JOURNAL OF THE HOUSE

Sixty-fifth Legislative Assembly

* * * * *

Bismarck, January 18, 2017

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

The prayer was offered by Rev. Mark Bob Weiss, First Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Grueneich, Jones, and Nathe.

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. Klemin, Chairman)** has carefully examined the Journal of the Sixth and Eighth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 115, line 51, replace "Garbinger" with "Grabinger"

Page 116, line 5, replace "Eminetrh" with "Emineth"

Page 116, line 38, insert "." after "employees"

Page 149, line 21, delete " SB 2095"

Page 166, line 28, replace "D. Anderson" with "P. Anderson"

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

SIXTH ORDER OF BUSINESS

SPEAKER BELLEW DEEMED approval of the amendments to HB 1144.

HB 1144, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that HB 1379 be returned to the House floor from the **Energy and Natural Resources Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

REP. SCHATZ REQUESTED the unanimous consent of the House to withdraw HB 1379. There being no objection, it was so ordered by the Speaker.

MOTION

REP. VIGESAA MOVED that HB 1225 be moved to the bottom of the calendar, which motion prevailed.

CONFLICT OF INTEREST

REP. GUGGISBERG STATED that he had a conflict of interest on HB 1148.

MOTION

REP. VIGESAA MOVED that Rep. Guggisberg be allowed to vote on HB 1148, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1148: A BILL for an Act to amend and reenact sections 54-52-01, 54-52-02.1, and 54-52-06.3 and subsections 3 and 4 of section 54-52-17 of the North Dakota Century Code, relating to a public employee retirement plan for firefighters.

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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; 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; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Becker, Rick C.; Headland; Johnston; Koppelman, B.; Olson; Simons

ABSENT AND NOT VOTING: Grueneich; Jones; Nathe

HB 1148 passed.

****

SECOND READING OF HOUSE BILL

HB 1131: A BILL for an Act to create and enact section 36-24-01.1 of the North Dakota Century Code, relating to adoption of federal meat inspection regulations.

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: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dobervich; Dockter; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; 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; 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; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Devlin; Ertelt; Simons

ABSENT AND NOT VOTING: Grueneich; Jones; Nathe

HB 1131 passed.

****

SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act to create and enact chapter 20.1-05.1 of the North Dakota Century Code, relating to authorization for issuance of special allocation hunting licenses; to amend and reenact sections 20.1-02-04, 20.1-04-07, 20.1-08-04.1, 20.1-08-04.2, and 20.1-08-04.6 of the North Dakota Century Code, relating to authorization for issuance of special allocation hunting licenses; to repeal sections 20.1-08-04.8, 20.1-08-04.12, and 20.1-08-04.13 of the North Dakota Century Code, relating to authorization for issuance of special allocation hunting licenses; 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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 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; Devlin; Dobervich; Dockter; Ertelt; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; 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; 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; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Delzer; Simons

ABSENT AND NOT VOTING: Grueneich; Jones; Nathe

Engrossed HB 1025 passed and the emergency clause was declared carried.

****

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act to amend and reenact subsection 2 of section 57-40.6-01, section 57-40.6-04, and subsection 4 of 57-40.6-10 of the North Dakota Century Code, relating to the standards and guidelines for emergency services communications systems; and to repeal section 57-40.6-03.1 of the North Dakota Century Code, relating to 911 database management charges.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; 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; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; 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: Grueneich; Jones; Nathe; Porter

Engrossed HB 1027 passed.

****

SECOND READING OF HOUSE BILL

HB 1098: A BILL for an Act to create and enact a new section to chapter 15.1-18 of the North Dakota Century Code, relating to teacher requirements for prekindergarten and kindergarten; to amend and reenact subdivision a of subsection 1 of section 15.1-07-32 and section 15.1-18-02 of the North Dakota Century Code, relating to teacher requirements; and to repeal sections 15.1-18-07, 15.1-18-08, and 15.1-18-09 of the North Dakota Century Code, relating to elementary, middle, and high school teacher qualifications.

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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 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; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; 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; Nelson, J.; 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; Vigesaa; Weisz; Westlind; Zubke

NAYS: Carlson; Holman; Nelson, M.; Paur; Simons; Speaker Bellew

ABSENT AND NOT VOTING: Grueneich; Jones; Nathe

Engrossed HB 1098 passed.

