

## JOURNAL OF THE HOUSE

## Sixty-fifth Legislative Assembly

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Bismarck, February 13, 2017

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

The prayer was offered by Rev. Keith Richie, Cornerstone Community Church, Bismarck.

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

A quorum was declared by the Speaker.

## MOTION

**REP. VIGESAA MOVED** that HB 1352, which is on the Sixth order, be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1352 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1389, which is on the Eleventh order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1389 was rereferred.

## SIXTH ORDER OF BUSINESS

**SPEAKER BELLEW DEEMED** approval of the amendments to HB 1129, HB 1190, HB 1233, HB 1257, HB 1306, HB 1311, HB 1339, HB 1367, HB 1395, HB 1409, HB 1421, HCR 3014, and HCR 3020.

HB 1129, HB 1190, HB 1233, HB 1257, HB 1306, HB 1311, HB 1339, HB 1367, HB 1395, HB 1409, HB 1421, HCR 3014, and HCR 3020, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## SECOND READING OF HOUSE BILL

**HB 1203:** A BILL for an Act to create and enact section 32-03.2-02.2 of the North Dakota Century Code, relating to the liability exemption of a motor vehicle driver; and to amend and reenact section 39-10-33 of the North Dakota Century Code, relating to pedestrians on roadways.

## 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, 50 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Becker, Rick C.; Blum; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Headland; Johnson, D.; Johnston; Kading; Karls; Kasper; Kempenich; Kiefert; Laning; Longmuir; Magrum; Monson; Nathe; O'Brien; Pollert; Porter; Rohr; Ruby, D.; Ruby, M.; Schatz; Schmidt; Schobinger; Seibel; Simons; Streytle; Toman; Vigesaa; Weisz; Zubke; Speaker Bellew

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boschee; Delmore; Dobervich; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, M.; Jones; Keiser; Klemin; Koppelman, B.; Koppelman, K.; Lefor; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Nelson, J.; Nelson, M.; Oliver; Olson; Owens; Paur; Roers Jones; Sanford; Satrom; Schneider; Schreiber-Beck; Skroch; Steiner; Sukut; Vetter; Westlind

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

Engrossed HB 1203 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1187:** A BILL for an Act to amend and reenact section 25-17-03 of the North Dakota Century Code, relating to the medical food program for phenylketonuria or maple syrup urine disease.

**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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; 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.; 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; Owens; Paur; Pollert; Porter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Vetter; Vigasaa; Weisz; Westlind; Zubke

**NAYS:** Becker, Rick C.; Johnston; Olson; Ruby, D.; Schatz; Speaker Bellew

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

Engrossed HB 1187 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1345:** A BILL for an Act to create and enact subsections 12 and 13 of section 44-04-18, subsection 6 of section 44-04-18.1, and section 11 of section 44-04-19.1 of the North Dakota Century Code, relating to open record and meeting laws; and amend and reenact subsection 11 of section 12.1-34-02, section 12.1-35-03, subsection 9 of section 44-04-17.1, subsections 2, 4, and 7 of section 44-04-18, subsection 2 of section 44-04-18.1, subsection 6 of section 44-04-18.7, section 44-04-18.20, subsections 5, 6, and 9 of section 44-04-19.1, subsections 3 and 5 of section 44-04-20, section 44-04-21.1, and subsection 4 of section 57-40.6-07 of the North Dakota Century Code, relating to open record and meeting 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1345 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1046:** A BILL for an Act to amend and reenact sections 57-39.2-04.9 and 57-40.2-03.3 of the North Dakota Century Code, relating to a sales and use tax exemption for equipment used in telecommunications infrastructure development; 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 4 YEAS, 87 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Mitskog; O'Brien; Schneider

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

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

HB 1046 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1047:** A BILL for an Act to amend and reenact section 57-38-01.33 and subdivision r of subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for purchases of manufacturing machinery and equipment for automating manufacturing processes; 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 28 YEAS, 63 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Holman; Howe; Johnson, C.; Keiser; Lefor; Maragos; Martinson; Mitskog; Mock; Nelson, M.; O'Brien; Porter; Satrom; Schneider; Schreiber-Beck; Vetter; Zubke

**NAYS:** Anderson, B.; Becker, Rick C.; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Hogan; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Longmuir; Louser; Magrum; Marschall; McWilliams; Meier; Monson; Nathe; Nelson, J.; Oliver; Olson; Owens; Paur; Pollert; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Schatz; Schmidt; Schobinger; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Vigesaa; Weisz; Westlind; Speaker Bellew

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

HB 1047 failed.

