

## JOURNAL OF THE HOUSE

## Sixty-fifth Legislative Assembly

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Bismarck, February 8, 2017

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

The prayer was offered by Pastor Ryan Fischer, Doure and Milton Lutheran Church, Osnabrock and Milton, ND.

The roll was called and all members were present except Representatives Kreidt, McWilliams, and Pyle.

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. Klemm, Chairman)** has carefully examined the Journal of the Twenty-fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 411, remove lines 12 through 15.

Page 396, between lines 40 and 41, insert:

**"MOTION**

**REP. VIGESAA MOVED** that House Rule 329, paragraph 4, be temporarily amended to change the 23rd legislative day to the 25th legislative day., which motion prevailed on a voice vote."

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

## REPORT OF STANDING COMMITTEE

**HB 1041: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1041 was placed on the Sixth order on the calendar.

Page 1, line 3, after the fifth comma insert "subsections 3 and 6 of section 12.1-32-07,"

Page 1, line 12, after the semicolon insert "to provide a report to the legislative management;

Page 2, line 22, replace "section" with "sections"

Page 2, line 22, after "12.1-32-02.1" insert "and 12.1-32-09.1."

Page 3, line 10, remove the overstrike over "~~A court may not~~"

Page 3, remove the overstrike over lines 11 through 14

Page 5, after line 22, insert:

**"SECTION 7. AMENDMENT.** Subsection 3 of section 12.1-32-07 of the North Dakota Century Code is amended and reenacted as follows:

3. The court shall provide as an explicit condition of every probation that the defendant may not possess a firearm, destructive device, or other dangerous weapon while the defendant is on probation. Except when the offense is a misdemeanor offense under section 12.1-17-01,

12.1-17-01.1, 12.1-17-05, or 12.1-17-07.1, or chapter 14-07.1, the court may waive this condition of probation if the defendant has pled guilty to, or has been found guilty of, a misdemeanor or infraction offense, the misdemeanor or infraction is the defendant's first offense, and the court has made a specific finding on the record before imposition of a sentence or a probation that there is good cause to waive the condition. The court may not waive this condition of probation if the court places the defendant under the supervision and management of the department of corrections and rehabilitation. The court shall provide as an explicit condition of probation that the defendant may not willfully defraud a urine test administered as a condition of probation. Unless waived on the record by the court, the court shall also provide as a condition of probation that the defendant undergo various agreed-to community constraints and conditions as intermediate measures of the department of corrections and rehabilitation to avoid revocation, which may include:

- a. Community service;
- b. Day reporting;
- c. Curfew;
- d. Home confinement;
- e. House arrest;
- f. Electronic monitoring;
- g. Residential halfway house;
- h. Intensive supervision program;
- i. Up to five nonsuccessive periods of incarceration during any twelve-month period, each of which may not exceed forty-eight consecutive hours; or
- j. Participation in the twenty-four seven sobriety program; or
- k. One period of incarceration during a period of probation not to exceed thirty consecutive days in lieu of a petition for revocation of probation.

**SECTION 8. AMENDMENT.** Subsection 6 of section 12.1-32-07 of the North Dakota Century Code is amended and reenacted as follows:

- 6. a. The court, upon notice to the probationer and with good cause, may modify or enlarge the conditions of probation at any time prior to the expiration or termination of the period for which the probation remains conditional.
- b. If the defendant violates a condition of probation at any time before the expiration or termination of the period and the petition for revocation of probation is the first petition for revocation for a violation of a condition of probation in the case and the violation does not include the commission of an offense involving violence, a firearm or dangerous weapon, or the commission of a felony offense, or the defendant was on probation for an offense subject to registration under section 12.1-32-15, the court may continue shall:
  - (1) Continue the defendant on the existing probation, with or without modifying or enlarging the conditions;:
  - (2) Require the defendant to serve up to ninety days of incarceration or the balance of the defendant's sentence, whichever is less, as a condition of probation; or may revoke

