

JOURNAL OF THE HOUSE

Sixty-fifth Legislative Assembly

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Bismarck, March 23, 2017

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

The prayer was offered by Pastor Kurt Chaffee, New Song Church, Bismarck.

The roll was called and all members were present except Representatives Kasper, Kempenich, and McWilliams.

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 Fifty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1060, line 19, replace "HB 1121" with "HB 1211"

Page 1068, after line 34, insert:

"MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HB 1153, HB 1237, HB 1253, HB 1292, HB 1305."

REP. KLEMM MOVED that the report be adopted, which motion prevailed on a voice vote.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 22, 2017, I have signed the following: HB 1036, HB 1171, HB 1192, HB 1217, HB 1219, HB 1234, HB 1250, HB 1280, HB 1286, HB 1289, HB 1292, HB 1306, HB 1316, HB 1325, HB 1362, HB 1373, HB 1380, HB 1385, and HB 1409.

SIXTH ORDER OF BUSINESS

SPEAKER BELLEW DEEMED approval of the amendments to Engrossed SB 2033, SB 2034, Engrossed SB 2038, Engrossed SB 2039, SB 2041, Engrossed SB 2088, Engrossed SB 2151, SB 2195, Engrossed SB 2202, SB 2210, SB 2248, Engrossed SB 2311, and Engrossed SB 2342.

Engrossed SB 2033, SB 2034, Engrossed SB 2038, Engrossed SB 2039, SB 2041, Engrossed SB 2088, Engrossed SB 2151, SB 2195, Engrossed SB 2202, SB 2210, SB 2248, Engrossed SB 2311, and Engrossed SB 2342, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that Engrossed SB 2316, as amended, which is on the Fourteenth order, be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2316, as amended, was rereferred.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3033: A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to authorization for not more than six state-regulated, privately owned casinos in the state; and to amend and reenact section 25 of article XI of the Constitution of North Dakota, relating to exceptions to the prohibition on games of chance.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were

28 YEAS, 63 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Blum; Boehning; Carlson; Delzer; Dockter; Grueneich; Headland; Heinert; Howe; Johnston; Kading; Kiefert; Kreidt; Longmuir; Louser; Magrum; Maragos; Meier; Nathe; Oliver; Owens; Porter; Pyle; Schatz; Schreiber-Beck; Steiner; Streyle; Toman

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boe; Bosch; Boschee; Brabandt; Brandenburg; Damschen; Delmore; Devlin; Dobervich; Ertelt; Guggisberg; Hanson; Hatlestad; Hogan; Holman; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Marschall; Martinson; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; O'Brien; Olson; Paur; Pollert; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Seibel; Simons; Skroch; Sukut; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Kempenich; McWilliams

Engrossed HCR 3033 was declared lost on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to create and enact a new section to chapter 37-17.1 and a new section to chapter 39-06.1 of the North Dakota Century Code, relating to the creation of a statewide interoperability radio network fund and surcharges assessed for certain traffic violations; to provide a continuing appropriation; and to provide for a report.

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

YEAS: Anderson, P.; Becker, Rich S.; Blum; Bosch; Boschee; Brandenburg; Delmore; Dobervich; Grueneich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Johnson, M.; Karls; Longmuir; Maragos; Marschall; Martinson; Mitskog; Mock; Nathe; O'Brien; Owens; Porter; Sanford; Satrom; Schneider; Schobinger; Schreiber-Beck; Sukut; Trottier; Zubke

NAYS: Anderson, B.; Anderson, D.; Beadle; Becker, Rick C.; Boe; Boehning; Brabandt; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Headland; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Louser; Magrum; Meier; Monson; Nelson, J.; Nelson, M.; Oliver; Olson; Paur; Pollert; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Schatz; Schmidt; Seibel; Simons; Skroch; Steiner; Streyle; Toman; Vetter; Vigasaa; Weisz; Westlind; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Kempenich; McWilliams

SB 2204, as amended, failed.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to amend and reenact section 12.1-17-02 of the North Dakota Century Code, relating to aggravated assault of a peace officer; 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 63 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Boehning; Bosch; Boschee; Brandenburg; Carlson; Damschen; Delmore; Dobervich; Dockter;

