JOURNAL OF THE HOUSE

Sixty-eighth Legislative Assembly

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Bismarck, February 8, 2023

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

The prayer was offered by Pastor Karl Kroger, McCabe United Methodist Church, Bismarck.

The roll was called and all members were present except Representative Strinden.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Bellew, Chairman)** has carefully examined the Journal of the Twenty-fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 544, after line 42, insert: "HB 1508 is deemed reconsidered."

Page 545, replace lines 36 through 42 with:

"Page 3, replace lines 8 through 13 with:

Operating expenses	$700,000
Total all funds	$700,000
Less estimated income	350,000
Total general fund appropriation	$350,000

Renumber accordingly"

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

MOTION

REP. BOSCH MOVED that HB 1253, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

SPEAKER D. JOHNSON DEEMED approval of the amendments to HB 1035, HB 1185, HB 1241, HB 1318, HB 1396, HB 1445, HB 1477, HB 1480, HB 1491, HB 1492, HB 1493, HB 1506, HB 1530, and HB 1532.

HB 1035, HB 1241, HB 1477, HB 1480, HB 1491, HB 1530, and HB 1532, as amended, were rereferred to the **Appropriations Committee**.

HB 1185, HB 1318, HB 1396, HB 1445, HB 1492, HB 1493, and HB 1506, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. BOSCH MOVED that HB 1039, which is on the Eleventh order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Bosch's motion, HB 1039 was rereferred.

MOTION

REP. BOSCH MOVED that HB 1486, which is on the Eleventh order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Bosch's motion, HB 1486 was rereferred.

MOTION

REP. BOSCH MOVED that HB 1235, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to amend and reenact subsection 8 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for buildings and land belonging to institutions of public charity; 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 55 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, K.; Bellew; Boschee; Brandenburg; Christensen; Dobervich; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Hanson; Hauck; Heilman; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Kasper; Kiefert; Koppelman; Kreidt; Longmuir; Louser; Marschall; Mitskog; Mock; Monson; Nelson; Novak; O'Brien; Olson, S.; Ostlie; Prichard; Pyle; Rios; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schneider; Schreiber-Beck; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Warrey; Speaker Johnson, D.

NAYS: Anderson, D.; Bahl; Beltz; Bosch; Christy; Conmy; Cory; Dakane; Davis; Dockter; Grueneich; Hager; Hagert; Hatlestad; Headland; Heinert; Karls; Kempenich; Klemin; Lefor; Martinson; McLeod; Meier; Motschenbacher; Murphy; Nathe; Olson, J.; Porter; Richter; Roers Jones; Schauer; Schobinger; Steiner; Stemen; Swiontek; Thomas; Wagner; Weisz

ABSENT AND NOT VOTING: Strinden

HB 1438 passed.

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SECOND READING OF HOUSE BILL

HB 1440: A BILL for an Act to create and enact chapter 26.1-40.2 of the North Dakota Century Code, relating to delivery network company insurance; and to amend and reenact sections 39-34-01, 39-34-02, 39-34-03, 39-34-04, and 39-34-06 of the North Dakota Century Code, relating to transportation and delivery company networks.

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

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

ABSENT AND NOT VOTING: Strinden

Engrossed HB 1440 passed.

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SECOND READING OF HOUSE BILL

HB 1099: A BILL for an Act to amend and reenact subsection 3 of section 4.1-47-04 and

section 57-43.1-03 of the North Dakota Century Code, relating to complaints to the proper weed control authority and the refund of tax for fuel used for an industrial purpose.

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

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

ABSENT AND NOT VOTING: Strinden

Engrossed HB 1099 passed.

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SECOND READING OF HOUSE BILL

HB 1255: A BILL for an Act to amend and reenact sections 4.1-05-01 and 4.1-25-01, and subsection 9 of section 4.1-26-01 of the North Dakota Century Code, relating to the definition of milk.

