

JOURNAL OF THE HOUSE

Sixty-sixth Legislative Assembly

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Bismarck, February 1, 2019

The House convened at 12:30 p.m., with Speaker Klemin presiding.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

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

A quorum was declared by the Speaker.

MOTION

REP. LOUSER MOVED that HB 1448, which is on the Sixth order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Rep. Louser's motion, HB 1448 was rereferred.

MOTION

REP. FEGLEY MOVED that the House reconsider its action whereby HB 1121 failed to pass, which motion failed on a verification vote.

SIXTH ORDER OF BUSINESS

SPEAKER KLEMIN DEEMED approval of the amendments to Engrossed HB 1029, HB 1102, HB 1104, HB 1126, HB 1285, HB 1335, HB 1339, HB 1378, HB 1429, HB 1433, HB 1446, HB 1454, HB 1457, Engrossed HB 1464, and HB 1494.

Engrossed HB 1029, HB 1102, HB 1104, HB 1126, HB 1285, HB 1335, HB 1339, HB 1378, HB 1429, HB 1433, HB 1446, HB 1454, HB 1457, Engrossed HB 1464, and HB 1494, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILL

HB 1443: A BILL for an Act to create and enact a new subsection to section 53-06.1-11 and section 53-06.2-10.2 of the North Dakota Century Code, relating to historic horse race wagering and rent limits; and to amend and reenact sections 53-06.2-01, 53-06.2-04, 53-06.2-05, and 53-06.2-06, subsection 1 of section 53-06.2-08, and sections 53-06.2-10, 53-06.2-10.1, and 53-06.2-11 of the North Dakota Century Code, relating to the regulation of historic horse racing.

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 48 YEAS, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Hatlestad; Headland; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kasper; Kempenich; Kiefert; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Nathe; Pollert; Pyle; Richter; Roers Jones; Ruby, M.; Schatz; Schauer; Schobinger; Schreiber-Beck; Simons; Steiner; Strinden; Trotter; Tveit; Vetter; Zubke

NAYS: Adams; Anderson, B.; Bellew; Boe; Bosch; Boschee; Damschen; Delzer; Devlin; Ertelt; Guggisberg; Hager; Hanson; Heinert; Holman; Hoverson; Kading; Karls; Keiser; Koppelman, K.; Laning; Meier; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Porter; Rohr; Ruby, D.; Sanford; Satrom; Schmidt; Schneider; Skroch; Toman; Vigasaa; Weisz; Westlind; Speaker Klemin

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

Engrossed HB 1443 passed.

MOTION

REP. HEADLAND MOVED that the vote by which HB 1443 passed be reconsidered and the motion to reconsider be laid on the table.

REQUEST

REP. BELLEW REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion that the vote by which HB 1443 prevailed be reconsidered and the motion to reconsider be laid on the table, the roll was called and there were 50 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boschee; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Hanson; Hatlestad; Headland; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Kasper; Kiefert; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Mock; Nathe; Pollert; Pyle; Roers Jones; Ruby, M.; Schatz; Schmidt; Schreiber-Beck; Simons; Steiner; Strinden; Trottier; Tveit; Vetter; Zubke

NAYS: Anderson, B.; Bellew; Boe; Bosch; Damschen; Delzer; Devlin; Ertelt; Guggisberg; Hager; Heinert; Holman; Hoverson; Karls; Keiser; Kempenich; Koppelman, K.; Laning; Meier; Mitskog; Monson; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Porter; Richter; Rohr; Ruby, D.; Sanford; Satrom; Schauer; Schneider; Schobinger; Skroch; Toman; Vigesaa; Weisz; Westlind; Speaker Klemin

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

The motion prevailed on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to create and enact two new sections to chapter 4.1-41 of the North Dakota Century Code, relating to commercial feed and prohibited acts; to amend and reenact sections 4.1-41-01, 4.1-41-02, 4.1-41-04, 4.1-41-05, 4.1-41-06, 4.1-41-07, 4.1-41-09, 4.1-41-10, 4.1-41-11, 4.1-41-13, 4.1-41-16, and 4.1-41-18 of the North Dakota Century Code, relating to commercial feed; and to provide a penalty.

