

JOURNAL OF THE HOUSE

Sixty-fifth Legislative Assembly

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Bismarck, February 3, 2017

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

The prayer was offered by Rev. Daniel Haveman, Open Door Baptist Church, Bismarck.

The roll was called and all members were present except Representatives B. Anderson, Boehning, Dobervich, and Kreidt.

A quorum was declared by the Speaker.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Rep. Frank Klein

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 Tenth and Twenty-first Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 190, between lines 14 and 15, insert:

"REPORT OF STANDING COMMITTEE

HB 1095: 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 1095 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first "section" with "sections"

Page 1, line 1, replace ", subsections 2, 4, and 6 of section" with "and"

Page 1, line 2, replace "and sections" with "subdivision d of subsection 1 of section 30.1 28 09, section"

Page 1, line 2, after the third comma insert "subsection 2 of section"

Page 1, line 2, after the fourth comma insert "subsection 1 of section"

Page 1, line 3, after the first comma insert "sections"

Page 1, line 3, replace the second comma with "and"

Page 1, line 3, after the third comma insert "subsection 2 of section 30.1 29 14,"

Page 1, line 3, after "and" insert "section"

Page 3, line 12, after "17." insert "Expert examiner" means:

a. A licensed physician;

b. A psychiatrist;

c. A licensed psychologist trained in a clinical program;

d. An advanced practice registered nurse who is licensed under chapter 43 12.1 within the role of a certified nurse practitioner or certified clinical nurse specialist, who has completed the requirements for a minimum of a master's degree from an accredited program, and who is functioning within the scope of practice in one of the population foci as approved by the state board of nursing; or

e. A physician assistant who is licensed under chapter 43 17 and authorized by the state board of medical examiners to practice in this state.

18."

Page 3, line 13, overstrike "18." and insert immediately thereafter "19."

Page 3, line 15, overstrike "19." and insert immediately thereafter "20."

Page 3, line 17, overstrike "20." and insert immediately thereafter "21."

Page 3, line 22, overstrike "21." and insert immediately thereafter "22."

Page 3, line 26, overstrike "22." and insert immediately thereafter "23."

Page 3, line 29, overstrike "23." and insert immediately thereafter "24."

Page 3, line 30, overstrike "24." and insert immediately thereafter "25."

Page 4, line 1, overstrike "25." and insert immediately thereafter "26."

Page 4, line 8, overstrike "26." and insert immediately thereafter "27."

Page 4, line 9, overstrike "27." and insert immediately thereafter "28."

Page 4, line 14, overstrike "28." and insert immediately thereafter "29."

Page 4, line 15, overstrike "29." and insert immediately thereafter "30."

Page 4, line 17, overstrike "30." and insert immediately thereafter "31."

Page 4, line 21, overstrike "31." and insert immediately thereafter "32."

Page 4, line 24, overstrike "32." and insert immediately thereafter "33."

Page 4, line 25, overstrike "33." and insert immediately thereafter "34."

Page 4, line 27, overstrike "34." and insert immediately thereafter "35."

Page 4, line 29, overstrike "35." and insert immediately thereafter "36."

Page 5, line 1, overstrike "36." and insert immediately thereafter "37."

Page 5, line 5, overstrike "37." and insert immediately thereafter "38."

Page 5, line 8, overstrike "38." and insert immediately thereafter "39."

Page 5, line 10, overstrike "39." and insert immediately thereafter "40."

Page 5, line 11, overstrike "40." and insert immediately thereafter "41."

Page 5, line 15, overstrike "41." and insert immediately thereafter "42."

Page 5, remove lines 16 through 25

Page 7, line 15, after "60." insert ""Visitor" means means an individual, in guardianship proceedings, who is in nursing or social work and is an officer, employee, or special appointee of the court with no personal interest in the proceedings.

61."

Page 7, line 16, replace "61." with "62."

Page 7, remove lines 20 through 30

Page 8, remove lines 1 through 30

Page 9, remove lines 1 through 29

Page 10, replace lines 1 through 9 with:

"SECTION 2. AMENDMENT. Section 30.1 28 03 of the North Dakota Century Code is amended and reenacted as follows:

30.1 28 03. (5 303) Procedure for court appointment of a guardian of an incapacitated person.

