

JOURNAL OF THE HOUSE

Sixty-fifth Legislative Assembly

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Bismarck, March 9, 2017

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

The prayer was offered by Pastor Sam Handschke, Shepherd of the Valley Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Delmore and Louser.

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-eighth, Fortieth, and Forty-second Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 855, line 24, after "SB 2106" insert ", as engrossed"

Page 881, line 32, before "SB 2106" insert "Engrossed"

Page 903, line 2, replace "HB 1113" with "HB 1133"

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

SIXTH ORDER OF BUSINESS

SPEAKER BELLEW DEEMED approval of the amendments to SB 2116, Engrossed SB 2117, Engrossed SB 2127, and Engrossed SB 2249.

SB 2116, Engrossed SB 2117, Engrossed SB 2127, and Engrossed SB 2249, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2133: A BILL for an Act to amend and reenact subsection 8 of section 57-60-01, subsection 1 of section 57-60-02, and section 57-60-02.1 of the North Dakota Century Code, relating to the coal conversion facilities privilege tax; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; 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; Louser

SB 2133 passed.

SECOND READING OF SENATE BILL

SB 2159: A BILL for an Act to amend and reenact subdivision d of subsection 2 of section 10-32.1-39, paragraph 1 of subdivision d of subsection 3 of section 10-32.1-39, and paragraph 1 of subdivision q of subsection 4 of section 10-32.1-39 of the North Dakota Century Code, relating to management of a limited liability company; and to provide for retroactive application.

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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 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; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; 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

NAYS: Ertelt; Magrum; Maragos; Nelson, M.

ABSENT AND NOT VOTING: Delmore; Louser

Engrossed SB 2159 passed.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 10-31-13 of the North Dakota Century Code, relating to annual reports of professional organizations.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; 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; Louser

SB 2213 passed.

SECOND READING OF SENATE BILL

SB 2089: A BILL for an Act to amend and reenact section 23-34-01 of the North Dakota Century Code, relating to medical peer reviews.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: 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; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; 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; Louser

SB 2089 passed.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to create and enact section 43-19.1-16.2 of the North Dakota Century Code, relating to qualifications of land surveyor interns; to amend and reenact sections 43-19.1-16 and 43-19.1-16.1 of the North Dakota Century Code, relating to regulation of land surveyors and land surveyor interns; to repeal section 43-19.1-16.1 of the North Dakota Century Code, relating to qualifications of land surveyor interns; 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 41 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Anderson, P.; Becker, Rich S.; Boschee; Grueneich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Howe; Johnson, D.; Johnson, M.; Karls; Klemin; Kreidt; Laning; Lefor; Longmuir; Maragos; Martinson; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Owens; Paur; Porter; Pyle; Sanford; Schmidt; Schneider; Schreiber-Beck; Seibel; Steiner; Streyle; Sukut; Westlind; Zubke

NAYS: Anderson, B.; Beadle; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Headland; Holman; Johnson, C.; Johnston; Jones; Kading; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Magrum; Marschall; McWilliams; Meier; Nelson, M.; Oliver; Olson; Pollert; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schobinger; Simons; Skroch; Toman; Trottier; Vetter; Vigesaa; Weisz; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Louser

SB 2265, as amended, failed.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to amend and reenact section 39-01-09 of the North Dakota

Century Code, relating to prohibiting parking meters.

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 53 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, P.; Beadle; Becker, Rick C.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Dobervich; Grueneich; Guggisberg; Hanson; Hatlestad; Hogan; Holman; Howe; Johnson, D.; Johnson, M.; Jones; Kading; Keiser; Longmuir; Magrum; Maragos; McWilliams; Mitskog; Mock; Nathe; Nelson, J.; O'Brien; Olson; Owens; Paur; Pollert; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Weisz; Westlind; Zubke

NAYS: Anderson, B.; Anderson, D.; Becker, Rich S.; Boehning; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Headland; Heinert; Johnson, C.; Johnston; Karls; Kasper; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Marschall; Martinson; Meier; Monson; Nelson, M.; Oliver; Porter; Rohr; Sanford; Schatz; Seibel; Simons; Skroch; Vigesaa; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Koppelman, B.; Louser

SB 2247, as amended, passed.

