

JOURNAL OF THE HOUSE**Sixty-fifth Legislative Assembly**

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Bismarck, January 27, 2017

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

The prayer was offered by Pastor Marc Eidahl, New Life Church, Bismarck.

The roll was called and all members were present except Representatives Delmore, Devlin, J. Nelson, and Rohr.

A quorum was declared by the Speaker.

POINT OF PERSONAL PRIVILEGE

REP. MONSON rose on a point of personal privilege.

REMARKS OF REPRESENTATIVE MONSON

MR. SPEAKER: Rep. Damschen and I have the distinct honor and privilege to have with us today a very special guest, Dawson Scheffer, a senior in Langdon Area High School and one of our constituents. More importantly, Dawson is the present governor of ND Boys State. He is here on a mission. His mission is to rejuvenate the American Legion Boys State program in ND. 2017 marks the 75th anniversary of the program in ND, and it is in trouble. The number of participants has been declining dramatically in recent years. This past summer there were less than 100 participants at Boys State. When I attended in the 1960's there were well over 600 participants. You may notice two brochures on your desk today with information about the Boys and Girls State programs. Dawson would like to draw your attention to one bit of information in the brochures that is particularly relevant to all of us in this chamber. We, as legislators, can nominate young men and women to attend these great leadership and public service programs. He is asking us to consider doing that to help him start to grow the number of participants again so this valuable program doesn't go away. I would guess a number of us may have attended one of these two great civic programs ourselves. I know of several of us who are past participants, and I know at least one of our colleagues who is a former Governor of Boys State. While we have Governor Scheffer with us in our chamber today, the Senate has the Girls State governor in their chamber. She is Samantha Nordmark of Rolla in District 9. Dawson will be around after the session to meet any of you who may want more information or learn how you can help do your part to rejuvenate this valuable program in ND.

REQUEST

REP. VIGESAA REQUESTED that the remarks of Rep. Monson be printed in the Journal, which request was granted.

MOTION

REP. VIGESAA MOVED that HB 1353, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

SPEAKER BELLEW DEEMED approval of the amendments to HB 1162, HB 1178, HB 1214, HB 1223, HB 1235, HB 1283, HB 1394, and HB 1420.

HB 1162, HB 1178, HB 1214, HB 1223, HB 1235, HB 1283, HB 1394, and HB 1420, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILLS ON CONSENT CALENDAR

HB 1061: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

- HB 1062:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; and to amend and reenact sections 54-09-05 and 54-09-08 of the North Dakota Century Code, relating to the general services operating fund and the salary of the secretary of state.
- HB 1063:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide exemptions; to amend and reenact section 54-12-11 of the North Dakota Century Code, relating to the salary of the attorney general; and to declare an emergency.
- HB 1064:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.
- HB 1065:** A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact sections 54-11-13 and 57-62-02 of the North Dakota Century Code, relating to the salary of the state treasurer and coal severance tax.
- HB 1066:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans' credit; to provide a continuing appropriation; to provide for a transfer; to create a new section to chapter 57-01 of the North Dakota Century Code, relating to a multistate tax audit; to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the tax commissioner's salary; and to declare an emergency.
- HB 1067:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of labor and human rights.
- HB 1068:** A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to amend and reenact sections 49-01-05 and 57-43.2-19 of the North Dakota Century Code, relating to the salary of public service commissioners and the special fuels excise taxes distribution of funds; and to authorize a transfer.
- HB 1069:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the agriculture commissioner; and to provide for transfers.
- HB 1070:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to provide an appropriation for the distribution of funds from the insurance tax distribution fund; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the commissioner's salary.
- HB 1071:** A BILL for an Act to provide an appropriation for defraying the expenses of the securities department; and to amend and reenact subsection 5 of section 10-04-03 of the North Dakota Century Code, relating to collection of fees, civil penalties, and other moneys collected under the Securities Act.
- HB 1072:** A BILL for an Act providing an appropriation for defraying the expenses of the department of human services; to amend and reenact sections 50-24.1-37 and 50-30-02 of the North Dakota Century Code, relating to the expiration date on medicaid expansion, medicaid expansion contracting language, and the health care trust fund; to provide for exemptions; to provide statements of legislative intent; to provide an appropriation; to provide an effective date; and to declare an emergency.
- HB 1073:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the state library, the school for the deaf, and the North Dakota vision services - school for the blind; to create and enact a new section to chapter 25-06 and a new section to chapter 25-07 of the North Dakota Century Code, relating to the school for the blind fund and the school for the deaf fund; to amend and reenact section 15.1-02-02 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction; and to provide for a

transfer.

