

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

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**Bismarck, April 8, 2015**

The House convened at 9:00 a.m., with Speaker Belter presiding.

The prayer was offered by Rep. Peter Silbernagel.

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

A quorum was declared by the Speaker.

**SIXTH ORDER OF BUSINESS**

**SPEAKER BELTER DEEMED** approval of the amendments to Engrossed SB 2014.

Engrossed SB 2014, as amended, was placed on the Fourteenth order of business on today's calendar.

**SECOND READING OF SENATE BILL**

**SB 2014:** 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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke; Speaker Belter

**NAYS:** Ruby

**ABSENT AND NOT VOTING:** Frantsvog

Engrossed SB 2014 passed.

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**CONSIDERATION OF MESSAGES FROM THE SENATE**

**REP. VIGESAA MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1068 as printed on HJ page 1362 and in the Senate amendments to Engrossed HB 1474 as printed on HJ pages 1281-1283 and that a conference committee be appointed to meet with a like committee from the Senate on each of these measures, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEES**

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed HB 1068:** Reps. Nathe, Porter, Hunskor.

**Engrossed HB 1474:** Reps. B. Koppelman, Dockter, Wallman.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. VIGESAA MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2070, Engrossed SB 2097, Engrossed SB 2226, and SB 2327, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**SB 2070:** Reps. Larson, Brabandt, Wallman

**Engrossed SB 2097:** Reps. Beadle, Louser, Hanson

**Engrossed SB 2226:** Reps. Keiser, Porter, Mock

**SB 2327:** Reps. Maragos, M. Johnson, P. Anderson

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. KARLS MOVED** that the House do concur in the Senate amendments to HB 1085 as printed on HJ page 1279, which motion prevailed on a voice vote.

HB 1085 as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1085:** A BILL for an Act to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to federal funds reporting requirements by state agencies and reports to the legislative management; and to amend and reenact section 54-27-27 of the North Dakota Century Code, relating to federal grant applications reporting requirements by state agency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boe; Boehning; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Lanning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mitskog; Monson; Mooney; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Weisz; Zubke; Speaker Belter

**NAYS:** Amerman; Bellew; Boschee; Brabandt; Guggisberg; Haak; Hanson; Hogan; Klein; Lefor; Mock; Muscha; Oversen; Schneider; Wallman

**ABSENT AND NOT VOTING:** Frantsvog

Engrossed HB 1085 passed.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. K. KOPPELMAN MOVED** that the House do concur in the Senate amendments to Engrossed HB 1040 as printed on HJ pages 1196-1197, which motion prevailed on a voice vote.

Engrossed HB 1040 as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1040:** A BILL for an Act to amend and reenact sections 25-03.1-02, 25-03.1-04, 25-03.1-06, 25-03.1-07, 25-03.1-08, 25-03.1-10, 25-03.1-11, 25-03.1-16, 25-03.1-17, 25-03.1-18.1, and 25-03.1-19, subsection 3 of section 25-03.1-21, and sections 25-03.1-23, 25-03.1-25, 25-03.1-26, 25-03.1-27, 25-03.1-41, and 25-03.1-42 of the North Dakota Century Code, relating to scope of practice in involuntary commitment proceedings; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looysen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke; Speaker Belter

**ABSENT AND NOT VOTING:** Frantsvog

Reengrossed HB 1040 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SUKUT MOVED** that the conference committee report on Engrossed HB 1469 as printed on HJ page 1429 be adopted, which motion prevailed on a voice vote.

**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 3008.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2014.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1040 and HB 1085.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1068 and HB 1474, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1068:** Reps. Nathe; Porter; Hunskor

**HB 1474:** Reps. B. Koppelman; Dockter; Wallman

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has appointed as a conference committee to act with a like committee from the House on:

**HB 1030:** Sens. Armstrong; Luick; Nelson

**HB 1359:** Sens. Dever; Larsen; Warner

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2178, SB 2295, and SCR 4003, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2178:** Sens. Schaible; Rust; Marcellais

**SB 2295:** Sens. Larsen; Anderson; Axness

**SCR 4003:** Sens. Flakoll; Rust; Schneider

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

**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2070:** Reps. Larson; Brabandt; Wallman

**SB 2097:** Reps. Beadle; Louser; Hanson

**SB 2226:** Reps. Keiser; Pollert; Mock

**SB 2327:** Reps. Maragos; M. Johnson; P. Anderson

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1197, HB 1340, HB 1379, HCR 3024.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1035, HB 1038, HB 1081, HB 1086, HB 1089, HB 1101, HB 1116, HB 1124, HB 1133, HB 1143, HB 1158, HB 1174, HB 1181, HB 1188, HB 1191, HB 1202, HB 1221, HB 1247, HB 1274, HB 1279, HB 1319, HB 1353, HB 1376, HB 1382, HB 1384, HB 1417, HB 1434, HB 1441, HB 1462, HB 1471.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3008.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: HB 1469.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 8, 2015: HB 1035, HB 1038, HB 1081, HB 1086, HB 1089, HB 1101, HB 1116, HB 1124, HB 1133, HB 1143, HB 1158, HB 1174, HB 1181, HB 1188, HB 1191, HB 1202, HB 1221, HB 1247, HB 1274, HB 1279, HB 1319, HB 1353, HB 1376, HB 1382, HB 1384, HB 1417, HB 1434, HB 1441, HB 1462, HB 1471.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on April 8, 2015: HCR 3008.