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 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Bellew; Blum; Boe; Bosch; Boschee; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; 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.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Becker; Ertelt; Simons

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

Engrossed HB 1134 passed.

SECOND READING OF HOUSE BILL

HB 1263: A BILL for an Act to create and enact a new subsection to section 39-26-07 of the North Dakota Century Code, relating to right of an owner to reclaim an abandoned vehicle; to amend and reenact sections 23.1-15-01, 23.1-15-03, 23.1-15-05, 23.1-15-06, 23.1-15-07, 39-26-02, and 39-26-06 of the North Dakota Century Code, relating to custody and disposition of abandoned motor vehicles; to provide a penalty; 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 86 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Martinson; McWilliams; Meier; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; 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; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Ertelt; Koppelman, B.; Koppelman, K.; Marschall; Monson

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

Engrossed HB 1263 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1169: A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to annual observance of Patriots' Day.

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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Becker; Ertelt

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

Engrossed HB 1169 passed.

SECOND READING OF HOUSE BILL

HB 1298: A BILL for an Act to provide for a legislative management study concerning the

accessibility of the state capitol.

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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; 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.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Bellew; Simons

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

Engrossed HB 1298 passed.

SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to provide for a legislative management study considering the spectrum of public employee retirement options.

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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; 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.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Guggisberg; Ruby, D.

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

Engrossed HB 1419 passed.

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to amend and reenact section 43-09-09 of the North Dakota Century Code, relating to regulation of electrical systems.

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

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Bosch; Damschen; Dockter; Ertelt; Grueneich; Hager; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, M.; Johnston; Kading; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; McWilliams; Mock; Nathe; Nelson, M.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Steiner; Strinden; Toman; Vetter; Zubke; Speaker Klemin

NAYS: Adams; Anderson, P.; Boe; Boschee; Delzer; Devlin; Dobervich; Eidson; Fegley; Fisher; Guggisberg; Hanson; Hoverson; Johnson, D.; Jones; Karls; Kiefert; Kreidt; Magrum; Meier; Mitskog; Monson; Nelson, J.; Paulson; Paur; Schneider; Schreiber-Beck; Simons; Skroch; Trottier; Tveit; Vigasaa; Weisz; Westlind

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

Engrossed HB 1157 passed.

SECOND READING OF HOUSE BILL

HB 1137: A BILL for an Act to create and enact two new sections to chapter 26.1-02 of the North Dakota Century Code, relating to electronic delivery of insurance notices and documents; and to repeal section 26.1-39-26 of the North Dakota Century Code, relating to electronic delivery of property and casualty insurance notices and documents.

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.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; 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.; 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; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

Engrossed HB 1137 passed.

SECOND READING OF HOUSE BILL

HB 1127: A BILL for an Act to amend and reenact sections 10-15-08.1, 10-19.1-13, and 10-32.1-11, subsection 14 of section 10-32.1-92, section 10-33-10, subdivision I of subsection 1 of section 10-33-140, subsection 3 of section 10-34-04, subdivision I of subsection 1 of section 10-36-08, section 45-10.2-10, subsection 13 of section 45-10.2-109, sections 45-11-01, 45-13-04.1, 45-22-04, and 45-23-03, subsection 13 of section 45-23-08, and section 47-25-03 of the North Dakota Century Code, relating to the names of cooperatives, corporations, limited liability companies, domestic and foreign real estate investment trusts, limited partnerships, fictitious partnerships, and limited liability partnerships; and to provide a contingent 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.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; 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.; 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; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

Engrossed HB 1127 passed.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to amend and reenact sections 26.1-38.1-01, 26.1-38.1-02, 26.1-38.1-03, 26.1-38.1-04, 26.1-38.1-05, 26.1-38.1-06, 26.1-38.1-08, 26.1-38.1-09, 26.1-38.1-10, 26.1-38.1-11, 26.1-38.1-13, 26.1-38.1-14, and 26.1-38.1-16 of the North Dakota Century Code, relating to the North Dakota life and health insurance guaranty association; to repeal section 26.1-38.1-17 of the North Dakota Century Code, relating to application of laws to an insolvent insurer; and to provide for application.