- (3) Revoke the probation and impose a sentence not to exceed ninety days of incarceration or the balance of the defendant's sentence, whichever is less. In any other case, the court may revoke the probation and impose any other sentence that was available under section 12.1-32-02 or 12.1-32-09 at the time of initial sentencing or deferment.
- c. In the case of suspended execution of sentence, if the defendant violates a condition of probation at any time before the expiration or termination of the period and the petition for revocation of probation is the first petition for revocation for a violation of a condition of probation in the case and the violation does not include the commission of an offense involving violence, a firearm or dangerous weapon, or the commission of a felony offense, or the defendant was on probation for an offense subject to registration under section 12.1-32-15, the court may revoke shall:
- (1) Continue the defendant on the existing probation, with or without modifying or enlarging the conditions;
- (2) Require the defendant to serve up to ninety days of incarceration or the balance of the defendant's sentence, whichever is less, as a condition of probation; or
- (3) Revoke the probation and impose a sentence not to exceed ninety days of incarceration or the balance of the defendant's sentence, whichever is less. In any other case, the court may revoke the probation and cause the defendant to suffer the penalty of the sentence previously imposed upon the defendant."

Page 5, remove lines 26 through 30

Page 6, replace lines 1 and 2 with "The sentencing court shall sentence an individual convicted of a class C felony offense or class A misdemeanor offense to a term of probation at the time of initial sentencing, except for an offense involving domestic violence, an offense in violation of section 12.1-17-07.1, chapter 12.1-41, sections 14-07.1-06 or 14-09-22, an offense involving a firearm or dangerous weapon, or when a mandatory term of incarceration is required by law. The sentencing court may impose a sentence to imprisonment if the sentencing court finds there are aggravating factors present to justify a departure from presumptive probation. The sentencing court shall state the aggravating factors on the record at the time of sentencing. This section does not preclude the sentencing court from deferring imposition of sentence in accordance with subsection 4 of section 12.1-32-02 or sentencing an individual to a term of incarceration with credit for time spent in custody so long as execution of the sentence is suspended."

Page 10, line 9, after "board" insert "in consultation with the state board of addiction counseling examiners"

Page 13, line 31, after the second comma insert "the Commission on Legal Counsel for Indigents."

Page 14, after line 9, insert:

**"SECTION 22. JUSTICE REINVESTMENT INITIATIVE - REPORT TO LEGISLATIVE MANAGEMENT - REPORT TO LEGISLATIVE ASSEMBLY.** Before September 1, 2018, the department of corrections and rehabilitation and the supreme court shall provide a report to the legislative management regarding the progress of the justice reinvestment initiative. The department of corrections and rehabilitation and the supreme court shall provide a report on the progress of the justice reinvestment initiative to the sixty-sixth legislative assembly."

Renumber accordingly

**SIXTH ORDER OF BUSINESS**

**SPEAKER BELLEW DEEMED** approval of the amendments to HB 1041, Engrossed HB 1085, HB 1126, HB 1152, HB 1155, HB 1165, HB 1308, HB 1318, HB 1347, and HB 1382.

HB 1041 and HB 1126, as amended, were rereferred to the **Appropriations Committee**.

Engrossed HB 1085, HB 1152, HB 1155, HB 1165, HB 1308, HB 1318, HB 1347, and HB 1382, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MOTION**

**REP. HEADLAND MOVED** that the House reconsider its action whereby HB 1337 failed to pass, which motion prevailed on a verification vote.

**SECOND READING OF HOUSE BILL**

**HB 1337:** A BILL for an Act to amend and reenact section 15.1-21-22 of the North Dakota Century Code, relating to required reading of historical documents.

