

## JOURNAL OF THE HOUSE

## Sixty-fifth Legislative Assembly

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Bismarck, January 11, 2017

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

The prayer was offered by Pastor Matt Thompson, Holy Cross Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Boe, Rohr, and Schmidt.

A quorum was declared by the Speaker.

## MOTION

**REP. KEISER MOVED** that the House reconsider its action whereby HB 1108 failed to pass, which motion prevailed on a verification vote.

## MOTION

**REP. VIGESAA MOVED** that HB 1108 be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1108 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1031, which is on the Sixth order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1031 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1248 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Political Subdivisions Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1248 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1163 be returned to the House floor from the **Transportation Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1163 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1130 be returned to the House floor from the **Appropriations Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1130 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1219 be returned to the House floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Transportation Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1219 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1185 be returned to the House floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**REP. KLEMIN REQUESTED** the unanimous consent of the House to withdraw HB 1185. There being no objection, it was so ordered by the Speaker.

**SIXTH ORDER OF BUSINESS**

**SPEAKER BELLEW DEEMED** approval of the amendments to HB 1090, HB 1105, HB 1106, and HB 1109.

HB 1090, HB 1105, HB 1106, and HB 1109, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SECOND READING OF HOUSE BILL**

**HB 1118:** A BILL for an Act to amend and reenact subsection 7 of section 50-24.5-01 of the North Dakota Century Code, relating to the definition of eligible beneficiary for the aid to aged, blind, and disabled persons.

**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:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Boe; Rohr; Schmidt

HB 1118 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1135:** A BILL for an Act to amend and reenact subsections 5 and 10 of section 39-01-15, section 50-06.1-16, subsection 1 of section 54-07-01.2, and section 54-44.3-20 of the North Dakota Century Code, relating to consolidating the committee on employment of people with disabilities into the state rehabilitation council and updating the categories of positions in the state service.

**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:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Boe; Rohr; Schmidt

HB 1135 passed.

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### **SECOND READING OF HOUSE BILL**

**HB 1133:** A BILL for an Act to create and enact a new subsection to section 39-06.2-06 of the North Dakota Century Code, relating to the exemption of a class A commercial driver's licenseholder from the hazardous materials endorsement; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Boe; Rohr; Schmidt

Engrossed HB 1133 passed and the emergency clause was declared carried.

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### **SECOND READING OF HOUSE BILL**

**HB 1043:** A BILL for an Act to amend and reenact section 1-02-12, subsection 10 of section 11-31-03, subsection 1 of section 14-20-12, section 24-02-30, subsection 1 of section 25-02-01.1, sections 50-06-06.2 and 52-10-04, subsection 4 of section 52-10-05, section 52-10-07, subsection 17 of section 54-52-01, sections 57-15-06 and 57-15-08, subsection 1 of section 57-34-03, subsections 2 and 7 of section 57-38-30.3, and section 57-51.1-03.1 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; to repeal sections 54-40.3-03, 57-15-10.2, 57-38-01.29, and 57-38-01.30 of the North Dakota Century Code, relating to obsolete provisions; and to provide an effective date.

### **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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Boe; Rohr; Schmidt

Engrossed HB 1043 passed.

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### SECOND READING OF HOUSE BILL

**HB 1084:** A BILL for an Act to amend and reenact sections 39-04-08, 39-04-10.4, and 39-04-11 of the North Dakota Century Code, relating to number plates.

### 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 34 YEAS, 57 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Becker, Rich S.; Becker, Rick C.; Boehning; Brandenburg; Delzer; Devlin; Dockter; Ertelt; Grueneich; Headland; Howe; Johnston; Jones; Kempenich; Koppelman, B.; Kreidt; Louser; Magrum; Marschall; Nelson, J.; O'Brien; Olson; Owens; Pollert; Ruby, D.; Ruby, M.; Sanford; Schobinger; Simons; Streyle; Toman; Vetter; Vigesaa; Weisz

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Bosch; Boschee; Brabandt; Carlson; Damschen; Delmore; Dobervich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Johnson, C.; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, K.; Laning; Lefor; Longmuir; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, M.; Oliver; Paur; Porter; Pyle; Roers Jones; Satrom; Schatz; Schneider; Schreiber-Beck; Seibel; Skroch; Steiner; Sukut; Trottier; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Boe; Rohr; Schmidt

Engrossed HB 1084 failed.

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### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SCR 4007.

### MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2048, SB 2052, SB 2104, SB 2108, SB 2124.

### 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 12, 2017, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**HB 1051: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1051 was placed on the Eleventh order on the calendar.

### REPORT OF STANDING COMMITTEE

**HB 1134: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1134 was placed on the Sixth order on the calendar.

Page 3, line 13, remove the overstrike over "section, every"

Page 3, line 13, remove "subsection, a public or private agency or"

Page 3, line 14, remove "organization licensed by the department to provide services to an"

Page 3, line 16, remove ". shall ensure the individual"

Page 3, line 19, remove "Any restriction of these rights must be documented in the individual's"

Page 3, remove line 20

Page 3, line 21, replace "Except as provided in this subsection, a" with "A"

Page 3, line 22, remove "not"

Page 3, line 23, remove "who resides in an institution, facility, or individualized setting"

Page 3, overstrike line 24

Page 3, line 25, overstrike "telephones are reasonably accessible, and that space for private visitation is available" and insert immediately thereafter "shall document any restrictions of these rights in the individual's person-centered service plan"

Page 3, line 26, after "b-" insert "3."