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**MOTION**

**REP. VIGESAA MOVED** that HB 1045 be moved to the top of the calendar, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1045:** A BILL for an Act to amend and reenact section 57-38-01.26, subsection 7 of section 57-38-30.3, subsection 5 of section 57-38.5-01, and sections 57-38.5-02, 57-38.5-03, 57-38.5-04, 57-38.5-05, and 57-38.5-06 of the North Dakota Century Code, relating to the angel fund investment tax credit and the seed capital investment tax credit; to repeal section 57-38-01.26 and chapter 57-38.5 of the North Dakota Century Code, relating to the angel fund investment tax credit and the seed capital investment tax credit; to provide an effective date; to provide an expiration date; 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 61 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Becker, Rick C.; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Delzer; Devlin; Dockter; Ertelt; Grueneich; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnston; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Nathe; Nelson, M.; Oliver; Olson; Paur; Pollert; Porter; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schmidt; Schobinger; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Vigesaa; Weisz; Westlind; Speaker Bellew

**NAYS:** Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boschee; Damschen; Delmore; Dobervich; Guggisberg; Hanson; Hatlestad; Hogan; Holman; Johnson, M.; Jones; Kading; Maragos; Mitskog; Mock; Monson; Nelson, J.; O'Brien; Owens; Roers Jones; Sanford; Schneider; Schreiber-Beck; Vetter; Zubke

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

Reengrossed HB 1045 passed but the emergency clause failed.

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**SECOND READING OF HOUSE BILL**

**HB 1353:** A BILL for an Act to provide for a legislative management study of the creation of a college tuition waiver or reimbursement 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 28 YEAS, 63 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Beadle; Blum; Boe; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Heinert; Hogan; Holman; Johnson, D.; Johnson, M.; Kempenich; Longmuir; Mitskog; Mock; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Schneider; Schreiber-Beck; Weisz; Westlind; Zubke

**NAYS:** Anderson, B.; Anderson, D.; Becker, Rich S.; Becker, Rick C.; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Howe; Johnson, C.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Olson; Paur; Pollert; Porter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Vetter; Vigesaa; Speaker Bellew

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

Engrossed HB 1353 failed.

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### SECOND READING OF HOUSE BILL

**HB 1354:** A BILL for an Act to create and enact a new subsection to section 57-01-02 of the North Dakota Century Code, relating to the ability of the tax commissioner to make disclosures regarding taxpayers receiving tax incentives; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1354 passed.

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### SECOND READING OF HOUSE BILL

**HB 1368:** A BILL for an Act to amend and reenact sections 57-13-06 and 57-13-08 of the North Dakota Century Code, relating to county board of equalization appeals of state board of equalization proceedings; and to provide an expiration date.

### 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 44 YEAS, 47 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Bosch; Brabandt; Damschen; Delmore; Dobervich; Hanson; Hatlestad; Hogan; Holman; Johnson, M.; Jones; Keiser; Kiefert; Koppelman, K.; Lefor; Longmuir; Magrum; McWilliams; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Pollert; Roers Jones; Sanford; Satrom; Schmidt; Schreiber-Beck; Seibel; Steiner; Sukut; Vetter; Weisz; Westlind; Zubke

**NAYS:** Becker, Rick C.; Blum; Boe; Boehning; Boschee; Brandenburg; Carlson; Delzer; Devlin; Dockter; Ertelt; Grueneich; Guggisberg; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnston; Kading; Karls; Kasper; Kempenich; Klemin; Koppelman, B.; Laning; Louser; Maragos; Marschall; Martinson; Meier; Nathe; Owens; Paur; Porter; Rohr; Ruby, D.; Ruby, M.; Schatz; Schneider; Schobinger; Simons; Skroch; Streyle; Toman; Vigasaa; Speaker Bellew

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

Engrossed HB 1368 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1280:** A BILL for an Act to amend and reenact section 46-04-05 of the North Dakota Century Code, relating to distribution of session laws and codes.

