

**JOURNAL OF THE HOUSE****Sixty-sixth Legislative Assembly**

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**Bismarck, March 19, 2019**

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

The prayer was offered by Chaplain Paul Herr, Crisis Care Chaplaincy, Bismarck.

The roll was called and all members were present except Representatives Hanson and O'Brien.

A quorum was declared by the Speaker.

**MOTION**

**REP. LOUSER MOVED** that a committee of two be appointed to escort The Honorable Kelly M. Armstrong, United States House of Representatives, to the podium, which motion prevailed on a voice vote.

**SPEAKER KLEMIN APPOINTED** Reps. Schatz and Simons.

**REMARKS OF REPRESENTATIVE KELLY M. ARMSTRONG  
United States Congress**

It is fun to be back in North Dakota and see so many friends. I'll start with saying we need to keep friends in eastern North Dakota, South Dakota and Nebraska in mind as they are going through flooding issues. Because of a lot of policy that has gone through both of these chambers in the past, we are better off and better prepared for flooding in the Red River Valley than we have been before. That doesn't discount the seriousness. Yesterday we toured the Heartview Rehab Clinic. It struck me deeply. That issue is near and dear to my heart. Legislation came through this chamber dealing with science-based addiction treatment. The human element is very important. For the first time they have the ability to give back to society. They have jobs, are getting their children out of foster care, and are breaking the cycle of addiction. We've finally gotten to a place where insurance covers addiction. Our first lady is an absolute advocate for changing the stigma when it comes to addiction, and working towards those types of issues. Government, when it works well, should be sound policy, should be narrowly tailored, and should be efficient. But it should also give people hope. The most liberal and the most conservative members of the body came together for a broad range of programs that have passed over several sessions. I know you are working with them now moving forward. Local law enforcement, under former Sheriff Heinert and former Police Chief Donlin, started a program where they are working to identify people for these programs instead of putting them in jails as a way to deal with detox on the weekend. It takes a long time in two-hour meetings before we get to any federal issues. The federal issues are Medicaid insurance, DEA restrictions on some of the drugs, and some block grant issues. But the reason I bring that up is because the work that gets done to solve those challenges doesn't get done at the federal level, it gets done in this room. The federal government is incapable of solving those issues. And one of the reasons is how we deliver addictive treatment in Dickinson is different than how we deliver it in Fargo. We can't possibly have a one size fits all solution. The last Congress did pass the First Step Act. They did pass the most significant opioid addiction legislation we have ever seen come through the federal government. The best job that I can do is to make sure that whatever those programs are they allow for the flexibility at the state and local levels. Today is Ag Day. Thank a farmer. We have several in this room. I thank you all a lot. We supply not only the state, region, country and world. We have the safest and most secure food in the history of the world. North Dakota is a big part of the reason the United States is one of the few countries that is both energy and food sufficient. Not only is that huge for the economy in North Dakota and across the country, but for the national security issue. We are better off when we deal with our resources here at the state level and not try and deal with it at the federal level. I'll tell you some of the interesting anecdotes. People are shocked when I tell them you have no staff, and no office and only meet every two years for eighty days. But you have a better handle on issues than 99.9 percent of the people who are in Washington, D.C. I have a tremendous staff. They are still getting to know me. I am getting used to letting