**REPORT OF STANDING COMMITTEE**

**SB 2006, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2006 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 4, after "transfer" insert "; and to provide an exemption"

Page 1, replace lines 14 through 23 with:

"Salaries and wages	\$20,138,488	\$2,665,030	\$22,803,518
Accrued leave payments	624,818	(624,818)	0
Operating expenses	7,721,834	463,755	8,185,589
Capital assets	16,000	8,000	24,000
Homestead tax credit	20,000,000	0	20,000,000
Disabled veterans' credit	<u>7,678,000</u>	<u>0</u>	<u>7,678,000</u>
Total all funds	\$56,179,140	\$2,511,967	\$58,691,107
Less estimated income	<u>125,000</u>	<u>0</u>	<u>125,000</u>
Total general fund	\$56,054,140	\$2,511,967	\$58,566,107
Full-time equivalent positions	134.00	0.00	134.00"

Page 2, line 3, after "biennium" insert "and the 2015-17 one-time funding items included in appropriation in section 1 of this Act"

Page 2, replace lines 5 and 6 with:

"TAP project	\$1,000,000	\$0
Scanners	0	8,000
Total general fund	\$1,000,000	\$8,000

The 2015-17 one-time funding amounts are not a part of the entity's base budget for the 2017-19 biennium. The tax commissioner shall report to the appropriations committees of the sixty-fifth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2015, and ending June 30, 2017."

Page 2, after line 11, insert:

**"SECTION 4. EXEMPTION.** The amount appropriated for the capital assets line item in section 1 of chapter 6 of the 2013 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this line item are available during the biennium beginning July 1, 2015, and ending June 30, 2017."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2006 - State Tax Commissioner - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$20,138,488	\$23,324,177	(\$520,659)	\$22,803,518
Operating expenses	7,721,834	8,232,665	(47,076)	8,185,589
Capital assets	16,000	16,000	8,000	24,000
Homestead tax credit	20,000,000	30,000,000	(10,000,000)	20,000,000
Disabled veterans credit	7,678,000	8,445,000	(767,000)	7,678,000
Accrued leave payments	624,818			
Total all funds	\$56,179,140	\$70,017,842	(\$11,326,735)	\$58,691,107
Less estimated income	125,000	125,000	0	125,000
General fund	\$56,054,140	\$69,892,842	(\$11,326,735)	\$58,566,107
FTE	134.00	137.00	(3.00)	134.00

#### Department No. 127 - State Tax Commissioner - Detail of House Changes

	Adjusts Funding for Health Insurance Premium Increases <sup>1</sup>	Removes New FTE Positions <sup>2</sup>	Removes Funding for New FTE Operating Expenses <sup>3</sup>	Reduces Funding for Homestead Tax Credit <sup>4</sup>	Reduces Funding for Disabled Veterans' Tax Credit <sup>5</sup>	Adds One-Time Funding for Scanners <sup>6</sup>
Salaries and wages	(\$100,886)	(\$419,773)				
Operating expenses			(47,076)			
Capital assets						8,000
Homestead tax credit				(10,000,000)		
Disabled veterans credit					(767,000)	
Accrued leave payments						
Total all funds	(\$100,886)	(\$419,773)	(\$47,076)	(\$10,000,000)	(\$767,000)	\$8,000
Less estimated income	0	0	0	0	0	0
General fund	(\$100,886)	(\$419,773)	(\$47,076)	(\$10,000,000)	(\$767,000)	\$8,000
FTE	0.00	(3.00)	0.00	0.00	0.00	0.00

	Total House Changes
Salaries and wages	(\$520,659)
Operating expenses	(47,076)
Capital assets	8,000
Homestead tax credit	(10,000,000)
Disabled veterans credit	(767,000)
Accrued leave payments	
Total all funds	(\$11,326,735)
Less estimated income	0
General fund	(\$11,326,735)
FTE	(3.00)

<sup>1</sup> Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of \$1,130.22 per month.

<sup>2</sup> The following funding and FTE positions are removed:

- \$124,924 from the general fund for 1 compliance officer FTE position;
- \$133,597 from the general fund for 1 property tax specialist FTE position;
- \$133,597 from the general fund for 1 research analyst FTE position;
- \$14,701 from the general fund for related salary increases; and
- \$12,954 from the general fund for related health insurance increases.

<sup>3</sup> Funding is removed for operating expenses related to the new FTE positions.

<sup>4</sup> Funding is removed to continue the homestead tax credit changes made by the 2013 Legislative Assembly (\$2 million) and to expand the eligibility threshold for homestead tax credit program (\$8 million). Total funding for the homestead tax credit program is \$20 million, which is the same as the base level.