**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 56 YEAS, 35 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Grueneich; Headland; Howe; Johnson, C.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Laning; Lefor; Louser; Magrum; Maragos; Marschall; Martinson; Meier; Monson; Oliver; Olson; Pollert; Porter; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schmidt; Schobinger; Simons; Skroch; Steiner; Streyle; Toman; Trottier; Vetter; Vigasaa; Westlind; Speaker Bellew

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Boe; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Johnson, D.; Johnson, M.; Keiser; Klemin; Longmuir; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Paur; Roers Jones; Sanford; Schneider; Schreiber-Beck; Seibel; Sukut; Weisz; Zubke

**ABSENT AND NOT VOTING:** Kreidt; McWilliams; Pyle

HB 1337 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1256:** A BILL for an Act to create and enact five new sections to chapter 43-20 of the North Dakota Century Code, relating to regulation of dental therapists; to amend and reenact sections 43-20-01.1, 43-20-01.3, 43-20-01.4, 43-20-02.1, 43-20-05, 43-20-06, 43-20-08, 43-20-10, 43-20-11, 43-20-12.2, 43-28-03, 43-28-04, and 43-28-06 and subsection 9 of section 43-28-18 of the North Dakota Century Code, relating to the regulation of dental therapists; to provide for reports; and to provide for application.

**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 32 YEAS, 59 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Becker, Rick C.; Boe; Boschee; Damschen; Delzer; Devlin; Dobervich; Ertelt; Guggisberg; Hanson; Hogan; Holman; Johnson, C.; Johnston; Jones; Kading; Marschall; Nelson, M.; Olson; Rohr; Schatz; Schmidt; Schneider; Schobinger; Seibel; Simons; Trottier; Vetter; Vigasaa; Weisz

**NAYS:** Anderson, P.; Beadle; Becker, Rich S.; Blum; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Delmore; Dockter; Grueneich; Hatlestad; Headland; Heinert;

Howe; Johnson, D.; Johnson, M.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schreiber-Beck; Skroch; Steiner; Streyle; Sukut; Toman; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kreidt; McWilliams; Pyle

Engrossed HB 1256 failed.

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

**HB 1114:** A BILL for an Act to amend and reenact sections 43-18-13, 43-18-17, 43-18-21, 43-18.2-03, 43-18.2-04, 43-18.2-08, and 43-18.2-09 of the North Dakota Century Code, relating to license fees for plumbers and sewer and water installers.

#### **CONFLICT OF INTEREST**

**REP. MAGRUM STATED** that he had a conflict of interest on Engrossed HB 1114.

#### **MOTION**

**REP. VIGESAA MOVED** that Rep. Magrum be allowed to vote on Engrossed HB 1114, which motion prevailed on a voice vote.

#### **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 1 YEAS, 90 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Dobervich

**NAYS:** 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; 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.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; 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:** Kreidt; McWilliams; Pyle

Engrossed HB 1114 failed.

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

**HB 1251:** A BILL for an Act to provide for a legislative management study of the creation of an inmate housing construction program.

#### **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 75 YEAS, 16 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; Damschen; Delmore; 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.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall;

Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schneider; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Sukut; Trottier; Vetter; Westlind

**NAYS:** Boe; Brandenburg; Carlson; Delzer; Devlin; Pollert; Porter; Ruby, D.; Schmidt; Schobinger; Streyle; Toman; Vigasaa; Weisz; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kreidt; McWilliams; Pyle

Engrossed HB 1251 passed.

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### SECOND READING OF HOUSE BILL

**HB 1286:** A BILL for an Act to amend and reenact section 26.1-29-09.1 of the North Dakota Century Code, relating to insurable interests in personal insurance.

### 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; 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.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; 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:** Kreidt; McWilliams; Pyle

Engrossed HB 1286 passed.

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### SECOND READING OF HOUSE BILL

**HB 1403:** A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to public employee health benefits transparency; and to provide an exemption.

### 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; 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.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; 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:** Kreidt; McWilliams; Pyle

Engrossed HB 1403 passed.

