

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

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Bismarck, February 28, 2019

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

The prayer was offered by Pastor Muriel Lippert, Western North Dakota Synod-ELCA.

The roll was called and all members were present except Representatives Dobervich, Kempenich, Kiefert, and O'Brien.

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 Thirty-fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1011, line 16, replace "2 NAYS" with "0 NAYS"

Page 1011, line 17, replace "0 ABSENT" with "2 ABSENT"

Page 1011, line 20, replace "Page 514, line 5" with "Page 634, line 49"

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

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Rep. Lois Delmore, Grand Forks

POINT OF PERSONAL PRIVILEGE

REP. MOCK rose on a point of personal privilege.

REMARKS OF REPRESENTATIVE MOCK

MR. SPEAKER: If you were in Grand Forks last Saturday, February 23rd, and felt the chill in the air, then you were not watching the North Dakota Boys Hockey State Championship.

I rise to congratulate a boys hockey team that will be remembered for generations to come. Over the weekend, the Grand Forks Central Knights recorded an undefeated 2018-19 season, finishing the regular season 14-0 and earning a 25-0 overall record.

While the Knights were an early favorite heading into the state tournament, they faced incredible teams, each thirsty for a title of their own. The Knights advanced from the quarterfinals after defeating a relatively young and spirited Mandan Braves by the score of 14-0. Bismarck High School – a west region powerhouse – nearly upset the defending champions in the semifinals, but a strong performance by senior, and tournament Most Valuable Player, Lucas Kanta, lifted the Knights over the Demons in a 3-2 finish, in what would become the closest game of their season.

Saturday's title game squared the Knights against the Fargo-Davies Eagles in front of a hometown crowd at Fargo's Scheels Arena. A strong performance by both defenses meant the combined goals by both teams could be counted on one hand. But once the clock ran out, the defending champions became the first boys hockey team to win back-to-back-to-back state tournaments since Grand Forks Red River accomplished their three-peat during the 1996-1998 seasons.

The Grand Forks Central Knights have had a lot to celebrate over the past week. State-leading goalies Aaron Nielson and Kolby Elseth recorded season-long save averages of 92.3 and 91.7 percent, respectively. Senior Lucas Kanta was North Dakota's third top scorer – 22

goals and 46 assists – and awarded tournament MVP. Classmate Cole Hanson finished the season as statewide lead scorer with 39 goals and 32 assists, and was dubbed "Mr. Hockey" with his honor as Outstanding Senior Athlete.

Joining Hanson and Kanta on this year's Boys All-State Team, and also earning honors for the season, were defensemen Brandon Holt and Hunter Bjorge.

In addition to completing an undefeated 25-0 season, the Grand Forks Central Knights outscored their opponents 195-24, scored an average 7.8 goals per game, have not been beaten by an in-state opponent in 71 tries, and, with this title, have earned a state-leading 28th championship.

On behalf of the North Dakota Legislative Assembly, I'd like to congratulate the 2019 Coach of the Year, Grant Paranica, and his Grand Forks Central Knights on a remarkable season, and express our sincerest gratitude to the players, coaches, and staff of all North Dakota boys hockey teams for their hard-work and sportsmanship this season.

MOTION

REP. LOUSER MOVED that the remarks of Rep. Mock be printed in the Journal, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that SB 2197 be returned to the House floor from the **Industry, Business and Labor Committee** and be rereferred to the **Agriculture Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Louser's motion, SB 2197 was rereferred.

MOTION

REP. LOUSER MOVED that SB 2230 be returned to the House floor from the **Education Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Louser's motion, SB 2230 was rereferred.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3007: A concurrent resolution to amend and reenact sections 2, 3, 5, 6, 7, 8, and 9 of article III of the Constitution of North Dakota, relating to an alternative process for enacting initiated measures.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 77 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dockter; Fegley; Fisher; Grueneich; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Adams; Anderson, P.; Buffalo; Dobervich; Eidson; Ertelt; Guggisberg; Hager; Hanson; Martinson; Mitskog; Porter; Schneider; Toman

ABSENT AND NOT VOTING: Kempenich; Kiefert; O'Brien

Engrossed HCR 3007 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3028: A concurrent resolution directing the Legislative Management to consider studying article XIV of the Constitution of North Dakota, relating to transparency of funding sources, lobbyists, conflicts of interest, and the establishment of an ethics commission.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 20 YEAS, 72 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, P.; Bellew; Boschee; Buffalo; Dobervich; Eidson; Ertelt; Guggisberg; Hager; Hanson; Keiser; Koppelman, K.; Magrum; Mitskog; Mock; Nelson, M.; Paur; Schneider; Speaker Klemin

