

## JOURNAL OF THE HOUSE

## Sixty-third Legislative Assembly

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Bismarck, February 25, 2013

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

The prayer was offered by Chaplain Gary Heaton, Sanford Health, Bismarck.

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

A quorum was declared by the Speaker.

## MOTION

**REP. VIGESAA MOVED** that Reengrossed HB 1210, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Reengrossed HB 1210 was rereferred.

## MOTION

**REP. VIGESAA MOVED** that HB 1153 be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1224:** A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to hunting with a loaded firearm in a vehicle; 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 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbermagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Keiser

**ABSENT AND NOT VOTING:** Johnson, N.

Engrossed HB 1224 passed.

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## SECOND READING OF HOUSE BILL

**HB 1467:** A BILL for an Act to create and enact a new section to chapter 37-17.1 of the North Dakota Century Code, relating to emergencies and firearms; and to amend and reenact subdivision h of subsection 6 of section 37-17.1-05 of the North Dakota Century Code, relating to the powers of the governor in 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 76 YEAS,

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

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Haak; Hanson; Hatlestad; Headland; Heilman; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Nathe; Nelson, J.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Amerman; Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Hawken; Hogan; Holman; Hunskor; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Strinden; Zaiser

**ABSENT AND NOT VOTING:** Johnson, N.

Engrossed HB 1467 passed.

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### SECOND READING OF HOUSE BILL

**HB 1283:** A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the carrying of a firearm with a concealed weapons permit; 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 82 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Guggisberg; Haak; Hanson; Headland; Heilman; Heller; Hofstad; Hogan; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Glassheim; Gruchalla; Hatlestad; Hawken; Holman; Mooney; Muscha; Onstad; Oversen; Sanford; Sukut

**ABSENT AND NOT VOTING:** Johnson, N.

Engrossed HB 1283 passed and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1215:** A BILL for an Act to create and enact a new subsection to section 15.1-19-10 of the North Dakota Century Code, relating to school board policy; and to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the carrying of a firearm with a concealed weapons permit.

### 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 60 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Grande; Headland; Heilman; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kelsh, S.;

Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kreun; Laning; Larson; Looysen; Louser; Maragos; Martinson; Meier; Monson; Nathe; Nelson, J.; Owens; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Streyle; Thoreson; Toman; Vigasaa; Wall; Weisz; Wieland; Williams

**NAYS:** Amerman; Boe; Boschee; Delmore; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heller; Hogan; Holman; Hunskor; Kelsh, J.; Kretschmar; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Paur; Sanford; Silbernagel; Steiner; Strinden; Sukut; Trottier; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.

Engrossed HB 1215 passed.

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### SECOND READING OF HOUSE BILL

**HB 1366:** A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the carrying of a firearm with a concealed weapons permit.

### 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 58 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Belter; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Gruchalla; Headland; Hofstad; Johnson, D.; Karls; Kasper; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Looysen; Louser; Meier; Monson; Nathe; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Strinden; Thoreson; Toman; Vigasaa; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Amerman; Anderson; Beadle; Boe; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hogan; Holman; Hunskor; Keiser; Kelsh, J.; Kretschmar; Kreun; Maragos; Martinson; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Sanford; Silbernagel; Sukut; Trottier; Wall; Zaiser

**ABSENT AND NOT VOTING:** Johnson, N.

Engrossed HB 1366 passed.

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### SECOND READING OF HOUSE BILL

**HB 1281:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the assessment of institutions of higher education; 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 PASS, the roll was called and there were 60 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Boe; Boehning; Boschee; Carlson; Damschen; Delmore; Dockter; Frantsvog; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Hunskor; Johnson, D.; Karls; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreun; Laning; Larson; Looysen; Maragos; Martinson; Meier; Mock; Muscha; Nathe; Nelson, J.; Oversen; Owens; Paur; Porter; Ruby; Sanford; Schmidt; Strinden; Thoreson; Toman; Vigasaa; Wall; Weisz; Williams; Zaiser; Speaker Devlin

**NAYS:** Belter; Brabandt; Brandenburg; Delzer; Dosch; Drovdal; Fehr; Froseth; Grande; Headland; Heller; Holman; Kasper; Keiser; Kempenich; Kreidt; Kretschmar; Louser;

Monson; Mooney; Nelson, M.; Onstad; Pollert; Rohr; Rust; Schatz; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Trottier; Wieland

**ABSENT AND NOT VOTING:** Johnson, N.

Engrossed HB 1281 passed but the emergency clause failed.

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### SECOND READING OF HOUSE BILL

**HB 1238:** A BILL for an Act to amend and reenact subsection 1 of section 16.1-07-08 of the North Dakota Century Code, relating to delivery of absent voters' ballots.

### 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 30 YEAS, 63 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Belter; Boehning; Brabandt; Carlson; Delzer; Dockter; Dosch; Froseth; Grande; Headland; Kasper; Kempenich; Koppelman, B.; Koppelman, K.; Louser; Meier; Monson; Nathe; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Streyle; Thoreson; Toman; Weisz

**NAYS:** Amerman; Anderson; Beadle; Boe; Boschee; Brandenburg; Damschen; Delmore; Drovdal; Fehr; Frantsvog; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Maragos; Martinson; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Rust; Sanford; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Trottier; Vigasaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.

HB 1238 failed.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3005:** A concurrent resolution to amend and reenact section 9 of article III of the Constitution of North Dakota, relating to initiated constitutional amendments.