<sup>5</sup> The amendment removes funding to continue the disabled veterans' tax credit changes made by the 2013 Legislative Assembly. Total funding for the disabled veterans' tax credit program is \$7,678,000, which is the same as the base level.

<sup>6</sup> One-time funding is added for scanners.

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This amendment also adds a new section to provide an exemption for the \$16,000 appropriated in the capital assets line item to the Tax Department in the 2013-15 biennium. As a result, \$40,000 will be available to the department to purchase scanners, of which \$16,000 is from carryover authority, \$16,000 is included in the department's base budget, and \$8,000 of one-time funding from the general fund is added in this amendment.

#### REPORT OF STANDING COMMITTEE

**SB 2007, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "rights" insert "; and to declare an emergency"

Page 1, replace line 12 with:

"Salaries and wages	\$1,922,048	\$544,492	\$2,466,540"
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Page 1, replace line 15 with:

"Total all funds	\$2,285,351	\$664,242	\$2,949,593"
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Page 1, replace line 17 with:

"Total general fund	\$1,847,425	\$664,336	\$2,511,761"
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Page 1, replace line 24 with:

"Overtime		\$0	\$20,000"
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Page 2, replace line 2 with:

"Total general fund		\$0	\$76,135"
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Page 2, after line 6, insert:

**"SECTION 3. EMERGENCY.** Funding of \$10,000 for extraordinary repairs in the operating expenses line item in section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## Senate Bill No. 2007 - Labor Commissioner - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$1,922,048	\$2,503,831	(\$37,291)	\$2,466,540
Operating expenses	323,694	483,053		483,053
Accrued leave payments	39,609			
Total all funds	\$2,285,351	\$2,986,884	(\$37,291)	\$2,949,593
Less estimated income	437,926	437,832	0	437,832
General fund	\$1,847,425	\$2,549,052	(\$37,291)	\$2,511,761
FTE	13.00	15.00	0.00	15.00

## Department No. 406 - Labor Commissioner - Detail of House Changes

	Adjusts Funding for Health Insurance Premium Increases <sup>1</sup>	Removes Accrued Leave Funding <sup>2</sup>	Total House Changes
Salaries and wages	(\$11,291)	(\$26,000)	(\$37,291)
Operating expenses			
Accrued leave payments			
Total all funds	(\$11,291)	(\$26,000)	(\$37,291)
Less estimated income	0	0	0
General fund	(\$11,291)	(\$26,000)	(\$37,291)
FTE	0.00	0.00	0.00

<sup>1</sup> Funding for employee health insurance premiums is adjusted to reflect the revised premium estimate of \$1,130.22 per month.

<sup>2</sup> One-time funding is removed for accrued leave payments.

This amendment also provides:

- An emergency clause for \$10,000 of extraordinary repairs funding for the construction of additional office space.

## REPORT OF STANDING COMMITTEE

**SB 2027, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2027, as amended, was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

**SB 2150, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2150, as amended, was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

**SB 2320, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide for a department of human services report to the appropriations committees;"

Page 1, after line 21, insert:

**"SECTION 2. DEPARTMENT OF HUMAN SERVICES - MEDICAID MEDICATION THERAPY MANAGEMENT PROGRAM - REPORT TO SIXTY-FIFTH LEGISLATIVE ASSEMBLY.** The department of human services shall report to the appropriations committees of the sixty-fifth legislative assembly on the costs and benefits of the medication therapy management program for the biennium beginning July 1, 2015, and ending June 30, 2017."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

A section is added to require the Department of Human Services to provide a report to the Appropriations Committees of the 65<sup>th</sup> Legislative Assembly on the costs and benefits of the medication therapy management program.

**REPORT OF STANDING COMMITTEE**

**SB 2340, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2340 was placed on the Sixth order on the calendar.

Page 1, line 4, after "57-38-01.33" insert "and subdivision r of subsection 7 of section 57-38-30.3"

Page 2, line 16, after the period insert "The maximum credit that may be claimed by a taxpayer under this section for a taxable year is ten thousand dollars."

Page 2, line 22, overstrike "two"

Page 2, line 23, overstrike "million" and insert immediately thereafter "five hundred thousand"

Page 2, line 24, after "purchase" insert "However, if the maximum amount of allowed credits are not claimed in any calendar year, any remaining unclaimed credits may be carried forward and made available in the next succeeding calendar year."

Page 2, line 25, replace "two million dollars" with "the amount available"

Page 2, line 26, remove "allowable amount of"

Page 3, line 3, after the period insert "The maximum credit that may be claimed by the entity under this subsection for a taxable year is ten thousand dollars."