1. Any person interested in the welfare of an allegedly incapacitated person may petition for the appointment of a guardian. No filing fee under this or any other section may be required when a petition for guardianship of an incapacitated person is filed by a member of the individual treatment plan team for the alleged incapacitated person or by any state employee in the performance of official duties.
2. The petition for appointment of a guardian must state:
 - a. The name, address, and corporate or agency status of the petitioner, and its connection with or relationship to the proposed ward;
 - b. The name, age, and address of the proposed ward;
 - c. The name and address of any person or institution having care or custody over the proposed ward;
 - d. The names and addresses of the spouse, parents, and adult children or, if none, any adult siblings and any adult with whom the proposed ward resides in a private residence, or, if none, the nearest adult relative;
 - e. A brief description of and the approximate value of the real and personal property and income of the proposed ward, so far as they are known to the petitioner;
 - f. The extent of guardianship authority sought, including full authority, limited authority, or no authority in each area of residential, educational, medical, legal, vocational, and financial decisionmaking unless the petitioner is undecided on the extent of authority in any area, in which case the petition must state the specific areas in which the authority is sought;
 - g. The occupation and qualifications of the proposed guardian;
 - h. The name and address of the attorney, if known, who most recently represented the proposed ward;
 - i. A statement alleging specific facts establishing the necessity for the appointment of a guardian;
 - j. The name and address of any current conservator appointed for the proposed ward;

- k. The name and address of any person designated as an attorney in fact or agent in a power of attorney or as an agent in a health care directive;
- l. The name and address of any representative payee for the proposed ward;
- m. That less intrusive alternatives to guardianship have been considered; ~~and~~
- n. In the form of an attached recent statement, the physical, mental, and emotional limitations of the proposed ward; ~~from a physician, mental health services provider, or other health care provider~~ an expert examiner, if available; and
- o. Whether the petition seeks to restrict any of the following rights:
 - (1) To vote;
 - (2) To seek to change marital status; or
 - (3) To obtain or retain a motor vehicle operator's license.
- 3. Upon the filing of a petition, the court promptly shall set a date for hearing on the issues of incapacity, appoint an attorney to act as guardian ad litem, appoint ~~a physician or clinical psychologist~~ an expert examiner to examine the proposed ward, and appoint a visitor to interview the proposed guardian and the proposed ward. The proposed guardian shall attend the hearing on the petition unless excused by the court for good cause.
- 4. The duties of the guardian ad litem include:
 - a. Personally interviewing the proposed ward;
 - b. Explaining the guardianship proceeding to the proposed ward in the language, mode of communication, and terms that the proposed ward is most likely to understand, including the nature and possible consequences of the proceeding, the right to which the proposed ward is entitled, and the legal options that are available, including the right to retain an attorney to represent the proposed ward;
 - c. Advocating for the best interests of the proposed ward. The appointed attorney serving as legal guardian ad litem may not represent the proposed ward or ward in a legal capacity; and
 - d. Submitting a written report to the court containing the guardian ad litem's response to the petition; and
 - e. Reviewing the visitor's written report submitted in accordance with subdivision h and i of subsection 6 and discussing the report with the proposed ward.
- 5. The ~~physician or clinical psychologist~~ expert examiner shall examine the proposed ward and submit a written report to the court. The written report must contain:
 - a. A description of the nature and degree of any current incapacity or disability, including the medical or psychological history, if reasonably available;
 - b. A medical prognosis or psychological evaluation specifying the estimated severity and duration of any current incapacity or disability;
 - c. A statement as to how or in what manner any underlying condition of physical or mental health affects the proposed ward's ability to provide for personal needs; and

d. A statement as to whether any current medication affects the demeanor of the proposed ward or the ability of the proposed ward to participate fully in any court proceeding or in any other procedure required by the court or by court rule.

