

## JOURNAL OF THE HOUSE

## Sixty-fifth Legislative Assembly

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Bismarck, January 30, 2017

The House convened at 1:00 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.

A quorum was declared by the Speaker.

## MOTION

**REP. KEMPENICH MOVED** that the House reconsider its action whereby Engrossed HB 1180 failed to pass, which motion failed on a verification vote.

## MOTION

**REP. VIGESAA MOVED** that Engrossed HB 1299, which is on the Sixth order, be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1299 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that Engrossed HB 1353, which is on the Sixth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1353 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HCR 3017 be returned to the House floor from the **Government and Veterans Affairs Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**REP. KEMPENICH REQUESTED** the unanimous consent of the House to withdraw HCR 3017. There being no objection, it was so ordered by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER BELLEW DEEMED** approval of the amendments to HB 1186, HB 1247, HB 1291, HB 1292, HB 1302, HB 1338, and HCR 3007.

HB 1186, HB 1247, HB 1291, HB 1292, HB 1302, HB 1338, and HCR 3007, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## SECOND READING OF HOUSE BILL

**HB 1204:** A BILL for an Act to amend and reenact section 20.1-03-01.5, subdivision a of subsection 1 of section 20.1-03-11, and section 20.1-04-05 of the North Dakota Century Code, relating to youth hunting and the protection of bald eagles.

## 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 92 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; 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.; Kreidt; 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; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Dobervich; Schneider

Engrossed HB 1204 passed.

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### SECOND READING OF HOUSE BILL

**HB 1218:** A BILL for an Act to amend and reenact subsection 2 of section 12.1-20-07 of the North Dakota Century Code, relating to the offense level for sexual assault; 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 PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; 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

HB 1218 passed.

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### SECOND READING OF HOUSE BILL

**HB 1332:** A BILL for an Act to amend and reenact section 12.1-22-03 of the North Dakota Century Code, relating to criminal trespass; 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 20 YEAS, 74 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Becker, Rich S.; Boe; Boehning; Brabandt; Brandenburg; Devlin; Headland; Kempenich; Kreidt; Lefor; Magrum; Nathe; Pollert; Porter; Schatz; Seibel; Steiner; Trottier; Weisz; Zubke

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Blum; Bosch; Boschee; Carlson; Damschen; Delmore; Delzer; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Streyle; Sukut; Toman; Vetter; Vigesaa; Westlind; Speaker Bellew

HB 1332 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1349:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.3 and a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to a deduction for pipeline leak detection equipment depreciation expenses; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 80 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, P.; Boe; Boschee; Guggisberg; Hanson; Holman; Keiser; Klemin; Maragos; Mitskog; Mock; Nelson, J.; Porter

**NAYS:** Anderson, B.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Hogan; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; 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

HB 1349 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1376:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for sales of used clothing by a thrift store of a nonprofit corporation; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 76 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Becker, Rich S.; Blum; Boe; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Hogan; Holman; Johnson, M.; Mitskog; Mock; Nelson, M.; Oliver; Schneider; Vetter

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

HB 1376 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1381:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit equal to a portion of a taxpayer's federal earned income credit; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 83 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1381 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1315:** A BILL for an Act to amend and reenact section 50-24.4-17 of the North Dakota Century Code, relating to adjustments of nursing home rates.

**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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; 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

HB 1315 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1086:** A BILL for an Act to amend and reenact subsection 5 of section 65-05-08.1, subsection 1 of section 65-05-09.1, section 65-05-28, subsection 2 of section 65-05-33, and section 65-05.1-06.3 of the North Dakota Century Code, relating to notice to treating doctor, social security offset, criminal offense for filing of false claim, and vocational rehabilitation pilot program reports; to provide a penalty; and to provide for application.

**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 90 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich;

Guggisberg; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Hogan; Mock; Nelson, M.; Schneider

HB 1086 passed.

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### SECOND READING OF HOUSE BILL

**HB 1196:** A BILL for an Act to amend and reenact section 52-04-22 of the North Dakota Century Code, relating to the unemployment insurance federal advance interest repayment fund; and to provide a continuing appropriation.

### 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; 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:** Becker, Rich S.

HB 1196 passed.

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### SECOND READING OF HOUSE BILL

**HB 1222:** A BILL for an Act to create and enact section 12.1-31-01.2 of the North Dakota Century Code, relating to the process for seeking a sexual assault restraining order; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; 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

Engrossed HB 1222 passed.

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### SECOND READING OF HOUSE BILL

**HB 1250:** A BILL for an Act to amend and reenact section 11-18-02.2 and paragraph 8 of subdivision a of subsection 3 of section 47-10-27 of the North Dakota Century Code, relating to property sales price disclosures; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; 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

Engrossed HB 1250 passed.