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### SECOND READING OF HOUSE BILL

**HB 1166:** A BILL for an Act to amend and reenact sections 57-51.1-02 and 57-51.1-03.1 of the North Dakota Century Code, relating to the removal of triggered oil extraction tax rate changes; 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 76 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; Meier; Mock; Monson; Nathe; Nelson, M.; Oliver; Olson; Owens; Pollert; Porter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Anderson, P.; Boschee; Delmore; Dobervich; Ertelt; Guggisberg; Hanson; Hogan; Holman; Mitskog; Nelson, J.; O'Brien; Paur; Schneider; Seibel

**ABSENT AND NOT VOTING:** Kreidt; McWilliams; Pyle

Engrossed HB 1166 passed.

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### SECOND READING OF HOUSE BILL

**HB 1388:** A BILL for an Act to amend and reenact sections 15.1-09-49, 15.1-27-04.1, 15.1-27-35.3, and 15.1-29-15, subsection 7 of section 21-03-07, subsection 11 of section 40-58-20, section 40-63-05, subsection 42 of section 57-02-08, sections 57-15-01.1 and 57-15-14.2, subsection 4 of section 57-15-17, and sections 57-19-01 and 57-20-07.1 of the North Dakota Century Code, relating to taxes levied for Fargo board of education building expenses, determination of school state aid payments, school district tuition payment levies, tax increment financing and renaissance zone property tax incentives, property tax exemptions for new single-family residential property, school district levies, and information provided on property tax statements; to repeal sections 15-39.1-28, 15.1-27-04.2, 15.1-27-20.2, 57-19-02, 57-19-03, 57-19-05, 57-19-09, 57-19-11, and 57-20-07.2 of the North Dakota Century Code, relating to tax levies for teacher retirements, minimum local effort and taxable valuation considerations for purposes of determining school state aid payments, school district special reserve funds, and the state-paid property tax relief credit; 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 29 YEAS, 62 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Brabandt; Devlin; Dobervich; Ertelt; Guggisberg; Holman; Johnson, C.; Johnston; Jones; Kempenich; Koppelman, B.; Koppelman, K.; Louser; Maragos; Marschall; Nelson, M.; Olson; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Toman; Vetter

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Bosch; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Grueneich; Hanson; Hatlestad; Headland; Heinert; Hogan; Howe; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Laning; Lefor; Longmuir; Magrum; Martinson; Meier;

Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Roers Jones; Rohr; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Steiner; Streyle; Sukut; Trottier; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kreidt; McWilliams; Pyle

HB 1388 failed.

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### SECOND READING OF HOUSE BILL

**HB 1265:** A BILL for an Act to amend and reenact section 15-10-28 of the North Dakota Century Code, relating to the number of nonresident students admitted to institutions under the control of the state board of higher education under a reciprocity agreement; 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 26 YEAS, 65 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Becker, Rick C.; Bosch; Brabandt; Brandenburg; Devlin; Dockter; Ertelt; Johnston; Kasper; Kempenich; Kiefert; Koppelman, B.; Laning; Magrum; Nelson, M.; Olson; Rohr; Ruby, D.; Schatz; Schmidt; Seibel; Simons; Toman; Trottier; Weisz; Speaker Bellew

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Boschee; Carlson; Damschen; Delmore; Delzer; Dobervich; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Klemin; Koppelman, K.; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Roers Jones; Ruby, M.; Sanford; Satrom; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Streyle; Sukut; Vetter; Vigasaa; Westlind; Zubke

**ABSENT AND NOT VOTING:** Kreidt; McWilliams; Pyle

HB 1265 failed.

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### SECOND READING OF HOUSE BILL

**HB 1264:** A BILL for an Act to amend and reenact sections 15-10-17 and 15-10-28, subsection 1 of section 54-44.4-11, section 54-52.6-02, and subsection 6 of section 54-65-02 of the North Dakota Century Code, relating to nonresident tuition rates; 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 38 YEAS, 53 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Becker, Rick C.; Boehning; Bosch; Brandenburg; Delzer; Devlin; Dockter; Ertelt; Headland; Johnson, C.; Johnston; Jones; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Laning; Lefor; Louser; Magrum; Meier; Nelson, M.; Olson; Porter; Rohr; Ruby, D.; Ruby, M.; Schatz; Schmidt; Seibel; Simons; Steiner; Streyle; Toman; Trottier; Vigasaa; Speaker Bellew