HB 1074: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

HB 1075: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide for various transfers; to amend and reenact subdivision b of subsection 1 of section 54-27-25, subsection 1 of section 57-51-15, and section 57-51.1-07.5 of the North Dakota Century Code, relating to oil and gas allocations; to provide an exemption; to provide a statement of legislative intent; and to declare an emergency.

HB 1076: A BILL for an Act to provide an appropriation for defraying the expenses of the office of adjutant general; and to provide exemptions.

HB 1077: A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department.

HB 1078: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

HB 1079: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and for providing a grant to the International Peace Garden; to amend and reenact section 55-08-07.1 of the North Dakota Century Code, relating to parks and recreation concession revolving fund; and to provide exemptions.

HB 1080: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to amend and reenact section 61-02-78 of the North Dakota Century Code, relating to revenues of the infrastructure revolving loan fund; and to provide an exemption.

HB 1081: A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance.

HB 1082: A BILL for an Act to provide an appropriation for defraying the expenses of the retirement and investment office; and to provide for a transfer.

HB 1083: A BILL for an Act to provide an appropriation for defraying the expenses of the public employees retirement system; and to provide for a transfer.

ROLL CALL

The question being on the final passage of the bills, which have been read, the roll was called and there were 0 YEAS, 88 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dobervich; 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.; Kreidt; 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; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Devlin; Kempenich; Nelson, J.; Rohr; Trottier

HB 1061, HB 1062, HB 1063, HB 1064, HB 1065, HB 1066, HB 1067, HB 1068, HB 1069, HB 1070, HB 1071, HB 1072, HB 1073, HB 1074, HB 1075, HB 1076, HB 1077, HB 1078, HB 1079, HB 1080, HB 1081, HB 1082, and HB 1083 lost.

SECOND READING OF HOUSE BILL

HB 1173: A BILL for an Act to amend and reenact section 54-35-02.2 of the North Dakota Century Code, relating to the powers and duties of the legislative audit and fiscal review committee.

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, 14 NAYS, 0 EXCUSED, 5 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; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; O'Brien; Oliver; Olson; Owens; Paur; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigasaa; Westlind; Zubke; Speaker Bellew

NAYS: Anderson, P.; Boschee; Dobervich; Guggisberg; Hanson; Hogan; Holman; Johnson, M.; Mitskog; Mock; Nelson, M.; Pollert; Schneider; Weisz

ABSENT AND NOT VOTING: Delmore; Devlin; Kempenich; Nelson, J.; Rohr

Engrossed HB 1173 passed.

SECOND READING OF HOUSE BILL

HB 1054: A BILL for an Act to amend and reenact section 54-44.1-11 of the North Dakota Century Code, relating to the cancellation of unexpended appropriations; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Delzer; Dobervich; 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.; Kreidt; 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; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Devlin; Kempenich; Nelson, J.; Rohr

Engrossed HB 1054 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1120: A BILL for an Act to amend and reenact subsection 3 of section 50-24.6-04 of the North Dakota Century Code, relating to the prior authorization 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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Delzer; Dobervich; 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.; Kreidt; 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; 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: Delmore; Devlin; Kempenich; Nelson, J.; Rohr

Engrossed HB 1120 passed.

SECOND READING OF HOUSE BILL

HB 1268: A BILL for an Act to create and enact a new subsection to section 20.1-02-04 of the North Dakota Century Code, relating to lifetime fishing licenses.