Page 3, after line 24, insert:

**"SECTION 3. AMENDMENT.** Subdivision r of subsection 7 of section 57-38-30.3 of the North Dakota Century Code is amended and reenacted as follows:

- r. Automating manufacturing processes tax credit under section 57-38-01.33 (effective for the first three taxable years beginning after December 31, 2012)."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**HB 1056, as engrossed:** Your conference committee (Sens. Unruh, Cook, Triplett and Reps. Owens, Dockter, Haak) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1218-1219, adopt further amendments as follows, and place HB 1056 on the Seventh order:

That the House accede to the Senate amendments as printed on pages 1218 and 1219 of the House Journal and pages 922 and 933 of the Senate Journal and that Engrossed House Bill No. 1056 be further amended as follows:



Page 2, line 2, replace "five" with "ten"

Page 2, line 2, after "years" insert "or the period of time necessary for repayment of indebtedness incurred which was intended to be repaid from the increased levy, whichever expires later"

Renumber accordingly

Engrossed HB 1056 was placed on the Seventh order of business on the calendar.

#### **ANNOUNCEMENT**

**REP. BELTER ANNOUNCED** that the House stand in recess until 1:00 p.m.

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

#### **CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Fifty-eighth, Fifty-ninth, Sixty-first, and Sixty-second Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1240, lines 3-4, remove "and has committee recommendation of DO PASS,"

Page 1240, lines 30-31, remove "and has committee recommendation of DO PASS,"

Page 1241, lines 8-9, remove "and has committee recommendation of DO PASS,"

Page 1276, lines 44-45, remove "and has committee recommendation of DO PASS,"

Page 1277, lines 24-25, remove "and has committee recommendation of DO PASS,"

Page 1278, lines 3-4, remove "and has committee recommendation of DO PASS,"

Page 1334, lines 3-4, remove "and has committee recommendation of DO PASS,"

Page 1334, lines 30-31, remove "and has committee recommendation of DO PASS,"

Page 1335, lines 6-7, remove "and has committee recommendation of DO PASS,"

Page 1335, lines 38-39, remove "and has committee recommendation of DO PASS,"

Page 1336, lines 29-30, remove "and has committee recommendation of DO PASS,"

Page 1337, lines 4-5, remove "and has committee recommendation of DO PASS,"

Page 1337, lines 35-36, remove "and has committee recommendation of DO PASS,"

Page 1337, lines 35-36, remove "and has committee recommendation of DO PASS,"

Page 1338, lines 14-15, remove "and has committee recommendation of DO PASS,"

Page 1338, lines 40-41, remove "and has committee recommendation of DO PASS,"

Page 1339, lines 15-16, remove "and has committee recommendation of DO PASS,"

Page 1339, lines 41-42, remove "and has committee recommendation of DO PASS,"

Page 1340, lines 20-21, remove "and has committee recommendation of DO PASS,"

Page 1354, lines 37-38, remove "and has committee recommendation of DO PASS,"

Page 1355, lines 13-14, remove "and has committee recommendation of DO PASS,"

Page 1355, lines 46-47, remove "and has committee recommendation of DO PASS,"

Page 1356, lines 21-22, remove "and has committee recommendation of DO PASS,"

Page 1356, line 51, remove "and has"

Page 1357, line 2, remove "committee recommendation of DO PASS,"

Page 1357, lines 27-28, remove "and has committee recommendation of DO PASS,"

Page 1357, lines 27-28, remove "and has committee recommendation of DO PASS,"

Page 1358, lines 5-6, remove "and has committee recommendation of DO PASS,"

Page 1358, lines 30-31, remove "and has committee recommendation of DO PASS,"

Page 1359, lines 7-8, remove "and has committee recommendation of DO PASS,"

Page 1359, lines 35-36, remove "and has committee recommendation of DO PASS,"

Page 1360, lines 12-13, remove "and has committee recommendation of DO PASS,"

Page 1360, lines 38-39, remove "and has committee recommendation of DO PASS,"

Page 1410, remove line 18

Page 1410, line 19, replace "Engrossed SB 2295, as amended, was" with "Reengrossed SB 2031 and Engrossed SB 2295, as amended, were"

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

#### **MOTION**

**REP. VIGESAA MOVED** that Engrossed SB 2340, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2340 was rereferred.

#### **MOTION**

**REP. VIGESAA MOVED** that SB 2275 be moved to the bottom of the calendar, which motion prevailed.

#### **SIXTH ORDER OF BUSINESS**

**SPEAKER BELTER DEEMED** approval of the amendments to Engrossed SB 2006, Engrossed SB 2007, and Engrossed SB 2320.

Engrossed SB 2006, Engrossed SB 2007, and Engrossed SB 2320, as amended, were placed on the Fourteenth order of business on the calendar.

#### **SECOND READING OF SENATE BILL**

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans credit; to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the tax commissioner's salary; to provide for a transfer; and to provide an exemption.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens;

Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

**ABSENT AND NOT VOTING:** Becker, Rich S.; Frantsvog; Sukut

Engrossed SB 2006 passed.

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### **SECOND READING OF SENATE BILL**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of labor and human rights; 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, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looyen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Ruby; Sanford; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Thoreson; Toman; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

**NAYS:** Becker, Rick C.; Bellew; Brabandt; Dosch; Koppelman, B.; Lefor; Rohr; Schatz; Trottier

**ABSENT AND NOT VOTING:** Becker, Rich S.; Frantsvog; Sukut

Engrossed SB 2007 passed and the emergency clause was declared carried.