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boschee; Brabandt; Carlson; Damschen; Delmore; Dobervich; Grueneich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, D.; Johnson, M.; Kading; Keiser; Klemin; Koppelman, K.; Longmuir; Maragos; Marschall; Martinson; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Owens; Paur; Pollert; Roers Jones; Sanford; Satrom; Schneider; Schobinger;



Schreiber-Beck; Skroch; Sukut; Vetter; Weisz; Westlind; Zubke

**ABSENT AND NOT VOTING:** Kreidt; McWilliams; Pyle

HB 1264 failed.

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**MOTION**

**REP. VIGESAA MOVED** that HB 1416, which is on the Eleventh order, be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1416 was rereferred.

**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, February 9, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1038: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1038 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "appropriations to the North Dakota state university extension"

Page 1, line 2, replace "service and" with "an appropriation"

Page 1, remove lines 5 through 12

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 5

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1040: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1040 was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "to provide for a report;"

Page 1, remove lines 19 through 23

Page 2, remove lines 1 and 2

Page 2, line 3, replace "**CHILDRENS**" with "**PILOT PROJECT - CHILDREN'S**"

Page 2, line 4, after "**SERVICES**" insert "**- REPORT TO LEGISLATIVE MANAGEMENT**"

Page 2, line 6, replace "\$1,956,000" with "\$200,000"

Page 2, line 7, replace "providing grants to organizations that provide" with "establishing a children's"

Page 2, line 8, replace "for children" with "pilot project in the school system of the department's choice"

Page 2, line 10, remove "Services must be made available in both rural and urban"

Page 2, replace line 11 with "Before September 1, 2018, the department of human services shall report to the legislative management regarding the status of the children's prevention and early intervention behavioral health services pilot project."

Page 2, remove lines 12 through 18

Page 2, remove lines 27 through 31

Page 3, remove lines 1 through 6

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1226: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 1 NAYS, 4 ABSENT AND NOT VOTING). HB 1226 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a study of establishment of a medicaid fraud control unit and a report to the legislative management."

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. MEDICAID FRAUD CONTROL UNIT STUDY - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2017-18 interim, the department of human services, with the cooperation of the governor and the attorney general, shall study the feasibility and desirability of establishing a medicaid fraud control unit. Before August 1, 2018, the department of human services shall report to the legislative management the outcome of this study, together with any legislation required to implement the recommendations."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1227: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (9 YEAS, 1 NAYS, 4 ABSENT AND NOT VOTING). HB 1227 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1236: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1236 was placed on the Sixth order on the calendar.

Page 1, line 11, after "acid" insert "or a fingerprint"

Page 1, line 11, remove "conclusively"

Page 1, line 12, after "testing" insert "or fingerprint authentication"

Page 1, line 20, remove the overstrike over "ten"

Page 1, line 20, remove "nine"

Page 1, line 20, remove the overstrike over "if the"

Page 1, line 21, remove the overstrike over "~~victim failed to report the offense within this limitation period;~~"

Page 1, line 24, after "acid" insert "or a fingerprint"

Page 2, line 1, overstrike "conclusively"

Page 2, line 4, after "testing" insert "or fingerprint authentication"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1259: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1259 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subdivision b of subsection 2 of section 50-24.1-07 and"

Page 1, line 2, after "expansion" insert "; to provide an expiration date; to provide a contingent expiration date; and to declare an emergency"

Page 1, remove lines 4 through 8

Page 1, line 11, remove the overstrike over "~~(Effective January 1, 2014, through July 31,~~"

Page 1, line 11, after "~~2017~~" insert "2019"

Page 1, line 11, remove the overstrike over the second boldfaced parenthesis

Page 2, after line 21, insert:

- "4. Effective July 1, 2017, the department shall align the provider reimbursement rates for the medical assistance expansion program to the workforce safety and insurance reimbursement rates.
5. Effective January 1, 2018, medical assistance expansion program applicants and recipients who are at least nineteen but less than twenty-one years of age must receive coverage through traditional medical assistance.
6. The department shall seek approval of a medicaid waiver to limit coverage under this section to only the medical assistance expansion population with incomes at or below one hundred percent of the federal poverty level, based on modified adjusted gross income.

