

JOURNAL OF THE HOUSE

Sixty-sixth Legislative Assembly

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Bismarck, March 5, 2019

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

The prayer was offered by Pastor Selva Periannan, Good Shepherd Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Brandenburg, Dockter, Kasper, M. Nelson, O'Brien, and Owens.

A quorum was declared by the Speaker.

MOTION

REP. D. JOHNSON MOVED that the House reconsider its action whereby SB 2152 passed, which motion prevailed on a verification vote.

MOTION

REP. LOUSER MOVED that SB 2152, which is on the Fourteenth order, be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Rep. Louser's motion, SB 2152 was rereferred.

MOTION

REP. LOUSER MOVED that HCR 3052, which is on the Eleventh order, be laid over one legislative day, and that SB 2078, SB 2241, SB 2244, SB 2064, and SB 2191, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed on a voice vote.

SIXTH ORDER OF BUSINESS

SPEAKER KLEMIN DEEMED approval of the amendments to SB 2035, SB 2060, and Engrossed SB 2321.

Engrossed SB 2321, as amended, was rereferred to the **Appropriations Committee**.

SB 2035 and SB 2060, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3049: A concurrent resolution to amend and reenact section 7 of article IV of the Constitution of North Dakota, relating to the convening of the legislative assembly for a special session to amend state laws to comply with changes to federal laws or to adjust budgets as necessary.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 24 YEAS, 64 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, P.; Beadle; Boe; Boschee; Buffalo; Dobervich; Eidson; Guggisberg; Hager; Hanson; Holman; Johnston; Koppelman, B.; Koppelman, K.; Marschall; McWilliams; Mitskog; Mock; Nelson, J.; Roers Jones; Schauer; Schneider; Vetter

NAYS: Anderson, B.; Anderson, D.; Becker; Bellew; Blum; Bosch; Damschen; Delzer; Devlin; Ertelt; Fegley; Fisher; Grueneich; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Martinson; Meier; Monson; Nathe; Paulson; Paur; Pollert; Porter; Pyle; Richter; Rohr; Ruby, D.; Ruby, M.; Sanford; Sotrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Simons;

Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vigasaa; Weisz; Westlind; Zubke;
Speaker Klemin

ABSENT AND NOT VOTING: Brandenburg; Dockter; Kasper; Nelson, M.; O'Brien; Owens

Engrossed HCR 3049 was declared lost on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3037: A concurrent resolution clarifying the 1975 ratification by the 44th Legislative Assembly of the proposed 1972 Equal Rights Amendment to the Constitution of the United States was valid only through March 22, 1979.

REQUEST

REP. BOSCHEE REQUESTED a recorded roll call vote on the adoption of Reengrossed HCR 3037, which request was granted.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 67 YEAS, 21 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Becker; Bellew; Blum; Bosch; Damschen; Delzer; Devlin; Ertelt; Fisher; Grueneich; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, J.; Paulson; Paur; Pollert; Porter; Pyle; Richter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind

NAYS: Adams; Anderson, D.; Anderson, P.; Beadle; Boe; Boschee; Buffalo; Dobervich; Eidson; Fegley; Guggisberg; Hager; Hanson; Holman; Keiser; Mitskog; Mock; Roers Jones; Schneider; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Brandenburg; Dockter; Kasper; Nelson, M.; O'Brien; Owens

Reengrossed HCR 3037 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3016: A concurrent resolution to amend and reenact subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education.

CONFLICT OF INTEREST

REP. MCWILLIAMS STATED that he had a conflict of interest on HCR 3016.