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to requiring mud flaps on certain vehicles; to amend and reenact section 39-06.1-09 of the North Dakota Century Code, relating to moving violations; 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 NOT PASS, the roll was called and there were 19 YEAS, 72 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, P.; Bosch; Boschee; Dobervich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Maragos; Mitskog; Nelson, J.; Nelson, M.; Schneider; Schobinger; Schreiber-Beck; Steiner; Sukut; Vetter

NAYS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Grueneich; Headland; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Seibel; Simons; Skroch; Streyle; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Delmore; Kreidt; Louser

Engrossed SB 2341, as amended, failed.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2031, SB 2050, SB 2101, SB 2173, SB 2309.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2136, SB 2334.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2259.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1157, HB 1218, HB 1226, HB 1231, HB 1239, HB 1270, HB 1359, HCR 3001.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1197.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1197

Page 1, line 2, remove "; and to declare an emergency"

Page 3, line 16, replace "sixtieth" with "seventy-fifth"

Page 3, line 17, after the underscored period insert "The defendant shall produce or describe the documentation the defendant possesses or of which the defendant is aware in support of the motion. Before filing the motion, the defendant shall meet and confer with the plaintiff to discuss why the defendant believes the plaintiff has an additional trust claim."

Page 4, line 18, remove "**- Valuation of asbestos trust claims - Judicial notice**"

Page 4, replace lines 19 through 27 with:

"At least thirty days before trial, the plaintiff shall provide the court with documentation identifying each claim the plaintiff has made against an asbestos trust. The court shall enter the documentation into the record."

Page 5, remove line 8

Re-number accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1424.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1405.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2051, SB 2097, SB 2102, SB 2104, SB 2299, SB 2312, SB 2318.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1405.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1405.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2051, SB 2097, SB 2102, SB 2104, SB 2299, SB 2312, SB 2318.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2051, SB 2097, SB 2102, SB 2104, SB 2299, SB 2312, SB 2318.

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 10, 2017, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HCR 3028: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HCR 3028 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3029: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HCR 3029 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2052: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2052 was placed on the Sixth order on the calendar.

Page 2, line 19, remove "which is the same as the coverage for health services"

Page 2, line 20, remove "delivered by in-person means"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2094: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2094 was placed on the Sixth order on the calendar.

Page 4, line 30, overstrike "five hundred" and insert immediately thereafter "one thousand"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2131, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2131 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2212, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2212 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "section 6-02-02,"

Page 1, line 1, remove the second comma

Page 1, line 2, replace "6-05-01" with "6-05-06"

Page 1, remove lines 5 through 15

Page 1, line 19, overstrike "a majority" and insert immediately thereafter "at least two-thirds"

Page 1, line 19, overstrike "residents" and insert immediately thereafter "citizens"

Page 1, line 20, overstrike "state of North Dakota"

Page 1, line 20, remove "or reside within one hundred miles of the main office of the"

Page 1, line 21, replace "association's banking facility" with "United States"

Page 2, remove lines 3 through 31

Page 3, replace lines 1 through 9 with:

"SECTION 2. AMENDMENT. Section 6-05-06 of the North Dakota Century Code is amended and reenacted as follows:

6-05-06. Directors - Qualifications - Terms - Vacancies.

