

## JOURNAL OF THE HOUSE

## Sixty-fifth Legislative Assembly

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Bismarck, January 20, 2017

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

The prayer was offered by Rev. Larue Goetz (Retired), Bismarck.

The roll was called and all members were present except Representatives D. Anderson, Johnston, B. Koppelman, Nathe, Owens, Rohr, Schneider, Schobinger, and Westlind.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER BELLEW DEEMED** approval of the amendments to HB 1039, HB 1147, HB 1183, HB 1198, HB 1206, and HCR 3002.

HB 1039, HB 1147, HB 1183, HB 1198, HB 1206, and HCR 3002, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## 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 Eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 162, line 56, replace "M. Johnson" with "Johnston"

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

## MOTION

**REP. VIGESAA MOVED** that HB 1297 be returned to the House floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. VETTER REQUESTED** the unanimous consent of the House to withdraw HB 1297. There being no objection, it was so ordered by the Speaker.

## CONFLICT OF INTEREST

**REP. PORTER STATED** that he had a conflict of interest on Engrossed SB 2174.

## MOTION

**REP. VIGESAA MOVED** that Rep. Porter be allowed to vote on Engrossed SB 2174, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2174:** A BILL for an Act to provide borrowing authority and an appropriation to the office of the adjutant general; 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 84 YEAS, 0 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; 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.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; 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; Olson; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, D.; Johnston; Kempenich; Koppelman, B.; Nathe; Owens; Rohr; Schneider; Schobinger; Westlind

Engrossed SB 2174 passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2154:** A BILL for an Act to provide for suspension of certain provisions of the North Dakota Compassionate Care Act; to provide a contingent expiration date; 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, 1 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; 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.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; 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; Olson; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Zubke; Speaker Bellew

**NAYS:** Anderson, P.

**ABSENT AND NOT VOTING:** Anderson, D.; Johnston; Kempenich; Koppelman, B.; Nathe; Owens; Rohr; Schneider; Schobinger; Westlind

SB 2154 passed and the emergency clause was declared carried.

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### POINT OF PERSONAL PRIVILEGE

**REP. RICH S. BECKER** rose on a point of personal privilege.

### REMARKS OF REPRESENTATIVE RICH S. BECKER

**MR. SPEAKER:** Thank you Representative Vigasaa and Mr. Speaker for this opportunity to address the Members of the Assembly. About 9 months ago a significant event happened bringing much attention to the Great State of North Dakota. Because we were not in session, recognition of the event by this Assembly was not adequately covered. Therefore, Mr. Speaker, it is my pleasure and honor as a proud alumnus of the University of North Dakota to present the following message to my esteemed colleagues in the North Dakota House of Representatives and have it recorded as an official entry in the House Journal. This past April 9th the impressive victory of UND's men's hockey team 5 to 1 win over Quinnipiac for the National Championship was a major accomplishment under any circumstances.

This was the 8th national championship that UND [formerly known as the "Fighting Sioux"] has won. Over the last ten years they have won more games than any other college hockey program. UND has also more former players active in the National Hockey League than any other college. UND also leads the nation in yearly fan attendance [just under 12,000 per game] at the nation's premier ice hockey facility, the Ralph Englestad Arena. This all attests to the proud tradition and national awareness that UND Hockey has brought, not only to UND and Grand Forks, but as well to the entire state of North Dakota.

As a side bar, Mr. Speaker, Grand Forks has also been selected as the number one hockey city in America by Smart Assets, [a New York-Based survey company] due to the success not only of UND, but also at the high school level with Grand Forks Central and Grand Forks

Red River winning more state titles than all other schools combined.

This proud program started playing Division 1 hockey in 1947 with borrowed shoulder pads and other equipment from the football team. That year most of their scheduled opponents were local, regional, and semi-pro or amateur teams.

The American hockey scene, however, changed dramatically that year when the University of Michigan agreed to play UND as a courtesy to help the program along. Michigan was the reigning national champion and to the surprise of the hockey world, UND defeated the mighty Wolverines.

As you can see, Mr. Speaker, UND Hockey has come a long way over the years and is certainly one of the greatest attractions and reasons for what people think of when asked about our great state.

It truly is a great feeling to be one of the proud members of the North Dakota House of Representatives, of especially those from Grand Forks paying tribute to the outstanding team effort and success the University of North Dakota Hockey Team has provided for all of us!