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

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

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

HB 1280 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1240:** A BILL for an Act to amend and reenact section 4-41-02 of the North Dakota Century Code, relating to industrial hemp; to provide a continuing appropriation; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1240 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1328:** A BILL for an Act to amend and reenact section 39-06-37, subsection 3 of section 39-20-03.1, subsection 2 of section 39-20-03.2, and section 39-20-05 of the North Dakota Century Code, relating to surrendering driver's license, mailing of temporary operator's permit, and venue of administrative hearings.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1328 passed.

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**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HCR 3023.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HCR 3023.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on February 13, 2017: HCR 3023.

**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., Tuesday, February 14, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1167: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1167 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1181: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1181 was placed on the Sixth order on the calendar.

Page 1, remove lines 17 through 24

Page 2, replace lines 1 through 3 with:

"3. If the requirements of subsection 2 are not met by the owner of the wind option agreement, the owner of the energy rights may provide to the owner of the wind option agreement a notice of termination, by certified mail or other personal delivery, and file the notice with the county recorder in the county in which the real property is located. Termination of the wind option agreement is effective five years after the wind option commences."

Page 2, line 18, remove "If any of the requirements or terms of the easement, other than those provided in"

Page 2, replace lines 19 through 28 with:

"A wind easement is presumed to be abandoned if a period of thirty-six consecutive months has passed with no construction or operation of the wind farm facility. If the operator of the wind farm facility does not file a plan with the public service commission outlining the steps and schedule for continuing construction or operation of the facility within the thirty-six month period, the owner of the energy rights may provide, by certified mail or other personal delivery to the owner of the wind easement, a sixty-day written notice of the intent to terminate the easement. If, within sixty days of the receipt of the notice of the intent to terminate, the owner of the easement fails to provide a written objection to the notice by certified mail or other personal delivery, the owner of the energy rights may file a notice of termination with the county recorder in the county in which the real property is located. Termination of the easement becomes effective with the notice of termination is filed and recorded with the county recorder."

Page 3, line 8, remove "If any of the requirements or terms of a lease for wind energy purposes, other than"

Page 3, replace lines 9 through 18 with:

"A wind lease is presumed to be abandoned if a period of thirty-six consecutive months has passed with no construction or operation of the wind farm facility. If the operator of the wind farm facility does not file a plan with the public service commission outlining the steps and schedule for continuing construction or operation of the facility within the thirty-six month period, the owner of the energy rights may provide, by certified mail or other personal delivery to the owner of the wind easement, a sixty-day written notice of the intent to terminate the lease. If, within sixty days of the receipt of the notice of the intent to terminate, the owner of the lease fails to provide a written objection to the notice by certified mail or other personal delivery, the owner of the energy rights may file a notice of termination with the county recorder in the county in which the real property is located. Termination of the easement becomes effective with the notice of termination is filed and recorded with the county recorder."

Renumber accordingly

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

**HB 1248: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1248 was placed on the Sixth order on the calendar.

Page 2, line 23, after "by" insert "subparagraph d of paragraph 7 of subdivision a of"

Page 3, line 5, after "to" insert "subdivision a of"

Page 6, line 22, replace "(g)" with "(d)"

Page 6, line 23, replace "(h)" with "(e)"

Page 6, line 26, replace "(i)" with "(f)"

Page 7, line 1, replace "(j)" with "(g)"

Page 7, line 5, replace "(k)" with "(h)"

Page 7, line 6, after "by" insert "subdivision d of"

Page 7, line 19, after "under" insert "subdivision c of"

Page 11, line 21, after "to" insert "paragraph 3 of subdivision c of"

Page 11, line 27, after "to" insert "subdivision d of"

Page 12, line 30, after "by" insert "subparagraph a of paragraph 1 of subdivision c of"

Page 12, line 30, after "to" insert "subparagraph d of paragraph 7 of subdivision a of"

Page 12, line 31, after "by" insert "subdivision d of"

Page 14, line 8, after "by" insert "subparagraph a of paragraph 1 of subdivision c of"

Page 14, line 9, after "to" insert "subparagraph d of paragraph 7 of subdivision a of"

Page 14, line 21, after "by" insert "subparagraph a of paragraph 1 of subdivision c of"