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 78 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Brandenburg; Christensen; Christy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hatlestad; Hauck; Headland; Heilman; Henderson; Holle; Hoverson; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Koppelman; Kreidt; Lefor; Longmuir; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Rios; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Warrey; Weisz; Speaker Johnson, D.

NAYS: Bosch; Boschee; Conmy; Hager; Hagert; Hanson; Heinert; Ista; Klemin; Louser; Nathe; Pyle; Richter; Roers Jones; Wagner

ABSENT AND NOT VOTING: Strinden

Engrossed HB 1255 passed.

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SECOND READING OF HOUSE BILL

HB 1324: A BILL for an Act to amend and reenact section 16.1-01-10 of the North Dakota Century Code, relating to sufficiency of petitions as determined by the secretary of state.

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, 1

NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

NAYS: Hoverson

ABSENT AND NOT VOTING: Strinden

Engrossed HB 1324 passed.

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SECOND READING OF HOUSE BILL

HB 1198: A BILL for an Act to amend and reenact section 44-04-18 of the North Dakota Century Code, relating to requiring an individual who requests an open record to provide the individual's name and contact information.

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 7 YEAS, 86 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Christensen; Lefor; Monson; Ostlie; Richter; Steiner; Warrey

NAYS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Porter; Prichard; Pyle; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Stemen; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Weisz; Speaker Johnson, D.

ABSENT AND NOT VOTING: Strinden

Engrossed HB 1198 failed.

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SECOND READING OF HOUSE BILL

HB 1418: A BILL for an Act to amend and reenact section 50-06.4-10 of the North Dakota Century Code, relating to the membership of the brain injury advisory council.

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

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Frelich; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heilman; Heinert; Henderson; Holle;

Hoverson; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Motschenbacher; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Porter; Prichard; Pyle; Richter; Rios; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Swiontek; Thomas; Timmons; Toman; Tveit; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz; Speaker Johnson, D.

ABSENT AND NOT VOTING: Strinden

Engrossed HB 1418 passed.

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SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to amend and reenact section 12.1-01-05, subsection 2 of section 39-06.1-06, and subsection 2 of section 40-05-06 of the North Dakota Century Code, relating to the effect of state law on city or county ordinances, fee for failure to adhere to right of way offenses, and limits on city fines and penalties; 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 73 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, K.; Beltz; Bosch; Boschee; Brandenburg; Christensen; Christy; Conmy; Cory; Dakane; Davis; Dobervich; Dockter; Dyk; Fegley; Finley-DeVille; Fisher; Grueneich; Hager; Hagert; Hanson; Hatlestad; Hauck; Heilman; Heinert; Holle; Ista; Jonas; Karls; Kempenich; Kiefert; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Meier; Mitskog; Mock; Monson; Murphy; Nathe; Nelson; Novak; O'Brien; Olson, J.; Olson, S.; Ostlie; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schneider; Schreiber-Beck; Steiner; Stemen; Swiontek; Thomas; Timmons; Tveit; Vigesaa; Warrey; Speaker Johnson, D.

NAYS: Bahl; Bellew; Frelich; Headland; Henderson; Hoverson; Johnson, J.; Kasper; Motschenbacher; Porter; Prichard; Rios; Rohr; Schatz; Schobinger; Toman; VanWinkle; Vetter; Wagner; Weisz

ABSENT AND NOT VOTING: Strinden

Engrossed HB 1325 passed.

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SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3008: A concurrent resolution urging the 118th Congress to take favorable action on S. 849 and H.R. 7972, to provide for the inclusion on the Vietnam Veterans Memorial Wall the names of the lost crew members of the U.S.S. Frank E. Evans.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3008 was declared adopted on a voice vote.

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SECOND READING OF HOUSE BILL

HB 1462: A BILL for an Act to amend and reenact section 61-16.1-54 of the North Dakota Century Code, relating to the procedural requirements governing appeals from a water resource board.