### 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 24 YEAS, 69 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Becker; Belter; Boe; Boehning; Brandenburg; Carlson; Delzer; Drovdal; Fehr; Grande; Headland; Kasper; Kempenich; Koppelman, B.; Laning; Nathe; Paur; Pollert; Rust; Skarphol; Sukut; Trottier; Weisz; Wieland

**NAYS:** Amerman; Anderson; Beadle; Bellew; Boschee; Brabandt; Damschen; Delmore; Dockter; Dosch; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, K.; Kreidt; Kretschmar; Kreun; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Silbernagel; Steiner; Streyle; Strinden; Thoreson; Toman; Vigasaa; Wall; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.

HCR 3005 was declared lost on a recorded roll call vote.

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**MOTION**

**REP. DEVLIN MOVED** that the House stand in recess until 4:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Devlin presiding.

**MOTION**

**REP. VIGESAA MOVED** that HB 1277 and HB 1234 be heard separately, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DEVLIN DEEMED** approval of the amendments to HB 1001, HB 1002, HB 1004, HB 1005, HB 1006, HB 1009, HB 1011, HB 1014, HB 1017, HB 1022, HB 1023, HB 1149, HB 1192, HB 1199, Engrossed HB 1212, HB 1228, HB 1273, HB 1286, HB 1290, HB 1308, HB 1338, HB 1346, HB 1395, HB 1398, HB 1428, HB 1440, HB 1441, HB 1465, Engrossed HB 1466, and HCR 3029.

HB 1001, HB 1002, HB 1004, HB 1005, HB 1006, HB 1009, HB 1011, HB 1014, HB 1017, HB 1022, HB 1023, HB 1149, HB 1192, HB 1199, Engrossed HB 1212, HB 1228, HB 1273, HB 1286, HB 1290, HB 1308, HB 1338, HB 1346, HB 1395, HB 1398, HB 1428, HB 1440, HB 1441, HB 1465, Engrossed HB 1466, and HCR 3029, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SIXTH ORDER OF BUSINESS**

**SPEAKER DEVLIN DEEMED** approval of the amendments to HB 1234 and HB 1277.

HB 1234 and HB 1277, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**SECOND READING OF HOUSE BILL**

**HB 1288:** A BILL for an Act to amend and reenact sections 16.1-04-02 and 16.1-11.1-01 of the North Dakota Century Code, relating to voting places.

**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 42 YEAS, 51 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Becker; Bellew; Belter; Boehning; Brabandt; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Grande; Headland; Heilman; Heller; Karls; Kasper; Kempenich; Koppelman, B.; Koppelman, K.; Larson; Looyen; Louser; Meier; Monson; Nathe; Nelson, M.; Owens; Porter; Rohr; Ruby; Schatz; Steiner; Streyle; Strinden; Thoreson; Toman; Vigesaa; Wall; Wieland; Williams

**NAYS:** Amerman; Anderson; Boe; Boschee; Brandenburg; Delmore; Fehr; Frantsvog; Froseth; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemm; Kreidt; Kretschmar; Kreun; Laning; Maragos; Martinson; Mock; Mooney; Muscha; Nelson, J.; Onstad; Oversen; Paur; Pollert; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Sukut; Trottier; Weisz; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.

HB 1288 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1265:** A BILL for an Act to create and enact a new section to chapter 11-11, a new section to chapter 40-05, and a new section to chapter 58-03 of the North Dakota Century Code, relating to the regulation of political signs by counties, cities, and townships.

**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 47 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Delzer; Dockter; Dosch; Fehr; Froseth; Grande; Headland; Heller; Kasper; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Looyesen; Louser; Meier; Monson; Nathe; Owens; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Vigesaa; Wall; Wieland; Williams

**NAYS:** Amerman; Anderson; Beadle; Boe; Boschee; Damschen; Delmore; Drovdal; Frantsvog; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Klein; Kretschmar; Kreun; Maragos; Martinson; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Sanford; Silbernagel; Strinden; Trottier; Weisz; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.

HB 1265 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1423:** A BILL for an Act to create and enact a new section to chapter 14-05 of the North Dakota Century Code, relating to a mandatory education program for parties to a divorce proceeding involving parental rights and responsibilities; and to provide for a legislative management study.

**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 45 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Brabandt; Carlson; Damschen; Delzer; Dockter; Dosch; Fehr; Froseth; Grande; Headland; Heller; Hogan; Hunskor; Karls; Kasper; Kelsh, J.; Kempenich; Klein; Koppelman, B.; Koppelman, K.; Laning; Larson; Looyesen; Louser; Meier; Monson; Muscha; Nathe; Nelson, M.; Paur; Porter; Rohr; Ruby; Rust; Schatz; Silbernagel; Skarphol; Steiner; Thoreson; Toman; Trottier; Vigesaa; Weisz

**NAYS:** Amerman; Anderson; Beadle; Becker; Boe; Boehning; Boschee; Brandenburg; Delmore; Drovdal; Frantsvog; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Hofstad; Holman; Johnson, D.; Keiser; Kelsh, S.; Kiefert; Klemin; Kreidt; Kretschmar; Kreun; Maragos; Martinson; Mock; Mooney; Nelson, J.; Onstad; Oversen; Owens; Pollert; Sanford; Schmidt; Streyle; Strinden; Sukut; Wall; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.

Engrossed HB 1423 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1363:** A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to maximum allowable cost lists for pharmaceuticals; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.

Engrossed HB 1363 passed.

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### SECOND READING OF HOUSE BILL

**HB 1250:** A BILL for an Act to amend and reenact sections 57-35.3-03, 57-35.3-07, 57-38-30 and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to reduction of financial institutions tax and individual and corporation income tax rates; and to provide an effective date.