6. The visitor shall have the following duties:

a. To meet, interview, and consult with the proposed ward regarding the guardianship proceeding, including explaining the purpose for the interview in a manner the proposed ward can reasonably be expected to understand.

b. To ascertain the proposed ward's views concerning the proposed guardian, the powers and duties of the proposed guardian, the proposed guardianship, and the scope and duration thereof.

c. To interview the person seeking appointment as guardian.

d. To interview other persons interested in the welfare of the proposed ward.

e. To visit the proposed ward's present place of residence.

f. To discuss an alternative resource plan with the proposed ward, if appropriate.

f.g. To obtain other relevant information as directed by the court.

g.h. To submit a written report to the court.

h.i. The visitor's written report must contain:

(1) A description of the nature and degree of any current impairment of the proposed ward's understanding or capacity to make or communicate decisions;

(2) A statement of the qualifications and appropriateness of the proposed guardian and a recommendation regarding whether the proposed guardian should be appointed;

(3) If the visitor recommends the proposed guardian should not be appointed, a recommendation regarding an alternative person or entity who should be appointed as guardian;

(4) Recommendations, if any, on the powers to be granted to the proposed guardian, including an evaluation of the proposed ward's capacity to perform the functions enumerated under subsections 3 and 4 of section 30.1 28 04; and

~~(4)~~(5) An assessment of the capacity of the proposed ward to perform the activities of daily living.

7. In determining whether appointment of a guardian is appropriate, the court shall consider the reports ordered by the court under this section from a guardian ad litem, visitor, and either a physician or a clinical psychologist an expert examiner. The court, guardian ad litem, petitioner, or proposed ward may subpoena the individual who prepared and submitted the report to appear, testify, and be cross-examined.

8. The proposed ward must be present at the hearing in person, unless good cause is shown for the absence. Good cause does not consist only of the physical difficulty of the proposed ward to attend the hearing. The proposed ward has the right to present evidence, and to cross examine witnesses, including the court appointed physicianexpert examiner and the visitor.

The issue may be determined at a closed hearing if the proposed ward or the proposed ward's counsel so requests.

9. The court shall take all necessary steps to make the courts and court proceedings accessible and understandable to impaired persons. Accordingly, the court may convene temporarily, or for the entire proceeding, at any other location if it is in the best interest of the proposed ward.
10. If the court approves a visitor, lawyer, physicianexpert examiner, guardian, or emergency guardian appointed in a guardianship proceeding, that person may receive reasonable compensation from the ward's estate if the compensation will not unreasonably jeopardize the ward's well being."

Page 10, after line 15, insert:

"SECTION 4. AMENDMENT. Subdivision d of subsection 1 of section 30.1 28 09 of the North Dakota Century Code is amended and reenacted as follows:

- d. The attorney for the proposed ward, the visitor, and the physician or clinical psychologistexpert examiner, together with a copy of the respective order of appointment for each."

Page 11, line 29, remove "a"

Page 11, line 30, replace "physician, mental health services provider, or other health care provider" with "an expert examiner"

Page 14, line 17, overstrike "a physician"

Page 14, line 17, remove "or clinical"

Page 14, line 18, replace "psychologist" with "an expert examiner"

Page 14, line 18, replace "physician or psychologist" with "expert examiner"

Page 14, line 23, replace "A physician or clinical psychologist" with "An expert examiner"

Page 15, line 10, remove the underscored comma

Page 15, line 10, replace "either a physician or clinical psychologist" with "an expert examiner"

Page 15, line 12, replace "individual" with "expert examiner"

Page 17, after line 26, insert:

"SECTION 10. AMENDMENT. Subsection 2 of section 30.1 29 14 of the North Dakota Century Code is amended and reenacted as follows:

2. If not otherwise compensated for services rendered, any visitor, lawyer, physicianexpert examiner, conservator, or special conservator appointed in a protective proceeding is entitled to reasonable compensation from the estate."