Page 14, line 22, after "to" insert "subparagraph d of paragraph 7 of subdivision a of"

Page 15, line 6, after "under" insert "subparagraph b of paragraph 1 of subdivision c of"

Page 15, line 9, after "by" insert "subparagraph a of paragraph 1 of subdivision c of"

Page 15, line 10, after "to" insert "subparagraph d of paragraph 7 of subdivision a of"

Page 15, line 26, after "by" insert "subparagraph a of paragraph 1 of subdivision c of"

Page 15, line 27, after "to" insert "subparagraph d of paragraph 7 of subdivision a of"

Page 15, line 28, after "by" insert "subparagraph b of paragraph 1 of subdivision c of"

Page 16, line 5, after "to" insert "item 3 of subparagraph d of paragraph 7 of subdivision a of"

Page 16, line 6, after "to" insert "subparagraph b of paragraph 1 of subdivision c of"

Page 16, line 7, replace "their" with "its"

Page 16, line 9, after "in" insert "subdivisions a through c of"

Page 16, line 10, after "to" insert "item 3 of subparagraph d of paragraph 7 of subdivision a of"

Page 16, line 11, after "by" insert "subparagraph b of paragraph 1 of subdivision c of"

Page 16, line 13, after "in" insert "subdivisions a through c of"

Page 16, line 28, after "to" insert "subdivision d of"

Page 16, line 28, after "and" insert "subdivision d of"

Page 17, line 3, replace the third underscored comma with an underscored opening parenthesis

Page 17, line 4, replace the first underscored comma with an underscored closing parenthesis

Page 17, line 8, replace the underscored comma with an underscored opening parenthesis

Page 17, line 10, after "them" insert an underscored closing parenthesis

Page 17, line 27, after the first "of" insert "paragraph 9 of subdivision a of"

Page 18, line 4, after "market" insert "unimproved"

Page 18, line 19, after "market" insert "unimproved"

Page 19, line 3, after "market" insert "unimproved"

Page 19, line 12, after "market" insert "unimproved"

Page 20, line 26, after "in" insert "paragraph 9 of subdivision a of"

Page 22, line 15, after the first "of" insert "paragraph 9 of subdivision a of"

Page 23, line 1, after the first underscored comma insert "subdivision e of"

Page 24, line 8, after "in" insert "paragraph 3 of subdivision d of"

Page 29, line 11, after "by" insert "subdivision j of"

Page 29, line 18, after "by" insert "subdivision c of"

Page 29, line 22, after "under" insert "subdivision d of"

Page 29, line 24, after "under" insert "paragraph 9 of subdivision a of"

Page 31, after line 22 insert:

"12. Clarification of headings and internal references. This member's local legislative drafting and codification style requires the principal paragraphs of each Article of this compact to be designated solely by a numeral and internally cross-referenced as a subsection, designates certain subparagraphs alphabetically, references subclauses of subparagraphs either without designation or as numerical items, does not permit the use of initial capitalization to designate defined terms in the body of legislation, and requires the plural form of the terms "petitioners," "recipients," and "state officials," which is intended to include the possibility of a singular application, as well as the singular form of "governor," which is intended to include the possibility of plural application. This member understands that other members in privity may nevertheless refer to the same principal paragraphs with a heading that includes the word "section" prefacing the same numeral and also internally cross-reference the same as a "section," refer to the same subparagraphs with different headings, refer to the same defined terms with initial capitalization or full capitalization, and prefer to use "governor(s)," "petitioner(s)," "recipient(s)," and "state official(s)" to reference the plural and singular form of such terms. As with any other difference in legislative drafting or codification style, these internal references are intended to be and should be construed as substantively equivalent."

Page 32, line 3, replace the underscored comma with an underscored opening parenthesis

Page 32, line 3, after ""petitioners"" insert an underscored closing parenthesis

Page 32, line 21, after "to" insert "item 1 of subparagraph a of paragraph 4 of subdivision d of"

Page 33, line 14, after "to" insert "subparagraph a of paragraph 1 of subdivision c of"

Page 34, line 19, remove "(a)"

Page 34, line 26, replace "(b)" with "b."

Page 34, line 28, replace "[1]" with "(1)"

Page 35, line 1, replace "[2]" with "(2)"

Page 35, line 5, replace "[3]" with "(3)"

Page 35, line 10, replace "(c)" with "c."