### REQUEST

**REP. MOCK REQUESTED** that the House divide HB 1250, which request was granted.

**DIVISION A:** Sections 1, 2, and 4

**DIVISION B:** Section 3

### ROLL CALL

The question being on the final adoption of Division A of HB 1250, the roll was called and there were 88 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Speaker Devlin

**NAYS:** Delmore; Glassheim; Onstad; Williams; Zaiser

**ABSENT AND NOT VOTING:** Johnson, N.

Division A of HB 1250 was adopted on a recorded roll call vote.

### ROLL CALL

The question being on the final adoption of Division B of HB 1250, the roll was called and there were 70 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Monson; Nathe; Nelson, J.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Speaker Devlin

**NAYS:** Amerman; Boe; Boschee; Delmore; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hogan; Holman; Hunskor; Kelsh, J.; Kelsh, S.; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Strinden; Williams; Zaiser

**ABSENT AND NOT VOTING:** Johnson, N.

Division B of HB 1250 was adopted on a recorded roll call vote.

#### ROLL CALL

The question being on the final passage of the bill, which includes Division A and Division B, which have been read, the roll was called and there were 88 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Speaker Devlin

**NAYS:** Delmore; Glassheim; Onstad; Williams; Zaiser

**ABSENT AND NOT VOTING:** Johnson, N.

HB 1250 passed.

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#### MOTION

**REP. VIGESAA MOVED** that HB 1277 be moved to the top of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1277:** A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to individual income tax deductions for capital gains, dividends, and interest earnings; 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 87 YEAS, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Karls; Kasper; Kelsh, S.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Hogan; Nelson, M.

**ABSENT AND NOT VOTING:** Anderson; Johnson, N.; Keiser; Kelsh, J.; Schmidt

HB 1277 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1409:** A BILL for an Act to amend and reenact subsection 12 of section 57-38-01 and section 57-38-30.3 of the North Dakota Century Code, relating to income taxes of individuals, estates, and trusts; 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 23 YEAS, 70 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Bellew; Boe; Boehning; Boschee; Brabandt; Delmore; Dosch; Headland; Kempenich; Koppelman, B.; Koppelman, K.; Louser; Meier; Nelson, J.; Owens; Ruby; Schatz; Streyle; Thoreson; Toman; Weisz

**NAYS:** Amerman; Becker; Belter; Brandenburg; Carlson; Damschen; Delzer; Dockter; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; Maragos; Martinson; Mock; Monson; Mooney; Muscha; Nathe; Nelson, M.; Onstad; Oversen; Paur; Pollert; Porter; Rohr; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Trottier; Vigasaa; Wall; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.

HB 1409 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1394:** A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-02.1, subsection 1 of section 57-40.2-02.1, and section 57-40.3-02 of the North Dakota Century Code, relating to a reduction in the rate of state sales, use, and motor vehicle excise taxes; 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 14 YEAS, 79 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Beadle; Becker; Boe; Boehning; Holman; Kasper; Klemin; Kreun; Laning; Porter; Rohr; Schatz; Thoreson; Toman

**NAYS:** Amerman; Anderson; Bellew; Belter; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Hunskor; Johnson, D.; Karls; Keiser; Kelsh, J.; Kelsh, S.; Kempenich; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Larson; Looysen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Ruby; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.

HB 1394 failed.

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**MOTION**

**REP. VIGESAA MOVED** that HB 1234 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1234:** A BILL for an Act to amend and reenact section 15-05-10, subsection 4 of section 38-08-04, and sections 57-51.1-01, 57-51.1-02, 57-51.1-03, and 57-51.1-03.1 of the North Dakota Century Code, relating to oil extraction tax rates and exemptions; 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 72 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Hatlestad; Headland; Heilman; Heller; Hofstad; Johnson, D.; Karls; Kasper; Kelsh, J.; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; Louser; Meier; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**NAYS:** Amerman; Boschee; Gruchalla; Guggisberg; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Keiser; Kelsh, S.; Maragos; Martinson; Mock; Mooney; Muscha; Onstad; Oversen; Strinden; Zaiser

**ABSENT AND NOT VOTING:** Johnson, N.

HB 1234 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1179:** A BILL for an Act to amend and reenact section 15-05-10, subsection 4 of section 38-08-04, subsection 10 of section 57-51.1-01, subsection 2 of section 57-51.1-03, and subsection 1 of section 57-51.1-03.1 of the North Dakota Century Code, relating to the oil extraction tax exemption for stripper wells; 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 PASS, the roll was called and there were 13 YEAS, 80 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Boe; Gruchalla; Hogan; Holman; Kelsh, S.; Koppelman, B.; Maragos; Mock; Mooney; Nelson, J.; Onstad; Oversen; Zaiser

**NAYS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kempenich; Kiefert; Klein; Klemin; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; Louser; Martinson; Meier; Monson; Muscha; Nathe; Nelson, M.; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.

HB 1179 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1183:** A BILL for an Act to create and enact three new sections to chapter 62.1-01 of the North Dakota Century Code, relating to forbidding state governmental entities from providing aid and assistance to the federal government or any other governmental

entity for the investigation, enforcement, and prosecution of federal firearms laws not in force as of January 1, 2013; to provide for retroactive application; 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 50 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Becker; Bellew; Belter; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Fehr; Froseth; Grande; Headland; Heilman; Heller; Hofstad; Karls; Kasper; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Kreun; Laning; Looyen; Louser; Maragos; Meier; Monson; Nathe; Owens; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Skarphol; Steiner; Streyle; Thoreson; Toman; Trottier; Vigasaa; Weisz; Wieland; Speaker Devlin

**NAYS:** Amerman; Anderson; Beadle; Boe; Boschee; Delmore; Drovda; Frantsvog; Glassheim; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hogan; Holman; Hunskor; Johnson, D.; Keiser; Kelsh, J.; Kelsh, S.; Klein; Klemin; Kretschmar; Larson; Martinson; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Sanford; Silbernagel; Strinden; Sukut; Wall; Williams; Zaiser

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

Engrossed HB 1183 passed but the emergency clause failed.

