

JOURNAL OF THE HOUSE

Sixty-sixth Legislative Assembly

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Bismarck, January 16, 2019

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

The prayer was offered by Pastor Daniel Haveman, Open Door Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Grueneich 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 Third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 212, line 12, replace "Headland" with "Hatlestad"

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

MOTION

REP. LOUSER MOVED that HB 1341 be returned to the House floor from the **Energy and Natural Resources Committee** for the purpose of withdrawal, which motion prevailed on a voice vote.

REQUEST

REP. JOHNSTON REQUESTED the unanimous consent of the House to withdraw HB 1341. There being no objection, it was so ordered by the Speaker.

MOTION

REP. LOUSER MOVED that HB 1522 be returned to the House floor from the **Agriculture Committee** for the purpose of withdrawal, which motion prevailed on a voice vote.

REQUEST

REP. MAGRUM REQUESTED the unanimous consent of the House to withdraw HB 1522. There being no objection, it was so ordered by the Speaker.

MOTION

REP. LOUSER MOVED that HB 1433 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Louser's motion, HB 1433 was rereferred.

MOTION

REP. LOUSER MOVED that HB 1443 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Agriculture Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Louser's motion, HB 1443 was rereferred.

SECOND READING OF HOUSE BILL

HB 1242: A BILL for an Act to amend and reenact subsection 3 of section 5-02-06 of the North Dakota Century Code, relating to prohibitions for an individual under twenty-one years of age; 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; 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; Vigasaa; Westlind; Zubke; Speaker Klemin

NAYS: Bellew; Karls

ABSENT AND NOT VOTING: Grueneich; Weisz

HB 1242 passed.

SECOND READING OF HOUSE BILL

HB 1244: A BILL for an Act to amend and reenact section 40-05-06, subsection 3 of section 40-18-01, and section 40-18-14 of the North Dakota Century Code, relating to city fines and penalties and jurisdiction of municipal judges; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; 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; Vigasaa; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Grueneich; Weisz

HB 1244 passed.

SECOND READING OF HOUSE BILL

HB 1147: A BILL for an Act to create and enact a new section to chapter 40-18 of the North Dakota Century Code, relating to the location of a proceeding before a municipal judge and the use of reliable electronic means.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich;

Dockter; Eidson; Ertelt; Fegley; Fisher; 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: Grueneich; Weisz

HB 1147 passed.

SECOND READING OF HOUSE BILL

HB 1091: A BILL for an Act to amend and reenact sections 37-17.1-02.1 and 37-17.1-02.2 of the North Dakota Century Code, relating to the operations of the department of emergency services.

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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; 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: Grueneich; Weisz

HB 1091 passed.

SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to amend and reenact section 54-59-20 of the North Dakota Century Code, relating to criminal history background checks for contract employees of the information technology department.

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 68 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bosch; Boschee; Buffalo; Damschen; Dobervich; Dockter; Eidson; Fegley; Fisher; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Kiefert; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Vigesaa; Westlind; Zubke; Speaker Klemin

NAYS: Bellew; Blum; Boe; Brandenburg; Delzer; Devlin; Ertelt; Holman; Hoverson; Johnston; Kading; Keiser; Kempenich; Koppelman, B.; Magrum; Marschall;

McWilliams; Nelson, M.; Paulson; Ruby, D.; Schatz; Simons; Toman; Vetter

ABSENT AND NOT VOTING: Grueneich; Weisz

Engrossed HB 1080 passed.

SECOND READING OF HOUSE BILL

HB 1110: A BILL for an Act to create and enact section 44-06.1-13.1 and a new section to chapter 44-06.1 of the North Dakota Century Code, relating to the adoption of the Revised Uniform Law on Notarial Acts; and to amend and reenact sections 11-18-15, 44-06.1-01, 44-06.1-03, 44-06.1-18, and 47-19-26 of the North Dakota Century Code, relating to the adoption of the Revised Uniform Law on Notarial Acts.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; 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; Vigasaa; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Grueneich; Weisz

Engrossed HB 1110 passed.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to amend and reenact subsection 18 of section 19-03.1-01, section 19-03.1-05, subsection 7 of section 19-03.1-07, subsection 4 of section 19-03.1-09, subsection 7 of section 19-03.1-11, and subsection 5 of section 19-03.1-13 of the North Dakota Century Code, relating to the definition of marijuana and the scheduling of controlled substances; and to declare an emergency.

