

JOURNAL OF THE HOUSE

Sixty-sixth Legislative Assembly

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Bismarck, January 17, 2019

The House convened at 1:15 p.m., with Speaker Klemin presiding.

The prayer was offered by Troy Shirley, CRU, Bismarck.

The roll was called and all members were present except Representatives D. Anderson, Buffalo, and Weisz.

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. Vigesaa, Chairman)** has carefully examined the Journal of the First Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 162, line 34, replace "Sanford" with "Satrom"

REP. VIGESAA MOVED that the report be adopted, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that HB 1342 be returned to the House floor from the **Finance and Taxation Committee** for the purpose of withdrawal, which motion prevailed on a voice vote.

REQUEST

REP. HATLESTAD REQUESTED the unanimous consent of the House to withdraw HB 1342. There being no objection, it was so ordered by the Speaker.

MOTION

REP. LOUSER MOVED that HB 1492 be returned to the House floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed on a voice vote.

REQUEST

REP. HAGER REQUESTED the unanimous consent of the House to withdraw HB 1492. There being no objection, it was so ordered by the Speaker.

MOTION

REP. LOUSER MOVED that HB 1495 be returned to the House floor from the **Finance and Taxation Committee** for the purpose of withdrawal, which motion prevailed on a voice vote.

REQUEST

REP. MITSKOG REQUESTED the unanimous consent of the House to withdraw HB 1495. There being no objection, it was so ordered by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER KLEMIN DEEMED approval of the amendments to HB 1082, HB 1138, HB 1144, HB 1156, HB 1214, and HB 1251.

HB 1082, HB 1138, HB 1144, HB 1156, HB 1214, and HB 1251, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1173: A BILL for an Act to amend and reenact section 28-34-01 of the North Dakota Century Code, relating to costs of appeals of local government decisions.

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, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke; Speaker Klemin

NAYS: Laning

ABSENT AND NOT VOTING: Anderson, D.; Buffalo; Weisz

HB 1173 passed.

SECOND READING OF HOUSE BILL

HB 1162: A BILL for an Act to amend and reenact subsection 7 of section 12.1-32-01 of the North Dakota Century Code, relating to multiple convictions of the same infraction; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Anderson, D.; Buffalo; Weisz

HB 1162 passed.

MOTION

REP. LOUSER MOVED that HB 1097 be moved to the top of the calendar, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1097: A BILL for an Act to amend and reenact section 12.1-30-04 of the North Dakota Century Code, relating to Sunday closing laws and retail agreements; and to repeal sections 12.1-30-01, 12.1-30-02, and 12.1-30-03 of the North Dakota Century Code, relating to Sunday closing laws.

CONFLICT OF INTEREST

REP. M. NELSON STATED that he had a conflict of interest on HB 1097.

MOTION

REP. LOUSER MOVED that Rep. M. Nelson be allowed to vote on HB 1097, which motion prevailed on a voice vote.

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 56 YEAS, 35 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Dobervich; Dockter; Eidson; Fegley; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Kading; Kasper; Keiser; Kempenich; Koppelman, B.; Longmuir; Louser; Marschall; Martinson; McWilliams; Mitskog; Mock; Nathe; Nelson, J.; O'Brien; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Strinden; Toman; Westlind; Zubke

NAYS: Anderson, B.; Bellew; Damschen; Delzer; Devlin; Ertelt; Fisher; Hoverson; Johnston; Jones; Karls; Kiefert; Koppelman, K.; Kreidt; Laning; Lefor; Magrum; Meier; Monson; Nelson, M.; Owens; Paulson; Paur; Pollert; Rohr; Satrom; Schatz; Schobinger; Skroch; Steiner; Trotter; Tveit; Vetter; Vigasaa; Speaker Klemin

ABSENT AND NOT VOTING: Anderson, D.; Buffalo; Weisz

HB 1097 passed.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1080, HB 1091, HB 1110, HB 1147, HB 1242, HB 1244.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1113.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2123, SB 2153, SB 2185.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2145.

MOTION

REP. LOUSER MOVED that the absent members be excused, which motion prevailed on a voice vote.

MOTION

REP. LOUSER 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 12:30 p.m., Friday, January 18, 2019, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HB 1041: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1041 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the overstrike over "six"

Page 1, line 12, remove "fifteen"

Page 2, line 26, remove the overstrike over "in the amount of"

Page 2, line 26, after "nine" insert "six"

Page 2, line 27, remove the overstrike over "pereent"

Page 2, line 27, remove "at the rate provided in section 47-14-05"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1052: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1052 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1087: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1087 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1100: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1100 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "in"

Page 1, line 14, replace "amounts necessary to compensate the behavioral health division" with "not to exceed three hundred dollars"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1103: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the Sixth order on the calendar.

Page 2, line 18, after "a" insert "one hundred fifty dollar"

Page 2, line 19, remove "The department shall establish fees in amounts necessary to compensate the"

Page 2, line 20, remove "department for administration and enforcement of this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1111: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1111 was placed on the Sixth order on the calendar.

Page 2, line 19, overstrike "For" and insert immediately thereafter "Except as provided in subsection 4, for"

Page 3, line 5, overstrike "For" and insert immediately thereafter "Except as provided in subsection 4, for"

Page 3, line 13, replace "For a taxable year in which a" with "A"

Page 3, line 13, remove "makes an election on the taxpayer's federal"

Page 3, line 14, replace "return" with "may elect"

Page 7, after line 21, insert:

"15. If a taxpayer claims a credit under this section on the taxpayer's original return, the taxpayer's election to calculate the credit under subsections 1, 2, 3, or 4 is binding for the taxable year in which the election is made. A taxpayer claiming a credit for tax years beginning before January 1, 2019, may not file an amended return for the purpose of calculating the credit under subsection 4."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1117: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1117 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "on the newspaper's"

Page 1, line 3, replace "website" with "online"

Page 1, line 9, remove "either"

Page 1, line 10, replace "or" with "and"

Page 1, line 11, after the underscored comma insert "if the newspaper maintains a website."

Page 1, line 11, after "an" insert "insubstantial"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1120: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1120 was placed on the Sixth order on the calendar.

Page 1, line 2, after "university" insert "; and to declare an emergency"

Page 1, after line 14, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1125: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1125 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1146: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1146 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first "of" insert "domesticated"

Page 1, line 7, after the third comma insert "domesticated"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1149: Agriculture Committee (Rep. D. Johnson, Chairman) recommends

AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1149 was placed on the Sixth order on the calendar.

Page 1, line 2, after "certification" insert "; and to declare an emergency"

Page 1, line 7, remove "The commissioner, after consulting with the county weed boards, may adopt rules for"

Page 1, remove lines 8 through 10

Page 1, line 11, replace "2. A" with "If requested by any person needing certification, a"

Page 1, line 11, after "certify" insert ", based on standards set by the commissioner after consulting with representatives of county or city weed boards,"

Page 1, line 13, replace "3." with "2."

Page 1, line 13, replace "shall" with "may"

Page 1, line 16, replace "4." with "3."

Page 1, after line 18, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1166: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1166 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1236: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1269: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1269 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1274: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1274 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3014: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3014 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1360: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1360 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "when the contract is for the purchase of equipment"

Page 1, line 14, replace "through" with "for cooperative purchases with"

Renumber accordingly

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

Buell J. Reich, Chief Clerk