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 59 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Bellew; Bosch; Christensen; Conmy; Dakane; Davis; Dobervich; Dockter; Fegley; Finley-DeVille; Hager; Hanson; Hatlestad; Hauck; Heilman; Heinert; Henderson; Holle; Hoverson; Ista; Jonas; Karls; Kempenich; Klemin; Koppelman; Lefor; Longmuir; Louser; Marschall; Martinson; Motschenbacher; Murphy; Nathe; Nelson; Novak; Olson, J.; Olson, S.; Porter; Prichard; Richter; Rios; Roers Jones; Rohr; Ruby, M.; Sanford; Schatz; Schauer; Schneider; Schobinger; Steiner; Swiontek; Toman; VanWinkle; Vetter; Vigesaa; Wagner; Warrey; Weisz

NAYS: Anderson, D.; Anderson, K.; Bahl; Beltz; Boschee; Brandenburg; Christy; Cory; Dyk; Fisher; Frelich; Grueneich; Hagert; Headland; Johnson, J.; Kasper; Kiefert; Kreidt; McLeod; Meier; Mitskog; Mock; Monson; O'Brien; Ostlie; Pyle; Ruby, D.; Satrom; Schreiber-Beck; Stemen; Thomas; Timmons; Tveit; Speaker Johnson, D.

ABSENT AND NOT VOTING: Strinden

Engrossed HB 1462 passed.

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SECOND READING OF HOUSE BILL

HB 1436: A BILL for an Act to create and enact four new sections to chapter 4.1-03 of the North Dakota Century Code, relating to the creation of beef commission districts, the selection of commission members, and the referral of cattle assessments; to amend and reenact sections 4.1-03-01, 4.1-03-02, 4.1-03-03, 4.1-03-04, and 4.1-03-12 of the North Dakota Century Code, relating to the definition of a cattle industry representative, the election and terms of members to the North Dakota beef commission, and requiring livestock auction markets and livestock dealers to forward names of cattle sellers; 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 NOT PASS, the roll was called and there were 26 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Boschee; Christensen; Conmy; Davis; Dobervich; Dyk; Finley-DeVille; Hager; Hauck; Heilman; Henderson; Hoverson; Kiefert; Meier; Mitskog; Motschenbacher; Nelson; Olson, S.; Prichard; Rios; Rohr; Schatz; Schneider; VanWinkle; Vetter; Weisz

NAYS: Anderson, B.; Anderson, D.; Anderson, K.; Bahl; Bellew; Beltz; Bosch; Brandenburg; Christy; Cory; Dakane; Dockter; Fegley; Fisher; Frelich; Grueneich; Hagert; Hanson; Hatlestad; Headland; Heinert; Holle; Ista; Johnson, J.; Jonas; Karls; Kasper; Kempenich; Klemin; Koppelman; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; McLeod; Mock; Monson; Murphy; Nathe; Novak; O'Brien; Olson, J.; Ostlie; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schobinger; Schreiber-Beck; Steiner; Stemen; Swiontek; Thomas; Timmons; Toman; Tveit; Vigesaa; Wagner; Warrey; Speaker Johnson, D.

ABSENT AND NOT VOTING: Strinden

Engrossed HB 1436 failed.

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SECOND READING OF HOUSE RESOLUTION ON CONSENT CALENDAR

HCR 3007: A concurrent resolution commemorating the 50th anniversary of the end of the United States combat operations and the release of American prisoners of war in Vietnam.

The question being on the final adoption of the resolution, which has been read.

HCR 3007 was declared adopted on a voice vote.

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MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1219, HB 1295, HB 1336, HB 1417, HB 1439, HB 1475, HCR 3009.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1289.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2001, SB 2011, SB 2073, SB 2108, SB 2122, SB 2211, SB 2306, SB 2311, SB 2340, SB 2348.

MOTION
REP. BOSCH MOVED that the absent member be excused, which motion prevailed.

MOTION
REP. BOSCH 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., Thursday, February 9, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE
HB 1111: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1111 was placed on the Sixth order on the calendar.