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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; 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; Vigasaa; Westlind; Zubke; Speaker Klemin

NAYS: Bellew

ABSENT AND NOT VOTING: Grueneich; Weisz

Engrossed HB 1113 passed and the emergency clause was declared carried.

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 1048, HB 1055, HB 1056, HB 1093, HB 1094, HB 1095, HB 1098.

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 1028.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2036, SB 2097, SB 2122, SB 2157.

MOTION

REP. LOUSER MOVED that the absent members be excused, which motion prevailed.

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, January 17, 2019, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HB 1047: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1047 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1082: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1082 was placed on the Sixth order on the calendar.

Page 1, line 14, after "has" insert "substantial"

Page 1, line 17, remove "giving rise to probable cause"

Page 2, line 5, replace "four years" with "one year"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1097: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1097 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1132: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1132 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1138: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1138 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "b" and insert immediately thereafter "a"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1139: Industry, Business and Labor Committee (Rep. Keiser, Chairman)

recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).
HB 1139 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1140: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).
HB 1140 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1144: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1144 was placed
on the Sixth order on the calendar.

Page 2, line 23, after "means" insert ", if the fee is disclosed to the client in writing and
agreed to by the client in writing"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1156: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1156 was placed
on the Sixth order on the calendar.

Page 1, line 7, after the second underscored boldface comma insert "**and**"

Page 1, line 7, remove "**, and on-demand**"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1162: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS**
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1162 was placed on the
Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1172: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
HB 1172 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1173: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS**
(14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1173 was placed on the
Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1176: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
HB 1176 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1190: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING).
HB 1190 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1214: Finance and Taxation Committee (Rep. Headland, Chairman) recommends
AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS**
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1214 was placed on the
Sixth order on the calendar.

Page 1, line 7, overstrike "1."

Page 1, line 10, replace "a." with "1."

Page 1, line 10, remove "and a member of the tax"

Page 1, line 11, remove "commissioner's staff designated by the tax commissioner"

Page 1, line 12, replace "b." with "2."

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

Page 1, line 14, overstrike "2. The tax commissioner"

Page 1, line 14, remove "may"

Page 1, line 14, overstrike "designate a member of the tax commissioner's staff to"

Page 1, line 15, overstrike "accompany and advise the members appointed under this section"

Page 1, line 16, remove "regarding"

Page 1, line 16, overstrike "multistate discussions to review or revise the agreement or to conduct"

Page 1, overstrike line 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1251: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1251 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 a new section to chapter 47-10 of the North Dakota Century Code, relating to property disclosure requirements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 47-10 of the North Dakota Century Code is created and enacted as follows:

Property disclosure - Requirements.

1. This section applies to a transaction for the sale, exchange, or purchase of real property if:
 - a. A real estate broker, real estate assistant broker, or real estate salesperson who is associated with a real estate brokerage firm represents or assists a party to the transaction; and
 - b. The real property is an owner-occupied primary residence located in this state being sold or exchanged by the owner.
2. Before the parties sign an agreement for the sale, exchange, or purchase of real property, the seller shall make a written disclosure to the prospective buyer. The written disclosure must include all material facts of which the seller is aware could adversely and significantly affect an ordinary buyer's use and enjoyment of the property or any intended use of the property of which the seller is aware. The written disclosure must include latent defects, general condition, environmental issues, structural systems, and mechanical issues regarding the property. The seller shall make the written disclosure in good faith and based upon the best of the seller's knowledge at the time of the disclosure.

3. Following the sale, exchange, or purchase of real property, the brokerage firm shall retain a copy of the written disclosure completed and signed by the seller and signed by the prospective buyer. The brokerage firm's duties under this section do not supersede any other common law or statutory duties.
4. The North Dakota real estate commission shall establish and make available a written disclosure form meeting the requirements of this section. In establishing the form, the commission shall consult with stakeholders, such as professional organizations."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1255: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1255 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1271: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1271 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk