

JOURNAL OF THE HOUSE

Sixty-sixth Legislative Assembly

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Bismarck, March 6, 2019

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

The prayer was offered by Pastor Alisha Weston, Evangel Church, Bismarck.

The roll was called and all members were present except Representatives Brandenburg, Hoverson, O'Brien, Paur, and Skroch.

A quorum was declared by the Speaker.

MOTION

REP. LOUSER MOVED, pursuant to House Rule 324, to suspend the rules for the purpose of temporarily amending the deadline for reporting resolutions back to the House from committee, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that House Rule 509 be amended temporarily to replace thirty-eighth legislative day with thirty-ninth legislative day, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that SB 2064, which is on the Fourteenth order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Louser's motion, SB 2064 was rereferred.

MOTION

REP. LOUSER MOVED that SB 2076, which is on the Fourteenth order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Louser's motion, SB 2076 was rereferred.

SIXTH ORDER OF BUSINESS

SPEAKER KLEMIN DEEMED approval of the amendments to HCR 3015, HCR 3031, and Engrossed SB 2036.

HCR 3015 and HCR 3031, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

Engrossed SB 2036, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE RESOLUTIONS ON CONSENT CALENDAR

HCR 3056: A concurrent resolution directing the Legislative Management to consider studying the issues and data reporting challenges related to missing and murdered indigenous people and human trafficking cases.

HCR 3054: A concurrent resolution directing the Legislative Management to consider studying the necessary steps and resources, including funding, to eliminate human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) in North Dakota.

The question being on the final adoption of the resolutions, which have been read.

HCR 3056 and HCR 3054 were declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3052: A concurrent resolution requesting the Legislative Management to study North

Dakota Century Code Title 39, including traffic fines and penalties imposed by state and local governments, implementation of methods and mechanisms to improve traffic safety, decrease motor vehicle crashes, fatalities, and injuries, and discourage impaired driving, speeding, distracted driving, and lack of seatbelt use in North Dakota.

REQUEST

REP. BELLEW REQUESTED a recorded roll call vote on the adoption of Engrossed HCR 3052, 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 68 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, P.; Beadle; Blum; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Guggisberg; Hager; Hanson; Hatlestad; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke; Speaker Klemm

NAYS: Anderson, D.; Becker; Bellew; Boe; Delzer; Ertelt; Grueneich; Headland; Johnston; Kading; Koppelman, B.; Louser; Magrum; Marschall; McWilliams; Pollert; Rohr; Ruby, M.; Schatz; Simons; Skroch; Steiner; Weisz

ABSENT AND NOT VOTING: Hoverson; O'Brien; Paur

Engrossed HCR 3052 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3013: A concurrent resolution to create and enact section 26 of article I of the Constitution of North Dakota, relating to exercising eminent domain over certain mineral rights and pore space for the benefit of private industry; and to amend and reenact section 16 of article I of the Constitution of North Dakota, relating to an exception to the limitations on exercising eminent domain.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 8 YEAS, 83 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, P.; Boe; Boschee; Dobervich; Holman; Mitskog; Nelson, M.

NAYS: Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Bosch; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; 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; Mock; Monson; Nathe; Nelson, J.; Owens; Paulson; 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; Weisz; Westlind; Zubke; Speaker Klemm

ABSENT AND NOT VOTING: Hoverson; O'Brien; Paur

HCR 3013 was declared lost on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution to amend and reenact section 9 of article III of the Constitution of North Dakota, relating to initiated measures for constitutional amendments.

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 65 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Bosch; Brandenburg; Damschen; Devlin; Dockter; Ertelt; Fegley; Fisher; Grueneich; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; McWilliams; Meier; Nathe; Owens; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schmidt; Schobinger; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke

NAYS: Adams; Anderson, P.; Boe; Boschee; Buffalo; Delzer; Dobervich; Eidson; Guggisberg; Hager; Hanson; Hatlestad; Holman; Johnson, M.; Keiser; Martinson; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; Sanford; Schauer; Schneider; Schreiber-Beck; Speaker Klemin

ABSENT AND NOT VOTING: Hoverson; O'Brien; Paur

HCR 3010 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3050: A concurrent resolution directing the Legislative Management to consider studying issues of fairness and equity as they relate to child support guidelines and the obligor model.

REQUEST

REP. VETTER REQUESTED a recorded roll call vote on the adoption of HCR 3050, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, 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: Beadle; Becker; Bellew; Blum; Boe; Brandenburg; Buffalo; Eidson; Ertelt; Hager; Johnson, C.; Johnson, M.; Johnston; Kading; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Louser; Magrum; Marschall; McWilliams; Meier; Mitskog; Mock; Nelson, M.; Paulson; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Satrom; Schatz; Schmidt; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Vetter

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Bosch; Boschee; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, D.; Jones; Karls; Kiefert; Kreidt; Laning; Lefor; Longmuir; Martinson; Monson; Nathe; Nelson, J.; Owens; Pollert; Porter; Ruby, D.; Sanford; Schauer; Schneider; Schobinger; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Hoverson; O'Brien; Paur

HCR 3050 was declared lost on a recorded roll call vote.

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 3016, HCR 3037, HCR 3046, HCR 3051.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2033.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2251.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1117, HB 1164, HB 1185, HB 1220, HB 1255, HB 1282.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1078.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1369.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1369

Page 2, line 13, replace "routine" with "recertification"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1134, HB 1327, HB 1385, HB 1400, HB 1404.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HCR 3024.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2045, SB 2049, SB 2079, SB 2097, SB 2119, SB 2130, SB 2188, SB 2189, SB 2190.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1134, HB 1327, HB 1385, HB 1400, HB 1404, HCR 3024.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1026, HB 1059, HB 1093, 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: The Speaker has signed: HB 1076, HB 1100, HB 1109, HB 1110, HB 1112, HB 1116, HB 1118, HB 1183, HB 1204, HB 1214, HB 1244, HB 1344.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker 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 2045, SB 2049, SB 2079, SB 2097, SB 2119, SB 2130, SB 2188, SB 2189, SB 2190.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2045, SB 2049, SB 2079, SB 2097, SB 2119, SB 2130, SB 2188, SB 2189, SB 2190.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 6, 2019: HB 1026,

HB 1059, HB 1093, HB 1103, HB 1146, HB 1149, HB 1166, HB 1201, HB 1276, HB 1312, HB 1360.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 6, 2019: HB 1028, HB 1039, HB 1041, HB 1068, HB 1069, HB 1070, HB 1072, HB 1075, HB 1076, HB 1080, HB 1081, HB 1083, HB 1084, HB 1085, HB 1087, HB 1091, HB 1094, HB 1100, HB 1109, HB 1110, HB 1112, HB 1116, HB 1118, HB 1183, HB 1204, HB 1214, HB 1244, HB 1344.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on March 6, 2019: HCR 3026, HCR 3030, HCR 3032.

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., Thursday, March 7, 2019, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HCR 3055: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HCR 3055 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2063: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2063 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2068: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2068 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2074: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2074 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2114: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2114 was placed on the Sixth order on the calendar.

Page 2, line 5, overstrike "shall" and insert immediately thereafter "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2143: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2143 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2163, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2163 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2246: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2246 was placed on the

Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2253: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2253 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2263, as reengrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (15 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). Reengrossed SB 2263 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2272: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2272 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2327, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2327 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2350: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2350 was placed on the Fourteenth order on the calendar.

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

Buell J. Reich, Chief Clerk