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### **SECOND READING OF SENATE BILL**

**SB 2320:** A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the creation of a medication therapy management program for medicaid-eligible individuals; to provide for a department of human services report to the appropriations committees; 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 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

**NAYS:** Bellew; Dosch

**ABSENT AND NOT VOTING:** Becker, Rich S.; Frantsvog; Sukut

Engrossed SB 2320 passed.

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### SECOND READING OF SENATE BILL

**SB 2027:** A BILL for an Act to amend and reenact section 12.1-32-06.1, subsections 1 and 3 of section 12.1-32-07, and subdivision c of subsection 5 of section 39-08-01 of the North Dakota Century Code, relating to length and termination of probation, supervision of probation, and conditions of probation; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

**ABSENT AND NOT VOTING:** Becker, Rich S.; Frantsvog; Sukut

Engrossed SB 2027, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2150:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to student and student organization disciplinary proceedings at institutions under the control of the state board of higher education; to provide for the development of a uniform policy; and to provide for a report to the legislative management.

### 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, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

**ABSENT AND NOT VOTING:** Frantsvog; Sukut

Engrossed SB 2150, as amended, passed.

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**CONSIDERATION OF MESSAGES FROM THE SENATE**

**REP. VIGESAA MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1217 as printed on HJ page 1416, in the Senate amendments to Engrossed HB 1244 as printed on HJ page 1369, in the Senate amendments to HB 1255 as printed on HJ pages 1369-1371, in the Senate amendments to Engrossed HB 1313 as printed on HJ page 1416, in the Senate amendments to Engrossed HB 1360 as printed on HJ pages 1418-1419, and in the Senate amendments to Engrossed HB 1372 as printed on HJ page 1304 and that a conference committee be appointed to meet with a like committee from the Senate on each of these measures, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEES**

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed HB 1217:** Reps. Hatlestad, Rich S. Becker, Oversen.

**Engrossed HB 1244:** Reps. Damschen, B. Anderson, Muscha.

**HB 1255:** Reps. Hofstad, Weisz, Mooney.

**Engrossed HB 1313:** Reps. Sukut, Kasper, Hanson.

**Engrossed HB 1360:** Reps. Meier, Ruby, Delmore.

**Engrossed HB 1372:** Reps. Rohr, Seibel, Amerman.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. VIGESAA MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2030, Engrossed SB 2332, and Engrossed SB 2377, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed SB 2030:** Reps. Kretschmar, Larson, Wallman

**Engrossed SB 2332:** Reps. Paur, M. Johnson, P. Anderson

**Engrossed SB 2377:** Reps. Keiser, Lefor, Hunskor

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. KASPER MOVED** that the House do concur in the Senate amendments to HB 1284 as printed on HJ page 1255, which motion prevailed on a voice vote.

HB 1284 as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1284:** A BILL for an Act to amend and reenact subsection 2 of section 21-03-10.1 and section 21-03-13 of the North Dakota Century Code, relating to the contents of bond election ballots.

**ROLL CALL**

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

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looysen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

**ABSENT AND NOT VOTING:** Frantsovog; Sukut

Engrossed HB 1284 passed.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PORTER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1456 as printed on HJ page 1419, which motion prevailed on a voice vote.

Engrossed HB 1456 as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1456:** A BILL for an Act to create and enact section 54-01-29.1 of the North Dakota Century Code, relating to the encouragement of federal legislation to return lands and mineral rights to the state.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

**NAYS:** Onstad

**ABSENT AND NOT VOTING:** Frantsvog; Sukut

Reengrossed HB 1456 passed.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WEISZ MOVED** that the House do concur in the Senate amendments to Engrossed HB 1072 as printed on HJ page 1362, which motion prevailed on a voice vote.

Engrossed HB 1072 as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1072:** A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to insurance coverage of cancer treatment medications; and to provide for application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 58 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dockter; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, M.; Kasper; Kelsh; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Looyesen; Maragos; Meier; Mitskog; Mock; Monson; Mooney; Nathe; Nelson, J.; Oversen; Pollert; Rohr; Sanford; Schatz; Schneider; Seibel; Silbernagel; Skarphol; Strinden; Thoreson; Vigasaa; Wallman

**NAYS:** Anderson, D.; Becker, Rick C.; Bellew; Boschee; Delzer; Devlin; Dosch; Hanson; Headland; Hogan; Kading; Karls; Keiser; Kempenich; Lefor; Louser; Martinson; Muscha; Nelson, M.; Olson; Onstad; Owens; Paur; Porter; Ruby; Schmidt; Schreiber

Beck; Steiner; Streyle; Toman; Trottier; Weisz; Zubke; Speaker Belter

**ABSENT AND NOT VOTING:** Frantsvog; Sukut

Reengrossed HB 1072 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. OWENS MOVED** that the conference committee report on Engrossed HB 1056 as printed on HJ pages 1218-1219 be adopted, which motion failed on a verification vote.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2006, SB 2027, SB 2150, SB 2320.

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2007.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1033, HB 1201, HCR 3028, HCR 3039, HCR 3051, HCR 3055, HCR 3056.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1234.