NAYS: Anderson, B.; Anderson, D.; Beadle; Becker; Blum; Boe; Bosch; Brandenburg; Damschen; Delzer; Devlin; Dockter; Fegley; Fisher; Grueneich; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Koppelman, B.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, J.; Owens; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien

HCR 3028 was declared lost on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3034: A concurrent resolution to amend and reenact section 9 of article III and section 16 of article IV of the Constitution of North Dakota, relating to voting on constitutional amendments at general elections.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 82 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Koppelman, B.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; McWilliams; Meier; 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; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Anderson, P.; Buffalo; Guggisberg; Hager; Keiser; Koppelman, K.; Louser; Martinson; Mitskog; Schneider

ABSENT AND NOT VOTING: Kiefert; O'Brien

HCR 3034 was declared adopted on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2083: A BILL for an Act to amend and reenact subsection 8 of section 10-04-06,

subsection 1 of section 10-04-08.4, and subsection 8 of section 10-04-10 of the North Dakota Century Code, relating to the manual exemption from registration of securities, and refund of filing and registration fees.

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; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; 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: Kiefert; O'Brien

SB 2083 passed.

SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to amend and reenact sections 34-14-05 and 34-14-09 of the North Dakota Century Code, relating to investigation of wage collection claims; to provide an effective date; and to declare an emergency.

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 80 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kreidt; Laning; Lefor; Longmuir; Louser; 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; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Vetter; Vigasaa; Westlind; Zubke; Speaker Klemin

NAYS: Becker; Delzer; Johnson, M.; Johnston; Koppelman, B.; Koppelman, K.; Magrum; Marschall; Nelson, M.; Simons; Toman; Weisz

ABSENT AND NOT VOTING: Kiefert; O'Brien

SB 2145 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to amend and reenact sections 14-09-34 and 34-15-04 of the North Dakota Century Code, relating to electronic remittal of funds withheld under an income withholding order and new hire reporting; and to provide for 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 PASS, the roll was called and there were 32 YEAS, 60 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Beadle; Blum; Bosch; Brandenburg; Buffalo; Dobervich; Dockter; Eidson; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Howe; Johnson, M.; Kading; Laning; Lefor; Mitskog; Mock; Nelson, M.; Pyle; Richter; Roers Jones; Schauer; Schneider; Steiner; Strinden; Trotter; Zubke

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Boe; Boschee; Damschen; Delzer; Devlin; Ertelt; Fegley; Heinert; Holman; Hoverson; Johnson, C.; Johnson, D.; Johnston; Jones; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, J.; Owens; Paulson; Paur; Pollert; Porter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Toman; Tveit; Vetter; Vigesaa; Weisz; Westlind; Speaker Klemin

ABSENT AND NOT VOTING: Kiefert; O'Brien

SB 2111 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: HCR 3004, HCR 3009, HCR 3011, HCR 3018, HCR 3019, HCR 3023, HCR 3025, HCR 3027, HCR 3029, HCR 3033, HCR 3035, HCR 3041, HCR 3044.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1039, HB 1041, HB 1068, HB 1069, HB 1070, HB 1072, HB 1076, HB 1080, HB 1081, HB 1083, HB 1084, HB 1087, HB 1091, HB 1093, HB 1094.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1028, HB 1075, HB 1085.

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 12:30 p.m., Friday, March 1, 2019, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HCR 3006: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HCR 3006 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "twenty-five" with "forty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3012: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HCR 3012 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3048: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HCR 3048 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2038: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2038 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2040, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2040 was placed on the Sixth order on the calendar.

Page 1, line 23, after "district" insert "or a separate property area"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2056, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2056 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2080: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2080 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2089, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2089 was placed on the Sixth order on the calendar.

Page 1, line 3, after the first comma insert "57-06-05,"

Page 3, after line 10, insert:

"SECTION 2. AMENDMENT. Section 57-06-05 of the North Dakota Century Code is amended and reenacted as follows:

57-06-05. Annual assessment.

The state board of equalization, at its annual meeting in ~~August~~July, shall assess the franchises and all operative property of power, gas, pipeline, and other companies, covered by this chapter, with reference to the value thereof on the first day of January of that year."

Page 17, line 24, after the fourth comma insert "5,"

Page 17, line 24, replace "5" with "6"

Page 17, line 26, replace "7" with "8"

Page 17, line 26, replace "15" with "16"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2091: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2091 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2092, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2092 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2123, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2123 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2167, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2167 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2177, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2177 was placed on the Fourteenth order on the calendar.

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

Buell J. Reich, Chief Clerk