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### SECOND READING OF HOUSE BILL

**HB 1237:** A BILL for an Act to amend and reenact section 43-55-05 of the North Dakota Century Code, relating to professional employer organization bonding requirements.

### CONFLICT OF INTEREST

**REP. DOCKTER STATED** that he had a conflict of interest on Engrossed HB 1237.

### MOTION

**REP. VIGESAA MOVED** that Rep. Dockter be allowed to vote on Engrossed HB 1237, which motion prevailed.

### 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 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; 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

Engrossed HB 1237 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1163:** A BILL for an Act to repeal chapter 12.1-30 of the North Dakota Century Code, relating to Sunday closing laws.

**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 44 YEAS, 50 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Delmore; Dobervich; Guggisberg; Hanson; Hatlestad; Headland; Hogan; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Kading; Keiser; Louser; Maragos; Martinson; Mitskog; Mock; Nathe; Nelson, J.; O'Brien; Owens; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Schmidt; Schneider; Simons; Streyle; Sukut; Toman; Weisz

**NAYS:** Anderson, B.; Becker, Rich S.; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Grueneich; Heinert; Holman; Johnston; Jones; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; McWilliams; Meier; Monson; Nelson, M.; Oliver; Olson; Paur; Pollert; Rohr; Sanford; Satrom; Schatz; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Trottier; Vetter; Vigesaa; Westlind; Zubke; Speaker Bellew

Engrossed HB 1163 failed.

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**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., Tuesday, January 31, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1024: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1024 was placed on the Sixth order on the calendar.

Page 1, line 2, after "institutions" insert "; to provide for borrowing authority"

Page 1, line 8, replace "January 1, 2017" with "with the effective date of this Act"

Page 1, remove lines 11 through 22

Page 2, line 3, replace "5." with "2."

Page 2, replace lines 5 and 6 with:

"Grants - Medical assistance	<u>\$5,000,000</u>
Total special funds	\$5,000,000"

Page 2, line 7, replace "6." with "3."

Page 2, replace lines 9 and 10 with:

"Disaster costs	<u>\$79,500</u>
Total special funds	\$79,500"

Page 2, remove lines 11 through 15

Page 2, line 16, replace "BILL" with "SECTION 1"

Page 2, replace line 17 with:

"Grand total special funds

\$5,329,500

**SECTION 2. BORROWING AUTHORITY - APPROPRIATION - JUDICIAL BRANCH - DEPARTMENT OF EMERGENCY SERVICES FUNDING REQUEST.** The judicial branch may borrow the sum of \$1,500,000, or so much of the sum as may be necessary, from the Bank of North Dakota, for court costs related to unlawful activity associated with the construction of the Dakota access pipeline, for the period beginning with the effective date of this Act and ending June 30, 2019. The proceeds of the loan authorized in this section are appropriated to the judicial branch for the purpose of defraying expenses of the judicial branch related to unlawful activity associated with the construction of the Dakota access pipeline for the period beginning with the effective date of this Act and ending June 30, 2019. The department of emergency services shall include any amounts borrowed under this section in the request for reimbursement from federal or other sources related to the state's expenses incurred due to unlawful activity associated with the construction of the Dakota access pipeline.

**SECTION 3. BORROWING AUTHORITY - APPROPRIATION - COMMISSION ON LEGAL COUNSEL FOR INDIGENTS - DEPARTMENT OF EMERGENCY SERVICES FUNDING REQUEST.** The commission on legal counsel for indigents may borrow the sum of \$859,000, or so much of the sum as may be necessary, from the Bank of North Dakota, for legal costs related to unlawful activity associated with the construction of the Dakota access pipeline, for the period beginning with the effective date of this Act and ending June 30, 2019. The proceeds of the loan authorized in this section are appropriated to the commission on legal counsel for indigents for the purpose of defraying expenses of the commission on legal counsel for indigents related to unlawful activity associated with the construction of the Dakota access pipeline for the period beginning with the effective date of this Act and ending June 30, 2019. The department of emergency services shall include any amounts borrowed under this section in the request for reimbursement from federal or other sources related to the state's expenses incurred due to unlawful activity associated with the construction of the Dakota access pipeline."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment provides for the following changes to agency deficiency appropriations from the strategic investment and improvements fund:

- Removes a \$1.5 million appropriation to the judicial branch for trial costs associated with the Dakota Access Pipeline project protests;
- Removes a \$937,000 appropriation to the Commission on Legal Counsel for Indigents for cases filed against pipeline protestors (\$670,000) and estimated costs for the fiscal impact of the passage of Marsy's Law (\$267,000);
- Removes a \$1,634,854 appropriation to North Dakota State University for unreimbursed costs related to the collapse of a portion of Minard Hall;
- Reduces the appropriation to the Department of Human Services for Medicaid program costs from \$9 million to \$5 million;
- Removes a \$17 million appropriation to the Adjutant General to repay a Bank of North Dakota loan for costs associated with the pipeline protests; and
- Removes a \$1,560,125 appropriation to the State Historical Society for costs associated with litigation related to the Heritage Center expansion project (\$294,500)

and to repay a Bank of North Dakota loan for Double Ditch Historic Site repairs (\$1,265,625).