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

YEAS: Anderson, P.; Beadle; Becker, Rick C.; Blum; Boe; Boschee; Dobervich; Ertelt; Guggisberg; Hanson; Hogan; Holman; Johnston; Koppelman, B.; McWilliams; Mitskog; Mock; Nelson, M.; Olson; Ruby, D.; Schneider; Simons

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

ABSENT AND NOT VOTING: Delmore; Devlin; Kempenich; Nelson, J.; Rohr

HB 1268 failed.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act amend and reenact subsection 1 of section 28-32-18 and section 54-17-05 of the North Dakota Century Code, relating to administrative rules that would impose a fiscal impact on the oil and gas industry.

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 32 YEAS, 56 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Beadle; Becker, Rick C.; Blum; Boehning; Brabandt; Brandenburg; Delzer; Dockter; Ertelt; Hanson; Headland; Hogan; Kading; Kasper; Koppelman, B.; Kreidt; Louser; Magrum; Maragos; McWilliams; Mock; Nathe; Olson; Paur; Ruby, D.; Schatz; Schmidt; Simons; Streyle; Toman; Vetter; Speaker Bellew

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Becker, Rich S.; Boe; Bosch; Boschee; Carlson; Damschen; Dobervich; Grueneich; Guggisberg; Hatlestad; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Karls; Keiser; Kiefert; Klemin; Koppelman, K.; Laning; Lefor; Longmuir; Marschall; Martinson; Meier; Mitskog; Monson; Nelson, M.; O'Brien; Oliver; Owens; Porter; Pyle; Roers Jones; Ruby, M.; Sanford; Satrom; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Sukut; Trottier; Vigasaa; Weisz; Westlind; Zubke

ABSENT AND NOT VOTING: Delmore; Devlin; Kempenich; Nelson, J.; Pollert; Rohr

HB 1243 failed.

SECOND READING OF HOUSE BILL

HB 1207: A BILL for an Act to create and enact section 20.1-11-14 of the North Dakota Century Code, relating to the disposition of property abandoned on certain public lands; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 4 NAYS, 0 EXCUSED, 6 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; Delzer; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; O'Brien; Oliver; Olson; Owens; Paur; Porter; Pyle; Roers Jones; 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

NAYS: Ertelt; Johnson, M.; Johnston; Nelson, M.

ABSENT AND NOT VOTING: Delmore; Devlin; Kempenich; Nelson, J.; Pollert; Rohr

HB 1207 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1215: A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01 of the North Dakota Century Code, relating to the definition of basic care facility.

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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dobervich; 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.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Porter; Pyle; Roers Jones; 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: Becker, Rich S.; Delmore; Devlin; Kempenich; Nelson, J.; Pollert; Rohr

HB 1215 passed.

SECOND READING OF HOUSE BILL

HB 1296: A BILL for an Act to amend and reenact section 52-04-01.1 of the North Dakota Century Code, relating to electronic filing of employer unemployment contribution and wage reports; 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 PASS, the roll was called and there were 79 YEAS, 9 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Brandenburg; Carlson; Damschen; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; O'Brien; Oliver; Olson; Owens; Paur; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Streyle; Sukut; Toman; Trotter; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Boe; Brabandt; Delzer; Ertelt; Johnston; Koppelman, K.; Nelson, M.; Skroch; Steiner

ABSENT AND NOT VOTING: Delmore; Devlin; Kempenich; Nelson, J.; Pollert; Rohr

HB 1296 passed.

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the physical therapy licensure compact.

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 87 YEAS, 0 NAYS, 0 EXCUSED, 7 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; Delzer; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Devlin; Kempenich; Kiefert; Nelson, J.; Pollert; Rohr

HB 1157 passed.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to create and enact a new section to chapter 39-07 of the North Dakota Century Code, relating to requiring reasonable suspicion for certain traffic stops.