Page 1, line 8, replace the first underscored comma with "or"

Page 1, line 8, remove ", or order of the federal government,"

Page 1, line 9, replace "in" with "on"

Renumber accordingly

REPORT OF STANDING COMMITTEE
HB 1190: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1190 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-23 of the North Dakota Century Code, relating to real estate wholesale buyers and sellers; and to"

Page 4, after line 15, insert:

"**SECTION 3.** A new section to chapter 43-23 of the North Dakota Century Code is created and enacted as follows:

Wholesale buyers and sellers - Disclosure.

1. As used in this section:

   a. "Residential real property" means real property with fewer than five dwelling units.

   b. "Wholesaler" means a person that enters an agreement to make income or profit from the transfer of or equitable interest in residential real property.

2. A wholesaler of residential real property shall disclose in writing to all parties to the agreement that the wholesaler holds an equitable interest in the property, may not be able to convey title to the property, and

intends to make a profit or income from the transfer of the equitable interest.

3. Notwithstanding any other provision contained in a contract for sale of residential real property, if a wholesaler violates this section, the seller may cancel the contract for sale at any time before the close of escrow without penalty and may retain any earnest money paid by the wholesaler.

4. Notwithstanding any other provision contained in the contract for sale, if a wholesaler violates this section, the buyer may cancel the contract for sale at any time before the close of escrow without penalty and must be refunded all earnest money paid by the buyer."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1270: Education Committee (Rep. Heinert, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1270 was placed on the Sixth order on the calendar.

Page 2, line 9, replace "the date of" with "seven days after"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1312: Education Committee (Rep. Heinert, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1312 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1372: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1372 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1402: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1402 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to amend and reenact subsection 7 of section 57-39.2-01 and"

Page 1, remove line 4

Page 1, line 5, remove "to gross receipts from delivery charges;"

Page 1, remove lines 7 through 24

Page 2, remove lines 1 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1413: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1413 was placed on the Sixth order on the calendar.

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

Page 1, remove line 3

Page 1, line 4, remove "health care plans"

Page 1, line 10, remove ", copayment,"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1422: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1422 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 sections 11-33-17.1, 40-47-05.1, and 58-03-14.1 of the North Dakota Century Code, relating to nonconforming structures in counties, cities, and townships.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 11-33-17.1 of the North Dakota Century Code is created and enacted as follows:

11-33-17.1. Zoning - Nonconforming structure.

1. Notwithstanding any other provision of law or local zoning ordinance, a structure devoted to residential use may be repaired, replaced, improved, maintained, restored, or rebuilt in its entirety even though the structure is damaged beyond fifty percent of its value if:

   a. An application for a building permit is submitted within six months of the date the damage occurs;

   b. Restoration begins within one year of the date the damage occurred; and

   c. The new structure will not:

      (1) Occupy a portion of the lot which was not occupied by the damaged structure;

      (2) Have more square footage than the damaged structure;

      (3) Exceed the height or number of stories of the damaged structure;

      (4) Diminish the number of off-street parking spaces located on the property from the number of spaces before the damage;

      (5) Violate existing building and fire codes;

      (6) Violate existing sanitary or health standards imposed by the local health district; or

      (7) Pose a risk to public health or safety.

2. Under subsection 1, expansion of a nonconforming structure is prohibited unless the expansion is in compliance with applicable state and local zoning regulations. The local zoning authority shall determine whether a proposed expansion is in compliance.

3. Under subsection 1, a nonconforming structure may not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning regulations.

4. Notwithstanding subsection 1, the local zoning authority shall regulate the repair, replacement, improvement, maintenance, restoration, rebuilding, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the national flood insurance program and adhere fully to all applicable floodplain management ordinances without increasing flood damage potential or increasing the degree of obstruction to floodflows in the floodway.

5. Notwithstanding subsections 1, 2, and 3, the local zoning authority may create a less restrictive ordinance or regulation.