smart people do their job and staying out of the way. There are so many people out there who get something handed to them and walk into a committee meeting. They read whatever they read and they get up and walk out of the committee meeting. Call me old fashioned, but I like to stay through the entire committee meeting and I try to ask questions based on what happens during the committee. That apparently is unique in Washington, D.C. I seem to think we do it pretty well here. Politics, more than ever, has become a spectator sport especially in a divided congress. Major legislation that passes the House isn't intended to become law. Legislation that passes the Senate is not intended to become law. It is essentially a skirmish line of talking points. We're working on bills, we're dealing with issues, we're voting on things that probably aren't going to pass the Senate. Talk to someone about how we do things in North Dakota and that a committee chairman can't put a bill in his desk. Literally the only power we have as a committee chairman in this body is when we schedule a hearing. Outside of that every one of you gets to vote at least once on a bill. As someone who has been in the minority for exactly two months, there are a lot of things I wish I could get the opportunity to vote on that I don't think I will, at least during the One-hundred-sixteenth Congress. Whether I have been blessed or cursed, I serve on the Judiciary Committee and the Oversight Committee. And just recently I got named to the Select Committee on the Climate. We get to deal with a lot of the big issues. One of the things that is a constant frustration in particular on these bills and on the more partisan bills – I'll use HRA which was the background check bill as an example. There is no interest in actually making the bill better. I'm pretty pro second amendment. I'm also pro rural America. We offered an amendment on these for ranching and farming exemptions and to clean up the language and take some adjectives out. That wasn't a partisan amendment. That was an amendment to say maybe we shouldn't federalize Game & Fish. All fifty states have different Game & Fish law. The bill wasn't getting amended. We will continue to talk about it because it is important. I co-sponsored a bill with Rep. Collins to go after and more actively enforce existing law. One of the issues you will see with gun violence and how we move forward is the communication between federal, state, and local law enforcements agencies in a timely manner with each other. We can do better at that. In events that happened across the country, there were so many times when police reports had been filed and nothing had been done. I'm pretty excited about work on food stamp reform. It is part of the farm bill, a really small section. I've advocated against reforms in this body that would affect kids and children. This particular one is a small subsection of the food stamps – single adults without dependents. This looks at how the federal government grants state waivers. It still gives states flexibility but tightens up the waivers at the federal government level. Rep. Peterson from Minnesota has reached out to our office about continuing to carry the baton on a rural export bill. He was working with Congressman Cramer and both Senators Heitkamp and Hoeven in the last congress. This allowed family farms and ag producers access and more resources when they are getting into the international trade. Smaller businesses have a harder time competing with larger businesses in those environments. We want to give them the resources to survive in that environment. Long after oil and gas is gone we are going to have agriculture all across the state. We'll have the big partisan fight when we need to. We'll have the bi-partisan conversation when we need to. Thank you to everyone in this room because what you do makes it so much easier for me to sell North Dakota, and sell local control in Washington, D.C. I appreciate everything you do and how hard you work. And that you can go back to your community and truly be a citizen legislator. If we would take more of this work ethic to Washington, D.C. it would be a much better place and we would be much better off as a country. Thank you all very much.

#### **MOTION**

**REP. LOUSER MOVED** that the remarks of U. S. Representative Kelly Armstrong be printed in the journal, which motion prevailed on a voice vote.

#### **MOTION**

**REP. LOUSER MOVED** that a committee of two be appointed to escort Commander Mark Robinson, Commanding Officer of the **USS NORTH DAKOTA**, to the podium, which motion prevailed on a voice vote.

**THE SPEAKER APPOINTED** Reps. D. Johnson and Eidson.

#### **REMARKS OF COMMANDER MARK ROBINSON** **Commanding Officer, USS NORTH DAKOTA**

**MR. SPEAKER:** And Members of the House of Representatives, from the Officers and Crew of the **USS NORTH DAKOTA**, the 11th Ship of the **VIRGINIA** Class, I say thank you. I am delighted to be here as their representative. It is my honor and privilege to report on the