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.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; 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.; 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; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

Engrossed HB 1116 passed.

SECOND READING OF HOUSE BILL

HB 1455: A BILL for an Act to create and enact chapter 32-48 of the North Dakota Century Code, relating to the creation of a judicial remedy in a qui tam action; and to provide for a report.

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 12 YEAS, 79 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, P.; Boschee; Dobervich; Eidson; Guggisberg; Hager; Hanson; Holman; Hoverson; Nelson, M.; Schneider

NAYS: Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Grueneich; Hatlestad; Headland;

Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; 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; Strinden; Toman; Trotter; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Brandenburg; Buffalo; O'Brien

HB 1455 failed.

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 1346, HB 1368, HB 1415, HB 1502, HB 1546.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2222, SB 2326, SB 2343.

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., Monday, February 4, 2019, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HB 1060: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1060 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 two new subsections to section 52-04-06 of the North Dakota Century Code, relating to surcharges paid by employers for employees who receive unemployment insurance benefits at a rate exceeding contributions paid into the system by the employer; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 52-04-06 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding any other provision of law, if the amount of cumulative benefits charged to an employer's account exceeds the amount of cumulative contributions made by the employer by January thirty-first of each calendar year, the bureau shall assess a surcharge amount to the employer as follows:

<u>Cumulative benefits divided by cumulative contributions</u>	<u>Surcharge percentage</u>
<u>100 to 149 percent</u>	<u>3 percent</u>
<u>150 to 199 percent</u>	<u>7 percent</u>
<u>200 percent and greater</u>	<u>10 percent</u>

SECTION 2. A new subsection to section 52-04-06 of the North Dakota Century Code is created and enacted as follows:

The surcharge amount must equal the surcharge percentage multiplied by the cumulative benefits charged to the employer's account in excess

of the cumulative contributions paid by the employer as of December thirty-first of the most recent completed calendar year. The employer shall pay the assessment amount by October thirty-first of the year in which the surcharge is assessed. The assessment must be placed in the unemployment insurance trust fund and credited to the employer's account. Payments may not be used as credit in the payment of contributions. If an employer makes a voluntary contribution as provided under section 52-04-06 which would reduce or eliminate the assessed surcharge, the surcharge assessment must be recalculated and provided to the employer. Surcharges unpaid when due must bear interest at the rate of one and one-half percent per month or fraction thereof from the due date. The interest collected must be paid into the federal advance interest repayment fund.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2019."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1077: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1077 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1195: 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 1195 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "consumer" with "customer"

Page 1, line 7, replace "**Consumer**" with "**Customer**"

Page 1, line 9, replace "Consumer" with "Customer"

Page 1, line 9, replace "an individual who" with "a person that"

Page 1, line 10, replace "consumer" with "service"

Page 1, line 10, after the underscored period insert "The term does not include a government entity."

Page 1, line 11, replace "Consumer" with "Service"

Page 1, line 11, replace "consumer" with "customer"

Page 1, line 12, remove ", made primarily for personal, family,"

Page 1, line 13, remove "or household purposes."

Page 1, line 13, replace "consumer" with "customer"

Page 1, after line 14, insert:

"c. "Terms and conditions" means general and special arrangements, provisions, requirements, rules, specifications, and standards that form an integral part of an agreement or contract."