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1234**

Page 1, line 2, remove "; and to provide an effective date"

Page 2, line 2, remove "one"

Page 2, line 3, replace "hundred thirty-one thousand six hundred ninety-seven" with "one hundred sixty-three thousand four hundred thirty dollars"

Page 2, line 4, replace "one hundred ninety-seven thousand five hundred forty-eight" with "two hundred forty-five thousand one hundred forty-eight dollars"

Page 2, remove lines 19 and 20

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1392, HB 1432.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1392**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 40-22 of the North Dakota Century Code, relating to adoption of municipal policy establishing special assessment determination methods for allocation of assessments among and within classes of property; to amend and reenact section 40-53.1-07 of the North Dakota Century Code, relating to the disposition of the property of a dissolved city by a county.

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

**SECTION 1.** A new section to chapter 40-22 of the North Dakota Century Code is created and enacted as follows:

**Municipal policy providing special assessment determination methods for allocation of assessments among and within classes of property.**

Within five months of this section becoming applicable to a city, the governing body of each city with a population exceeding ten thousand shall adopt

written policies, after a public hearing for consideration of the policies, which will be applied for cost allocation among properties benefited by a special assessment project. Policies established under this section must provide separately the policy that will be applied for cost allocation for each kind of special assessment district and, within each kind of special assessment district, the cost allocation method for residential, commercial, agricultural, and mobile home park property and for any property subject to separate or special assessment factors or assessment rates.

**SECTION 2. AMENDMENT.** Section 40-53.1-07 of the North Dakota Century Code is amended and reenacted as follows:

**40-53.1-07. Dissolution - Care of property - Manager - Disposition of funds.**

If a city is dissolved, the board of county commissioners shall assume control of all property belonging to the dissolved city and shall employ a qualified person to manage and operate the property and to collect all charges due from the operation of such property or dispose of the property in accordance with chapter 11-27. The person employed shall execute a bond to the county in an amount determined by the board of county commissioners, conditioned that that person will faithfully perform that person's duties and will promptly pay all money that person receives to the county treasurer monthly on the first day of each month. The bond shall be executed by the person employed and a surety company authorized to do business in the state. The premium on the bond shall be paid by the board of county commissioners from city funds, if any, and if none, from county funds."

Renumber accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1432**

In lieu of the amendments adopted by the Senate as printed on pages 888-890 of the Senate Journal, Engrossed House Bill No. 1432 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact four new sections to chapter 4-01 of the North Dakota Century Code, relating to federal environmental legislation and regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors; to provide for a transfer; to provide for a continuing appropriation; and to provide an appropriation.

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

**SECTION 1.** A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

**Federal environmental law impact review committee.**

1. The federal environmental law impact review committee consists of:
  - a. The agriculture commissioner, who shall serve as the chairman;
  - b. The governor or the governor's designee;
  - c. The majority leader of the house of representatives, or the leader's designee;
  - d. The majority leader of the senate, or the leader's designee;
  - e. One member of the legislative assembly from the minority party, selected by the chairman of the legislative management;
  - f. One individual appointed by the lignite energy council;
  - g. One individual appointed by the North Dakota corn growers association;



- h. One individual appointed by the North Dakota grain growers association;
  - i. One individual appointed by the North Dakota petroleum council;
  - j. One individual appointed by the North Dakota soybean growers association; and
  - k. One individual appointed by the North Dakota stockmen's association.
- 2. The committee shall review federal environmental legislation and regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors and confer with the attorney general with respect to participation in administrative or judicial processes pertaining to such legislation or regulations.
- 3.
  - a. Any member of the legislative assembly serving on the committee is entitled to compensation at the rate provided for attendance at interim committee meetings and reimbursement for expenses, as provided by law for state officers, if the member is attending meetings of the committee or performing duties directed by the committee.
  - b. The compensation and reimbursement of expenses, as provided for in this subsection, are payable by the legislative council.

**SECTION 2.** A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

**Environmental impact - Cost of participation.**

- 1. Any expenses incurred by the agriculture commissioner or by the federal environmental law impact review committee in meeting the requirements of section 1 of this Act must be paid by the agriculture commissioner from the federal environmental law impact fund.
- 2. If the attorney general elects to participate in an administrative or judicial process, pertaining to federal environmental legislation or regulations, which detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors, any expenses incurred by the attorney general in the participation must be paid by the agriculture commissioner from the federal environmental law impact review fund.
- 3. For purposes of this section, "expenses" include administrative costs, consulting fees, research costs, expert witness fees, attorney fees, and travel costs.

**SECTION 3.** A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

**Gifts - Grants - Donations.**

The agriculture commissioner may accept gifts, grants, and donations for the purposes set forth in section 2 of this Act, provided the commissioner posts the amount and source of any gifts, grants, and donations on the department of agriculture's website. Any moneys received in accordance with this section must be deposited in the federal environmental law impact review fund.

