Pastor Steve Sathre, Trinity Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Carlson, DeKrey, Delmore, Hanson, Hawken, Kingsbury, and Skarphol.

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 First, Second, and Third Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 33, line 27, replace "Vandevalle" with "VandeWalle"

Page 63, line 14, replace "Ninth order" with "Fifth and Ninth orders"

Page 63, line 15, replace "that order" with "those orders"

Page 68, line 48, replace "Kelsch" with "R. Kelsch"

Page 69, delete lines 26, 27, 28, and 29

Page 73, line 44, after "passage, " insert "and be messaged immediately, "

Page 76, line 3, after "been" insert "read"

Page 76, after line 17, insert:

**"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 3006."

Page 76, line 21, replace "Ninth order" with "Fifth and Ninth orders"

Page 76, line 22, replace "that order" with "those orders"

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

**SIXTH ORDER OF BUSINESS**

**SPEAKER DROVDAL DEEMED** approval of the amendments to HB 1037.

HB 1037, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. PORTER MOVED** that HB 1146 be returned to the House floor from the **Energy and Natural Resources Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. VIGESAA REQUESTED** the unanimous consent of the House to withdraw HB 1146. There being no objection, it was so ordered by the Speaker.

**SECOND READING OF HOUSE BILL**

**HB 1039:** A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 14-15-17, section 15-12-25, subsections 2 and 3 of section 15-52-03, sections 23-34-02, 23-34-02.1, 43-04-40, 43-53-04, and 50-06-05.1, subsection 1 of section 61-06-13, subsection 5 of section 61-07-03, section 61-11-03, and subdivision a of subsection 2 of section 65-02-03.1 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal sections 4-32-09 and 40-05-21 of the North Dakota Century Code, relating to obsolete provisions.

**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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Conklin; Dahl; Damschen; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hatlestad; 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; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Carlson; DeKrey; Delmore; Hanson; Hawken; Kingsbury; Skarphol

HB 1039 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1095:** A BILL for an Act to amend and reenact sections 50-11-00.1 and 50-11-03.2 of the North Dakota Century Code, relating to the approval process of group foster care facilities.

**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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Conklin; Dahl; Damschen; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hatlestad; 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; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Carlson; DeKrey; Delmore; Hanson; Hawken; Kingsbury; Skarphol

HB 1095 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1090:** A BILL for an Act to amend and reenact subsection 21 of section 4-30-01 and sections 4-30-36.2, 4-30-36.3, and 4-30-36.4 of the North Dakota Century Code,

relating to dairy products regulations.

### 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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Clark; Conklin; Dahl; Damschen; Delzer; Devlin; Dosch; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Hatlestad; 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; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wrangham; Zaiser; Speaker Drovdal

**ABSENT AND NOT VOTING:** Carlson; DeKrey; Delmore; Hanson; Hawken; Kingsbury; Skarphol

HB 1090 passed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1084.

### MOTION

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

### MOTION

**REP. VIGESAA MOVED** that the House be on the Fifth and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 10, 2011, which motion prevailed.

### FIRST READING OF HOUSE BILLS

Reps. Brabandt, Guggisberg and Sens. Klein, Schaible introduced:

**HB 1176:** A BILL for an Act to repeal section 18-04-08 of the North Dakota Century Code, relating to notification by the North Dakota firefighter's association of the treasurer of each fire department or company to the auditor of each municipality.

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

Reps. DeKrey, Boehning, Owens, Metcalf and Sen. Miller introduced:

**HB 1177:** A BILL for an Act to provide an appropriation to the department of veterans' affairs for stand down events.

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

Reps. DeKrey, Boehning, Owens introduced:

**HB 1178:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for retired military personnel pay; and to provide an effective date.

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

Reps. N. Johnson, Steiner and Sen. Wardner introduced:

**HB 1179:** A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the conduct and play of the horse racing game; and to amend and reenact subsection 2 of section 53-06.1-03 of the North Dakota Century Code, relating to the games eligible organizations are authorized to conduct.

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

Reps. Drovdal, Schatz and Sen. Nodland introduced:

**HB 1180:** A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 of the

North Dakota Century Code, relating to landowner preference licenses to hunt elk.  
Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. Nathe, Headland and Sens. Freborg, Hogue, Schaible, Stenehjem introduced:  
**HB 1181:** A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-11 of the North Dakota Century Code, relating to youth antelope hunting.  
Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. Kingsbury, Mueller and Sen. Wanzek introduced:  
**HB 1182:** A BILL for an Act to amend and reenact section 4-24-09 of the North Dakota Century Code, relating to investments of agricultural commodity funds.  
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Keiser, N. Johnson, Gruchalla and Sens. Flakoll, Wardner, Warner introduced:  
**HB 1183:** A BILL for an Act to create and enact a new section to chapter 26.1-47 of the North Dakota Century Code, relating to preferred provider arrangements with dental service providers; and to provide for application.  
Was read the first time and referred to the **Human Services Committee**.

Reps. Amerman, J. Kelsh, Maragos and Sen. Dotzenrod introduced:  
**HB 1184:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to a volunteer emergency responder individual income tax deduction; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee**.

Reps. Vigesaa, Steiner, Kilichowski and Sens. Wardner, Laffen introduced:  
**HB 1185:** A BILL for an Act to create and enact a new section to chapter 24-05 of the North Dakota Century Code, relating to advertisement of road construction contracts; and to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to advertising contracts for road construction and equipment.  
Was read the first time and referred to the **Political Subdivisions Committee**.

Reps. Kreidt, Heller, J. Nelson, Boe and Sen. Christmann introduced:  
**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.  
Was read the first time and referred to the **Agriculture Committee**.

Reps. Kreidt, Heller, J. Nelson, Boe and Sen. Christmann introduced:  
**HB 1187:** A BILL for an Act to amend and reenact section 53-06.2-02 of the North Dakota Century Code, relating to the membership of the racing commission; to provide for transition; and to declare an emergency.  
Was read the first time and referred to the **Judiciary Committee**.

Reps. Porter, DeKrey, Maragos and Sen. Dever introduced:  
**HB 1188:** A BILL for an Act to amend and reenact sections 20.1-01-25, 23-29-05.1, and 39-10-59 of the North Dakota Century Code, relating to littering on game refuges or recreation areas, open burning, and depositing rubbish on highways; and to provide a penalty.  
Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. Headland, Kasper, Nathe, Weiler and Sens. Hogue, Miller introduced:  
**HB 1189:** A BILL for an Act to amend and reenact section 57-38-30 of the North Dakota Century Code, relating to corporate income tax rates; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee**.

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

**Buell J. Reich, Chief Clerk**