MOTION

REP. LOUSER MOVED that Rep. McWilliams be allowed to vote on HCR 3016, which motion prevailed on a voice vote.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 56 YEAS, 32 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Beadle; Becker; Bellew; Blum; Bosch; Boschee; Ertelt; Fegley; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Longmuir; Louser; Magrum; Marschall; Meier; Mitskog; Nathe; Paulson; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schmidt; Schobinger; Simons; Skroch; Strinden; Toman; Trottier; Tveit; Vetter;

Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Adams; Anderson, D.; Anderson, P.; Boe; Buffalo; Damschen; Delzer; Devlin; Dobervich; Eidson; Fisher; Grueneich; Hager; Holman; Johnson, C.; Karls; Keiser; Kiefert; Laning; Lefor; Martinson; McWilliams; Mock; Monson; Nelson, J.; Paur; Pollert; Sanford; Schauer; Schneider; Schreiber-Beck; Steiner

ABSENT AND NOT VOTING: Brandenburg; Dockter; Kasper; Nelson, M.; O'Brien; Owens

HCR 3016 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3046: A concurrent resolution directing the Legislative Management to study the feasibility and desirability of replacing revenue generated by residential property tax with an alternative local funding source.

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

HCR 3046 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3051: A concurrent resolution directing the Legislative Management to consider studying the feasibility, desirability, and benefits of expanding the goods and services produced by Roughrider Industries into additional noncompetitive markets to provide inmates with the training and skills to successfully reintegrate inmates into society.

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

HCR 3051 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to amend and reenact subsection 2 of section 39-04-36 of the North Dakota Century Code, relating to the transfer of a registered vehicle; and to provide a contingent 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 31 YEAS, 57 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Beadle; Becker; Bellew; Boe; Bosch; Buffalo; Ertelt; Fegley; Guggisberg; Hoverson; Johnson, M.; Johnston; Kading; Kiefert; Koppelman, B.; Koppelman, K.; Louser; Magrum; Marschall; McWilliams; Meier; Mock; Nelson, J.; Paulson; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Schatz; Simons; Toman

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Blum; Boschee; Damschen; Delzer; Devlin; Dobervich; Eidson; Fisher; Grueneich; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Jones; Karls; Keiser; Kempenich; Kreidt; Laning; Lefor; Longmuir; Martinson; Mitskog; Monson; Nathe; Paur; Pollert; Porter; Pyle; Richter; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Brandenburg; Dockter; Kasper; Nelson, M.; O'Brien; Owens

SB 2251 failed.

SECOND READING OF SENATE BILL

SB 2033: A BILL for an Act to create and enact section 16.1-01-18 of the North Dakota Century Code, relating to legislative council drafting services for initiated measures.

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 83 YEAS, 5 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Martinson; Paur; Porter; Simons

ABSENT AND NOT VOTING: Brandenburg; Dockter; Kasper; Nelson, M.; O'Brien; Owens

SB 2033, as amended, 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: HCR 3006, HCR 3045, HCR 3047.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2045, SB 2049, SB 2079, SB 2097, SB 2119, SB 2130, SB 2188, SB 2189, SB 2190.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2040, SB 2089.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4017.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1134, HB 1327, HB 1385, HB 1400, HB 1404, HCR 3024.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1067.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1067

Page 1, line 19, remove the overstrike over "one"

Page 1, line 19, remove "seven"

Page 1, line 19, overstrike "hundred"

Page 1, line 19, remove "fifty"

Page 1, line 19, overstrike "thousand" and insert immediately thereafter "million"

Renumber accordingly

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1026, HB 1059, HB 1103, HB 1146, HB 1149, HB 1166, HB 1201, HB 1276, HB 1312, HB 1360.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3026, HCR 3030, HCR 3032.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2038, SB 2056, SB 2080, SB 2091, SB 2092, SB 2123, SB 2167, SB 2177.

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

MR. SPEAKER: The President has signed: HB 1026, HB 1059, HB 1103, HB 1146, HB 1149, HB 1166, HB 1201, HB 1276, HB 1312, HB 1360.

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

MR. SPEAKER: The President has signed: HCR 3026, HCR 3030, HCR 3032.

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

MR. PRESIDENT: The Speaker has signed: SB 2038, SB 2056, SB 2080, SB 2091, SB 2092, SB 2123, SB 2167, SB 2177.

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

MR. SPEAKER: The President has signed: SB 2038, SB 2056, SB 2080, SB 2083, SB 2091, SB 2092, SB 2123, SB 2145, SB 2167, SB 2177.

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 1:00 p.m., Wednesday, March 6, 2019, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HCR 3010: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3010 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3013: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3013 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3015: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3015 was placed on the Sixth order on the calendar.