current status of your warship. Thank you for this incredible opportunity and experience. In 2017, USS NORTH DAKOTA finished a long shipyard period, test launched the first ever Tomahawk Cruise Missile from a Block 3 VIRGINIA Class submarine, and executed extensive Sea Trials, weapons testing, an Engineering Examination, and a Battle Readiness inspection. As they always have, your crew performed with exceptional results. On November 9, 2017, as I became the Commanding Officer, I immediately noticed what a great ship it was and noted the special bond between USS NORTH DAKOTA and the great State of North Dakota! In 2018, USS NORTH DAKOTA installed a Dry Deck Shelter, a special attachment that allows even greater support of divers and special operating forces. We completed a grueling series of workups and inspections to certify as ready for all submarine mission areas, including use of the Dry Deck Shelter, a first for any Virginia Class submarine. NORTH DAKOTA deployed this past July 31st to the European Command with 148 well trained, highly effective and extremely motivated warriors ready to protect our homeland. This deployment was unlike any other I had ever undertaken in its breadth and scope of operations as well as the relative inexperience of the crew itself. Over 80% of the crew were deploying for the very first time. We deployed for 184 days, of which 137 were in total communications blackout. We traveled 34,000 total miles. We went above the Arctic Circle, we visited ports in Norway and Scotland. We ate 4700 chocolate chip cookies, and spent 32 days without a clothes dryer. One thing I'm especially proud of - we certified 31 new sailors as Qualified in Submarines, a mark that means they have demonstrated expertise as undersea warriors, and that they now wear a pin on their uniforms with the time-honored dolphins. We did all of this while conducting multiple complex missions vital to National Security. It is with great pride and tremendous pleasure that I can report to you that your ship and our crew are the toughest, most capable, most highly motivated of any crew I have ever served with. They sacrificed time with family to be our underwater front line, and they came through in herculean efforts to stay on mission. As a NORTH DAKOTA family, we take care of each other. both on the ship and at home. While we were deployed, we welcomed the birth of 5 babies to our NORTH DAKOTA family. Our strength also comes from the strong support of our incredible namesake state of North Dakota. The people of North Dakota and the continuing involvement of your USS NORTH DAKOTA Committee show terrific and sustaining namesake state support that is second to none! Our motto, "Strength from the Soil, Reapers of the Deep," reflects the heritage of our namesake State of North Dakota. The crews lounging and eating areas are covered with cards from North Dakota school children, we adorn our ship with treasured gifts from the state, and when we stopped to enjoy the half way mark in our deployment, we did it with sunflower seeds and pretzels made in and donated to us by the state. Before I'd even taken command, I had received numerous e-mails asking how the people of North Dakota could send Christmas cookies to their ship, and when we returned from deployment, we drove past a huge sign welcoming us home, provided by the NORTH DAKOTA Commissioning Committee. Again, the support of this state is amazing. Your USS NORTH DAKOTA has earned high praise from our commanders in Europe for our work on our recent deployment. NORTH DAKOTA also earned the coveted Battle E awarded by our Squadron to the submarine most ready to execute the full range of combat operations. The award goes to their best ship, and they concluded that ship is your USS NORTH DAKOTA. Thank you for the honor you have given me today to appear before you to report to you on your ship.

#### MOTION

**REP. LOUSER MOVED** that the remarks of Commander Mark Robinson be printed in the journal, which motion prevailed on a voice vote.

#### MOTION

**REP. LOUSER MOVED** that SB 2182 be returned to the floor from the **Education Committee** and be placed on the 14th Order on the following day's calendar, which motion prevailed on a voice vote.

#### SIXTH ORDER OF BUSINESS

**SPEAKER KLEMIN DEEMED** approval of the amendments to Engrossed SB 2044, SB 2090, Engrossed SB 2195, and Engrossed SB 2342.

Engrossed SB 2195, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2044, SB 2090, and Engrossed SB 2342, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SECOND READING OF SENATE BILL**

**SB 2250:** A BILL for an Act to amend and reenact sections 15.1-37-06 and 15.1-37-08 of the North Dakota Century Code, relating to the receipt and distribution of free and reduced lunch grant funds.

**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 46 YEAS, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Dobervich; Eidson; Grueneich; Guggisberg; Hager; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Keiser; Longmuir; Martinson; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pollert; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schneider; Schreiber-Beck; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Anderson, B.; Becker; Bellew; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Hoverson; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Louser; Magrum; Marschall; McWilliams; Meier; Paulson; Paur; Porter; Rohr; Ruby, D.; Ruby, M.; Schatz; Schmidt; Schobinger; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa

**ABSENT AND NOT VOTING:** Hanson; O'Brien

Engrossed SB 2250 failed for want of a Constitutional majority.

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**SECOND READING OF SENATE BILL**

**SB 2213:** A BILL for an Act to amend and reenact sections 61-24.5-03, 61-24.5-04, 61-24.5-07, 61-24.5-08, and 61-24.5-10 of the North Dakota Century Code, relating to the southwest water authority and district budget tax levies.