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 41 YEAS, 46 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Brabandt; Brandenburg; Delzer; Ertelt; Grueneich; Holman; Johnson, C.; Johnston; Jones; Kading; Kasper; Koppelman, B.; Koppelman, K.; Laning; Louser; Magrum; Marschall; McWilliams; Nelson, M.; O'Brien; Oliver; Olson; Paur; Roers Jones; Ruby, D.; Ruby, M.; Satrom; Schatz; Schobinger; Simons; Skroch; Steiner; Toman; Trottier; Vetter; Speaker Bellew

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Bosch; Boschee; Carlson; Dobervich; Dockter; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Howe; Johnson, D.; Johnson, M.; Karls; Keiser; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Owens; Porter; Pyle; Sanford; Schmidt; Schneider; Schreiber-Beck; Seibel; Streyle; Sukut; Vigasaa; Weisz; Westlind; Zubke

ABSENT AND NOT VOTING: Damschen; Delmore; Devlin; Kempenich; Nelson, J.; Pollert; Rohr

Engrossed HB 1180 failed.

Rep. Damschen stated that he missed the vote on HB 1180, but intended to vote "NAY."

MOTION

REP. VIGESAA MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, January 30, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1172: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1172 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1175: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1175 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1186: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1186 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to amend and reenact section"

Page 1, remove line 3

Page 1, line 4, remove "lessor"

Page 1, remove lines 20 and 21

Page 2, line 8, after the underscored semicolon insert "and"

Page 2, line 10, remove "; and"

Page 2, line 11, remove "e." and remove "A radon warning statement as provided in this chapter"

Page 2, line 26, replace "a common" with "an"

Page 2, line 26, after "interest" insert "in common"

Page 2, remove lines 28 through 30

Page 3, remove lines 1 through 30

Page 4, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1208: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1208 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1220: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1220 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1229: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1229 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1247: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1247 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to duplicate motor vehicle insurance coverage; and"

Page 1, line 1, after the comma insert "section 26.1-39-20, and"

Page 1, line 3, after "insurance" insert "and duplicate property insurance coverage"

Page 1, line 4, remove ", and section 26.1-40-09"

Page 1, line 8, remove "by the insurer"

Page 1, after line 15, insert:

"SECTION 2. AMENDMENT. Section 26.1-39-20 of the North Dakota Century Code is amended and reenacted as follows:

26.1-39-20. Duplicate coverage.

If an insured obtains a replacement policy ~~that provides~~ providing equal or more extensive coverage for ~~any~~ a property covered in both policies, the first insurer's coverage of ~~the~~ that property may be terminated either by cancellation or nonrenewal. The termination is effective on the effective date of the second policy

providing duplicate replacement coverage. Upon termination, the insured is entitled to a refund of the premium."

Page 1, line 19, remove "by the insurer"

Page 2, line 5, remove "by the insurer"

Page 2, replace lines 1 through 7 with:

"SECTION 4. A new section to chapter 26.1-40 of the North Dakota Century Code is created and enacted as follows:

Duplicate coverage.

If an insured obtains a replacement policy providing equal or more extensive coverage for a motor vehicle covered in both policies, the first insurer's coverage of that motor vehicle may be terminated either by cancellation or nonrenewal. The termination is effective on the effective date of the second policy providing duplicate replacement coverage. Upon termination, the insured is entitled to a refund of the premium."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1267: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1267 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1291: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1291 was placed on the Sixth order on the calendar.

Page 2, line 1, remove "be of a form prescribed by the"

Page 2, line 2, replace "commissioner and approved by the attorney general" with "comply with the North Dakota Rules of Criminal Procedure"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1292: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1292 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 create and enact a new section to chapter 23-02.1 of the North Dakota Century Code, relating to issuance of a certified copy of a fetal loss; and to amend and reenact section 23-02.1-01 of the North Dakota Century Code, relating to definitions in the Heath Statistics Act.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-02.1-01 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-01. Definitions.

As used in this chapter:

1. "Authorized representative" means a person that has the legal authority to act on behalf of the person named on a record, including a personal representative or guardian.