Page 1, line 3, after the comma insert "establish and implement a community transitional housing program, including independent host homes,"

Page 1, line 10, after the third comma insert "short-term housing,"

Page 1, line 22, after the comma insert "establish and implement a community transitional housing program, including independent host homes,"

Page 1, line 23, replace the period with "; and

BE IT FURTHER RESOLVED, that in conducting the study, the Legislative Management may seek technical assistance, as appropriate, from the Council of State Governments' Justice Center; and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3031: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3031 was placed on the Sixth order on the calendar.

Page 1, after line 25, insert:

"BE IT FURTHER RESOLVED, that in conducting the study, the Legislative Management may seek technical assistance, as appropriate, from the Council of State Governments' Justice Center;"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3050: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3050 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3054: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3054 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3056: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3056 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2036, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2036 was placed on the Sixth order on the calendar.

Page 1, line 5, after the second comma insert "subsection 5 of section 53-06.1-06,"

Page 8, after line 30, insert:

"SECTION 9. AMENDMENT. Subsection 5 of section 53-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

5. A person is restricted from being involved in gaming and the attorney general shall conduct a criminal history record check as follows:
 - a. (1) A person who has pled guilty to or been found guilty of a felony offense as defined by the laws of this state, other states, or the federal government, or has pled guilty to or been found guilty of a violation of this chapter, a gaming rule, chapter 12.1-28 or 53-06.2, or offenses of other states or the federal government equivalent to offenses defined in these chapters, regardless of whether the person has completed or received a deferred imposition of sentence, ~~deferred prosecution~~, or suspended sentence, may not be a licensed distributor, be an investor in or board member or consultant to a licensed distributor, or be employed by a licensed distributor, and may not be employed by a licensed organization to conduct games, for five years from the date of conviction, release from incarceration, or expiration of parole or probation, whichever is the latest.
 - (2) Paragraph 1 does not apply if the offense to which the person pled guilty or has been found guilty is a misdemeanor and the person has received a deferred imposition of sentence or

~~deferred prosecution~~ and has fully complied with the terms of the deferral.

- b. A person who has pled guilty to or been found guilty of a misdemeanor offense in violation of section 6-08-16.1 or chapter 12.1-06, 12.1-23, or 12.1-24 or offenses of other states, the federal government, or a municipality equivalent to these offenses, regardless if the person has completed or received a suspended sentence, may not be a licensed distributor or be employed by a licensed distributor, and may not be employed by a licensed organization to conduct games, for two years from the date of conviction, release from incarceration, or expiration of parole or probation, whichever is the latest, unless the person has received a deferred imposition of sentence ~~or deferred prosecution~~ and has fully complied with the terms of the deferral.
- c. Unless an employee is exempt by the gaming rules or attorney general, the attorney general shall conduct a criminal history record check of each employee of a licensed organization or distributor and charge a fee prescribed by section 12-60-16.9. The fee may be waived by the attorney general if a federal agency or local law enforcement agency has done a record check. The attorney general may require advance payment of any additional fee necessary to pay the cost of a record check of a person for whom adequate background information sources are not readily available. The advance payment must be placed in the attorney general's refund fund. The unused funds must be returned to the person within thirty days of the conclusion of the record check. Unless a federal or local law enforcement agency conducts the record check, the attorney general shall notify the organization or distributor and person of the result. The attorney general shall keep the information confidential except in the proper administration of this chapter or any gaming rule or to provide to an authorized law enforcement agency."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2076: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2076 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2077: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2077 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (8 YEAS, 1 NAYS, 5 ABSENT AND NOT VOTING). SB 2098 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2118: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2118 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2235, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2235 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution directing the Legislative Management to consider studying the dichotomy between the archaeological discipline on cultural resources and the knowledge and expertise of tribal elders and tribal historic preservation

officers to educate local, state, and federal agencies and the public; and the facilitation of effective consultation and cooperation for historic and prehistoric site identification and registration and the betterment of North Dakota and its citizens. Was read the first time and referred to the **Energy and Natural Resources Committee**.

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

Buell J. Reich, Chief Clerk