**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 27 YEAS, 65 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, P.; Boschee; Brandenburg; Buffalo; Dobervich; Grueneich; Hager; Hatlestad; Holman; Johnson, D.; Kempenich; Kreidt; Lefor; Meier; Mitskog; Nelson, J.; Owens; Richter; Rohr; Satrom; Schatz; Schmidt; Schneider; Steiner; Tveit; Zubke

**NAYS:** Adams; Anderson, D.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Damschen; Delzer; Devlin; Dockter; Eidson; Ertelt; Fegley; Fisher; Guggisberg; Headland; Heinert; Hoverson; Howe; Johnson, C.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Koppelman, B.; Koppelman, K.; Laning; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Mock; Monson; Nathe; Nelson, M.; Paulson; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Schauer; Schobinger; Schreiber-Beck; Simons; Skroch; Strinden; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Speaker Klemin

**ABSENT AND NOT VOTING:** Hanson; O'Brien

Reengrossed SB 2213 failed.

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**SECOND READING OF SENATE BILL**

**SB 2153:** A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to cooperative agreements to provide services to juveniles adjudicated in tribal court; to provide for a report to legislative management; and to provide an expiration date.

**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 82 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson, B.; Becker; Bellew; Delzer; Ertelt; Johnston; Magrum; Ruby, D.; Schatz; Simons

**ABSENT AND NOT VOTING:** Hanson; O'Brien

SB 2153 passed.

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**SECOND READING OF SENATE BILL**

**SB 2115:** A BILL for an Act to amend and reenact section 14-08.1-04, subsection 2 of section 14-09-08.1, subsection 4 of section 14-09-08.4, section 14-09-09.32, subsection 8 of section 14-09-25, section 34-15-07, and subsection 6 of section 50-09-08.6 of the North Dakota Century Code, relating to child support; to repeal section 14-09-09.37 of the North Dakota Century Code, relating to child support; and to provide a continuing appropriation.

**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, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; 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; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Pyle; Richter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Bellew; Delzer; Ertelt; Magrum; Porter; Simons; Toman; Vetter

**ABSENT AND NOT VOTING:** Hanson; O'Brien; Roers Jones

Reengrossed SB 2115, as amended, passed.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2051, SB 2192, SB 2193, SB 2231, SB 2318, SB 2338, SB 2355, SB 2360.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2325.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2290.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1065, HB 1129, HB 1141, HB 1143, HB 1193, HB 1209, HB 1223, HB 1224, HB 1470, HCR 3042.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1263.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1058, HB 1126, HB 1179.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1058**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-06.1-08 of the North Dakota Century Code, relating to nonmoving violations; and to repeal section 39-10-51 of the North Dakota Century Code, relating to unattended motor vehicles.

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

**SECTION 1. AMENDMENT.** Section 39-06.1-08 of the North Dakota Century Code is amended and reenacted as follows:

**39-06.1-08. Nonmoving violation defined.**

For the purposes of section 39-06.1-06, a "nonmoving violation" means:

1. A violation of section 39-04-11, subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, subsection 4 of section 39-06-17, and section 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, ~~39-10-54~~, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.
2. A violation, discovered at a time when the vehicle is not actually being operated, of section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections.

**SECTION 2. REPEAL.** Section 39-10-51 of the North Dakota Century Code is repealed."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1126**

Page 1, line 19, after the underscored period insert "A basic care facility continues to be responsible for the care and services of every resident."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1179**

Page 4, line 7, replace "subsections 3 or 7" with "this section"

Page 4, line 11, remove "de novo."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1079, HB 1225, HB 1227, HB 1480, HB 1539.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1055, HB 1102, HB 1108, HB 1265, HB 1298, HB 1336, HB 1392.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2052, SB 2053, SB 2059, SB 2071, SB 2099, SB 2105, SB 2144, SB 2164, SB 2187, SB 2202, SB 2207, SB 2218, SB 2236, SB 2255, SB 2289.

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

**MR. SPEAKER:** The President has signed: HB 1055, HB 1102, HB 1108, HB 1265, HB 1298, HB 1336, HB 1392.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1066, HB 1105, HB 1135, HB 1172, HB 1284, HB 1291, HB 1425, HB 1465, HCR 3009, HCR 3014, HCR 3029.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2052, SB 2053, SB 2059, SB 2071, SB 2099, SB 2105, SB 2144, SB 2164, SB 2187, SB 2202, SB 2207, SB 2218, SB 2236, SB 2255, SB 2289.