The amendment also adds the following sections:

- A section to authorize the judicial branch to borrow up to \$1.5 million from the Bank of North Dakota for court costs associated with the Dakota Access Pipeline project protests. The section also appropriates the loan proceeds to the judicial branch.
- A section to authorize the Commission on Legal Counsel for Indigents to borrow up to \$859,000 from the Bank of North Dakota for costs associated with the Dakota Access Pipeline project protests. The section also appropriates the loan proceeds to the commission.

#### REPORT OF STANDING COMMITTEE

**HB 1029: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1029 was placed on the Sixth order on the calendar.

Page 1, line 9, after the first underscored comma insert "excluding entities under the control of the state board of higher education."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT

This amendment excludes the North Dakota University System from the requirement to complete an analysis prior to applying for or accepting federal funds.

#### REPORT OF STANDING COMMITTEE

**HB 1108: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1108 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "create" with "amend"

Page 1, line 1, replace "enact a new" with "reenact"

Page 1, line 1, replace the second "to" with "7 of"

Page 1, replace lines 4 through 8 with:

**"SECTION 1. AMENDMENT.** Subsection 7 of section 44-04-18.4 of the North Dakota Century Code is amended and reenacted as follows:

7. Unless made confidential under subsection 1, records received by the state department of emergency services under chapter 37-17.1 and the state local intelligence center from the federal government and any public or private agency or entity for disaster mitigation, preparation, response, and recovery, or for cyber threat are exempt."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1150: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1150 was placed on the Sixth order on the calendar.

Page 1, after line 8 insert "1."

Page 1, after line 13, insert:

- "2. If under subsection 1, application for a license issued by a lottery that accrues bonus or preference points is made by an applicant with the

intent to forfeit the opportunity to receive that license, the director shall limit that applicant to the purchase of one bonus point for that year for that lottery.

3. The director may not issue an applicant a refund of fees paid under subsection 1 or 2. The director shall allocate fees collected under this section to the private lands open to sportsman program."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1184: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1184 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1200: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1200 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 amount of state office space leased by state agencies compared to the cost of building additional office space on the capitol grounds and the capitol complex master plan.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATE OFFICE SPACE - CAPITOL COMPLEX MASTER PLAN.** During the 2017-18 interim, the legislative management shall consider studying the amount of office space leased by state agencies outside of the state capitol; the costs associated with leasing the space compared to the cost of building additional office space on the state capitol grounds; and the feasibility and desirability of updating the capitol complex master plan. 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 1249: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1249 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 54-09 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to duties of the secretary of state; and to"

Page 1, line 10, overstrike "and" and insert immediately thereafter an underscored comma

Page 1, line 11, remove "section 2 of this Act."

Page 1, line 11, remove ". adopted"

Page 1, line 12, remove "consistent with section 2 of this Act."

Page 1, remove lines 18 through 24

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1294: Human Services Committee (Rep. Weisz, Chairman)** recommends

**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1294 was placed on the Sixth order on the calendar.

Page 2, line 4, remove "alkaline hydrolysis."

Page 13, line 3, remove "alkaline"

Page 13, line 4, remove "hydrolysis."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1303: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1303 was placed on the Sixth order on the calendar.

Page 1, line 1, after "positions" insert "; to provide for a report"

Page 1, line 4, after "**PROHIBITED**" insert "**- EXCEPTIONS - REPORT**"

Page 1, line 5, replace "During" with "Except as provided in this section, during"

Page 1, line 7, after the period insert "The governor may, as an exception to this prohibition, authorize an executive branch state agency or institution to fill a vacant position that is essential to protecting the life and safety of the citizens of this state. The chief justice of the supreme court may, as an exception to this prohibition, authorize the filling of a vacant position in the judicial branch which is essential to protecting the life and safety of the citizens of this state. Any state agency or institution that receives an exception under this section shall provide a report to the legislative council within five days of receiving the exception identifying the position, the position's anticipated monthly salary and benefits costs by funding source, and the justification of the need to fill the position."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1311: Transportation Committee (Rep. D. Ruby, Chairman)** recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1311 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1362: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1362 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1363: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1363 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1369: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1369 was placed on the Eleventh order on the calendar.

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

**Buell J. Reich, Chief Clerk**