Page 3, line 26, overstrike "The"

Page 3, line 26, after "director" insert "A"

Page 3, line 26, after "organization" insert "not licensed by the department"

Page 3, line 30, after the period insert:

"4."

Page 4, line 9, remove the overstrike over "every"

Page 4, line 9, remove "a public or private agency"

Page 4, line 10, remove "or organization licensed by the department to provide services to an"

Page 4, line 14, remove "Any restriction of these rights must be documented in the individual's"

Page 4, remove line 15

Page 4, line 16, remove "not licensed by the"

Page 4, line 17, replace "department to provide" with "providing"

Page 4, line 17, remove "who"

Page 4, line 18, remove "resides in an institution, facility, or individualized setting"

Page 4, after line 30, insert:

"5. A public or private agency or organization licensed by the department to provide services to an individual with a developmental disability shall document any restrictions of these rights in the individual's person-centered service plan."

Page 5, line 7, after "disability" insert "who is receiving services from a public or private agency or organization"

Page 5, line 8, remove "the individual's"

Page 5, line 9, remove "person-centered service plan identifies"

Page 5, line 9, replace "as" with "is"

Page 5, line 19, overstrike the comma and insert immediately thereafter "or"

Page 5, line 20, overstrike ", or the use would be inconsistent with the"

Page 5, line 21, remove "individual's person-centered service"

Page 5, line 21, overstrike "plan"

Page 6, line 10, remove "Z."

Page 6, line 10, overstrike "This section applies only with respect to"

Page 6, line 11, replace "a" with

"Z. A"

Page 6, line 12, after "disability" insert "shall document any restrictions of these rights in the individual's person-centered service plan"

Page 6, line 16, remove the overstrike over "at any institution"

Page 6, line 16, after "or" insert an underscored comma

Page 6, line 17, remove the overstrike over "facility"

Page 6, line 17, after "individuals" insert ", or individualized setting"

Page 6, line 17, remove "licensed by the department"

Page 6, line 18, remove "to provide services to an individual"

Page 6, line 18, overstrike "with"

Page 6, line 18, remove "a"

Page 6, line 18, overstrike "developmental"

Page 6, line 18, remove "disability"

Page 6, line 24, remove "This intervention must be approved by the individual"

Page 6, remove line 25

Page 6, line 26, remove "or guardian and must be documented" and insert immediately thereafter "A public or private agency or organization licensed by the department to provide services to an individual with a developmental disability shall document any restrictions of these rights"

Page 7, line 3, remove the overstrike over "at any institution"

Page 7, line 3, after "or" insert an underscored comma

Page 7, line 4, remove the overstrike over "facility"

Page 7, line 4, after "individuals" insert ", or individualized setting"

Page 7, line 4, remove "licensed by the department"

Page 7, line 5, remove "to provide services to an individual"

Page 7, line 5, overstrike "with"

Page 7, line 5, remove "a"

Page 7, line 5, overstrike "developmental"

Page 7, line 5, remove "disability"

Page 8, line 8, remove "If an individual with a developmental disability receiving services from a"

Page 8, replace lines 9 through 15 with "In order to use physical restraints, the restraint must be in compliance with the individual's person-centered service plan or done in accordance with the public or private agency's or organization's emergency restraint policy."

Page 9, line 14, after "receiving" insert "residential"

Page 9, line 14, remove "from a public or private agency or organization licensed by the department to"

Page 9, line 15, replace "provide services to an individual with a developmental disability" with "in an institution, facility, or individualized setting."

Page 9, line 16, after "Any" insert "public or private agency or organization licensed by the department to provide services to an individual with a developmental disability shall document in the individual's person-centered service plan any"

Page 9, line 17, remove "must be documented and justified in the individual's"

Page 9, line 18, remove "person-centered service plan"

Page 9, line 21, remove the overstrike over "**Individualized habilitation**"

Page 9, line 21, replace "**Person**" with ", person"

Page 9, line 21, after "service" insert a bold underscored comma

Page 9, line 21, after "or" insert "individual"

Page 9, line 23, remove the overstrike over "that provides"

Page 9, line 23, remove "licensed by the"

Page 9, line 24, remove "department to provide"

Page 9, line 25, remove the overstrike over ", individualized habilitation" and insert immediately thereafter an underscored comma

Page 9, line 25, after "service" insert ", or individual educational"

Page 9, line 27, overstrike "A"

Page 9, overstrike line 28

Page 9, line 29, overstrike "disability."

Page 10, line 15, remove the overstrike over "individual"

Page 10, line 16, remove the overstrike over "habilitation" and insert immediately thereafter an underscored comma

Page 10, line 16, after "service" insert ", or individual educational"

Page 11, line 24, remove "nondisabled"

Page 11, line 24, after "children" insert "with disabilities"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1140: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1140 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1142: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1142 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1143: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1143 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**