Page 35, line 11, replace "paragraph" with "subdivision"

Page 35, line 11, after "b" insert "of subsection 1 of this Article"

Page 35, line 12, replace "paragraph" with "subdivision"

Page 35, line 12, after "a" insert "of subsection 1 of this Article"

Page 35, line 17, replace "paragraph" with "subdivision"

Page 35, line 17, after "b" insert "of subsection 1 of this Article"

Page 38, line 30, after "of" insert "subdivision j of"

Page 39, line 11, after "under" insert "subdivision e of"

Page 39, line 18, after "by" insert "subdivision d of"

Page 40, line 4, after "under" insert "subdivision e of"

Page 40, line 13, after "by" insert "subdivision d of"

Page 40, remove line 30

Page 41, line 4, remove the third underscored comma

Page 41, line 4, after the underscored semicolon insert "and"

Page 42, line 10, after "by" insert "subdivision c of"

Page 42, line 16, after "under" insert "subdivision d of"

Page 42, line 21, after "under" insert "paragraph 9 of subdivision a of"

Page 48, line 24, after "in" insert "subdivision j of"

Page 49, line 9, replace "provisional" with ":

a. Provisional"

Page 49, line 12, replace ", or permanent" with ":", or

b. Permanent"

Page 49, line 21, after "to" insert "paragraph 3 of subdivision c of"

Page 50, line 20, after "to" insert "items 1 and 3 of subparagraph d of paragraph 7 of subdivision a of"

Page 53, line 1, after "trustees" insert an underscored opening parenthesis

Page 53, line 2, after "record" insert an underscored closing parenthesis

Page 60, line 4, after the first "of" insert "subdivisions a, b, c, e, g, and l of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1272: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1272 was placed on the

Sixth order on the calendar.

Page 1, line 1, remove "a new"

Page 1, line 1, replace "to chapter 47-16" with "47-16-07.6"

Page 1, line 3, after the semicolon insert "to amend and reenact section 47-16-07.5 of the North Dakota Century Code, relating to disability documentation for service or assistance animals in a rental dwelling;"

Page 1, replace lines 5 through 22 with:

**"SECTION 1. AMENDMENT.** Section 47-16-07.5 of the North Dakota Century Code is amended and reenacted as follows:

**47-16-07.5. Disability documentation for service or assistance animal in rental dwelling.**

A landlord may require reliable supporting documentation be provided by a tenant of a rental dwelling that is subject to a no pets policy, if the tenant asserts a disability requiring a service animal or assistance animal be allowed as an accommodation on the rented premises under any provision of law. Reliable supporting documentation may be provided by a physician or medical professional who does not operate primarily to provide certification for service or assistance animals. Reliable supporting documentation must confirm the tenant's disability and the relationship between the tenant's disability and the need for the requested accommodation. A landlord may not require supporting documentation from a tenant if the tenant's disability or disability-related need for a service animal or assistance animal is readily apparent or already known to the landlord.

**SECTION 2.** Section 47-16-07.6 of the North Dakota Century Code is created and enacted as follows:

**47-16-07.6. Service animals - Housing - Penalties for furnishing fraudulent disability documentation.**

An individual is guilty of an infraction if the individual, in an attempt to obtain a reasonable housing accommodation under section 47-16-07.5, provides fraudulent disability documentation indicating a disability that requires the use of a service animal. A lessor may evict a lessee and the lessor is entitled to a damage fee of one month's rent, not to exceed one thousand dollars, from a lessee if the lessee provides fraudulent disability documentation indicating a disability requiring the use of a service animal."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1374: 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 1374 was placed on the Sixth order on the calendar.

Page 1, line 4, after the fifth comma insert "and"

Page 1, line 4, remove "and 61-02-12,"

Page 1, line 16, after analysis insert "education regarding"

Page 1, line 16, after "for" insert "municipal"

Page 1, line 16, after "projects" insert an underscored comma

Page 1, line 17, after "control" insert "and water conveyance"

Page 2, line 10, replace "and" with an underscored comma

Page 2, line 10, after "maintenance" insert ", and improvements"

Page 3, line 13, after "4." insert ""Economic analysis" means an estimate of economic benefits and direct costs that result from the development of a project.