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#### SECOND READING OF HOUSE BILL

**HB 1278:** A BILL for an Act to create and enact chapter 54-17.8 of the North Dakota Century Code, relating to the North Dakota outdoor heritage fund; to amend and reenact subsection 1 of section 57-51-15 of the North Dakota Century Code, relating to the oil and gas gross production tax; to provide an appropriation; and to provide a continuing appropriation.

#### 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, 44 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Beadle; Carlson; Delzer; Dockter; Dosch; Fehr; Hatlestad; Hawken; Heilman; Heller; Hofstad; Hogan; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Monson; Nathe; Nelson, J.; Owens; Paur; Porter; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Sukut; Toman; Vigasaa; Wall; Williams; Speaker Devlin

**NAYS:** Amerman; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Damschen; Delmore; Drovda; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Headland; Holman; Hunskor; Johnson, D.; Kelsh, J.; Kelsh, S.; Klein; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Pollert; Rohr; Ruby; Schatz; Streyle; Strinden; Thoreson; Trottier; Weisz; Wieland; Zaiser

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

Engrossed HB 1278 passed.

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#### MOTION

**REP. VIGESAA MOVED** that HB 1001, HB 1002, HB 1004, HB 1005, HB 1006, HB 1009, HB 1011, HB 1014, HB 1017, HB 1022, HB 1023, HB 1149, HB 1192, HB 1199, HB 1212, HB 1228, HB 1273, HB 1286, HB 1290, HB 1308, HB 1338, HB 1346, HB 1395, HB 1398, HB 1428, HB 1440, HB 1441, HB 1465, HB 1466, and HCR 3029 be moved to the top of the

calendar, which motion prevailed.

#### MOTION

**REP. VIGESAA MOVED** that the House stand in recess until 6:35 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Devlin presiding.

#### SECOND READING OF HOUSE BILL

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

#### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

HB 1014 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1017:** A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department.

#### 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 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Rust; Sanford; Schmidt; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Toman; Vigesaa; Wall; Weisz; Williams; Zaiser; Speaker Devlin

**NAYS:** Becker; Bellew; Brabandt; Delzer; Ruby; Schatz; Streyle; Trottier; Wieland

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

HB 1017 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of various

state retirement and investment agencies; and to provide various transfers.

#### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

HB 1022 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1023:** A BILL for an Act to provide an appropriation for defraying the expenses of various state departments and institutions; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looysen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

HB 1023 passed and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1192:** A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to motor vehicle warranty reimbursement; 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovdal; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson;

Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Becker; Owens

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

HB 1192 passed and the emergency clause was declared carried.

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#### **MOTION**

**REP. VIGESAA MOVED** that HB 1212, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

#### **SECOND READING OF HOUSE BILL**

**HB 1228:** A BILL for an Act to create and enact a new section to chapter 15-20.1 of the North Dakota Century Code, relating to science, technology, engineering, and mathematics advancement grants; to provide an appropriation; and to provide a continuing appropriation.

#### **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, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovda; Fehr; Frantsov; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Becker; Bellew; Delzer; Pollert

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

HB 1228 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1286:** A BILL for an Act to create and enact section 21-03-06.1 of the North Dakota Century Code, relating to voter approval of public building projects funded through a building authority or other indirect means.

#### **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 81 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Dockter; Dosch; Drovda; Fehr; Frantsov; Froseth; Glassheim; Grande; Haak; Hanson; Hatlestad; Headland;

Heilman; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looyesen; Louser; Martinson; Meier; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Williams; Zaiser; Speaker Devlin

**NAYS:** Delmore; Gruchalla; Guggisberg; Hawken; Hogan; Kelsh, S.; Kreun; Maragos; Mock; Sanford; Wieland

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

HB 1286 passed.

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### SECOND READING OF HOUSE BILL

**HB 1346:** A BILL for an Act to amend and reenact subsection 2 of section 40-08-09 and section 40-09-17 of the North Dakota Century Code, relating to permitting a volunteer firefighter or ambulance crew member receiving compensation from a city to serve as a member of the city council or city commission.

### 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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Becker; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Dosch; Drovda; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

HB 1346 passed.

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### SECOND READING OF HOUSE BILL

**HB 1395:** A BILL for an Act to amend and reenact section 21-10-11 of the North Dakota Century Code, relating to membership of the legacy and budget stabilization fund advisory board.

### 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson; Beadle; Bellew; Belter; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Dosch; Drovda; Fehr; Frantsvog; Froseth; Glassheim; Grande; Gruchalla; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Heilman; Heller; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Kreun; Laning; Larson; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Rust; Sanford; Schatz; Schmidt; Silbernagel; Skarphol; Steiner; Streyle;

Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wall; Weisz; Wieland; Williams; Zaiser; Speaker Devlin

**NAYS:** Becker; Delzer

**ABSENT AND NOT VOTING:** Johnson, N.; Kempenich

HB 1395 passed.

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**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 1035, HB 1037, HB 1040, HB 1048, HB 1063, HB 1067, HB 1084, HB 1093, HB 1099, HB 1116, HB 1130.

**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 1059, HCR 3027.

**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 1126, HB 1135, HB 1176, HB 1209, HB 1242, HB 1245, HB 1293, HB 1314, HB 1348, HB 1373, HB 1397, HB 1399.

**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 1131, HB 1147, HB 1246, HB 1325.

**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 1132, HB 1162, HB 1175, HB 1205, HB 1206, HB 1225, HB 1304, HB 1342, HB 1452.