6. Unless the county determines the repair, replacement, improvement, maintenance, rebuilding, or restoration of a structure will violate subdivision c of subsection 1, the county shall issue a building permit to a property owner that meets the qualifications under subsection 1.

SECTION 2. Section 40-47-05.1 of the North Dakota Century Code is created and enacted as follows:

40-47-05.1. Zoning - Nonconforming structure.

1. Notwithstanding any other provision of law or local zoning ordinance, a structure devoted to residential use may be repaired, replaced, improved, maintained, restored, or rebuilt in its entirety even though the structure is damaged beyond fifty percent of its value if:

   a. An application for a building permit is submitted within six months of the date the damage occurs;

   b. Restoration begins within one year of the date the damage occurred; and

   c. The new structure will not:

      (1) Occupy a portion of the lot which was not occupied by the damaged structure;

      (2) Have more square footage than the damaged structure;

      (3) Exceed the height or number of stories of the damaged structure;

      (4) Diminish the number of off-street parking spaces located on the property from the number of spaces before the damage;

      (5) Violate existing building and fire codes;

      (6) Violate existing sanitary or health standards imposed by the local health district; or

      (7) Pose a risk to public health or safety.

2. Under subsection 1, expansion of a nonconforming structure is prohibited unless the expansion is in compliance with applicable state and local zoning regulations. The local zoning authority shall determine whether a proposed expansion is in compliance.

3. Under subsection 1, a nonconforming structure may not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning regulations.

4. Notwithstanding subsection 1, the local zoning authority shall regulate the repair, replacement, improvement, maintenance, restoration, rebuilding, or expansion of nonconforming uses and structures in

floodplain areas to the extent necessary to maintain eligibility in the national flood insurance program and adhere fully to all applicable floodplain management ordinances without increasing flood damage potential or increasing the degree of obstruction to floodflows in the floodway.

5. Notwithstanding section 40-47-13 and subsections 1, 2, and 3, the local zoning authority may create a less restrictive ordinance or regulation.

6. Unless the city determines that the repair, replacement, improvement, maintenance, rebuilding, or restoration of a structure will violate subdivision c of subsection 1, the city shall issue a building permit to a property owner that meets the qualifications under subsection 1.

SECTION 3. Section 58-03-14.1 of the North Dakota Century Code is created and enacted as follows:

58-03-14.1. Zoning - Nonconforming structure.

1. Notwithstanding any other provision of law or local zoning ordinance, a structure devoted to residential use may be repaired, replaced, improved, maintained, restored, or rebuilt in its entirety even though the structure is damaged beyond fifty percent of its value if:

   a. An application for a building permit is submitted within six months of the date the damage occurs;

   b. Restoration begins within one year of the date the damage occurred; and

   c. The new structure will not:

      (1) Occupy a portion of the lot which was not occupied by the damaged structure;

      (2) Have more square footage than the damaged structure;

      (3) Exceed the height or number of stories of the damaged structure;

      (4) Diminish the number of off-street parking spaces located on the property from the number of spaces before the damage;

      (5) Violate existing building and fire codes;

      (6) Violate existing sanitary or health standards imposed by the local health district; or

      (7) Pose a risk to public health or safety.

2. Under subsection 1, expansion of a nonconforming structure is prohibited unless the expansion is in compliance with applicable state and local zoning regulations. The local zoning authority shall determine whether a proposed expansion is in compliance.

3. Under subsection 1, a nonconforming structure may not be moved unless the movement or relocation will bring the structure into compliance with all applicable zoning regulations.

4. Notwithstanding subsection 1, the local zoning authority shall regulate the repair, replacement, improvement, maintenance, restoration, rebuilding, or expansion of nonconforming uses and structures in floodplain areas to the extent necessary to maintain eligibility in the national flood insurance program and adhere fully to all applicable floodplain management ordinances without increasing flood damage

potential or increasing the degree of obstruction to floodflows in the floodway.

5. Notwithstanding subsections 1, 2, and 3, the local zoning authority may create a less restrictive ordinance or regulation.

