

## JOURNAL OF THE HOUSE

## Sixty-seventh Legislative Assembly

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Bismarck, January 27, 2021

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

The prayer was offered by Chaplain Greg Carr, Crisis Care Chaplaincy, Bismarck.

The roll was called and all members were present except Representatives Boe, Buffalo, M. Johnson, and Kempenich.

A quorum was declared by the Speaker.

## SIXTH ORDER OF BUSINESS

**SPEAKER K. KOPPELMAN DEEMED** approval of the amendments to HB 1199, HB 1251, and HB 1294.

HB 1199, HB 1251, and HB 1294, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## REPORT OF DELAYED BILLS COMMITTEE

**MR. SPEAKER:** Your **Delayed Bills Committee (Rep. Pollert, Chairman)** has unanimously approved the introduction of a bill for an Act to create and enact chapter 57-36.2 and a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to imposition of a gross receipts tax and an excise tax on retail marijuana and retail marijuana products; to provide a penalty; to provide a continuing appropriation; and to provide a contingent effective date.

## MOTION

**REP. SATROM MOVED** that the House reconsider its action whereby HB 1254 failed to pass, which motion prevailed on a verification vote.

## SECOND READING OF HOUSE BILL

**HB 1254:** A BILL for an Act to amend and reenact section 14-05-24.1 of the North Dakota Century Code, relating to spousal support.

## 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 51 YEAS, 40 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Becker; Bellew; Brandenburg; Christensen; Dockter; Ertelt; Fisher; Hagert; Headland; Heinert; Hoverson; Howe; Jones; Kading; Kasper; Kempenich; Koppelman, B.; Lefor; Louser; Magrum; Marschall; Meier; Monson; Nathe; Nehring; O'Brien; Ostlie; Owens; Paulson; Paur; Porter; Richter; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schauer; Schmidt; Schobinger; Simons; Skroch; Steiner; Stemen; Thomas; Toman; Trottier; Vetter; Weisz; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, D.; Anderson, P.; Beltz; Bosch; Boschee; Cory; Damschen; Delzer; Devlin; Dobervich; Fegley; Guggisberg; Hager; Hanson; Hatlestad; Ista; Johnson, D.; Karls; Keiser; Kiefert; Klemin; Kreidt; Longmuir; Martinson; Mitskog; Mock; Nelson, J.; Nelson, M.; Pollert; Pyle; Roers Jones; Sanford; Schneider; Schreiber-Beck; Strinden; Tveit; Vigasaa; Westlind; Zubke

**ABSENT AND NOT VOTING:** Boe; Buffalo; Johnson, M.

HB 1254 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1056:** A BILL for an Act to amend and reenact section 54-17.4-02 of the North Dakota Century Code, relating to the collection of global positioning system data; and to repeal section 54-17.4-12 of the North Dakota Century Code, relating to the duties of the state geologist.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; 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; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Boe; Buffalo; Johnson, M.

HB 1056 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1139:** A BILL for an Act to create and enact section 65-05-40 of the North Dakota Century Code, relating to duration limits for opioid therapy and benzodiazepine; and to provide for application.

**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 64 YEAS, 26 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Beltz; Bosch; Boschee; Brandenburg; Cory; Damschen; Delzer; Devlin; Dockter; Fisher; Hager; Hagert; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Jones; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Ostlie; Owens; Pollert; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, P.; Becker; Bellew; Christensen; Dobervich; Ertelt; Fegley; Guggisberg; Hanson; Hoverson; Kading; Kasper; Koppelman, B.; Magrum; Marschall; Nehring; Nelson, M.; Paulson; Paur; Rohr; Schneider; Schobinger; Simons; Skroch; Toman

**ABSENT AND NOT VOTING:** Boe; Buffalo; Johnson, M.; Porter

HB 1139 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1143:** A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to required patriotism projects for public elementary school students; and to provide a report to the legislative management.

**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 64 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Becker; Beltz; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Fisher; Guggisberg; Hagert; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Karls; Kempenich; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Owens; Paulson; Pollert; Porter; Pyle; Richter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schreiber-Beck; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, P.; Bellew; Boschee; Dobervich; Ertelt; Fegley; Hager; Hanson; Hoverson; Jones; Kading; Kasper; Keiser; Kiefert; Klemin; Nelson, M.; Ostlie; Paur; Roers Jones; Schneider; Schobinger; Simons; Skroch; Steiner; Stemen; Zubke

**ABSENT AND NOT VOTING:** Boe; Buffalo; Johnson, M.

Engrossed HB 1143 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1309:** A BILL for an Act to amend and reenact section 57-40.2-03.3 of the North Dakota Century Code, relating to payment of use tax by contractors; and to provide an effective date.

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

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Bosch; Boschee; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; 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; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

**ABSENT AND NOT VOTING:** Boe; Buffalo; Johnson, M.

Engrossed HB 1309 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1310:** A BILL for an Act to create and enact a new subsection to section 57-39.2-12 and a new subsection to section 57-40.2-06 of the North Dakota Century Code, relating to an exception to the payment of sales and use taxes; and to provide an effective date.

**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 47 YEAS, 42 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Becker; Bellew; Beltz; Christensen; Dockter; Ertelt; Hagert; Hatlestad; Heinert; Hoverson; Jones; Kading; Karls; Kempenich; Klemin; Koppelman, B.; Lefor;

Longmuir; Magrum; Marschall; Martinson; Meier; Nathe; Ostlie; Paulson; Paur; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schobinger; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Vetter; Speaker Koppelman, K.