**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 1134, HB 1138, HB 1161, HB 1169, HB 1172, HB 1180, HB 1200, HB 1202, HB 1213, HB 1219.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1140, HB 1264, HB 1285, HB 1301.

**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 1232, HB 1249, HB 1251, HB 1253, HB 1257, HB 1259, HB 1274, HB 1291, HB 1292, HB 1296.

**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 1300, HB 1305, HB 1309, HB 1316, HB 1339, HB 1352, HB 1354, HB 1355, HB 1356, HB 1359.

**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 1360, HB 1369, HB 1378, HB 1382, HB 1392, HB 1410, HB 1412, HB 1413, HB 1425, HB 1429.

**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 1434, HB 1443, HB 1451, HB 1454, HB 1455, HB 1456, HB 1458, HB 1459, HB 1464, HB 1468.

**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 3009, HCR 3010, HCR 3012, HCR 3013, HCR 3014, HCR 3016, HCR 3017, HCR 3018, HCR 3019, HCR 3020, HCR 3021, HCR 3022, HCR 3023, HCR 3025, HCR 3026, HCR 3030, HCR 3031.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2024, SB 2036, SB 2171, SB 2219, SB 2222, SB 2314, SB 2325.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2020.

**MOTION**

**REP. VIGESAA MOVED** that the absent member be excused, which motion prevailed.

**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 8:00 a.m., Tuesday, February 26, 2013, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1045: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1045 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1149: Political Subdivisions Committee (Rep. N. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1149 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 a new subsection to section 37-17.1-06 and a new subdivision to subsection 1 of section 37-17.1-07.1 of the North Dakota Century Code, relating to emergency response to hazardous materials incidents.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new subsection to section 37-17.1-06 of the North Dakota Century Code is created and enacted as follows:

The division of homeland security shall serve as a central information dissemination point and repository for initial notification information for spills and discharges in the state for hazardous materials as defined in section 37-17.1-07.1. The division shall develop processes to ensure proper state and federal agencies that have oversight responsibilities are promptly notified. The division shall also provide notice to local emergency management officials within a time that is consistent with the level of emergency.

**SECTION 2.** A new subdivision to subsection 1 of section 37-17.1-07.1 the North Dakota Century Code is created and enacted as follows:

For purposes of monitoring, determining if emergency response may be required, and notifying local officials, owners and operators or responsible parties shall report all spills or discharges to the appropriate state agency. The report must include the name of the reporting party, including phone number and address; date; time of release; location of release; containment status; waterways involved; and immediate potential threat. If the release occurs or travels off site from a facility, the owner and operator or responsible party shall notify the surface owner within a reasonable time. State agencies that receive direct reports of spills or discharges shall provide the report information to the division within a time that is consistent with

potential level of response needed. Hazardous materials spills and other discharges that require reporting under this section include:

- (1) Any spill or discharge that causes or may cause pollution of state waters;
- (2) On a facility or rig site, any spill or discharge of a fluid or substance or derivative of that fluid or substance, including oil, gas, and salt water, which relates to oil and gas exploration or production if that spill or discharge exceeds one barrel;
- (3) Not on a facility or rig site, any spill or discharge of a fluid or substance or derivative of that fluid or substance, including oil, gas, and salt water, which relates to oil and gas exploration or production; and
- (4) Any spill or discharge of an agricultural chemical or pesticide that may be detrimental to life or safety or may cause unreasonable adverse environmental effects."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1199: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1199 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "school" with "park"

Page 1, line 7, replace "school" with "park"

Page 1, line 9, replace "school" with "city or county park"

Page 1, line 12, replace "school" with "park"

Page 1, line 14, replace "school" with "park"

Page 1, line 16, replace "school" with "park"

Page 1, line 19, replace "school" with "park"

Page 1, line 20, after "recent" insert "general"

Page 1, line 20, remove "or"

Page 1, line 20, after the second "district" insert ", or park district"

Page 1, line 21, remove "or"

Page 1, line 21, after "district" insert ", or park district"

Page 2, line 1, replace "school" with "park"

Page 2, line 2, replace "city" with "county"

Page 2, line 2, after the underscored period insert "The city, county, or park district responsible for placement on the ballot of a referral measure under this section is responsible for arranging for, conducting, and paying the cost of an election under this section but may agree to hold the election in conjunction with elections of other political subdivisions under a cost-sharing agreement."

Page 2, line 6, replace "school" with "park"

Page 2, line 11, replace "school" with "park"

Page 2, line 13, replace "school" with "park"

Page 2, line 17, remove "county auditor shall substitute a levy in the amount determined for the"

Page 2, line 18, replace "school" with "park"

Page 2, line 18, remove "as its"

Page 2, line 18, replace "as calculated" with "for the next taxable year is the amount in dollars determined as the maximum levy allowable as calculated"

Page 2, line 19, remove "and shall recalculate property tax lists affecting property within the city."

Page 2, line 20, replace "county, or school district" with "but the taxable year for which the voters rejected the final annual budget and levy resolution must be excluded from consideration in determining the maximum levy allowable under section 57-15-01.1"

Page 2, line 20, remove "The county auditor shall then determine the"

Page 2, remove lines 21 through 28

Renumber accordingly

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

**HB 1239: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1239 was placed on the Eleventh order on the calendar.

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

**HB 1254: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1254 was placed on the Eleventh order on the calendar.

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

**HB 1273: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1273 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section"

Page 1, line 1, remove "and 57-02-11.3"

Page 1, line 3, remove "and providing an optional residential property tax freeze for owners who"

Page 1, line 4, remove "are disabled or age sixty-five or older"

Page 1, line 4, after the semicolon insert "to amend and reenact section 57-20-07.1 of the North Dakota Century Code, relating to contents of property tax statements;"