**SECTION 4.** A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

**Federal environmental law impact review fund - Continuing appropriation.**

1. The federal environmental law impact review fund consists of:
  - a. Any moneys appropriated or transferred for the purposes set forth in section 2 of this Act; and
  - b. Any gifts, grants, and donations forwarded to the agriculture commissioner for the purposes set forth in section 2 of this Act.
2. All moneys in the federal environmental law impact review fund are appropriated to the commissioner on a continuing basis for the purposes set forth in section 2 of this Act.

**SECTION 5. APPROPRIATION - TRANSFER - FEDERAL ENVIRONMENTAL LAW IMPACT REVIEW FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, which the office of management and budget shall transfer to the federal environmental law impact review fund, for the purpose of funding the state's participation in administrative or judicial processes based on federal environmental legislation or regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors, for the biennium beginning July 1, 2015, and ending June 30, 2017. The office of management and budget shall transfer sums under this section at the time and in the amount directed by the agriculture commissioner."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1144.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1144**

Page 1, line 3, after "limits" insert "; and to declare an emergency"

Page 1, line 19, remove "any person who uses a vehicle in connection"

Page 1, replace lines 20 and 21 with "an individual who:

- a. Receives connections to potential passengers and related services from a transportation network company in exchange for payment or a fee to the transportation network company; and
- b. Uses a personal vehicle to offer or provide prearranged transportation services to a passenger upon connection through an online-enabled application or platform controlled by a transportation network company in return for compensation or payment of a fee."

Page 2, line 1, after "6." insert "'Personal injury protection" means basic no-fault benefits as defined under subsection 2 of section 26.1-41-01.

7."

Page 2, line 1, remove "that"

Page 2, replace lines 2 through 4 with "which uses an online-enabled application or platform to connect a passenger with an independent participating driver who provides prearranged transportation services using a personal vehicle. A transportation network company may not be deemed to control, direct, or manage the personal vehicles or participating drivers that connect to the transportation network company online-enabled application or platform, unless agreed to by written contract."

Page 2, line 5, replace "7." with "8."

Page 3, line 8, remove "Transportation network company insurance coverage provided under this section"

Page 3, replace lines 9 through 11 with "Transportation network company insurance coverage provided under this section for uninsured motorist coverage must meet the requirements under section 26.1-40-15.2, which is primary coverage."

- c. Transportation network company insurance coverage provided under this section for underinsured motorist coverage must meet the requirements under section 26.1-40-15.3, which is primary coverage.

Page 3, line 12, replace "c." with "d."

Page 3, line 12, after "provide" insert "primary"

Page 3, line 13, remove "when required"

Page 3, line 15, replace "d." with "e."

Page 3, line 17, replace "e." with "f."

Page 3, line 21, replace "f." with "g."

Page 3, line 21, replace "In every instance where" with "If"

Page 3, after line 25, insert:

**"26.1-40.1-04. Insurance coverage during the application on stage with no passengers in vehicle.**

1. During the application on stage, the transportation network company insurance must include:
  - a. Motor vehicle liability coverage that is primary coverage. The coverage must include at least fifty thousand dollars per person and one hundred thousand dollars per incident for death and bodily injury and at least twenty-five thousand dollars for property damage.
  - b. Uninsured motorist coverage under section 26.1-40-15.2 which is primary coverage.
  - c. Underinsured motorist coverage under section 26.1-40-15.3 which is primary coverage.
  - d. Personal injury protection under chapter 26.1-41 which is primary coverage.
2. The requirements for coverage under this section may be satisfied by:
  - a. Transportation network company insurance maintained by a participating driver;
  - b. Transportation network company insurance maintained by a transportation network company; or
  - c. Any combination of subsections a and b.
3. The following apply to insurance requirements under this section:
  - a. The primary insurer, in the case of insurance coverage provided under subdivision a of subsection 1, has the sole duty to defend and indemnify the insured.

- b. Coverage under a transportation network company insurance policy may neither be dependent on a driver's personal automobile insurance policy carrier first denying a claim nor a personal automobile insurance policy carrier being required to first deny a claim.
- c. If transportation network company insurance maintained by a participating driver to fulfill the insurance obligations of this section has excluded coverage according to its policy or ceased to exist, the transportation network company shall provide the coverage required by this section beginning with the first dollar of a claim.

#### **26.1-40.1-05. Automobile insurers.**

Insurers that write personal automobile insurance may allow no-fault insurance coverage to be conditional on transportation network company no-fault insurance coverage under sections 26.1-40.1-03 and 26.1-40.1-04."

Page 3, line 26, replace "**26.1-40.1-04**" with "**26.1-40.1-06**"

Page 4, line 1, replace "**26.1-40.1-05**" with "**26.1-40.1-07**"

Page 4, line 5, after the second "of" insert "less than"

Page 4, line 5, remove "or less"

Page 4, line 8, replace "**26.1-40.1-06**" with "**26.1-40.1-08**"

Page 4, remove lines 15 through 21

Page 4, line 22, replace "**26.1-40.1-08**" with "**26.1-40.1-09**"

Page 4, line 25, replace "**26.1-40.1-09**" with "**26.1-40.1-10**"

Page 4, replace lines 26 through 30 with:

"A participating driver of a transportation network company shall carry proof of transportation network company insurance coverage at all times during the driver's use of a vehicle in connection with a transportation network company's online-enabled application or platform. In the event of an accident, a participating driver shall provide this insurance coverage information to any other party involved in the accident and to a police officer, upon request."