****

SECOND READING OF HOUSE BILL

HB 1121: A BILL for an Act to amend and reenact subsection 2 of section 12.1-32-09.1 and subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to sentencing violent offenders and the definition of administrative agencies.

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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 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; Guggisberg; Hanson; Hatlestad; Headland; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Mitskog; Mock; Monson; 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

NAYS: Heinert; Meier

ABSENT AND NOT VOTING: Grueneich; Jones; Nathe

Engrossed HB 1121 passed.

****

SECOND READING OF HOUSE BILL

HB 1102: A BILL for an Act amend and reenact subsections 1 and 2 of section 39-29-04 and section 39-29-12 of the North Dakota Century Code, relating to off-highway vehicle out-of-state registration; 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 62 YEAS, 29 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Becker, Rick C.; Blum; Boe; Bosch; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Guggisberg; Hanson; Hatlestad; Heinert; Howe; Johnson, C.; Johnson, D.; Kading; Karls; Kasper; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mock; Monson; Nelson, J.; O'Brien; Olson; Owens; Pollert; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schneider; Schobinger; Schreiber-Beck; Seibel; Steiner; Sukut; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Anderson, P.; Beadle; Becker, Rich S.; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Headland; Hogan; Holman; Johnson, M.; Johnston; Keiser; Kempenich; Maragos; McWilliams; Mitskog; Nelson, M.; Oliver; Paur; Porter; Rohr; Schatz; Schmidt; Simons; Skroch; Streyle; Toman

ABSENT AND NOT VOTING: Grueneich; Jones; Nathe

Engrossed HB 1102 passed.

****

SECOND READING OF HOUSE BILL

HB 1158: A BILL for an Act to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to the fee for personalized motor vehicle number plates; 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 NOT PASS, the roll was called and there were 16 YEAS, 75 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Becker, Rick C.; Boehning; Hatlestad; Johnston; Keiser; Koppelman, B.; Koppelman, K.; Magrum; Marschall; Oliver; Olson; Roers Jones; Schatz; Schmidt; Simons; Toman

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Guggisberg; Hanson; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Kempenich; Kiefert; Klemin; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; O'Brien; Owens; Paur; Pollert; Porter; Pyle; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Grueneich; Jones; Nathe

Engrossed HB 1158 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 2174.

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., Thursday, January 19, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE
HB 1060: **Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1060 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "subdivision" with "subdivisions"

Page 1, line 2, remove "and a new subsection to section 50-12-03.2"

Page 1, line 5, after "department" insert "and by the state court administrator for guardians ad litem"

Page 1, replace lines 12 through 17 with:

"**SECTION 2.** A new subdivision to subsection 2 of section 12-60-24 of the North Dakota Century Code is created and enacted as follows:

The state court administrator for a guardian ad litem who provides direct services to youth."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1156: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1156 was placed on the Sixth order on the calendar.

Page 8, line 23, overstrike "qualified nurse" and insert immediately thereafter "advanced practice registered nurse, registered nurse"

Page 13, line 28, remove the overstrike over "any"

Page 13, line 28, remove "an"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1177: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1177 was placed on the Sixth order on the calendar.

Page 1, line 9, after the first underscored comma insert "unencumbered"

Page 1, line 11, after the underscored comma insert "unencumbered"

Page 1, line 22, after "of" insert "unencumbered"

Page 2, line 7, after the first underscored comma insert "unencumbered"

Page 2, line 10, after the first underscored comma insert "unencumbered"

Page 2, line 12, after the first underscored comma insert "unencumbered"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1194: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1194 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1210: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1210 was placed on the Sixth order on the calendar.

Page 2, line 2, after "the" insert "state"

Page 2, line 2, replace "emergency services" with "health emergency medical services and trauma"

Renumber accordingly

REPORT OF STANDING COMMITTEE
HB 1224: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1224 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE
HB 1230: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1230 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE
HB 1260: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1260 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE
HCR 3003: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3003 was placed on the Tenth order on the calendar.

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

Buell J. Reich, Chief Clerk