Page 2, line 6, replace "property" with "residence"

Page 2, line 17, remove "five"

Page 2, line 18, replace "thousand four hundred dollars or eighty percent, whichever is less." with "twenty percent"

Page 2, line 19, remove "all"

Page 2, line 19, replace "an" with "forty percent or more of the"

Page 2, line 20, remove "eligible for the reduction under"

Page 2, line 21, replace "subsection 1 or 2" with "in this state"

Page 2, line 23, replace "each individual having an" with "individuals having forty percent or more of the"

Page 2, line 24, replace "resides" with "reside"

Page 2, line 24, remove "eligible for the reduction under"

Page 2, line 25, replace "subsection 1 or 2" with "in this state"

Page 2, line 26, remove "five thousand"

Page 2, remove line 27

Page 2, line 28, replace "to six hundred forty acres [258.99 hectares]" with "twenty percent"

Page 2, line 29, remove "all"

Page 2, line 29, replace "an" with "forty percent or more of the"

Page 2, line 30, remove "eligible for the reduction under subsection 1 or 2 and do"

Page 2, line 31, replace "not reside in residential property exempt from property taxes as a farm residence" with "in this state"

Page 3, line 2, remove "each"

Page 3, line 3, replace "individual" with "individuals"

Page 3, line 3, replace "an" with "forty percent or more of the"

Page 3, line 3, replace "resides" with "reside"

Page 3, line 4, remove "eligible for the reduction under subsection 1 or 2 and do not"

Page 3, remove lines 5 and 6

Page 3, line 7, remove "against all agricultural property owned by that person"

Page 3, line 8, after "To" insert "initially"

Page 3, line 9, replace "October first of the year" with "September first of 2013, for taxable year 2013, and by February first of each taxable year after 2013"

Page 3, line 9, after "is" insert "initially"

Page 3, line 11, after the underscored period insert "A claim of the reduction under this section remains in effect until the ownership of the property changes or the owner no longer qualifies for the reduction."

Page 4, line 20, remove "(1)"

Page 4, line 20, remove "residential property"

Page 4, line 23, remove "and which is not exempt from property"

Page 4, line 24, replace "taxes as a farm residence" with "and, for purposes of an agricultural or commercial property taxable valuation reduction under this section, includes a dwelling in this state rented and occupied by the applicant as that applicant's primary residence as of the assessment date of the taxable year"

Page 4, remove lines 25 through 29

Page 5, line 11, remove "in which the"

Page 5, line 12, replace "property was contained" with ". exclusive of any state mill rates. that was applied to other real estate in the taxing districts for the preceding taxable year"

Page 5, remove lines 28 and 29

Page 6, replace lines 1 through 14 with:

**"SECTION 2. AMENDMENT.** Section 57-20-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-20-07.1. County treasurer to mail real estate tax statement.**

On or before December twenty-sixth of each year, the county treasurer shall mail a real estate tax statement to the owner of each parcel of real property at the owner's last-known address. The statement must be provided in a manner that allows the taxpayer to retain a printed record of the obligation for payment of taxes and special assessments as provided in the statement. If a parcel of real property is owned by more than one individual, the county treasurer shall send only one statement to one of the owners of that property. Additional copies of the tax statement will be sent to the other owners upon their request and the furnishing of their names and addresses to the county treasurer. The tax statement must include:

1. Include a dollar valuation of the true and full value as defined by law of the property and the total mill levy applicable. ~~The tax statement must include~~
2. Include, or be accompanied by a separate sheet; with three columns showing, for the taxable year to which the tax statement applies and the two immediately preceding taxable years, the property tax levy in dollars against the parcel by the county and school district and any city or township that levied taxes against the parcel.
3. Include, for the taxable year to which the statement applies and the two immediately preceding taxable years, an item identified as "legislative property tax relief" showing the dollar amount of the property taxes against the parcel paid through legislative appropriation pursuant to chapter 57-64 or section 57-02-08.9.

Failure of an owner to receive a statement will not relieve that owner of liability, nor extend the discount privilege past the February fifteenth deadline."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1290: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1290 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact section 57-20-07.1 of the North Dakota Century Code, relating to contents of property tax statements;"

Page 1, line 14, replace "improvements" with "a taxable improvement"

Page 1, line 14, replace "have" with "has"

Page 1, line 14, after "made" insert "or property has been added to the taxing district"

Page 1, line 14, replace "were" with "was"

Page 1, line 18, after "improvements" insert "or additional property"

Page 2, after line 28, insert:

"**SECTION 2. AMENDMENT.** Section 57-20-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-20-07.1. County treasurer to mail real estate tax statement.**

1. On or before December twenty-sixth of each year, the county treasurer shall mail a real estate tax statement to the owner of each parcel of real property at the owner's last-known address. The statement must be provided in a manner that allows the taxpayer to retain a printed record of the obligation for payment of taxes and special assessments as provided in the statement. If a parcel of real property is owned by more than one individual, the county treasurer shall send only one statement to one of the owners of that property. Additional copies of the tax statement will be sent to the other owners upon their request and the furnishing of their names and addresses to the county treasurer. The tax statement must include:
  - a. Include a dollar valuation of the true and full value as defined by law of the property and the total mill levy applicable. ~~The tax statement must include~~
  - b. Include, or be accompanied by a separate sheet, with three columns showing, for the taxable year to which the tax statement applies and the two immediately preceding taxable years, the property tax levy in dollars against the parcel by the county and school district and any city or township that levied taxes against the parcel.
  - c. Include, for the taxable year to which the statement applies and the two immediately preceding taxable years, an item identified as "legislative property tax relief" showing the dollar amount of the property taxes against the parcel paid through legislative appropriation pursuant to section 57-20-07.2 and chapter 57-64 against the property taxes levied against the property.
2. Failure of an owner to receive a statement will not relieve that owner of liability, nor extend the discount privilege past the February fifteenth deadline."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1308: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1308 was placed on the Sixth order on the calendar.