Renumber accordingly"

Page 347, remove lines 31 through 45

Page 348, replace lines 1 through 24 with:

"Page 1, line 1, replace "52-06-02" with "52-04-07"

Page 1, line 2, remove "disqualification from unemployment insurance benefits for

individuals"

Page 1, line 3, replace "with court imposed work restrictions" with "relief from charging of benefits paid to accounts of base-period employers that discharge individuals from employment due to undisclosed court-imposed work restrictions"

Page 1, replace lines 5 through 24 with:

"SECTION 1. AMENDMENT. Subsection 2 of section 52-04-07 of the North Dakota Century Code is amended and reenacted as follows:

2. Notwithstanding subsection 1, an employer's account may not be charged for any of the following:
 - a. With benefits paid to an individual for unemployment that is directly caused by a major natural disaster declared by the president pursuant to section 102(2) of the Disaster Relief Act of 1974 [Pub. L. 93 288; 88 Stat. 143; 42 U.S.C. 5122(2)], if the individual would have been eligible for disaster unemployment assistance with respect to that unemployment but for the individual's receipt of unemployment insurance benefits.
 - b. With benefits paid to an individual who:
 - (1) Left the employment of the base period employer voluntarily without good cause or with good cause not involving fault on the part of the base period employer;
 - (2) Was discharged from employment by the base period employer for misconduct; or
 - (3) Was separated from employment with the most recent employer for reasons directly attributable to domestic violence, stalking, or sexual assault.
 - c. As provided under section 52-06-29.
 - d. With benefits paid to an individual who is in training with the approval of job service North Dakota.
 - e. With benefits paid to an individual who is subsequently determined not entitled to receive the benefits.
 - f. With benefits paid to an individual who is currently employed part time with that employer when the hiring agreement between the individual and the employer has not changed since the individual commenced work for that employer. This subdivision does not apply to an employee of a temporary help firm.
 - g. With benefits paid to an individual who was separated from employment with the most recent employer for reasons directly attributable to court-imposed probation or parole restrictions that limit the ability of the individual to perform services and that were undisclosed by the individual upon request by the employer at the time of hire."

Renumber accordingly"

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

SIXTH ORDER OF BUSINESS

SPEAKER BELLEW DEEMED approval of the amendments to HB 1045, HB 1193, HB 1274, HB 1293, HB 1304, HB 1324, HB 1333, HB 1358, HB 1365, and HB 1378.

HB 1324, as amended, was rereferred to the **Appropriations Committee**.

HB 1045, HB 1193, HB 1274, HB 1293, HB 1304, HB 1333, HB 1358, HB 1365, and HB 1378, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that Engrossed HB 1085, which is on the Eleventh order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1085 was rereferred.

MOTION

REP. VIGESAA MOVED that HB 1311, which is on the Eleventh order, be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1311 was rereferred.

MOTION

REP. VIGESAA MOVED that HB 1345 and HB 1341 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1130: A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a provider assessment for nursing facilities; and to provide a penalty.

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 1 YEAS, 89 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Nelson, J.

NAYS: Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; 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; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; 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

ABSENT AND NOT VOTING: Anderson, B.; Boehning; Dobervich; Kreidt

HB 1130 failed.

SECOND READING OF HOUSE BILL

HB 1312: A BILL for an Act to amend and reenact sections 12.1-31-03, 12.1-31-03.1, and 51-32-01 of the North Dakota Century Code, relating to the prohibition of an individual under nineteen years of age from purchasing and using tobacco products; and to provide a penalty.

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 22 YEAS, 68 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, P.; Becker, Rich S.; Boe; Boschee; Delmore; Guggisberg; Hanson; Hogan; Holman; Johnson, M.; Keiser; Koppelman, K.; Laning; Mitskog; Nelson, J.; Nelson, M.; O'Brien; Satrom; Schneider; Seibel; Trottier; Westlind

NAYS: Anderson, D.; Beadle; Becker, Rick C.; Blum; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman, B.; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Schatz; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Vetter; Vigesaa; Weisz; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Anderson, B.; Boehning; Dobervich; Kreidt

HB 1312 failed.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to amend and reenact section 14-05-24 of the North Dakota Century Code, relating to the valuation date of property in a divorce.

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 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Anderson, P.; Johnson, M.; Keiser; Magrum

ABSENT AND NOT VOTING: Anderson, B.; Boehning; Dobervich; Kreidt

Engrossed HB 1325 passed.