5."

Page 3, after line 16, insert:

"6. "Life cycle analysis" means the summation of all costs associated with the anticipated useful life of a project, including project development, land, construction, operation, maintenance, and disposal or decommissioning."

Page 3, line 17, replace "5." with "7."

Page 3, line 20, replace "6." with "8."

Page 3, line 23, replace "7." with "9."

Page 3, line 26, replace "8." with "10. "Water conveyance project" means any surface or subsurface drainage works, bank stabilization, or snagging and clearing of water courses.

11."

Page 5, remove lines 13 through 22

Page 6, line 21, after "the" insert "costs of"

Page 6, line 21, replace "costs" with "or improvement"

Page 7, line 5, replace "**contracts**" with "**agreements**"

Page 7, line 6, replace "A contract" with "An agreement for funding which is"

Page 7, line 7, replace "contract" with "agreement"

Page 7, line 8, replace "contractor" with "project sponsor"

Page 7, line 9, replace "contract" with "funding obligation"

Page 8, line 3, replace "**flood**" with "**breach inundation**"

Page 8, line 4, replaced "flood" with "breach inundation"

Page 8, line 5, after "necessitating" insert "structural"

Page 8, line 12, after the second "projects" insert "expected to cost more than seven hundred fifty thousand dollars, and a life cycle analysis process for municipal water supply projects"

Page 8, line 13, replace "or" with an underscored comma

Page 8, line 13, after the underscored comma insert "or water supply project."

Page 8, line 13, replace "apply" with "review"

Page 8, line 14, replace "process to the project" with "or life cycle analysis"

Page 8, line 15, replace "process" with "analysis and review"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1393: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1393 was placed on the Sixth order on the calendar.

Page 1, line 15, replace the first "the" with "any"

Page 2, line 6, remove the overstrike over "inspect"

Page 2, line 6, remove "contract with a neutral party to develop an assessment"

Page 2, remove line 7

Page 2, line 8, remove "2. The neutral party shall inspect"

Page 2, line 9, overstrike "determine" and insert immediately thereafter "develop"

Page 2, line 9, replace "of" with "and, where available, the use of current light imaging detection and ranging technology, an assessment formula for"

Page 2, line 11, after "made" insert an underscored comma

Page 2, line 19, replace "3." with "2."

Page 2, line 19, remove the overstrike over "board"

Page 2, line 19, remove "neutral party"

Page 4, line 8 replace "shall" with "may"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1402: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1402 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1427: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1427 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 refugee resettlement in North Dakota.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - REFUGEE RESETTLEMENT.** During the 2017-18 interim, the legislative management shall consider studying refugee resettlement in the state. The study must include consideration of the impact, if any, of refugees on the wages or working conditions of the local workforce, state and local law enforcement, state and local government services, housing, the provision of medical care, child care, translation and interpreter services, and public education, including the provision of English language training. The study must include examination of the relevant federal and state laws on refugee resettlement, the role state and local government agencies may have in refugee resettlement matters, an overview of the security measures taken by the United States government prior to refugee resettlement, integration outcomes, and the religious, political, economic, and social conditions of refugees' countries of origin, including the prevalence of violence and other forms of oppression against women and children in those countries. The study must include examination of the number of refugees resettled in the state, including the number of refugees resettled by age and gender, the number of refugees resettled who are

under eighteen years of age, the number of refugees resettled who are between forty and sixty-five years of age, the number of refugees over sixty-five years of age, the number of refugees who are male, the number of refugees who are female, the number of refugee children enrolled in a public school, the number of refugee children accessing English language learner services, the initial resettlement locations for refugees, and the numbers of refugees resettled with and without family already residing in the United States. The study must include input from stakeholders, including refugee resettlement agencies, law enforcement personnel, social and clinical service providers, educational leaders, medical providers, and representatives of county social services agencies, affected municipalities, and the department of human services. The legislative management shall reports 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**

**HCR 3016: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HCR 3016 was placed on the Sixth order on the calendar.

Page 1, line 2, after "city" insert "and other local"

Page 1, line 4, after "city" insert "and other local"

Page 1, line 12 , after "city" insert "and other local"

Page 1, line 22, after "city" insert "and other local"

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**