Page 1, line 17, after the period insert "The administrator shall expend all interest, rent, or income deposited in the local fund for the benefit of the veterans' home."

Page 1, line 18, replace "from the local fund" with "of interest, rent, or income on a single project"

Page 2, line 4, overstrike "legislative appropriations"

Page 2, line 5, replace "that must be made" with "budget section approval"

Page 2, line 5, remove "recommended to the administrative"

Page 2, line 6, replace "committee on veterans' affairs" with "approved"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1318: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1318 was

placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1338: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1338 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "corp" with "corps"

Page 1, line 2, replace "neighboring landowners" with "state of North Dakota"

Page 1, line 5, replace "**landowners**" with "**state**"

Page 1, line 7, after "lands" insert "outside the boundaries of the Fort Berthold Indian Reservation"

Page 1, line 8, after "lands" insert "outside the boundaries of the Standing Rock Sioux Reservation"

Page 1, line 8, replace "1.617" with "1.620"

Page 1, line 8, replace "492.86" with "493.86"

Page 1, line 9, replace "neighboring landowners" with "state of North Dakota. Any agreement for the return of lands described under this section must include provisions for the protection of native cultural and religious sites, artifacts, and human remains. The governor may support tribal efforts in negotiating with the United States army corps of engineers"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1398: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1398 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 chapter 61-41 of the North Dakota Century Code, relating to a fee for industrial use fresh water dispensed for oil and gas industry users; and to provide an effective date.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** Chapter 61-41 of the North Dakota Century Code is created and enacted as follows:

##### **61-41-01. Definitions.**

For purposes of this chapter:

1. "Fresh water" means fresh water drawn from an underground or surface source in this state under an industrial use water permit, whether treated or untreated, and dispensed to an oil and gas industry user.
2. "Oil and gas industry user" means an enterprise engaged in exploration, drilling, or production of oil and gas, and includes businesses that transport water for use in such an enterprise.

##### **61-41-02. Oil and gas industry fresh water user fee.**

A fee of twenty cents per one hundred gallons [378.54 liters] is imposed on fresh water dispensed to an oil and gas industry user at a water depot or water-dispensing point in this state. The operator of a water depot or

water-dispensing point in this state which dispenses fresh water to an oil and gas industry user shall maintain water-metering devices in compliance with rules adopted by the state water commission

**61-41-03. Fee collection and reporting.**

The operator of a water depot or water-dispensing point in this state which dispenses fresh water to an oil and gas industry user shall collect and remit the fee imposed by this chapter to the state water commission under rules adopted by the state water commission.

**61-41-04. Deposit of revenue.**

The state water commission shall transmit fees collected under this chapter to the state treasurer, who shall deposit the fees in the oil and gas impact grant fund.

**61-41-05. Administration.**

The provisions of chapter 57-39.2, pertaining to the administration of the sales tax, including reporting, filing of returns, penalties, liens, rulemaking authority, and any other provisions not in conflict with the provisions of this chapter, govern the administration, with the exception that the state water commission shall exercise those powers under this chapter.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective July 1, 2013."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1440: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1440 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three" with "four"

Page 1, remove lines 7 through 24

Page 2, replace lines 1 and 2 with:

**"Annexation of lands located in district - Notice.**

At least sixty days before the effective date of any ordinance annexing land that is located in a district into the boundaries of any city, the city shall give written notice to the district of the city's intent to annex the land. The notice must contain the description of the land and the city's plan for the provision of water service to the land."

Page 2, replace lines 5 through 20 with:

**"Contract for city to provide water service - Franchise fee.**

Following annexation of district territory by a city, the city and the district may contract for the city to provide water service to any portion of the annexed area."

Page 2, remove lines 23 through 30

Page 3 replace lines 1 through 10 with:

**"City designates different supplier - Purchase of district property - Arbitrators - Factors - Detachment of territory from district.**

1. Following annexation, the district must remain the water service provider to the annexed area unless the city gives written notice designating a different supplier. If the city designates a different supplier, the city shall

purchase the property, facilities, and improvements of the district. The city shall fairly compensate the district for the district's asset, plus up to ten years of revenue, as a result of the district being precluded from providing water service to the area being annexed. If a water service agreement between the district and the city is not executed within ninety days after delivery of the notice designating a different supplier, the city and the district in good faith shall engage in mediation. Unless an agreement is executed, a change in the water service provider may not occur and an arbitrator may not be appointed until more than one hundred twenty days after delivery of the notice of intent to change the water supplier and the mediation has been terminated.

2. If the district and the city are unable to reach an agreement, then the fair compensation to the district must be determined in the following manner:
  - a. The district and the city each shall select one qualified arbitrator, and the two selected arbitrators shall select a third arbitrator to determine the fair compensation for the district. The arbitration must be conducted in accordance with chapter 32-29.3. Unless the arbitrators agree otherwise, the arbitration proceedings must be conducted in the annexing city. The arbitrators shall consider all elements of value, employing any method of valuation the arbitrators deem appropriate, and shall specifically consider the following factors in determining the fair compensation:
    - (1) Whether any property of the district is rendered useless or valueless to the district;
    - (2) The amount of damage to property remaining in the ownership of the district following annexation;
    - (3) Impact on the existing indebtedness of the district and district's ability to repay that debt;
    - (4) The value of the district's service facilities located within the annexed area;
    - (5) The amount of any expenditures for planning, design, or construction of service facilities outside the incorporated or annexed area that are allocable to service the annexed area;
    - (6) The amount of the district's contractual obligations allocable to the annexed area;
    - (7) If the annexed area consists of land that does not have water service being provided by the system at the time of the annexation, the value of the land based on the planning, design, and construction of improvements located outside the annexed area reasonably made to provide future water service to the annexed area;
    - (8) Any demonstrated impairment of service or increase of cost to the district's remaining customers after the annexation and the impact on future revenues lost from existing and future customers within the annexed area;
    - (9) Any necessary and reasonable legal expenses or professional fees;
    - (10) Any factors relevant to maintaining the district's current financial integrity;
    - (11) The average increase in the number of benefit units in the area annexed for the three years immediately preceding the annexation;

