

JOURNAL OF THE HOUSE

Sixty-fifth Legislative Assembly

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Bismarck, March 2, 2017

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

The prayer was offered by Rev. Graig Schweitzer, Good Shepherd Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Delmore, Keiser, Kempenich, and Kreidt.

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. Klemin, Chairman)** has carefully examined the Journal of the Thirty-fourth, Thirty-fifth, and Thirty-seventh Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 782, after line 11, insert:

"Reps. Carlson, Porter, Streytle and Sen. Laffen introduced:

HCR 3033: A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to authorization for up to six state owned casinos in the state which are to be established as destination-oriented attractions; and to amend and reenact section 25 of article XI of the Constitution of North Dakota, relating to exceptions to the prohibition on games of chance.

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

Page 817, replace line 43 with "Was read the first time and referred to the **Energy and Natural Resources Committee.**"

Page 839, lines 30 and 32, remove "as amended,"

REP. KLEMIN MOVED that the report be adopted, which motion prevailed.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on February 23, 2017, I have signed the following: HB 1293.

Also, on February 23, 2017, I have signed the following: HB 1304.

Also, on February 23, 2017, I have signed the following: HB 1426.

MOTION

REP. VIGESAA MOVED that SB 2144 be returned to the House floor from the **Political Subdivisions Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Vigesaa's motion, SB 2144 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2161 be returned to the House floor from the **Human Services Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Vigesaa's motion, SB 2161 was rereferred.

MOTION

REP. VIGESAA MOVED that SB 2163 be returned to the House floor from the **Human**

Services Committee and be rereferred to the **Judiciary Committee**, which motion prevailed on a voice vote.

Pursuant to Rep. Vigesaa's motion, SB 2163 was rereferred.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to amend and reenact section 39-06-37, subsection 2 of section 39-06.1-10, and section 39-06.1-14 of the North Dakota Century Code, relating to a revoked or suspended operator's license.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Keiser; Kempenich; Kreidt

SB 2108 passed.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to amend and reenact section 24-02-02.3 of the North Dakota Century Code, relating to agreements with tribal governments.

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 70 YEAS, 20 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Damschen; Devlin; Dockter; Ertelt; Grueneich; Guggisberg; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kiefert; Klemin; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Sukut; Trottier; Vetter; Vigesaa; Westlind; Zubke

NAYS: Boehning; Carlson; Delzer; Dobervich; Hanson; Headland; Koppelman, B.; Koppelman, K.; McWilliams; Olson; Pollert; Porter; Schatz; Seibel; Simons; Steiner; Streyle; Toman; Weisz; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Keiser; Kempenich; Kreidt

SB 2109 passed.

SECOND READING OF SENATE BILL

SB 2122: A BILL for an Act to amend and reenact section 39-06-02 of the North Dakota Century Code, relating to preventing nonresident, nonlicensed individuals from

driving on the highway.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Keiser; Kempenich; Kreidt

SB 2122 passed.

SECOND READING OF SENATE BILL

SB 2126: A BILL for an Act to amend and reenact sections 39-06-08 and 39-06-09 of the North Dakota Century Code, relating to a minor's application for an operator's license and liability for the negligence of a minor.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Keiser; Kempenich; Kreidt

SB 2126 passed.

SECOND READING OF SENATE BILL

SB 2140: A BILL for an Act to amend and reenact subdivision c of subsection 8 of section 26.1-04-03, subsection 2 of section 26.1-04-06, and subsection 2 of section 26.1-25-16 of the North Dakota Century Code, relating to limitations on insurance rebates.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.;

Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Keiser; Kempenich; Kreidt

SB 2140 passed.

SECOND READING OF SENATE BILL

SB 2112: A BILL for an Act to amend and reenact subsection 5 of section 57-39.4-19 and sections 57-39.4-29 and 57-39.4-33.4 of the North Dakota Century Code, relating to uniform tax returns, the taxability matrix, and tax administration practices under the sales and use tax agreement.

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 45 YEAS, 45 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, P.; Beadle; Blum; Boschee; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, M.; Jones; Kading; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Maragos; Mitskog; Nelson, M.; O'Brien; Olson; Owens; Porter; Roers Jones; Ruby, M.; Sanford; Schneider; Schobinger; Schreiber-Beck; Steiner; Sukut; Toman; Trottier; Zubke

NAYS: Anderson, D.; Becker, Rich S.; Becker, Rick C.; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Johnson, D.; Johnston; Karls; Kasper; Kiefert; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Oliver; Paur; Pollert; Pyle; Rohr; Ruby, D.; Satrom; Schatz; Schmidt; Seibel; Simons; Skroch; Streyle; Vetter; Vigesaa; Weisz; Westlind; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Keiser; Kempenich; Kreidt

SB 2112 failed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1052, HB 1106, HB 1108, HB 1119.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1111, HB 1136.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2048, SB 2092, SB 2095, SB 2103, SB 2118.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2048, SB 2092, SB 2095, SB 2103, SB 2118.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2048, SB 2092, SB 2095, SB 2103, SB 2118.

MOTION

REP. VIGESAA MOVED that the absent members be excused, which motion prevailed on a voice vote.

MOTION

REP. VIGESAA 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 3, 2017, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2049, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2049 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2093: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2093 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2096, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2096 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2106: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2120: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2185: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2284, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2284 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2324: Education Committee (Rep. Owens, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3026: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3026 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3030: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3030 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3032: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING).

HCR 3032 was placed on the Eleventh order on the calendar.

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

Buell J. Reich, Chief Clerk