6. Unless the township determines that the repair, replacement, improvement, maintenance, rebuilding, or restoration of a structure will violate subdivision c of subsection 1, the township shall issue a building permit to a property owner that meets the qualifications under subsection 1."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1430: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1430 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1499: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1499 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 relating to an interest rate buydown program for homeowners with a primary residence mortgage.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - BANK OF NORTH DAKOTA - INTEREST RATE BUYDOWN PROGRAM. During the 2023-24 interim, the legislative management shall consider studying the feasibility and desirability of creating an interest rate buydown program at the Bank of North Dakota for North Dakota homeowners with a primary residence mortgage and the potential impact of the program on workforce and on increasing access to home ownership. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1504: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1504 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 5-03 and"

Page 1, line 2, after "57-38" insert "and a new subdivision to subsection 7 of section 57-38-30.3"

Page 1, line 2, remove "an alcoholic beverage tax credit for"

Page 1, line 3, remove "qualified microbrew pubs and brewer taproom licensees for barley purchases and"

Page 1, remove lines 7 through 23

Page 2, remove lines 1 and 2

Page 2, line 5, after "**credit**" insert "**for brewers**"

Page 2, line 8, after "57-38-30" insert "and 57-38-30.3"

Page 2, line 8, replace "fifteen" with "five"

Page 2, remove line 9

Page 2, line 10, replace "this state if the beer was subject to the tax in section 5-03-07" with "cost of the barley purchased from a farmer or supplier in this state. The maximum credit allowed for each eligible brewer under this section for the taxable year is fifty thousand dollars"

Page 2, line 11, replace ", a "brewer"" with ":

a. "Brewer""

Page 2, line 11, remove "licensed"

Page 2, line 11, remove "or importer"

Page 2, line 11, after "beer" insert "licensed under chapter 5-01 or a supplier of beer licensed under chapter 5-03 which is"

Page 2, line 12, remove "who enters an agreement with any beer wholesaler"

Page 2, line 13, remove "licensed to do business in this state"

Page 2, after line 13, insert:

"b. "Purchase" does not include any expense incurred by the purchaser to complete the sale, including:

(1) Transportation or delivery costs;

(2) Service fees;

(3) Taxes; or

(4) Any other expense incurred by the purchaser that is necessary to complete the sale."

Page 2, line 18, replace "To apply for the credit, the" with "A passthrough entity entitled to the credit under this section must be considered to be the taxpayer for purposes of this section and the amount of the credit allowed must be determined at the passthrough entity level. The amount of the total credit determined at the passthrough entity level must be allowed to the partners, shareholders, or members in proportion to their respective interests in the passthrough entity.

5. The"

Page 2, line 18, remove "annually"

Page 2, line 18, remove "sign and"

Page 2, line 18, after "file" insert "the following information for purposes of verification of eligibility for the credit under this section"

Page 2, line 18, remove "tax"

Page 2, remove line 19

Page 2, line 20, replace "applicant's qualifications for the credit under this section and any" with "brewer's return:

a. The name and address of each barley farmer or supplier from which the brewer purchased barley;

b. The brewer's license number issued under chapter 5-01 or 5-03;

c. The brewer's total annual purchases of barley;

d. The total amount of barley purchased from a farmer or supplier located in this state; and

e. Any"

Page 2, remove lines 22 through 24

Page 2, after line 26, insert:

"**SECTION 2.** A new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code is created and enacted as follows:

North Dakota barley tax credit for brewers under section 1 of this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1516: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1516 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1517: Industry, Business and Labor Committee (Rep. Louser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1517 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "for which the licensee has a medical release" with "affecting the licensee"

Page 1, line 11, replace "which" with "that"

Page 1, line 14, remove "to the extent"

Page 1, remove line 15

Page 1, line 16, remove "release"

Page 1, line 24, remove the second "to"

Page 2, remove line 1

Page 2, line 2, remove "medical release"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1524: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1524 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