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

**MR. SPEAKER:** The President has signed: SB 2052, SB 2053, SB 2059, SB 2071, SB 2099, SB 2105, SB 2144, SB 2164, SB 2187, SB 2202, SB 2207, SB 2218, SB 2236, SB 2255, SB 2289.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 19, 2019: HB 1066, HB 1105, HB 1135, HB 1172, HB 1284, HB 1291, HB 1425, HB 1465.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 19, 2019: HCR 3009, HCR 3014, HCR 3029.

**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 20, 2019, which motion prevailed on a voice vote.

**REPORT OF STANDING COMMITTEE**

**SB 2037, as reengrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Reengrossed SB 2037 was placed on the Sixth order on the calendar.

Page 8, line 12, after "**38-23-01.**" insert "**General prohibition.**

The placement, including storage, treatment, or disposal, of high-level radioactive waste within the exterior boundaries of North Dakota is prohibited. If this provision is superseded by federal law, the remaining provisions of this chapter continue to apply. This section does not limit the authority of the legislative assembly or the commission to issue a notice of disapproval under this chapter.

**38-23-02."**

Page 8, line 29, replace "**38-23-02**" with "**38-23-03**"

Page 11, line 13, replace "**38-23-03**" with "**38-23-04**"

Page 11, line 18, after the underscored period insert "A county position paper must be made public at the time the permit application is submitted."

Page 13, line 1, replace "~~38-23-04~~" with "~~38-23-05~~"

Page 13, line 9, replace "~~38-23-05~~" with "~~38-23-06~~"

Page 13, line 12, replace "~~38-23-06~~" with "~~38-23-07~~"

Page 13, line 17, replace "~~38-23-07~~" with "~~38-23-08~~"

Page 13, line 29, replace "One senator" with "Two senators"

Page 14, line 1, replace "One representative" with "Two representatives"

Page 14, after line 19, insert:

"d. Report its findings biennially to the commission and to the legislative management."

Page 14, line 20, replace "~~38-23-08~~" with "~~38-23-09~~"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2087: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2087 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2088: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2088 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", subsections 2 and 3"

Page 1, line 2, remove "of section 27-20-30.1 and subsection 1 of section 27-20-45"

Page 1, line 8, remove "rule 2 of the North Dakota Rules of Juvenile"

Page 1, line 9, replace "Procedure" with "supreme court rule"

Page 1, remove lines 10 through 23

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2146, as reengrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2146 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "an" with "a contingent"

Page 1, line 4, after the boldfaced period insert "**CONTINGENT**"

Page 1, line 4, after "**APPROPRIATION**" insert "- **TRANSFER**"

Page 1, line 5, replace "\$450,000" with "\$150,000"

Page 1, line 6, after the comma insert "and from special funds that must be transferred by the state fair association from its operating fund to the state historical society, the sum of \$100,000, or so much of the sum as may be necessary,"



Page 1, line 9, after the period insert "The funds appropriated in this section may be transferred and spent only upon certification by the director of the state historical society to the director of the office of management and budget that all pioneer village buildings located on the North Dakota state fairgrounds which are required to be removed to satisfy the court ruling have been removed by June 15, 2019."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2146 - State Historical Society - House Action

	Base Budget	Senate Version	House Changes	House Version
Pioneer village relocation		\$450,000	(\$200,000)	\$250,000
Total all funds	\$0	\$450,000	(\$200,000)	\$250,000
Less estimated income	0	0	100,000	100,000
General fund	\$0	\$450,000	(\$300,000)	\$150,000
FTE	0.00	0.00	0.00	0.00

#### Department 701 - State Historical Society - Detail of House Changes

	Reduces Funding to Relocate Pioneer Village <sup>1</sup>	Total House Changes
Pioneer village relocation	(\$200,000)	(\$200,000)
Total all funds	(\$200,000)	(\$200,000)
Less estimated income	100,000	100,000
General fund	(\$300,000)	(\$300,000)
FTE	0.00	0.00

<sup>1</sup> This amendment reduces the general fund appropriation for a grant to relocate the Pioneer Village from \$450,000 to \$150,000, provides for a transfer from the State Fair operating fund to the State Historical Society of \$100,000, and makes the transfer and appropriations contingent upon certification by the Director of the State Historical Society to the Director of the Office of Management and Budget that all Pioneer Village buildings located on the North Dakota state fairgrounds that are required to be removed to satisfy the court order have been removed by June 15, 2019.