- (12) The reasonable costs of detaching the water system facilities to be sold and all reasonable costs of integrating the remaining water system facilities of the water supplier whose rights are terminated; and
- (13) Any other relevant factors agreed to by the three appointed arbitrators.
- b. At least two of the three arbitrators must agree to written findings and conclusions that must be presented to the city for payment and the district for acceptance.
- 3. The compensation required by this section must be paid to the district whether or not the city actually utilizes the facilities of the district for the delivery of water to property within the city. The compensation must be paid within one hundred twenty days following the date upon which the fair market value of the facilities are certified to the city and district, or at a later date as may be mutually agreed upon by the city and district or as determined by the district court.
- 4. In any event, the district may elect to retain facilities located within the city and used for transmission of water if the district uses those facilities to continue to supply water service to benefit units outside the city. The district may not receive compensation for facilities it elects to retain.
- 5. Except as otherwise provided, this section does not limit the authority of a city to select water service suppliers to areas within the city limits or to adopt and enforce regulations for the operation of a water service supplier, including standards of water quality, classification of water customers, capacity of water system, water system connections to sanitary sewer systems, rates and billing practices, and other regulations for protection of the public health, safety, and welfare.
- 6. If a district will no longer be the water supplier to an area because of annexation and notice under subsection 1, the district shall continue to provide the service until the city gives notice of its assumption of responsibility for service, designating the date that the service must transfer to the city's designated supplier. The district and the city shall cooperate to minimize the inconvenience to water customers because of the transfer. The city shall give written notice to each customer of the district for whom water service is being transferred, specifying the new supplier's name and address, the effective transfer date, the reason for the transfer, and an applicable rate schedule. During the negotiation period, the district may not discontinue or limit service to customers who were supplied water by the district at the time of annexation unless the customer has violated district bylaws, rules, or regulations.
- 7. Following the transfer of water service, the annexed land for which water service has been transferred to the city must be deleted from the district's territory and all benefit units attached to the land must be canceled without compensation. The district shall provide notice of the deletion of territory to the state engineer.

**SECTION 4.** A new section to chapter 61-35 of the North Dakota Century Code is created and enacted as follows:

**State water commission funding.**

The state water commission, before providing grants or loans to a district or city, shall consider whether a district and city within a district have developed a mutually acceptable water service agreement to accommodate anticipated future growth of a city within a district, but the commission may not have these considerations affect the funding of other projects within a district."

**REPORT OF STANDING COMMITTEE**

**HB 1465: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1465 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", 57-02-08.9,"

Page 1, line 2, remove ", property tax credits,"

Page 1, line 3, remove "; to amend and reenact sections 57-02-27 and 57-39.2-26.1 of the"

Page 1, remove line 4

Page 1, line 5, remove "revenue to the state aid distribution fund"

Page 1, line 6, remove "to provide an appropriation;"

Page 1, remove lines 16 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 6

Page 7, line 9, replace "**Cap**" with "**Limit**"

Page 7, line 9, after "**district**" insert "**without voter approval**"

Page 7, line 15, replace "all purposes" with "its consolidated tax levy"

Page 7, line 15, after "exceed" insert "by more than three percent"

Page 7, line 16, replace "all purposes" with "its consolidated tax levy"

Page 7, line 17, remove "adjusted by a percentage equal to"

Page 7, remove lines 18 and 19

Page 7, line 20, remove "ended calendar year"

Page 7, remove line 23

Page 7, line 24, replace "property is taxable and not subject to the limitation under this subsection" with "the amount of property taxes in dollars levied by the taxing district in the previous taxable year for purposes of this section must be increased by an amount equal to the sum determined by the application of the previous year's calculated mill rate for that taxing district to the taxable valuation of that property"

Page 7, line 26, remove "the portion of the taxable valuation of the"

Page 7, remove line 27

Page 7, line 28, replace "this subsection" with "the amount of property taxes in dollars levied by the taxing district in the previous taxable year for purposes of this section must be increased by an amount equal to the sum determined by the application of the previous year's calculated mill rate for that taxing district to the taxable valuation of that property"

Page 7, line 31, after "district" insert "in the previous year for purposes of this section"

Page 8, line 2, remove "before the increase allowable under this"

Page 8, line 3, remove "subsection is applied"

Page 8, after line 10, insert:

"e. A taxing district may consolidate any general or special fund mill levy authority to which it is entitled under any other provision of law if its consolidated tax levy remains within the limitations provided by this section."

Page 8, line 23, after "newspaper" insert "or website, or both."

Page 9, after line 10, insert:

"7. The limitation under this section does not apply to the county human services levy under chapter 50-03 if the board of county commissioners makes the finding that any excess human services levy is attributable to an expenditure mandated by state or federal law."

Page 9, remove lines 11 through 31

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 3

Page 11, remove lines 5 through 9

Page 11, line 10, remove ", 3, 4,"

Page 11, line 10, replace "6" with "3"

Page 11, line 11, remove "Section 5 of this Act is effective for taxable events"

Page 11, remove line 12

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**