**NAYS:** Adams; Anderson, D.; Anderson, P.; Bosch; Boschee; Cory; Damschen; Delzer; Devlin; Dobervich; Fegley; Fisher; Guggisberg; Hager; Hanson; Headland; Howe; Ista; Johnson, D.; Kasper; Keiser; Kiefert; Kreidt; Louser; Mitskog; Mock; Monson; Nehring; Nelson, J.; Nelson, M.; O'Brien; Owens; Pollert; Porter; Pyle; Schneider; Schreiber-Beck; Tveit; Vigasaa; Weisz; Westlind; Zubke

**ABSENT AND NOT VOTING:** Boe; Brandenburg; Buffalo; Johnson, M.; Schmidt

Engrossed HB 1310 failed for want of a Constitutional majority.

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#### MOTION

**REP. LOUSER MOVED** that HB 1132 be returned to the House floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed on a voice vote.

#### REQUEST

**REP. PORTER REQUESTED** the unanimous consent of the House to withdraw HB 1132. There being no objection, it was so ordered by the Speaker.

#### MOTION

**REP. LOUSER MOVED** that HB 1354 be returned to the House floor from the **Judiciary Committee** and be rereferred to the **Human Services Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Louser's motion, HB 1354 was rereferred.

#### 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 1117, HB 1160, HB 1220, HB 1221, HB 1242, HB 1258.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2069, SB 2149, SB 2252.

#### 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, and Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, January 28, 2021, which motion prevailed on a voice vote.

#### REPORT OF STANDING COMMITTEE

**HB 1027: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1027 was placed on the Sixth order on the calendar.

Page 2, remove lines 15 through 18

Page 3, line 3, replace "Except as provided in subsection 3. a" with "A"

Page 3, line 7, remove "A school district may not receive more than one per student payment for transportation"

Page 3, remove line 8

Page 3, line 9, remove "4."

Page 3, line 19, replace "5." with "4."

Page 4, line 6, replace "Except as provided in subsection 3, a" with "A"

Page 4, line 10, remove "A school district may not receive more than one per student payment for transportation"

Page 4, remove line 11

Page 4, line 12, remove "4."

Page 5, line 24, after "Act" insert "or subsection 3 of section 1 of this Act"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1086: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1086 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 5 of section 26.1-22-01 and"

Page 1, remove lines 6 through 14

Page 1, line 20, replace "may" with "shall"

Page 2, line 12, after "or" insert "may insure"

Page 2, line 13, remove the overstrike over "subject to the restrictions"

Page 2, line 14, after the third overstruck comma insert "and exclusions deemed necessary by the commissioner."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1125: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1125 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "the definition of a dependent" with "definitions used"

Page 2, after line 30, insert:

"3. "Stepchild's other parent" means the spouse, widow, or widower of a veteran."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1129: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1129 was placed on the Sixth order on the calendar.

Page 2, line 3, remove the overstrike over "For taxpayers with federal adjusted gross income of"

Page 2, line 3, after "fifty" insert "seventy-five"

Page 2, line 3, remove the overstrike over "~~thousand dollars or less,~~"

Page 2, line 4, remove the overstrike over "~~or one hundred~~" and insert immediately thereafter "fifty"

Page 2, line 4, remove the overstrike over "~~thousand dollars or less if married filing jointly, reduced~~"

Page 2, line 4, remove "Reduced"

Page 2, line 5, remove the overstrike over "an"

Page 2, line 5, remove "the"

Page 2, line 5, remove the overstrike over "equal to"

Page 2, line 5, remove "of"

Page 2, after line 6, insert:

**"SECTION 3. AMENDMENT.** Subdivision t of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, as amended by section 2 of this Act, is amended and reenacted as follows:

- t. ~~For taxpayers with federal adjusted gross income of seventy-five thousand dollars or less, or one hundred fifty thousand dollars or less if married filing jointly, reduced~~ Reduced by ~~an~~ the amount ~~equal to~~ of social security benefits included in a taxpayer's federal adjusted gross income under section 86 of the Internal Revenue Code."

Page 2, line 7, replace "This" with "Section 2 of this"

Page 2, line 7, after "for" insert "the first two"

Page 2, line 8, after the period insert "Sections 1 and 3 of this Act are effective for taxable years beginning after December 31, 2022."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1150: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1150 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1169: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1169 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HB 1232: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1232 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "circumstances" with "conditions"

Page 2, line 26, remove "at least ninety-five percent student participation"

Page 2, line 27, remove "in the"

Page 2, line 27, after "instruction" insert "available to all students"

Page 2, line 27, remove "that at least ninety-five percent of"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1267: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1267 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1272: Industry, Business and Labor Committee (Rep. Lefor, Chairman)** recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1272 was placed on the Eleventh order on the calendar.

**FIRST READING OF HOUSE BILL**

Reps. Headland, Boschee, Dockter, Mitskog, Steiner and Sen. Meyer introduced:

**HB 1501:** A BILL for an Act to create and enact chapter 57-36.2 and a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to imposition of a gross receipts tax and an excise tax on retail marijuana and retail marijuana products; to provide a penalty; to provide a continuing appropriation; and to provide a contingent effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

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

**Buell J. Reich, Chief Clerk**