#### REQUEST

**REP. VIGESAA REQUESTED** that the remarks of Rep. Rich S. Becker be printed in the Journal, which request was granted.

#### REQUEST

**REP. M. NELSON REQUESTED** that the House divide HB 1261, which request was granted.

**DIVISION A:** Sections 1 and 4

**DIVISION B:** Sections 2 and 4

**DIVISION C:** Sections 3 and 4

#### ROLL CALL

The question being on the final adoption of Division A of HB 1261, the roll was called and there were 12 YEAS, 72 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Boe; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Hogan; Holman; Mitskog; Mock; Nelson, M.

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

**ABSENT AND NOT VOTING:** Anderson, D.; Johnston; Kempenich; Koppelman, B.; Nathe; Owens; Rohr; Schneider; Schobinger; Westlind

Division A of HB 1261 failed on a recorded roll call vote.

#### ROLL CALL

The question being on the final adoption of Division B of HB 1261, the roll was called and there were 16 YEAS, 68 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Beadle; Boe; Bosch; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Hogan; Holman; Maragos; Mitskog; Mock; Nelson, M.; Porter

**NAYS:** Anderson, B.; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Monson;

Nelson, J.; O'Brien; Oliver; Olson; Paur; Pollert; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, D.; Johnston; Kempenich; Koppelman, B.; Nathe; Owens; Rohr; Schneider; Schobinger; Westlind

Division B of HB 1261 failed on a recorded roll call vote.

#### ROLL CALL

The question being on the final adoption of Division C of HB 1261, the roll was called and there were 18 YEAS, 66 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Beadle; Boe; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Hogan; Holman; Kading; Maragos; Mitskog; Mock; Nelson, M.; Olson; Porter; Schreiber-Beck

**NAYS:** Anderson, B.; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Monson; Nelson, J.; O'Brien; Oliver; Paur; Pollert; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, D.; Johnston; Kempenich; Koppelman, B.; Nathe; Owens; Rohr; Schneider; Schobinger; Westlind

Division C of HB 1261 failed on a recorded roll call vote.

**HB 1261** was deemed failed.

#### 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., Monday, January 23, 2017, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1030: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1030 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1053: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING). HB 1053 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1054: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1054 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "two weeks" with "one week"

Page 3, line 11, replace "two weeks" with "one week"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1110: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1110 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1120: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "and"

Page 1, line 17, remove the overstrike over "; ~~and~~"

Page 1, line 18, after "f." insert "(6)"

Page 1, line 18, remove the overstrike over "~~Stimulant medication used for the treatment of attention deficit disorder and~~"

Page 1, remove the overstrike over line 19

Page 2, replace lines 17 and 18 with "The department shall grant authorization to exceed the limits after a prescriber requesting authorization consults with a board certified pediatric psychiatrist approved by the department."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1122: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO NOT PASS** (16 YEAS, 1 NAYS, 4 ABSENT AND NOT VOTING). HB 1122 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1123: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO NOT PASS** (18 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1123 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1145: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1145 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the overstrike over "manufacturer"

Page 1, line 11, after "or" insert "producing in excess of two hundred fifty thousand gallons [946353 liters] of wine or distilled spirits or three million gallons [11356235 liters] of beer annually or any"

Page 1, line 11, after the period insert "The production limits in this section pertain to the combined amount of production in the aggregate produced by all affiliates of the manufacturer or manufacturer ownership whether the affiliation is corporate or by management, direction, or control."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1146: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1146 was placed on the Sixth order on the calendar.

Page 6, line 3, after the underscored period insert "However, if the licensed wholesaler subsequently confirms the ability to provide the specified alcoholic beverages to the

retail licensee. the retail licensee shall revert back to receiving the specified alcoholic beverages from the licensed wholesaler."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1171: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1171 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1173: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1173 was placed on the Sixth order on the calendar.

Page 1, line 23, remove "or have reason to believe"

Page 1, line 24, replace "a significant" with "an"

Page 2, line 1, after "bienniums" insert "which the committee determines critically important"

Page 2, line 2, replace "by up to ten percent of" with "as compared with"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1176: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1176 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1189: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1189 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1192: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1192 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1205: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **DO NOT PASS** (14 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1205 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1211: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1211 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1212: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1212 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1217: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1217 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1231: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1231 was placed on the

Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1234: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1234 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1241: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1241 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1242: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1242 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1266: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1266 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1284: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1284 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3001: Education Committee (Rep. Owens, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3001 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**