All the corporate powers of such a corporation must be exercised by a board of directors of not less than three nor more than twenty-five in number, and such officers and agents as it elects or appoints. ~~A majority~~ At least two-thirds of the directors must be citizens of ~~this state~~ the United States. Any director who becomes in any manner disqualified shall vacate that director's office thereupon. Every director, when elected or appointed, shall take the oath specified in section 6-03-04. Such oath, subscribed by the director making it and certified by the officer before whom it was taken, must be transmitted at once to the commissioner to be filed in the commissioner's office. The articles of incorporation must state the names and residences of the first board of directors, of whom the first named one-third shall serve for a period of three years, the second one-third named for a period of two years, and the balance thereof shall serve for a period of one year from the date fixed for the commencement of such corporation. In case any of the persons so named shall fail or refuse to qualify from any cause, the directors who qualify must elect qualified persons to fill such vacancies, and thereafter, at each annual meeting of the stockholders, directors must be elected to serve three years in place of those whose terms then expire."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2230, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2230 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "providing an income tax"

Page 1, line 2, remove "credit for premiums for"

Page 1, line 4, after "**STUDY**" insert "**- HYBRID LONG-TERM CARE PARTNERSHIP PLAN INSURANCE COVERAGE**"

Page 1, line 7, after "coverage" insert "and the feasibility and desirability of incentivizing asset protection that may be equal to the amount paid out by the hybrid long-term care partnership plan"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2277: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2281, as engrossed: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2281 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2283, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2283 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection to"

Page 1, line 1, replace "57-01-02" with "to chapter 57-01"

Page 1, replace lines 5 through 9 with:

"**SECTION 1.** A new section to chapter 57-01 of the North Dakota Century Code is created and enacted as follows:

Tax incentives - State and local tax clearance.

1. A person may not claim a state or local tax incentive identified in section 54-35-26, unless the person has satisfied all state and local tax obligations and tax liens of record for taxes owed to the state or a political subdivision.
2. A person claiming a state tax incentive shall attach to the return or other filing schedule on which the tax incentive is claimed, a property tax clearance record from each county in which the person has a fifty percent or more ownership interest in the property.
3. A city or county may not grant a local tax incentive unless the person requesting the tax incentive is not delinquent on any property taxes and the person provides a state tax clearance record. A property tax clearance is required for property in which the person has a fifty percent or more ownership interest.
4. If a tax incentive applicant or claimant is a corporation or passthrough entity, any of the corporation's or passthrough entity's officers, governors, managing members, or partners charged with the responsibility for filing and paying property, income, income withholding, sales, or use tax are subject to the provisions of subsections 2 and 3.
5. If a person fails to comply with this section, the tax commissioner shall disallow that person's state tax exemption or credit claimed under any law authorizing the tax commissioner to audit and assess the additional tax due."

Page 1, line 10, after "incentives" insert "claimed or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2288, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2288 was placed on the Sixth order on the calendar.

Page 14, line 21, replace "auditor" with "treasurer"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2298, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2298 was placed on the Sixth order on the calendar.

Page 2, replace lines 9 and 10 with:

"**SECTION 3. CONTINGENT EFFECTIVE DATE.** This Act becomes effective on the date the United States Supreme Court issues an opinion overturning Quill v. North Dakota, 504 U.S. 298 (1992), or otherwise confirming a state may constitutionally impose its sales or use tax upon an out-of-state seller in circumstances similar to those specified in section 1 of this Act."

Renumber accordingly

FIRST READING OF HOUSE BILL

Reps. Carlson, Bellew, Kasper, Keiser, Streyle, Vigesaa and Sens. Bekkedahl, Casper, Laffen, Schaible introduced:

(Approved by the Delayed Bills Committee)

HB 1436: A BILL for an Act to amend and reenact sections 54-35-02.4, 54-52.1-04, 54-52.1-04.2, and 54-52.1-04.3 of the North Dakota Century Code, relating to the employee benefits program committee, public employee uniform group insurance health benefits coverage, and to provide for a retirement board line of credit; to provide a continuing appropriation; to provide for application; and to provide statements of legislative intent.

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

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

Buell J. Reich, Chief Clerk