2. "Certified" means a copy of the original record on file with the state department of health which is signed and sealed by the state registrar or deputy state registrar.
3. "Dead body" means a lifeless human body or parts of such body or bones thereof from the state of which it may reasonably be concluded that death recently occurred.
4. "Electronic birth registration system" means the electronic birth registration system maintained by the state department of health.
5. "Electronic death registration system" means the electronic death registration system maintained by the state department of health.
6. "Facts of death" means the demographic and personal information pertaining to an individual's death.
7. "Fetal death" or "birth resulting in stillbirth" means death occurring before the complete expulsion or extraction from its mother of a product of human conception. The death is indicated by the fact that after such expulsion or extraction the fetus does not breathe or show any evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles.
8. "Filing" means the presentation of a record, report, or other information provided for in this chapter of a birth, death, fetal death, adoption, marriage, divorce, or other event as specified by the state health officer for registration by the state registrar.
9. "Final disposition" means the burial, interment, cremation, removal from the state, or other disposition of a dead body or fetus.
10. "Health statistics" means data derived from records of birth, death, fetal death, marriage, divorce, or other records relating to the health of the populace or the state of the environment.
11. "Institution" means any establishment, public or private, which provides inpatient medical, surgical, or diagnostic care or treatment, or nursing, custodial, or domiciliary care to two or more individuals unrelated by blood, or to which individuals are committed by law.
12. "Live birth" means the complete expulsion or extraction from its mother of a product of human conception, irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the placenta is attached.
13. "Medical certification" means the medical information pertaining to an individual's death, including the cause and manner of death.
14. "Miscarriage of birth" means the expulsion of a fetus from the womb, spontaneously or as a result of an accident, before twenty weeks gestation.
- ~~15.~~ "Personal or real property interests" means ownership or other legal rights or duties concerning personal or real property.
- ~~15-16.~~ "Physician" means an individual authorized or licensed to practice medicine or osteopathy under chapter 43-17.
- ~~16-17.~~ "Registration" means the acceptance by the state registrar and incorporation into official records, reports, or other records provided for in this chapter, of birth, death, fetal death, marriage, divorce, or other records as may be determined by the state health officer.

- 17-18. "Relative" means an individual's current or surviving spouse, a parent or legal guardian, a child, a grandparent, or a grandchild. The state registrar may require proof of the relationship.
- 18-19. "Subregistrar" means a funeral director or other suitable individual from a licensed funeral home who is appointed by the state registrar for the purpose of issuing burial-transit permits.
- 19-20. "System of health statistics tabulation and analysis" includes the tabulation, analysis, and presentation or publication of statistical data derived from health statistics.
- 20-21. "System of vital records registration" includes the registration, collection, preservation, amendment, and certification of birth, death, fetal death, marriage, divorce, or other records as may be determined necessary by the state health officer or the state health officer's designee.

SECTION 2. A new section to chapter 23-02.1 of the North Dakota Century Code is created and enacted as follows:

Fetal loss.

The state registrar may issue a certified copy of a fetal loss to an individual who experiences a documented miscarriage of birth, if the individual provides to the state registrar a completed fetal loss request form established by the state department of health which is signed by the mother or the father and a letter signed by a hospital, physician, or other medical attendant documenting proof of pregnancy and fetal loss.

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1299: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1299 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "sixth" with "fourth"

Page 2, line 4, replace "sixth" with "fourth"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1302: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1302 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "ninety" and insert immediately thereafter "sixty"

Page 1, line 14, overstrike "ninety" and insert immediately thereafter "sixty"

Page 1, line 16, overstrike "ninety" and insert immediately thereafter "sixty"

Page 1, line 18, overstrike "The actual cash value or replacement cost of the property, depending on the"

Page 1, line 19, overstrike "policy provisions applicable to the structure"

Page 1, line 19, remove "in accordance with whether the"

Page 1, remove line 20

Page 1, line 21, replace "policy" with "The amount paid in accordance with the policy provisions as if a partial loss occurred"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1338: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1338 was placed on the Sixth order on the calendar.

Page 4, line 5, replace "ten" with "fifteen"

Page 4, line 8, replace "ten" with "fifteen"

Page 4, line 11, replace "ten" with "fifteen"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1360: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1360 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1370: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1370 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3007: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HCR 3007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "legalization" insert ", decriminalization, and taxation"

Page 1, line 14, after "legalization" insert ", decriminalization, and taxation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3009: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3009 was placed on the Tenth order on the calendar.

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

Buell J. Reich, Chief Clerk