#### REPORT OF STANDING COMMITTEE

**SB 2257, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2257 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2258, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2258 was placed on the Sixth order on the calendar.

Page 1, line 22, after the underscored period insert "An agreement under this chapter must include the sales tax, use tax, farm machinery gross receipts tax, and the alcoholic beverages gross receipts tax."

Page 3, line 15, remove "An agreement under this chapter may provide for the allocation of revenue to a tribe or"

Page 3, replace line 16 with "The amount of state sales, use, and farm machinery gross receipts tax revenue allocated to a tribe or tribes under an agreement must be calculated as follows:"

Page 3, line 17, replace "One hundred" with "Fifty"

Page 3, line 18, after the underscored period insert "The state shall receive the remainder."

Page 3, line 19, remove "agreed to by the tribe or tribes and the state"

Page 3, line 20, remove "individual tribal members on taxable transactions or"

Page 3, line 21, replace "purchases occurring" with "enrolled tribal members residing"

Page 3, line 21, replace the underscored period with "determined by multiplying the enrolled membership of the tribe by the estimated per capita use tax. The estimated per capita use tax is ten percent of the per capita sales tax burden. The per capita sales tax burden is determined by multiplying the state tax rate factor by one third of the sales tax burden reported by the most recent "Tax Rates and Tax Burdens in the District of Columbia - A Nationwide Comparison", published by the government of the District of Columbia office of revenue analysis, for a family of three living in the largest city in North Dakota, and earning fifty thousand dollars per year. The state tax rate factor is a fraction representing the state general sales tax rate as a share of the combined state and local sales tax rate for the North Dakota city referenced in this subdivision."

- c. Except as provided in subdivision d, the enrolled membership of the tribe must be certified to the state by September thirtieth of each year during the term of the agreement. The enrolled membership of the tribe must consist of the number of enrolled members of the tribe physically residing within the exterior boundaries of the portion of the tribe's reservation located in this state. The enrolled membership of the tribe must be based on the tribe's enrollment office records, the bureau of Indian affairs enrollment records, or other records maintained by the tribe. The previous year's certified enrollment number must be used if the tribe does not issue a certification by September thirtieth, unless the tribe demonstrates the certified enrollment number has increased or decreased.
  - d. The tribe or tribes shall provide the initial population required by subdivision c no less than sixty days before the effective date of the agreement.
  - e. The manner in which the state and tribe resolve issues arising under this subsection must be specified in the agreement.
11. The amount of alcoholic beverages gross receipts tax allocated to the tribe under an agreement must be equal to an amount determined by multiplying the enrolled membership of the tribe by the state alcohol revenue per capita.
- a. The state alcohol revenue per capita is the monthly collections of the state's alcoholic beverages gross receipts tax designated for deposit in the state general fund divided by the state's total population as determined in the most recent actual or estimated census data published by the United States census bureau.
  - b. The enrolled membership of the tribe must be certified to the state by September thirtieth of each year during the term of the agreement. The enrolled membership of the tribe must consist of the number of enrolled members of the tribe physically residing within the exterior boundaries of the portion of the tribe's reservation located in this state. The enrolled membership of the tribe must be based on the tribe's enrollment office records, the bureau of Indian affairs enrollment records, or other records maintained by the tribe. The previous year's certified enrollment number must be used if the tribe does not issue a certification by September thirtieth, unless the tribe demonstrates the certified enrollment number has increased or decreased.
  - c. The tribe or tribes shall provide the initial population required by this subsection no less than sixty days before the effective date of the agreement.

- d. The manner in which the state and tribe resolve issues arising under this subsection must be specified in the agreement."

Page 3, line 22, replace "11." with "12."

Page 3, line 25, replace "12." with "13."

Page 4, line 13, replace "13." with "14."

Page 4, line 25, replace "14." with "15."

Page 4, line 28, replace "15." with "16."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2278, as reengrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2278 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2282, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2282 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 4, after "appropriation" insert "; and to provide an expiration date"

Page 2, line 28, after "Dakota" insert ", up to a maximum of forty-five million dollars."

Page 3, after line 5, insert:

**"SECTION 6. EXPIRATION DATE.** This Act is effective through June 30, 2023, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2312, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2312 was placed on the Fourteenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**