Page 1, line 15, replace "consumer" with "service"

Page 1, line 15, replace "a condition or terms" with "terms and conditions"

Page 1, line 15, replace "each clause" with "the service contract"

Page 1, line 16, replace "initialed" with "accepted"

Page 1, line 16, replace "consumer" with "customer"

Page 1, line 16, replace "clause" with "service contract"

Page 1, line 17, replace "consumer" with "service"

Page 2, line 6, after "renewed" insert "for a period of more than one month"

Page 2, line 30, replace "thirty-one days" with "six months"

Page 2, line 31, remove "via registered mail"

Page 3, line 1, replace "The" with:

"a. The written notice must be provided by:

(1) First-class mail;

(2) Electronic mail; or

(3) Any easily accessible form of communication, including text message or a mobile application, if the consumer specifically authorizes the person to provide notice in such form.

b. The written"

Page 3, line 4, remove ", whichever is earlier"

Page 3, line 21, after "commission" insert ", or services provided by the public utilities"

Page 4, line 12, after the underscored period insert "A business that complies in good faith with the provisions of this chapter is immune from civil liability."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1197: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1197 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1224: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1224 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1229: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1229 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1239: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1239 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", and subsection 2"

Page 1, line 2, remove "of section 40-05-06"

Page 2, line 4, remove the overstrike over "fifty"

Page 2, line 4, remove "one hundred"

Page 2, line 6, remove the overstrike over "fifty"

Page 2, line 6, remove "one hundred"

Page 2, line 9, remove the overstrike over "one"

Page 2, line 9, remove "two"

Page 2, line 10, remove the overstrike over "one"

Page 2, line 10, remove "two"

Page 2, line 13, remove the overstrike over "one"

Page 2, line 13, remove "two"

Page 2, line 14, remove the overstrike over "~~two hundred fifty~~"

Page 2, line 14, remove "five"

Page 2, line 15, remove "hundred"

Page 2, line 16, replace "one thousand" with "two hundred fifty"

Page 2, line 17, remove the overstrike over "thirty"

Page 2, line 17, remove "sixty"

Page 2, line 18, remove the overstrike over "thirty"

Page 2, line 18, remove "sixty"

Page 2, line 20, remove the overstrike over "~~one hundred fifty~~"

Page 2, line 20, remove "three hundred"

Page 2, line 21, remove the overstrike over "three"

Page 2, line 21, remove "six"

Page 2, line 23, remove the overstrike over "two"

Page 2, line 24, remove the overstrike over "~~hundred fifty~~"

Page 2, line 24, remove "five hundred"

Page 2, line 31, replace "20" with "15"

Page 3, line 1, replace "30" with "25"

Page 3, line 2, replace "50" with "35"

Page 3, line 3, replace "80" with "50"

Page 3, line 4, replace "140" with "90"

Page 3, line 5, replace "\$200" with "\$140"

Page 3, line 18, remove the overstrike over "one"

Page 3, line 18, remove "two"

Page 3, line 21, remove the overstrike over "~~two hundred fifty~~"

Page 3, line 21, remove "five hundred"

Page 3, line 24, remove the overstrike over "~~five hundred~~"

Page 3, line 24, remove "one thousand"

Page 3, line 26, remove the overstrike over "~~fifty~~"

Page 3, line 26, remove "one hundred"

Page 3, line 31, replace "eighty" with "one hundred"

Page 4, line 1, replace "eighty" with "one hundred"

Page 4, line 6, remove "sixty"

Page 4, line 7, remove "sixty"

Page 4, line 12, replace "\$160" with "\$100"

Page 4, remove lines 13 through 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1301: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). HB 1301 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1305: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (10 YEAS, 1 NAYS, 3 ABSENT AND NOT VOTING). HB 1305 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1307: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1307 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1328: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1328 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1331: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1331 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1391: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1391 was placed on the Sixth order on the calendar.

Page 4, line 2, remove "by the commissioner"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1398: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1398 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1410: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1410 was

placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1411: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1411 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1413: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1413 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1423: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1423 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1467: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1467 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1483: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1483 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1543: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1543 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1544: Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1544 was placed on the Sixth order on the calendar.

Page 1, line 15, after "3." insert "A law enforcement officer may not scan, retrieve, or in any other manner request electronic possession of any information contained on a electronic operator's license without permission from the licensed motor vehicle operator.

4. If a law enforcement officer requests identification via electronic method, the computerized licensing system must display to the licensed motor vehicle operator whether the officer has reasonable suspicion the licensed motor vehicle operator is in violation of the law.

5."

Renumber accordingly

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

Buell J. Reich, Chief Clerk