SECOND READING OF HOUSE BILL

HB 1042: A BILL for an Act to amend and reenact sections 12-44.1-32, 12-54.1-01, 12-59-08, 12.1-17-13, and 12.1-23-05, subsection 2 of section 12.1-32-02, section 19-03.1-22.3, subsection 1 of section 19-03.1-22.5, subsection 5 and 7 of section 19-03.1-23, subdivision a of subsection 1 of section 19-03.1-23.1, section 19-03.4-03, subdivision f of subsection 5 of section 39-08-01, section 43-45-06, subsection 17 of section 50-06-05.1, and section 50-09-29 of the North Dakota Century Code, relating to sentence reduction credit, medical paroles, domestic violence offender treatment, grading of theft offenses, credit for time spent in custody, terms and conditions of probation, controlled substances and controlled substance paraphernalia, addiction counseling services, and the supplemental nutrition assistance program; to provide for the creation of a pretrial services

program pilot project within the department of corrections and rehabilitation; to provide for a report to the legislative assembly; and to provide a penalty.

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 1 YEAS, 89 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boschee

NAYS: Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Bosch; 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; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Anderson, B.; Boehning; Dobervich; Kreidt

HB 1042 failed.

SECOND READING OF HOUSE BILL

HB 1213: A BILL for an Act to create and enact chapter 14-21 of the North Dakota Century Code, relating to the uniform disposition of community property rights at death act.

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 29 YEAS, 61 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Becker, Rich S.; Delmore; Devlin; Guggisberg; Hanson; Hatlestad; Heinert; Holman; Johnson, D.; Jones; Kading; Karls; Keiser; Klemin; Laning; Longmuir; Maragos; Meier; Nelson, M.; Owens; Paur; Pollert; Sanford; Schneider; Sukut; Trottier; Weisz; Zubke

NAYS: Anderson, P.; Beadle; Becker, Rick C.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Ertelt; Grueneich; Headland; Hogan; Howe; Johnson, C.; Johnson, M.; Johnston; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Lefor; Louser; Magrum; Marschall; Martinson; McWilliams; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Toman; Vetter; Vigesaa; Westlind; Speaker Bellew

ABSENT AND NOT VOTING: Anderson, B.; Boehning; Dobervich; Kreidt

HB 1213 failed.

SECOND READING OF HOUSE BILL

HB 1319: A BILL for an Act to amend and reenact subsections 7 and 8 of section 14-15-16, section 23-02.1-18, and subdivision d of subsection 1 of section 23-02.1-29 of the North Dakota Century Code, relating to disclosure of original birth records to adopted individuals.

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 10 YEAS, 80 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boschee; Brandenburg; Grueneich; Kasper; Kempenich; Magrum; Owens; Satrom; Simons; Zubke

NAYS: Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Bosch; Brabandt; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Ertelt; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Speaker Bellew

ABSENT AND NOT VOTING: Anderson, B.; Boehning; Dobervich; Kreidt

HB 1319 failed.

SECOND READING OF HOUSE BILL

HB 1415: A BILL for an Act to amend and reenact subsection 12 of section 53-06.1-01, subsection 4 of section 53-06.1-01.1, subsections 2 and 3 of section 53-06.1-03, subsections 1 and 3 of section 53-06.1-06, subsection 1 of section 53-06.1-10.2, subsection 1 of section 53-06.1-11, subsection 3 of section 53-06.1-14, and subsection 8 of section 53-06.1-15.1 of the North Dakota Century Code, relating to games of chance.

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, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Holman; McWilliams; Nelson, M.; Ruby, D.; Speaker Bellew

ABSENT AND NOT VOTING: Anderson, B.; Boehning; Dobervich; Kempenich; Kreidt

HB 1415 passed.

SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to amend and reenact subsection 4 of section 27-23-01 of the North Dakota Century Code, relating to the composition of judicial conduct committee hearing panels.

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 5 YEAS, 84 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Koppelman, K.; Monson; Paur

NAYS: Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boe; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Guggisberg; Hanson; Hatlestad; Headland; Hogan; Holman; Johnson, D.; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Laning; Lefor; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; Olson; Owens; Pollert; Porter; Rohr; Ruby, D.; Sanford; Schatz; Schmidt; Schreiber-Beck; Seibel; Steiner; Streyle; Sukut; Toman; Trottier; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Anderson, B.; Boehning; Dobervich; Kempenich; Kreidt

Engrossed HB 1313 failed.