SB 2053: A BILL for an Act to amend and reenact sections 2-05-14, 11-19.1-08, 11-19.1-10, paragraph 2 of subdivision a of subsection 1 of section 15-39.1-10.3, subdivision a of subsection 2 of section 15-39.1-10.3, sections 20.1-13-14, 24-09-01.1, 24-15-01, subdivision b of subsection 1 of section 26.1-25-02, sections 26.1-25-04.1, 26.1-25-04.2, 26.1-25-04.3, subsections 2, 14, and 19 of section 26.1-41-01,

subsection 5 of section 26.1-41-02, section 26.1-41-04, subsection 2 of section 26.1-41-06, sections 26.1-41-14, 26.1-41-15, 26.1-41-19, subdivision e of subsection 5 of section 28-32-08.1, section 29-06-15.1, subsection 1 of section 32-03.2-02.1, subsection 9 of section 32-03.2-11, subdivision i of subsection 1 of section 32-08.1-03, subsection 66 of section 39-01-01, sections 39-01-01.1, 39-01-11, 39-03-01, 39-03-03, 39-03-04, 39-03-05, 39-03-06, 39-03-07, 39-03-11, 39-03-16, 39-03-17, subsection 4 of section 39-03.1-01, sections 39-03.1-02, 39-03.1-10.4, 39-03.1-27, 39-06-22, subsection 2 of section 39-06-27, subsection 5 of section 39-06-32, section 39-06.1-05, paragraph 39 of subdivision a of subsection 3 of section 39-06.1-10, subdivision b of subsection 3 of section 39-06.1-10, subdivision a of subsection 2 of section 39-06.1-15, section 39-06.2-01, subsection 18 of section 39-06.2-02, subdivision c of subsection 30 of section 39-06.2-02, subdivision b of subsection 1 of section 39-06.2-10, subsections 10 and 11 of section 39-06.2-10, section 39-06.2-10.5, subsection 3 of section 39-06.2-10.6, sections 39-07-12, 39-07-13, subsection 1 of section 39-08-04, sections 39-08-04.1, 39-08-06, 39-08-09, subsection 5 of section 39-08-13, subsection 3 of section 39-08-23, subdivision b of subsection 1 of section 39-08-25, subsection 2 of section 39-10-01, subsection 5 of section 39-10-26, subsection 2 of section 39-10-69, subsection 2 of section 39-16-03, sections 39-16-04, 39-16-05, 39-16-06, subsection 2 of section 39-16-07, sections 39-16-08, 39-16-09, 39-16-10, subsection 3 of section 39-16.1-04, section 39-16.1-05, subdivision a of subsection 1 of section 39-16.1-10, subdivision b of subsection 2 of section 39-16.1-11, subdivision c of subsection 6 of section 39-16.1-11, subsection 2 of section 39-16.1-17, subsection 2 of section 39-16.1-19, section 39-16.2-05, subsection 1 of section 39-20-04, subsection 3 of section 39-20-05, section 39-20-13, subsection 1 of section 39-20-14, subsection 11 of section 39-24-09, section 39-24.1-02, subsection 8 of section 43-30-02, sections 49-11-32, 51-07-28, paragraph 2 of subdivision a of subsection 1 of section 54-52-17.2, subsection 2 of section 54-52.1-03, subdivision b of subsection 1 of section 54-52.1-03.2, subdivision a of subsection 1 of section 54-52.1-03.3, subsection 2 of section 54-52.1-03.3, and section 57-39.2-03.7 of the North Dakota Century Code, relating to terminology pertaining to state troopers and motor vehicle crashes.

Was read the first time and referred to the **Transportation Committee**.

SB 2054: A BILL for an Act to amend and reenact sections 39-03-09 and 54-21-17.1 of the North Dakota Century Code, relating to powers of the highway patrol.

Was read the first time and referred to the **Transportation Committee**.

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

Buell J. Reich, Chief Clerk