Grueneich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Howe; Johnson, M.; Jones; Karls; Keiser; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Maragos; Martinson; Meier; Mitskog; Mock; Nathe; Nelson, J.; O'Brien; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Steiner; Streyle; Sukut; Trottier; Vigesaa; Westlind; Zubke; Speaker Bellew

NAYS: Becker, Rich S.; Becker, Rick C.; Brabandt; Delzer; Devlin; Ertelt; Headland; Holman; Johnson, C.; Johnston; Kading; Koppelman, B.; Louser; Magrum; Marschall; Monson; Nelson, M.; Oliver; Olson; Rohr; Ruby, D.; Schatz; Simons; Skroch; Toman; Vetter; Weisz

ABSENT AND NOT VOTING: Johnson, D.; Kasper; Kempenich; McWilliams

SB 2300, as amended, passed.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2199, SB 2325, SB 2326.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2183, SB 2262.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2262.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2123.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2280.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1273, HB 1322.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1144, HB 1288, HB 1387, HB 1398, HCR 3011, HCR 3027.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1144

Page 1, line 4, remove "49-21.1-01.1,"

Page 4, remove lines 1 through 9

Page 23, line 13, replace "**Public service commission duties**" with "**Statement of policy**"

Page 23, replace lines 14 through 25 with "The legislative assembly finds the construction of energy conversion facilities and transmission facilities affects the environment and the welfare of the citizens of this state. It is necessary to ensure the location, construction, and operation of energy conversion facilities and transmission facilities will produce minimal adverse effects on the environment and the welfare of the citizens of this state by prohibiting energy conversion facilities and transmission facilities from being located, constructed, or operated within this state without a certificate of site compatibility or a route permit acquired under this chapter. The policy of this state is to site energy conversion facilities and to route transmission facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. Sites and routes must be selected to minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and fulfilling energy needs in an orderly and timely fashion."

ReNUMBER accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1288

Page 1, line 2, remove "; to provide for an effective date; and to"

Page 1, line 3, remove "provide for an expiration date"

Page 3, remove lines 25 and 26

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1387

Page 2, line 11, remove "The provisions of this section do not apply if the defendant is pro se."

Page 2, line 12, remove "Z."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1398

Page 1, line 23, remove "The commission, upon receipt of a resolution of a municipality's governing body"

Page 1, remove line 24

Page 2, replace lines 1 through 14 with "Upon receipt of a resolution from the governing body of a city not served on August 1, 2017, with natural gas distribution service from a public utility requesting an exemption, and stating its reasons for doing so, the commission shall grant the public utility an exemption from sections 49-02-03, 49-02-11, and 49-02-15, and chapters 49-03.1 and 49-04 if the public utility:

- a. Has a franchise to supply customers within the city and the area of the extraterritorial zoning jurisdiction of the city with natural gas distribution service;
 - b. Consents to the exemption; and
 - c. Serves no more than two thousand five hundred customers within the city and the area of the extraterritorial zoning jurisdiction of the city.
3. Upon approval of the exemption, the rates, contracts, or services rendered by the public utility within the exempted area are subject to regulation by the city.
4. Notwithstanding an exemption granted under this section, the public utility remains subject to any rules of the commission governing customer service disconnections, and resale of natural gas service furnished or causing the resale of natural gas service by any customer is prohibited.
5. If a city files with the commission a resolution of its governing body rescinding the request for exemption, if the public utility serves more than two thousand five hundred customers within the city and the area of the city's extraterritorial zoning jurisdiction, or if the public utility requests rescinding the exemption for good cause, the commission may rescind the exemption granted under this section. The commission may require a public utility providing nonexempt natural gas distribution service to provide any exempted natural gas distribution service as a separate business entity.
6. Equipment covered by this section must be installed and maintained in compliance with the instructions provided by the manufacturer of any previously-installed equipment to which it will be added. Appliances

designed to use only a specific fuel may not be converted to use a different fuel if the manufacturer has prohibited the conversions."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3011

Page 1, line 7, replace "\$28" with "\$32"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3027

Page 1, line 14, remove "based on an oil"

Page 1, remove line 15

Page 1, line 16, remove "from a refractured oil well"

Renumber accordingly

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1190.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2098, SB 2115, SB 2117, SB 2125, SB 2176, SB 2249, SB 2269, SB 2288, and SB 2290.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: Your signature is respectfully requested on: HB 1029, HB 1030, HB 1055, HB 1057, HB 1169, HB 1336.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2147.

