

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

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Bismarck, January 10, 2017

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

The prayer was offered by Pastor Rich Wyatt, Living Hope of the Nazarene, Bismarck.

The roll was called and all members were present except Representatives Boe and Weisz.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER BELLEW DEEMED approval of the amendments to HB 1043, HB 1084, and HB 1133.

HB 1043, HB 1084, and HB 1133, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that HB 1281 be returned to the House floor from the **Energy and Natural Resources Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. BRANDENBURG REQUESTED the unanimous consent of the House to withdraw HB 1281. There being no objection, it was so ordered by the Speaker.

MOTION

REP. VIGESAA MOVED that HB 1141 be returned to the House floor from the **Education Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. BRANDENBURG REQUESTED the unanimous consent of the House to withdraw HB 1141. There being no objection, it was so ordered by the Speaker.

SECOND READING OF HOUSE BILL

HB 1125: A BILL for an Act to repeal chapter 60-03 of the North Dakota Century Code, relating to licensing hay buyers; 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 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; 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; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Boe; Weisz

HB 1125 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to create and enact section 49-23-04.1 of the North Dakota Century Code, relating to survey of areas having underground facilities; to amend and reenact sections 49-23-01, 49-23-03, 49-23-04, 49-23-05, and 49-23-06 of the North Dakota Century Code, relating to location of underground facilities before excavation; 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 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; 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; 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; Westlind; Zubke; Speaker Bellew

NAYS: Magrum

ABSENT AND NOT VOTING: Boe; Weisz

Engrossed HB 1026 passed.

SECOND READING OF HOUSE BILL

HB 1104: A BILL for an Act to amend and reenact section 37-01-04 of the North Dakota Century Code, relating to the governor's authority to call out the national guard.

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 78 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Becker, Rick C.; Delzer; Devlin; Johnston; Kiefert; Koppelman, B.; Kreidt; Magrum; Olson; Paur; Ruby, D.; Simons; Toman; Vetter

ABSENT AND NOT VOTING: Boe; Weisz

HB 1104 passed.

SECOND READING OF HOUSE BILL

HB 1088: A BILL for an Act to create and enact a new section to chapter 32-12.2 of the North Dakota Century Code, relating to data breach response and remediation costs.

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

NAYS: Vigesaa

ABSENT AND NOT VOTING: Boe; Weisz

HB 1088 passed.

SECOND READING OF HOUSE BILL

HB 1108: A BILL for an Act to create and enact a new subsection to section 44-04-18.4 of the North Dakota Century Code, relating to the availability of records involving security and cyber attacks.

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 42 YEAS, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, P.; Beadle; Blum; Bosch; Carlson; Damschen; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Headland; Heinert; Hogan; Johnson, C.; Johnson, D.; Johnston; Karls; Kasper; Klemin; Koppelman, B.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; Mitskog; Nathe; Nelson, M.; Olson; Owens; Rohr; Satrom; Schneider; Schobinger; Steiner; Vetter; Westlind

NAYS: Anderson, D.; Becker, Rich S.; Becker, Rick C.; Boehning; Boschee; Brabandt; Brandenburg; Delmore; Delzer; Devlin; Ertelt; Hatlestad; Holman; Howe; Johnson, M.; Jones; Kading; Keiser; Kempenich; Kiefert; Koppelman, K.; Kreidt; McWilliams; Meier; Mock; Monson; Nelson, J.; O'Brien; Oliver; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Schatz; Schmidt; Schreiber-Beck; Seibel; Simons; Skroch; Streyle; Sukut; Toman; Trottier; Vigesaa; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Boe; Weisz

HB 1108 failed.

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 2045.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2050, SB 2051, SB 2060, SB 2089, SB 2090, SB 2109.

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 11, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1031: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1031 was placed on the Sixth order on the calendar.

Page 1, line 10, after the period insert "If an existing aircraft has been destroyed or otherwise rendered inoperable, a state agency or other entity of state government may use insurance proceeds received to replace the existing aircraft that has been destroyed or rendered inoperable, subject to the approval of the legislative assembly or the budget section of the legislative management if the legislative assembly is not in session."

Page 1, line 12, after "aviation" insert "or to aircraft as defined by and the operation of which is regulated under title 14, Code of Federal Regulations, part 107, pertaining to small unmanned aircraft systems"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1090: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1090 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 1-03-01,"

Page 1, line 4, remove "holidays,"

Page 1, remove lines 9 through 24

Page 2, remove lines 1 through 6

Page 5, line 21, replace "**Rules**" with "**Guidelines**"

Page 5, line 23, overstrike "rules and regulations" and insert immediately thereafter "guidelines"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1099: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1099 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1101: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1101 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1105: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1105 was placed on the Sixth order on the calendar.

Page 1, line 19, remove "official vehicles designated and marked as quick reaction"

Page 1, line 20, replace "units or crash rescue units" with "other vehicles authorized by licensure granted under chapter 23-27"

Page 2, after line 9, insert:

"(12) Vehicles operated by or under the control of the state department of health in cases of emergencies."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1106: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1106 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "sixteen nationally identified"

Page 1, line 9, after "sectors" insert "identified by the United States government"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1109: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1109 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2015" with "2016"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1112: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1112 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1116: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1116 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1132: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1132 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1139: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1139 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk

