

JOURNAL OF THE HOUSE

Sixty-seventh Legislative Assembly

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Bismarck, January 28, 2021

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

The prayer was offered by Pastor Paul Letvin, Submerge Church, Fargo.

The roll was called and all members were present except Representative Buffalo.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER K. KOPPELMAN DEEMED approval of the amendments to HB 1027, HB 1086, HB 1125, HB 1129, and HB 1232.

HB 1129, as amended, was rereferred to the **Appropriations Committee**.

HB 1027, HB 1086, HB 1125, and HB 1232, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. LOUSER MOVED that HB 1292 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. NEHRING REQUESTED the unanimous consent of the House to withdraw HB 1292. There being no objection, it was so ordered by the Speaker.

MOTION

REP. CORY MOVED that the House reconsider its action whereby Engrossed HB 1310 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

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 57 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, P.; Becker; Bellew; Boe; Christensen; Cory; Damschen; Dockter; Ertelt; Fisher; Hager; Hagert; Hatlestad; Heinert; Hoverson; Howe; Johnson, M.; Jones; Kading; Karls; Kasper; Klemin; Koppelman, B.; Lefor; Longmuir; Louser; Magrum; Marschall; Meier; Mock; Monson; Ostlie; Owens; Paulson; Paur; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Simons; Skroch; Steiner; Stemen; Strinden; Toman; Trottier; Vetter; Speaker Koppelman, K.

NAYS: Adams; Anderson, D.; Beltz; Bosch; Boschee; Brandenburg; Delzer; Devlin; Dobervich; Fegley; Guggisberg; Hanson; Headland; Ista; Johnson, D.; Keiser; Kempenich; Kiefert; Kreidt; Martinson; Mitskog; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Pollert; Porter; Schneider; Schreiber-Beck; Thomas; Tveit; Vigasaa; Weisz; Westlind; Zubke

ABSENT AND NOT VOTING: Buffalo

Engrossed HB 1310 passed.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to provide for a legislative management study of the adequacy of property tax relief for retired individuals.

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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; 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.; Johnson, M.; 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; Vigesaa; Weisz; Westlind; Speaker Koppelman, K.

NAYS: Zubke

ABSENT AND NOT VOTING: Buffalo

Engrossed HB 1325 passed.

SECOND READING OF HOUSE BILL

HB 1204: A BILL for an Act to create and enact a new section to chapter 34-01 of the North Dakota Century Code, relating to limitations on requirements to wear a mask at work; to provide an expiration date; 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 NOT PASS, the roll was called and there were 19 YEAS, 74 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Christensen; Ertelt; Fisher; Hoverson; Jones; Kading; Kasper; Kempenich; Koppelman, B.; Louser; Magrum; Marschall; Paulson; Ruby, D.; Schatz; Skroch; Tveit; Speaker Koppelman, K.

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Beltz; Boe; Bosch; Boschee; Brandenburg; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Karls; Keiser; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke

ABSENT AND NOT VOTING: Buffalo

Engrossed HB 1204 failed.

SECOND READING OF HOUSE BILL

HB 1054: A BILL for an Act to amend and reenact subsection 1 of section 38-08-04 of the North Dakota Century Code, relating to bond requirements for abandoned oil and gas wells.

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 11 YEAS, 82 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, P.; Boschee; Dobervich; Guggisberg; Hager; Hanson; Johnson, M.; Mitskog; Nelson, M.; Schneider

NAYS: Anderson, B.; Anderson, D.; Becker; Bellev; Beltz; Boe; Bosch; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Hagert; 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; Mock; Monson; Nathe; Nehring; Nelson, J.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Buffalo

HB 1054 failed.

SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to provide for a legislative management study of property tax equity and the creation of a central taxing authority.

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.; Becker; Bellev; Beltz; Boe; Bosch; Boschee; Brandenburg; Christensen; Cory; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; 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: Buffalo; Damschen

HB 1167 passed.

SECOND READING OF HOUSE BILL

HB 1170: A BILL for an Act to create and enact section 58-04-02.2 of the North Dakota Century Code, relating to the removal of township officers; and to amend and reenact subsection 1 of section 44-08-21 and section 58-04-02 of the North Dakota Century Code, relating to the removal of township officers.

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 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemm; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; 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, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Ertelt; Magrum; Ruby, D.; Simons

ABSENT AND NOT VOTING: Buffalo

HB 1170 passed.

SECOND READING OF HOUSE BILL

HB 1192: A BILL for an Act to create and enact a new section to chapter 57-02 and a new section to chapter 57-15 of the North Dakota Century Code, relating to limitations on the true and full valuation of property for tax purposes and limitations on property tax levied by taxing districts without voter approval; to amend and reenact subdivision a of subsection 4 of section 15.1-27-04.1 of the North Dakota Century Code, relating to the calculation of school district state aid payments; and to provide an 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 20 YEAS, 73 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Becker; Bellew; Christensen; Ertelt; Kading; Kasper; Koppelman, B.; Magrum; Marschall; Meier; Paulson; Paur; Rohr; Ruby, D.; Ruby, M.; Schatz; Simons; Steiner; Toman; Speaker Koppelman, K.

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Kiefert; Klemm; Kreidt; Lefor; Longmuir; Louser; Martinson; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke

ABSENT AND NOT VOTING: Buffalo

HB 1192 failed.

SECOND READING OF HOUSE BILL

HB 1224: A BILL for an Act to create and enact a new subsection to section 11-15-03, section 57-15-19.8, and a new subsection to section 58-03-07 of the North Dakota Century Code, relating to duties of the county sheriff and township excess levies for regulation enforcement; to amend and reenact section 57-15-20.2 of the North Dakota Century Code, relating to exceptions to tax levy limitations in townships; and

to provide an 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 3 YEAS, 90 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Beltz; Magrum; Nehring

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Boe; 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.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; 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; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Buffalo

HB 1224 failed.

SECOND READING OF HOUSE BILL

HB 1158: A BILL for an Act to amend and reenact subsection 2 of section 49-22-09.2 of the North Dakota Century Code, relating to the allocation of moneys paid to mitigate adverse environmental impacts.

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.; Becker; Bellew; Beltz; Boe; 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; 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; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Magrum; Toman

ABSENT AND NOT VOTING: Buffalo; Johnson, M.

HB 1158 passed.

SECOND READING OF HOUSE BILL

HB 1290: A BILL for an Act to create and enact section 39-10-11.1 of the North Dakota Century Code, relating to a vehicle overtaking and passing a bicycle on a roadway; 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 59 YEAS, 33 NAYS, 0

EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Christensen; Cory; Damschen; Dobervich; Ertelt; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Kiefert; Klemin; Longmuir; Louser; Marschall; Martinson; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Pollert; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schneider; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Vigessaa; Zubke

NAYS: Becker; Bellew; Brandenburg; Delzer; Devlin; Dockter; Fegley; Heinert; Hoverson; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Kreidt; Lefor; Magrum; Meier; Paur; Porter; Richter; Rohr; Schatz; Schmidt; Schobinger; Simons; Thomas; Toman; Trottier; Vetter; Weisz; Westlind; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Buffalo; Tveit

HB 1290 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: HB 1056, HB 1139, HB 1143, HB 1254, HB 1309.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2141, SB 2175, SB 2199.

MOTION

REP. LOUSER MOVED that the absent member 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 12:30 p.m., Friday, January 29, 2021, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HB 1140: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1140 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1168: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1168 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 39-06 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to electronic operator's licenses; and to"

Page 1, line 3, after "39-06-19" insert "and subsection 2 of section 39-06-49"

Page 1, line 4, replace "and the renewal of operator's licenses" with ", renewals, and fees"

Page 1, remove lines 6 through 24

Page 2, line 15, replace "may not" with "shall"

Page 2, line 15, after "fee" insert "of ten dollars"

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

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

Page 5, after line 8, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 39-06-49 of the North Dakota Century Code is amended and reenacted as follows:

2. The fee for:
 - a. An application for a nondriver photo identification card is eight dollars.
 - b. Written testing for an application for an operator's license is five dollars.
 - c. Online written testing for an application for an operator's license is ten dollars.
 - d. Actual ability testing for an application for an operator's license is five dollars.
 - ~~d-e.~~ An application for an operator's license is fifteen dollars.
 - ~~e-f.~~ An application for a motorized bicycle operator's permit is ten dollars.
 - ~~f-g.~~ A substitute operator's license is eight dollars unless the substitute is for erroneous information due to a change in name or address, then the fee is three dollars.
 - ~~g-h.~~ An operator's license renewal is fifteen dollars.
 - ~~h-i.~~ Reinstatement after suspension is fifty dollars unless the suspension was the result of a suspension under subsection 3, 4, or 6 of section 39-06-03 or subdivision b of subsection 1 of section 39-06-32, then the fee is twenty-five dollars, or unless the suspension was a result of a violation under section 39-08-01 or chapter 39-20, then the fee is one hundred dollars.
 - ~~i-j.~~ Reinstatement after revocation is fifty dollars, unless the revocation was imposed for a violation of subsection 6 of section 39-06-17 or section 39-06-31, 39-06-43, or 39-20-04, then the fee is one hundred dollars."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1208: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1208 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1257: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1257 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1260: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1260 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 3, remove "employees"

Page 1, line 12, replace "political subdivision" with "city"

Page 1, line 15, remove "every statewide elected official; state department and agency head."

Page 1, remove lines 16 and 17

Page 1, line 18, replace "thousand dollars; and state legislator" with "the governor and every member of the legislative assembly"

Page 1, line 19, remove "or county"

Page 1, line 20, remove "elected official and head of every department and"

Page 1, line 21, replace "agency" with "commissioner"

Page 1, line 21, remove "or county and every city or county employee with a"

Page 1, line 22, replace "salary greater than one hundred twenty-five thousand dollars" with "and the mayor or city manager"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1271: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1271 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1277: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING). HB 1277 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "one"

Page 1, line 9, remove the overstrike over "two"

Page 1, line 9, remove "five"

Page 1, line 14, after "by" insert "a"

Page 1, line 14, after the first "resolution" insert "approved by a majority of the qualified electors voting upon the question at a regular or special election"

Page 1, line 14, overstrike "adopted" and insert immediately thereafter "approved"

Page 1, line 14, after "subsection" insert ", and each subsequent resolution, remains in effect for ten taxable years, or the time period approved by the voters, whichever expires first, and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1286: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1286 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 section 5-01-19.2 of the North Dakota Century Code, relating to a manufacturing distillery; to provide for transition; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 5-01-19.2 of the North Dakota Century Code is created and enacted as follows:

5-01-19.2. Manufacturing distillery - Satellite locations.

1. The tax commissioner may issue a manufacturing distillery license to the owner or operator of a distillery located within this state which uses a majority of North Dakota farm products to manufacture and sell spirits produced on the premises. A manufacturing distillery license may be issued and renewed for an annual fee of one hundred dollars. This fee is in lieu of all other license fees required by this title. The tax commissioner may not issue the manufacturing distillery license until the applicant has established the applicant has applied for and obtained the necessary federal registrations and permits, as required under the Internal Revenue Code of 1986 [26 U.S.C. 5001 et seq.] and the federal Alcohol Administration Act [27 U.S.C. 203], for the operation of a distilled spirits plant.
2. A manufacturing distillery may sell spirits produced by that distillery at off sale, in retail lots, and not for resale, and may sell or direct ship its spirits to persons inside or outside the state in a manner consistent with the laws of the place of the sale or delivery in total quantities not in excess of twenty-five thousand gallons [94635 liters] in a calendar year. Direct sales within this state are limited to two and thirty-eight hundredths gallons [9 liters] or less per month per person for personal use and not for resale. The packaging must conform with the labeling requirements in section 5-01-16. A licensee may dispense free samples of the spirits offered for sale. Subject to local ordinance, sales at off sale may be made on Sundays between twelve noon and twelve midnight. A manufacturing distillery may hold events inside its premises and at its satellite location. The tax commissioner may issue event permits for not more than forty event days per calendar year to a manufacturing distillery to allow the manufacturing distillery, subject to local ordinance, to give free samples of its product and to sell its product by the glass or in closed containers at on-premises events and at its satellite location. A manufacturing distillery may not engage in any wholesaling activities. Except as provided by section 5-01-19.1, all sales and deliveries of spirits to any other retail licensed premises in this state may be made only through a licensed North Dakota liquor wholesaler. However, a manufacturing distillery may sell distilled spirits to a domestic winery if the distilled spirits were produced from products provided to the manufacturing distillery by the domestic winery.
3.
 - a. As used in this subsection, "samples" means the serving of free tastings of a manufacturing distillery's products not to exceed six ounces [0.18 liter] of spirits per individual per day.
 - b. A manufacturing distillery may operate one satellite location in addition to its licensed premises for the purpose of providing samples and on sale or off sale retail sales.
 - (1) The spirits sampled or sold at the satellite location must be produced by the manufacturing distillery.
 - (2) A manufacturing distillery may not produce any spirits at the satellite location.
 - (3) An event permit issued to a manufacturing distillery in accordance with subsection 2 for an indoor or outdoor event held at its satellite location does not count towards the forty event days per calendar year allowed under subsection 2. The manufacturing distillery may offer free samples of its spirits and may sell its spirits by the glass or in closed containers at the event held at the satellite location.