**SECTION 2. EXPIRATION DATE. EXPIRATION DATE - CONTINGENT EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2019, or until the executive director of the department of human services certifies to the secretary of state and the legislative council the federal government ended the medical assistance expansion program, whichever occurs first, and after that date is ineffective.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1270: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1270 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "Fifty" with "Twenty-eight"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1275: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1275 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "school-sanctioned" with "school athletic"

Page 1, line 13, replace "a school-sanctioned" with "an"

Page 1, line 16, replace "a school-sanctioned activity athletic" with "an athletic activity"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1276: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1276 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1326: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1326 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1334: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1334 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "Sexual" with "High-risk sexual"

Page 1, line 8, replace "A sexual offender, as defined in section 12.1-32-15" with "An individual assessed as a high-risk sexual offender in accordance with subsection 12 of section 12.1-32-15"

Page 1, line 8, remove "or loiter"

Page 1, line 9, remove "childcare facility or provider, or a"

Page 1, line 10, remove "if the sexual offender:"

Page 1, remove lines 11 through 16

Page 1, line 17, remove "subsection 12 of 12.1-32-15"

Page 1, line 18, remove the underscored colon

Page 1, line 19, replace "a.     \"Reside\"" with "reside"

Page 1, remove lines 21 and 22

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1366: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1366 was placed on the Sixth order on the calendar.

Page 2, line 10, remove the overstrike over "~~three hundred seventy-five~~"

Page 2, line 10, remove "six"

Page 2, line 11, remove "hundred"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1371: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1371 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1375: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO NOT PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1375 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1424: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1424 was placed on the Sixth order on the calendar.

Page 1, line 1, after "57-02-08" insert "and section 57-02-14.1"

Page 1, line 7, overstrike "buildings" and insert immediately thereafter "real property"

Page 2, line 2, after "taxation" insert ". Earnings derived from the provision of goods or services on property owned by a religious corporation or organization may not be viewed as profits for purposes of this subsection"

Page 2, after line 6, insert:

**"SECTION 2. AMENDMENT.** Section 57-02-14.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-02-14.1. Tax exemption certificate for real property to be filed - Exceptions.**

Any person, corporations, limited liability companies, associations, or organizations owning real property located within a municipality which claims that such real property is exempt from assessment and taxation shall file with the assessor and with the county auditor a certificate setting out all facts on which the claim for exemption is based, including the names of owners, the date such property was acquired, the legal description, the use to which the property was put during the twelve months preceding the assessment date, and any other information which the assessor may request. This certificate shall be filed with the assessor and the county auditor each year before the assessment date. If the certificate is not filed as provided herein, the assessor shall regard the property as nonexempt property and shall assess it as such. The provisions of this section shall not apply in any case when the real property is owned by a religious corporation or organization and not leased or otherwise used with a view to profit, the United States, or the state of North Dakota or any of its departments, institutions, agencies, or political subdivisions."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1434: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1434 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and a new section to"

Page 1, line 2, remove "chapter 54-52.1"

Page 1, line 3, remove "to provide a statement of legislative intent;"

Page 2, line 20, replace "twenty-six" with "nineteen"

Page 3, line 5, remove "Coverage for applied behavior analysis under this section is subject to a maximum"

Page 3, replace lines 6 through 15 with:

"Coverage for applied behavioral analysis must provide an annual maximum benefit that may not be less than:

- a. Thirty-six thousand dollars for individuals under the age of seven;
- b. Twenty-five thousand dollars for individuals between the ages of seven and not yet fourteen; and
- c. Twelve thousand five hundred dollars for individuals between the ages of fourteen and not yet nineteen."

Page 4, remove lines 13 through 20

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**