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

MR. SPEAKER: The President has signed: HB 1029, HB 1030, HB 1055, HB 1057, HB 1336.

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

MR. SPEAKER: The President has signed: HB 1169.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HB 1029, HB 1030, HB 1055, HB 1057, HB 1336.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HB 1169.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2147.

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

MR. SPEAKER: The President has signed: SB 2147, SMR 8001.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on March 23, 2017: HB 1169.

MOTION

REP. VIGESAA MOVED that the absent members be excused, which motion prevailed on a voice vote.

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 12:30 p.m., Friday, March 24, 2017, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2090: 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). SB 2090 was placed on the Sixth order on the calendar.

Page 3, line 28, remove "of"

Page 3, line 28, remove "an additional"

Page 3, line 29, replace "nonrefundable fee of two hundred dollars" with "two times the nonrefundable fees set forth in subsection 7"

Page 5, line 16, after "in" insert "infant and"

Page 5, line 16, after "resuscitation" insert "and the use of an automated external defibrillator"

Page 5, line 18, after "resuscitation" insert "and automated external defibrillator"

Page 5, line 24, after "in" insert "infant and"

Page 5, line 24, after "resuscitation" insert "and the use of an automated external defibrillator"

Page 5, line 26, after "resuscitation" insert "and automated external defibrillator"

Page 8, line 28, remove "an additional"

Page 8, line 29, replace "nonrefundable fee of two hundred dollars" with "two times the regular nonrefundable fees"

Page 10, line 1, after "in" insert "infant and"

Page 10, line 1, after "resuscitation" insert "and the use of an automated external defibrillator"

Page 10, line 3, after "resuscitation" insert "and automated external defibrillator"

Page 10, line 4, after "in" insert "infant and"

Page 10, line 5, after "resuscitation" insert "and the use of an automated external defibrillator"

Page 10, line 6, after "resuscitation" insert "and automated external defibrillator"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2201, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2201 was placed on the Sixth order on the calendar.

Page 1, line 8, after "a." insert "\"Protected activity\" means an expression of free speech or freedom of the press.

b."

Page 1, line 15, overstrike "b." and insert immediately thereafter "c."

Page 1, line 19, overstrike "c." and insert immediately thereafter "d."

Page 2, line 11, overstrike "or" and insert immediately thereafter an underscored comma

Page 2, line 11, after "slandorous" insert ", or obscene"

Page 2, line 19, after "A" insert "school."

Page 2, line 22, remove "by the"

Page 2, line 23, remove "individual"

Page 2, line 28, after "a." insert "Protected activity means an expression of free speech or freedom of the press."

b."

Page 3, line 3, overstrike "b." and insert immediately thereafter "c."

Page 3, line 6, overstrike "c." and insert immediately thereafter "d."

Page 3, line 21, overstrike "or" and insert immediately thereafter an underscored comma

Page 3, line 21, after "slandorous" insert ", or obscene"

Page 3, line 29, overstrike "or" and insert immediately thereafter an underscored comma

Page 3, line 29, after "slandorous" insert ", or obscene"

Page 4, line 10, after "A" insert "school."

Page 4, line 13, remove "by the"

Page 4, line 14, remove "individual"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4003, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (14 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed SCR 4003 was placed on the Sixth order on the calendar.

Page 1, after line 15, insert:

"WHEREAS, North Dakota is in the midst of a Justice Reinvestment Initiative in the adult justice system which began two years ago, has resulted in the passage of landmark legislation, and will continue into the next biennium; and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4004: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR**
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4004 was placed on the Tenth order on the calendar.

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

Buell J. Reich, Chief Clerk