Page 5, line 1, replace "**26.1-40.1-10**" with "**26.1-40.1-11**"

Page 6, line 14, replace "eighteen" with "twenty-one"

Page 6, line 15, replace "**Records**" with "**Personally identifiable information**"

Page 6, replace lines 16 through 26 with "A transportation network company may not disclose any personally identifiable information of a transportation network company passenger, except pursuant to the publicly disclosed terms of the transportation network company's privacy policy. For any other disclosure not governed by the privacy policy, the transportation network company must obtain the passenger's consent before the company may disclose the passenger's personally identifiable information."

#### **39-34-05. Audit.**

1. The department may audit the records of a transportation network company by means of random sample of the transportation network company's records related to transportation network drivers:
  - a. No more than twice in a year's time.

- b. At an agreed upon location.
  - c. Notwithstanding subdivision a. in a reasonable timeframe to investigate a complaint related to public safety or a violation of this Act, if the department provides details on the nature of the complaint.
2. The department may impose a civil penalty of up to five hundred dollars for each violation of this chapter."

Page 7, line 3, after the underscored period insert "A political subdivision may prohibit a transportation network company from operating without a state permit within the jurisdiction of the political subdivision.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1185, HCR 3010.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1072, HB 1284, and HB 1456.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1217, HB 1244, HB 1255, HB 1313, HB 1360, and HB 1372, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1217:** Reps. Hatlestad; Rich S. Becker; Oversen

**HB 1244:** Reps. Damschen; B. Anderson; Muscha

**HB 1255:** Reps. Hofstad; Weisz; Mooney

**HB 1313:** Reps. Sukut; Kasper; Hanson

**HB 1360:** Reps. Meier; Ruby; Delmore

**HB 1372:** Reps. Rohr; Seibel; Amerman

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2004, SB 2043, SB 2189, SB 2214, SB 2250, SB 2271, SB 2274, SB 2348, and SCR 4019.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently failed to pass: SB 2257.

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

**MR. PRESIDENT:** The House has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2030:** Reps. Kretschmar; Larson; Wallman

**SB 2332:** Reps. Paur; M. Johnson; P. Anderson

**SB 2377:** Reps. Keiser; Lefor; Hunsakor

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: HB 1056.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2347.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and

subsequently passed: SB 2050, SB 2066, SB 2092, SB 2233, SB 2259, SB 2367, SCR 4011.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1469.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2052, SB 2188.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: SB 2109.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**

**MR. SPEAKER:** The President has signed: SCR 4017, SCR 4021.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Thursday, April 9, 2015, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2318, 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 2318 was placed on the Sixth order on the calendar.

Page 2, line 28, after the period insert "The exemption provided by this section may not be interpreted to apply to tangible personal property incorporated as a component part of a carbon dioxide pipeline but this restriction does not affect eligibility of such a pipeline for the exemption under section 57-06-17.1."

Page 3, line 6, after the period insert "The legislative management shall secure assistance from the energy and environmental research center to analyze potential future usage of carbon dioxide in oil recovery operations in the Bakken and Three Forks formations. the potential production and environmental benefits of that usage for energy industries in this state, the economic conditions in which that usage is feasible for oil producers, and the estimated fiscal effect of that usage for the state and political subdivisions."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**HB 1206, as engrossed:** Your conference committee (Sens. Axness, Campbell, Rust and Reps. Delmore, Meier, Owens) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1132, adopt amendments as follows, and place HB 1206 on the Seventh order:

That the Senate recede from its amendments as printed on page 1132 of the House Journal and pages 869 and 870 of the Senate Journal and that Engrossed House Bill No. 1206 be amended as follows:

Page 1, line 1, replace "39-16-38" with "39-08-20.2"

Page 1, line 4, after the semicolon insert "to provide a penalty;"

Page 1, line 11, replace "39-16-38" with "39-08-20.2"

Page 1, line 13, replace "**39-16-38**" with "**39-08-20.2**"

Page 1, line 13, after "insurance" insert "- Report - Penalty"

Page 1, line 14, replace "financial responsibility as defined in this chapter" with "the requirement of a motor vehicle liability policy under section 39-08-20"

Page 1, line 15, replace "Special" with "However, special"

Page 1, line 15, after the underscored period insert "Failure to provide satisfactory evidence of liability coverage required under this section within ten days after a police officer has requested evidence of liability coverage is an infraction punishable solely by a fine of one hundred fifty dollars for a first violation and is an infraction punishable solely by a fine of three hundred dollars for a second or subsequent violation in three years. A municipal court or district court shall make a report of a violation of this section to the secretary of state for any special mobile equipment owned or operated by a contractor licensed under chapter 43-07."

Renumber accordingly

Engrossed HB 1206 was placed on the Seventh order of business on the calendar.

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

**Buell J. Reich, Chief Clerk**