- (4) The satellite location must be owned or leased by the manufacturing distillery licensee.
- (5) A manufacturing distillery may not engage in wholesaling activities at its satellite location.
- c. A manufacturing distillery shall obtain a satellite location license from the tax commissioner before operating a satellite location. The tax commissioner may issue and renew a satellite location license for an annual fee of one hundred dollars. This fee is in addition to all other license fees required by this title.
- d. A manufacturing distillery is liable for any violation of alcohol or licensing requirements committed on the premises of its satellite location.
- 4. A person may not hold a manufacturing distillery license and a domestic distillery license.
- 5. A manufacturing distillery may obtain a manufacturing distillery license and a retailer license allowing the on-premises sale of alcoholic beverages at a restaurant owned by the licensee and located at the manufacturing distillery's satellite location.
- 6. A manufacturing distillery is subject to section 5-03-06 and shall report and pay annually to the tax commissioner the wholesaler taxes due on all spirits sold by the licensee at retail or to a retail licensee, including all spirits shipped directly to consumers as set forth in sections 5-03-07 and 57-39.6-02. The annual wholesaler tax reports are due January fifteenth of the year following the year sales were made. The report must provide the detail and be in a format as prescribed by the tax commissioner. The tax commissioner may require the report to be submitted in an electronic format approved by the tax commissioner.

SECTION 2. TRANSITION PERIOD. After the effective date of this Act, a domestic distillery licensee may rescind a domestic distillery license and apply for and be issued a manufacturing distillery license. After August 1, 2022, a domestic distillery licensee may not be issued a manufacturing distillery license.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1302: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1302 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1334: Judiciary Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1334 was placed on the Sixth order on the calendar.

Page 1, line 12, after "~~upon~~" insert "make"

Page 1, line 12, remove the overstrike over "~~a finding~~"

Page 1, line 12, remove "determine"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1346: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (13

YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1346 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1351: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO PASS** (8 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). HB 1351 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1365: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1365 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1370: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1370 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1405: 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** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1405 was placed on the Sixth order on the calendar.

Page 1, line 23, after "employment" insert "or supported employment"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1414: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1414 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1433: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1433 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1460: Education Committee (Rep. Owens, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1460 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Headland, Brandenburg, D. Johnson, Mitskog, Schmidt, Schreiber-Beck and Sens. Sorvaag, Wanzek introduced:

HCR 3019: A concurrent resolution directing the Legislative Management to consider studying the fiscal and safety impacts of United States Fish and Wildlife Service easements in North Dakota on the Department of Transportation, Department of Agriculture, and counties.

Was read the first time and referred to the **Transportation Committee**.

Reps. Schatz, Becker, Bellew, Delzer, Kempenich, Meier, D. Ruby, Steiner, Toman and Sens. O. Larsen, Myrdal introduced:

HCR 3020: A concurrent resolution declaring the state will obey only the federal laws, agency rules, or presidential executive orders the state determines to be constitutional.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Reps. Schatz, Dockter, Heinert, B. Koppelman, Pollert, Rohr, M. Ruby, Schmidt, Skroch and Sens. Elkin, D. Larsen, O. Larsen introduced:

HCR 3021: A concurrent resolution directing the Legislative Management to consider studying the factors contributing to the nation's firearm and ammunition shortage.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Dobervich, Mock and Sen. Hogan introduced:

HCR 3022: A concurrent resolution directing the Legislative Management to consider studying the feasibility and desirability of implementing a hospital discharge database.

Was read the first time and referred to the **Human Services Committee**.

Reps. K. Koppelman, Bosch, Klemin, Louser, Pollert and Sens. Burckhard, Dwyer, Wardner introduced:

HCR 3023: A concurrent resolution urging Congress to propose an amendment to the United States Constitution to prohibit changing the number of justices serving on the United States Supreme Court.

Was read the first time and referred to the **Judiciary Committee**.

Reps. Toman, Mock introduced:

HCR 3024: A concurrent resolution directing the Legislative Management to consider studying the feasibility and desirability of regulating special purpose depository institutions for cryptocurrency.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Reps. Nehring, Delzer, Kreidt, Porter, Schmidt, Toman and Sens. Anderson, Kannianen, Bell introduced:

HCR 3025: A concurrent resolution urging the federal government to refrain from enacting regulations that threaten the reliability and affordability of electric power in North Dakota and to increase support for research, development, and deployment for next generation carbon-based energy generation.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. Porter, Dockter, Headland, Nathe and Sens. Bekkedahl, Bell, Wardner introduced:

HCR 3026: A concurrent resolution urging Congress and the President of the United States to protect agricultural producers and other large asset holders in the state by refraining from changing the federal estate and gift tax exemption and from raising income taxes.

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

Reps. Porter, Damschen, Pollert, Zubke and Sens. Bekkedahl, Patten, Bell, Wardner introduced:

HCR 3027: A concurrent resolution urging President Joseph R. Biden, Jr. to continue oil development on federal land and on federal minerals.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

Reps. Porter, Heinert and Sens. Bekkedahl, Holmberg introduced:

HCR 3028: A concurrent resolution urging Congress to include state and local 911 dispatchers as qualified public safety employees and therefore not subject to the early distribution tax under the Internal Revenue Code retirement provisions.

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