SECOND READING OF HOUSE BILL

HB 1387: A BILL for an Act to create and enact section 31-04-04.2 of the North Dakota Century Code, relating to use of audiovisual equipment for the testimony of a minor or disabled adult witness.

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 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; 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; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Anderson, B.; Becker, Rick C.; Boehning; Dobervich; Kempenich; Kreidt

Engrossed HB 1387 passed.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1108.

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, February 6, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1103: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (18 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1107: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT**

PASS (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1107 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1128: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (10 YEAS, 1 NAYS, 3 ABSENT AND NOT VOTING). HB 1128 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1160: 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 1160 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subdivision d of"

Page 1, line 1, replace "1" with "2"

Page 1, line 2, after "permit" insert " fee"

Page 1, replace lines 5 through 9 with:

"SECTION 1. AMENDMENT. Subdivision d of subsection 2 of section 61-28-04.1 of the North Dakota Century Code is amended and reenacted as follows:

- d. To establish reasonable fees for permitting septic system servicers, however the department may not establish or charge a permit or renewal fee for a plumber licensed under chapter 43-18 who operates no more than one servicing unit;"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1161: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING). HB 1161 was placed on the Sixth order on the calendar.

Page 3, line 19, after "**expenditures**" insert "**- Report**"

Page 4, after line 24, insert:

- "3. If a general fund budget reduction is made under this section, each state agency and institution that received state special fund appropriation authority for the same time period shall prepare a report detailing how the agency or institution would reduce its state special fund appropriation authority by the same percentage as the general fund budget reduction. Each state agency and institution shall submit its report to the office of management and budget and legislative council within sixty days of the date of the general fund budget reduction."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1188: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1188 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1203: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1203 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "negligently" with ". while exercising reasonable care."

Page 1, line 9, after "individual" insert "who is intentionally"

Page 2, line 2, after "individual" insert "who is intentionally"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1288: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1288 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1301: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1301 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1316: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1316 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1317: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1317 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1323: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAYS, 3 ABSENT AND NOT VOTING). HB 1323 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "nine" with "eight"

Page 1, line 9, replace "nine" with "eight"

Page 1, line 18, replace "nine" with "eight"

Page 2, line 15, after "physician" insert "or advanced practice registered nurse"

Page 2, line 17, after "physician" insert "or advanced practice registered nurse"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1327: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1327 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1342: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1342 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1346: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1346 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1348: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1348 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1350: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1353: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1353 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 legislative management study of the creation of a college tuition waiver or reimbursement program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SENIOR TUITION WAIVER OR REIMBURSEMENT PROGRAM. During the 2017-18 interim, the legislative management shall consider studying the feasibility and desirability of the development of a state tuition waiver or reimbursement program for college seniors at institutions of higher education under the control of the state board of higher education. The study must consider designing a program to waive or reimburse tuition expenses at these institutions for students who are North Dakota residents who graduated from a high school in this state or completed a program of home education supervised in accordance with chapter 15.1-23. The study may include the objectives of a senior tuition waiver or reimbursement program, the definition of residency for purposes of the program, the duration of a tuition waiver once a student is designated a senior by the institution, the necessary funding mechanisms for the program, the maximum total waiver or reimbursement amounts available to individual students, grade point average requirements, post-graduation requirements, merit-based requirements, and the effectiveness of tuition waivers versus post-graduation reimbursement. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1354: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1354 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "require confidentiality waivers"

Page 1, line 3, replace "from" with "make disclosures regarding"

Page 1, replace lines 7 through 10 with "Upon receipt of a written request from the chairman of the legislative management or the chairman of a standing committee of the legislative assembly, the tax commissioner shall disclose the amount of any tax incentive identified in section 54-35-26 which was claimed or earned by a taxpayer. This subsection does not authorize disclosure of the taxpayer's name or any other information prohibited from disclosure under title 57. The tax commissioner shall provide notice to taxpayers of possible disclosure under this subsection, in a manner as prescribed by the tax commissioner."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1368: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1368 was placed on the Sixth order on the calendar.

Page 1, line 3, after "proceedings" insert "; and to provide an expiration date"

Page 2, after line 11, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2019, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1377: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1377 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1408: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1408 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1413: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1413 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1432: Education Committee (Rep. Owens, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1432 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk