

JOURNAL OF THE HOUSE**Sixty-fifth Legislative Assembly**

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Bismarck, January 17, 2017

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

The prayer was offered by Rev. Mark Ehrmantraut, MC Cabe United Methodist Church, Bismarck.

The roll was called and all members were present except Representatives M. Johnson and Kempenich.

A quorum was declared by the Speaker.

MOTION

REP. VIGESAA MOVED that Engrossed HB 1095, which is on the Sixth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1095 was rereferred.

MOTION

REP. VIGESAA MOVED that HB 1226 be returned to the House floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Human Services Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1226 was rereferred.

MOTION

REP. VIGESAA MOVED that HB 1394 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 1394 was rereferred.

MOTION

REP. VIGESAA MOVED that HB 1403 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Rep. Vigesaa's motion, HB 1403 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER BELLEW DEEMED approval of the amendments to HB 1031.

HB 1031, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1137: A BILL for an Act to create and enact sections 65-04-26.2 and 65-04-27.2 of the North Dakota Century Code, relating to workers' compensation requirements for general contractors and cease and desist orders; and to amend and reenact subsection 16 of section 65-01-02 and section 65-04-19 of the North Dakota Century Code, relating to the workers' compensation definition of employee, assignment of rate classification, and calculation of premium.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.;

Blum; Boe; 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.; 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; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Johnson, M.

Engrossed HB 1137 passed.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Rep. Phillip Mueller

SECOND READING OF HOUSE BILL

HB 1100: A BILL for an Act to amend and reenact section 26.1-03.2-08 of the North Dakota Century Code, relating to confidentiality for risk-based capital reports; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; 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.; 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; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Johnson, M.

Engrossed HB 1100 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1138: A BILL for an Act to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to personalized plates; to provide for application; 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 NOT PASS, the roll was called and there were 8 YEAS, 85 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Boe; Delzer; Koppelman, B.; Koppelman, K.; Laning; Marschall; Paur; Simons

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen;

Delmore; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Johnson, M.

HB 1138 failed.

SECOND READING OF HOUSE BILL

HB 1111: A BILL for an Act to create and enact section 24-02-02.4 of the North Dakota Century Code, relating to agreements with the metro flood diversion authority; 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 PASS, the roll was called and there were 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Becker, Rich S.; Becker, Rick C.; Ertelt; Johnston; Mitskog; Nelson, J.; Schreiber-Beck; Simons; Trottier

ABSENT AND NOT VOTING: Damschen; Johnson, M.

HB 1111 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1153: A BILL for an Act to amend and reenact section 54-06-31 of the North Dakota Century Code, relating to state employee recruitment and retention bonus programs.

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, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; 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; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman;

Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Schreiber-Beck

ABSENT AND NOT VOTING: Damschen; Johnson, M.

HB 1153 passed.

SECOND READING OF HOUSE BILL

HB 1149: A BILL for an Act to amend and reenact section 54-10-27 of North Dakota Century Code, relating to audits of occupational and professional boards.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; 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; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Damschen; Johnson, M.

HB 1149 passed.

SECOND READING OF HOUSE BILL

HB 1117: A BILL for an Act to amend and reenact sections 14-10-17, 25-10-01.1, subdivision e of subsection 1 of section 50-06-01.4, and sections 50-06-01.7, 50-06-06.5, and 50-31-07 of the North Dakota Century Code, relating to changes in terminology with respect to substance abuse and behavioral health.

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 82 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Brabandt; Ertelt; Johnston; Koppelman, K.; Laning; Magrum; McWilliams; Oliver; Simons; Skroch; Speaker Bellew

ABSENT AND NOT VOTING: Johnson, M.

HB 1117 passed.

SECOND READING OF HOUSE BILL

HB 1159: A BILL for an Act to amend and reenact section 39-04-11 of the North Dakota Century Code, relating to clearly displaying letters and numbers on motor vehicle plates.

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 54 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, P.; Beadle; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Carlson; Delmore; Dobervich; Grueneich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Howe; Johnson, C.; Johnson, D.; Jones; Kading; Karls; Laning; Lefor; Longmuir; Maragos; Marschall; Martinson; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Paur; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schneider; Schobinger; Seibel; Sukut; Trottier; Vetter; Vigasaa; Weisz; Westlind; Speaker Bellew

NAYS: Anderson, D.; Becker, Rich S.; Boe; Brabandt; Brandenburg; Damschen; Delzer; Devlin; Dockter; Ertelt; Headland; Holman; Johnston; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Louser; Magrum; McWilliams; Mitskog; Oliver; Olson; Pollert; Porter; Pyle; Sanford; Schmidt; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Toman; Zubke

ABSENT AND NOT VOTING: Johnson, M.

HB 1159 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2039, SB 2041, SB 2092, SB 2126, SB 2136.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2154.

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., Wednesday, January 18, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1144: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1144 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "section 49-22-08.2 and"

Page 1, line 1, remove "and section 49-22-08.2"

Page 1, line 3, after "siting" insert a comma

Page 1, line 5, after the third comma insert "and"

Page 1, line 9, remove the comma

Page 1, line 10, remove "49-22-02,"

Page 1, line 11, remove ", energy conversion statement of policy,"

Page 2, line 5, replace "49-22.1-08" with "49-22.1-12"

Page 23, after line 12, insert:

"49-22.1-01.1. Public service commission duties.

The public service commission shall:

1. Ensure the location, construction, and operation of energy conversion and transmission facilities will produce minimal adverse effects on the environment and the welfare of the citizens of this state.
2. Provide an energy conversion facility or transmission facility may not be located, constructed, and operated within this state without a certificate of site compatibility or a route permit acquired pursuant to this chapter.
3. Site energy conversion facilities and route transmission facilities in an orderly manner compatible with environmental preservation and the efficient use of resources.
4. Ensure chosen sites and routes will minimize adverse human and environmental impact while maintaining system reliability and integrity.
5. Ensure energy needs are met and fulfilled in an orderly and timely fashion."

Page 39, line 1, remove ", 49-22-02,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1261: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1261 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1262: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1262 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1295: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1295 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk