

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

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Bismarck, April 17, 2015

The House convened at 8:00 a.m., with Speaker Belter presiding.

The prayer was offered by Sister Anna Rose, Sacred Heart Monastery, Richardton.

The roll was called and all members were present except Representatives Frantsvog, Kiefert, and Looyesen.

A quorum was declared by the Speaker.

ANNOUNCEMENT

SPEAKER BELTER ANNOUNCED that Rep. D. Johnson replace Rep. Looyesen on the Conference Committee on SB 2178.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KARLS MOVED that the conference committee report on Engrossed HB 1210 as printed on HJ page 1748 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1210: A BILL for an Act to create and enact subsection 4 of section 27-20-13 and subdivision g of subsection 1 of section 27-20-30 of the North Dakota Century Code, relating to time for beneficial transition of a child to or from temporary legal custody.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 3 NAYS, 0 EXCUSED, 3 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; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; 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; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

NAYS: Glassheim; Hogan; Nelson, M.

ABSENT AND NOT VOTING: Frantsvog; Kiefert; Looyesen

Reengrossed HB 1210 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. LANING MOVED that the conference committee report on HB 1229 as printed on HJ pages 1756-1758 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1229: A BILL for an Act to amend and reenact sections 43-09-09.2 and 43-09-14 of the North Dakota Century Code, relating to contracting for electrical services and undertaking for electricians contracting for electrical installations; to repeal section 43-09-14 of the North Dakota Century Code, relating to the electricians special fund; to provide a penalty; and to provide an effective date.

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, 0 NAYS, 0 EXCUSED, 3 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; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; 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; Kiefert; Looyesen

Engrossed HB 1229 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. MEIER MOVED that the conference committee report on Engrossed HB 1360 as printed on HJ page 1758 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to patriotic number plates; to amend and reenact subdivision j of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to disabled veteran motor vehicle registration; and to provide an effective date.

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, 0 NAYS, 0 EXCUSED, 3 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; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; 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; Kiefert; Looyesen

Reengrossed HB 1360 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. TOMAN MOVED that the conference committee report on Engrossed HB 1406 as printed on HJ pages 1748-1752 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1406: A BILL for an Act to create and enact section 57-39.4-33.4 and chapter 57-39.8 of the North Dakota Century Code, relating to administration of the streamlined sales and use tax agreement and to authorizing entry of state-tribal agreements for administration and collection of state and tribal sales, use, and gross receipts taxes imposed and collected within the exterior boundaries of the Standing Rock

Reservation within this state; and to amend and reenact subsection 2 of section 57-39.2-04.1, sections 57-39.4-29 and 57-39.4-31, and subsection 2 of section 57-40.2-04.1 of the North Dakota Century Code, relating to the definition of prepared food for sales tax purposes, the taxability matrix to be used for administration of the sales and use tax agreement, the streamlined sales tax governing board and advisory council and the definition of prepared food for use tax purposes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Becker, Rich S.; Becker, Rick C.; Boe; Boehning; Boschee; Brabandt; Brandenburg; Damschen; Delmore; 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; Klein; Klemin; Kreidt; Kretschmar; Laning; Larson; Lefor; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

NAYS: Bellew; Carlson; Delzer; Koppelman, B.; Koppelman, K.; Monson; Olson; Schatz; Thoreson

ABSENT AND NOT VOTING: Frantsvog; Kiefert; Looyesen

Reengrossed HB 1406 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SEIBEL MOVED that the conference committee report on Reengrossed HB 1282 as printed on HJ page 1764 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. LANING MOVED that the conference committee report on HB 1113 as printed on HJ pages 1775-1776 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to create and enact subsection 3 to section 23-20.1-04.1 of the North Dakota Century Code, relating to custody of land used for disposal of radioactive material; to amend and reenact sections 23-01-36, 23-20.1-04.3, 23-20.1-04.4, 23-20.1-06, and 23-20.1-10 of the North Dakota Century Code, relating to the licensing and regulation of radioactive material; to repeal section 23-20.1-09.1 of the North Dakota Century Code, relating to the confidentiality of radioactive material records; 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 83 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Anderson, P.; Guggisberg; Hogan; Mooney; Oversen; Schneider; Strinden; Wallman

ABSENT AND NOT VOTING: Frantsov; Kiefert; Looyson

Engrossed HB 1113 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HEADLAND MOVED that the conference committee report on Engrossed SB 2035 as printed on HJ pages 1764-1765 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2035: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales tax exemption for tangible personal property used to construct a fertilizer or chemical processing facility; to amend and reenact section 40-57.1-03 and subsection 4 of section 57-40.2-03.3 of the North Dakota Century Code, relating to requirements of a city or county granting a property tax exemption and a use tax exemption for tangible personal property used to construct a fertilizer or chemical processing facility; to provide for studies by the legislative management and industrial commission; and to provide for a retroactive effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 81 YEAS, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Becker, Rick C.; Bellew; Dosch; Kading; Koppelman, B.; Meier; Nelson, M.; Olson; Rohr; Ruby

ABSENT AND NOT VOTING: Frantsov; Kiefert; Looyson

Engrossed SB 2035, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SILBERNAGEL MOVED that the conference committee report on Engrossed SB 2046 as printed on HJ page 1764 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WEISZ MOVED that the conference committee report on Engrossed SB 2166 as printed on HJ pages 1765-1770 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2166: A BILL for an Act to create and enact paragraph 40 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to amend and reenact sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, and sections 39-07-09 and 39-21-45.1 of the North Dakota Century Code, relating to authorized procedures for traffic violations, definitions of moving violations, entries against driving records, discretion for release upon promise to appear, and modified vehicles.

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, 0 NAYS, 0 EXCUSED, 3 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; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; 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; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog; Kiefert; Looyesen

Engrossed SB 2166, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEISER MOVED that the conference committee report on Engrossed SB 2377 as printed on HJ page 1776 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2377: A BILL for an Act to amend and reenact subsection 5 of section 38-11.2-01, sections 38-12.1-01, 38-12.1-02, 38-12.1-03, 38-12.1-04, 38-12.1-05, and 38-14.1-02, subsection 3 of section 38-14.1-05, subsection 3 of section 38-14.1-13, subdivisions r and s of subsection 1 of section 38-14.1-14, subdivision c of subsection 2 of section 38-14.1-14, paragraph 2 of subdivision e of subsection 3 of section 38-14.1-21, subdivision b of subsection 4 of section 38-14.1-21, subsections 1 and 1.1 of section 38-14.1-24, subdivision b of subsection 3 of section 38-14.1-24, subsections 5, 10, and 18 of section 38-14.1-24, section 38-14.1-25, subdivision b of subsection 1 of section 38-14.1-27, subsections 1, 3, and 4 of section 38-14.1-37, sections 38-15-01, 38-15-02, 38-18-05, 38-18-07, 57-61-01, and 57-61-01.2, subsection 1 of section 57-61-01.5, sections 57-61-01.7, 57-61-02, and 57-61-03, and subsection 1 of section 57-61-04 of the North Dakota Century Code, relating to the definition of coal and commercial leonardite and the taxation of commercial leonardite.

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, 0 NAYS, 0 EXCUSED, 3 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; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; 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; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog; Kiefert; Looyesen

Engrossed SB 2377, as amended, passed.

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 1003: Sens. Holmberg; Krebsbach; Robinson

HB 1018: Sens. Holmberg; Krebsbach; Robinson

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

MR. PRESIDENT: The Speaker has appointed Rep. D. Johnson to replace Rep. Looysen on the Conference Committee on SB 2178.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: HB 1217.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1282.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2046.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1113, HB 1210, HB 1229, HB 1360, HB 1406.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2035, SB 2166, SB 2377.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1057, HB 1368.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1095, HB 1392.

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: HB 1144.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1067, HB 1410.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3052.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2070, SB 2107, SB 2113, SB 2292, SB 2295, SB 2312, SB 2326, SB 2333, SB 2356.

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

MR. PRESIDENT: The Speaker has signed: HB 1030, HB 1068, HB 1244, HB 1255, HB 1313, HB 1372, HB 1474.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 17, 2015: HB 1030, HB 1068, HB 1244, HB 1255, HB 1312, HB 1372, HB 1474.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 17, 2015: HB 1034, HB 1051, HB 1111, HB 1112, HB 1136, HB 1141, HB 1165, HB 1241, HB 1264, HB 1285, HB 1304, HB 1305, HB 1328, HB 1366, HB 1387, HB 1393, HB 1450, HB 1456, HB 1457.

REPORT OF STANDING COMMITTEE

SB 2349: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2349 was placed on the Fourteenth order on the calendar.

ANNOUNCEMENT

REP. BELTER ANNOUNCED that the House stand in recess until 12:30.

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 Sixty-seventh, Sixty-eighth, and Sixty-ninth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1666, after line 38, insert:

"DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 14, 2015: HB 1432."

Page 1731, after line 30, insert:

"DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 15, 2015: HB 1034, HB 1051, HB 1111, HB 1112, HB 1136, HB 1141, HB 1165, HB 1241, HB 1264, HB 1285, HB 1304, HB 1305, HB 1328, HB 1366, HB 1387, HB 1393, HB 1450, HB 1456, HB 1457."

Page 1774, line 24, after "passed" insert "and the emergency clause was declared carried"

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

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Rep. Darrell Nottestad

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to amend and reenact section 57-38-30 and subsection 1 of section 57-38-30.3, relating to reduction of the individual and corporation income tax rates; and to provide an effective date.

REQUEST

REP. MOCK REQUESTED that the House divide SB 2349, which request was granted.

DIVISION A: Section 1

DIVISION B: Sections 2,3

ROLL CALL

The question being on the final adoption of Division A of SB 2349, the roll was called and there were 62 YEAS, 29 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Hatlestad; Headland; Hofstad; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Kempenich; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Louser; Maragos; Martinson; Meier; Monson; Nathe; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Seibel; Silbernagel; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Weisz; Zubke; Speaker Belter

NAYS: Amerman; Anderson, B.; Anderson, P.; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Keiser; Kelsh; Mitskog; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Sanford; Schneider; Schreiber Beck; Skarphol; Strinden; Wallman

ABSENT AND NOT VOTING: Frantsovog; Kiefert; Looyesen

Division A of SB 2349 was adopted on a recorded roll call vote.

ROLL CALL

The question being on the final adoption of Division B of SB 2349, the roll was called and

there were 65 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Hatlestad; Headland; Hofstad; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kempenich; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Louser; Maragos; Martinson; Meier; Monson; Nathe; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Seibel; Silbernagel; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Weisz; Zubke; Speaker Belter

NAYS: Amerman; Anderson, B.; Anderson, P.; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Kelsh; Mitskog; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Schneider; Schreiber Beck; Skarphol; Wallman

ABSENT AND NOT VOTING: Frantsvog; Kiefert; Looyesen

Division B of SB 2349 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 59 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Hatlestad; Headland; Hofstad; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Kempenich; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Louser; Martinson; Meier; Nathe; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Seibel; Silbernagel; Steiner; Streyle; Thoreson; Toman; Trottier; Vigasaa; Weisz; Zubke; Speaker Belter

NAYS: Amerman; Anderson, B.; Anderson, P.; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Keiser; Kelsh; Maragos; Mitskog; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Sanford; Schneider; Schreiber Beck; Skarphol; Strinden; Sukut; Wallman

ABSENT AND NOT VOTING: Frantsvog; Kiefert; Looyesen

SB 2349 passed.

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 2013, Engrossed SB 2018, Engrossed SB 2019, and Engrossed SB 2020, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2013: Reps. Monson, Sanford, Guggisberg

Engrossed SB 2018: Reps. Monson, Martinson, Boe

Engrossed SB 2019: Reps. Streyle, Dosch, Guggisberg

Engrossed SB 2020: Reps. Schmidt, Streyle, Boe

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on April 16, 2015, I have signed the following: HB 1006, HB 1017, HB 1023, HB 1206, HB 1231, HB 1256, HB 1390, HB 1403, and HB 1432.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2349.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency

clause carried: HB 1377.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1377

Page 1, line 1, replace "next biennium K-12 fund" with "political subdivision allocation fund"

Page 1, line 4, after the first semicolon insert "to provide a continuing appropriation;"

Page 2, line 5, replace "**Next biennium K-12 fund**" with "**Political subdivision allocation fund - Oil and gas tax revenue allocations to political subdivisions - State treasurer - Continuing appropriation**"

Page 2, replace lines 6 through 8 with:

"There is created in the state treasury the political subdivision allocation fund. The fund consists of oil and gas tax revenue deposited in the fund pursuant to chapter 57-51.1. All moneys in the fund are appropriated to the state treasurer on a continuing basis for the purpose of allocations to political subdivisions in oil-producing counties.

1. If the balance of the fund exceeds ten million dollars on March first of each odd numbered year, within thirty-one days, the state treasurer shall allocate all moneys in the fund to eligible political subdivisions in oil-producing counties based on each political subdivision's oil and gas gross production tax allocations under subsection 4 or subsection 5 of section 57-51-15 in the most recently completed formula allocation year. The allocation to each eligible political subdivision must be proportional to each political subdivision's total oil and gas gross production tax allocation under subsection 4 or subsection 5 of section 57-51-15 in the most recently completed formula allocation year relative to the combined total of all oil and gas gross production tax allocations under subsection 4 and subsection 5 of section 57-51-15 in the most recently completed formula allocation year. For purposes of this subsection, "formula allocation year" means the period beginning September first of an odd-numbered year and ending August thirty-first of the following even-numbered year.
2. If the balance of the fund exceeds ten million dollars on August first of each odd numbered year, within thirty-one days, the state treasurer shall allocate all moneys in the fund to eligible political subdivisions in oil-producing counties based on each political subdivision's oil and gas gross production tax allocations under subsection 4 or subsection 5 of section 57-51-15 in the most recently completed formula allocation year. The allocation to each eligible political subdivision must be proportional to each political subdivision's total oil and gas gross production tax allocation under subsection 4 or subsection 5 of section 57-51-15 in the most recently completed formula allocation year relative to the combined total of all oil and gas gross production tax allocations under subsection 4 and subsection 5 of section 57-51-15 in the most recently completed formula allocation year. For purposes of this subsection, "formula allocation year" means the period beginning September first of an odd-numbered year and ending August thirty-first of the following even-numbered year."

Page 2, line 27, remove the overstrike over "The next"

Page 2, line 27, after "~~thousand~~" insert "two hundred fifty million"

Page 2, line 27, remove the overstrike over "~~dollars into~~"

Page 2, line 28, remove the overstrike over "~~the property tax relief sustainability fund~~"

Page 2, line 28, remove "The next seven hundred twelve million dollars"

Page 2, line 29, remove "into the next biennium K-12 fund"

Page 2, remove line 31

Page 3, line 1, remove the overstrike over "4."

Page 3, line 1, remove "5."

Page 3, line 3, remove the overstrike over "5."

Page 3, line 3, remove "6."

Page 3, line 6, remove the overstrike over "6."

Page 3, line 6, remove "7."

Page 3, line 6, overstrike "into the strategic investment and improvements fund" and insert immediately thereafter ":

- a. Seventy percent into the strategic investment and improvements fund; and
- b. Thirty percent into the political subdivision allocation fund"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

- Changes the state share of oil and gas tax allocations to reduce the allocation to the property tax relief sustainability fund from \$341.79 million to \$250 million. The House version added an allocation of \$712 million to a next biennium K-12 fund and moved the allocation to property tax relief sustainability fund after the second general fund allocation.
- Changes the state share of oil and gas tax allocations to reduce the allocation of remaining revenue to the strategic investment and improvements fund from 100 percent to 70 percent and to provide an allocation of 30 percent to a newly created political subdivision allocation fund.
- Creates a political subdivision allocation fund and provides a continuing appropriation to the State Treasurer to allocate funding to political subdivisions. The allocations from the fund to the political subdivisions are based on oil and gas tax allocations to political subdivisions in the first year of the biennium.

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 2368.

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 2013: Reps. Monson; Sanford; Guggisberg

SB 2018: Reps. Monson; Martinson; Boe

SB 2019: Reps. Streyle; Dosch; Guggisberg

SB 2020: Reps. Schmidt; Streyle; Boe

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2150, SB 2284, SCR 4010.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1113, HB 1210, HB 1229, HB 1282, HB 1360, HB 1406.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1057, HB 1095, HB 1144, HB 1368, HB 1392.

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

MR. SPEAKER: The President has signed: HB 1067, HB 1410, HCR 3052.

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

MR. PRESIDENT: The Speaker has signed: SB 2070, SB 2107, SB 2113, SB 2292, SB 2295, SB 2312, SB 2326, SB 2333, SB 2356.

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

MR. PRESIDENT: The Speaker has signed: SB 2349.

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, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Monday, April 20, 2015, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1321, as engrossed: Your conference committee (Sens. Armstrong, Luick, Grabinger and Reps. K. Koppelman, M. Johnson, P. Anderson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1219-12220, adopt amendments as follows, and place HB 1321 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1219 and 1220 of the House Journal and page 925 of the Senate Journal and that Engrossed House Bill No. 1321 be amended as follows:

Page 1, line 14, overstrike "to engage" and insert immediately thereafter ":

(a) To engage"

Page 1, line 14, remove the overstrike over "directed"

Page 1, line 14, remove the underscored colon

Page 1, line 15, remove "(a) Directed"

Page 1, line 16, overstrike the comma

Page 1, line 16, remove the overstrike over the overstruck period

Page 1, line 16, remove ";or"

Page 1, remove lines 17 through 22

Page 2, line 1, remove "(2)"

Page 2, line 3, after "harassment" insert ";or

(b) The unauthorized tracking of the person's movements or location through the use of a global positioning system or other electronic means that would cause a reasonable person to be frightened, intimidated, or harassed and which serves no legitimate purpose"

Renumber accordingly

Engrossed HB 1321 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1249, as engrossed: Your conference committee (Sens. Unruh, Schaible, Triplett and Reps. Hofstad, D. Anderson, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1280-1281, adopt amendments as follows, and place HB 1249 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1280 and 1281 of the House Journal and pages 997-999 of the Senate Journal and that Engrossed House Bill No. 1249 be amended as follows:

Page 1, line 2, remove "empower"

Page 1, line 6, remove "**empower** "

Page 1, line 7, remove "is"

Page 1, line 8, replace "essential for providing" with "provides"

Page 1, line 9, remove "empower"

Page 1, line 10, replace "create a unified vision and voice for North Dakota and its" with "coordinate communication among"

Page 1, line 11, replace the second underscored comma with "and"

Page 1, line 12, remove ", and state agencies"

Page 1, line 12, after the underscored period insert "A member or employee of the council may not represent to any person that the council has the authority to negotiate on behalf of the state."

Page 1, remove lines 16 through 24

Page 2, replace lines 1 through 4 with:

- a. A representative of agriculture;
- b. A representative of cities;
- c. A representative of energy interests;
- d. A representative of environment or natural resource conservation issues, including fish and wildlife;
- e. A representative of the Garrison Diversion Conservancy District;
- f. A representative of irrigation;
- g. A representative of the Missouri River Joint Water Board to represent counties along the free flowing reach of the Missouri River, counties bordering Lake Sakakawea, and counties bordering Lake Oahe;
- h. A representative of recreation interests;
- i. A representative of water supply;
- j. One at-large representative; and"

Page 2, line 6, replace "Additional voting members of the council must include" with "The governor shall invite the following to join the council as voting members"

Page 2, line 8, after the underscored semicolon insert "and"

Page 2, line 9, remove "; and"

Page 2, remove line 10

Page 2, line 11, remove "The following entities may be represented on the council, but are nonvoting members:"

Page 2, remove lines 12 through 22

Page 2, line 23, replace "5." with "The chairman of the legislative management shall appoint to the council as voting members three legislative members to include at least one member of the minority party.

4."

Page 2, line 25, after "the" insert "expiration of"

Page 2, line 25, remove "of at least four members expire each"

Page 2, line 26, replace "year" with "is evenly distributed"

Page 2, line 26, after "for" insert "one"

Page 2, line 26, replace "terms" with "term"

Page 2, line 28, replace "6." with "5."

Page 2, line 29, replace "7." with "6."

Page 2, line 29, replace "The" with "Except for the members appointed by the chairman of the legislative management."

Page 2, line 30, replace "The" with "Except for the members appointed by the chairman of the legislative management, the"

Page 2, line 31, after the underscored period insert "The legislative council shall pay the compensation and expense reimbursement for the legislative members."

Page 3, line 1, replace "8." with "7."

Page 3, line 6, replace the first underscored comma with "and"

Page 3, line 6, remove ", and state agencies"

Page 3, line 11, remove "The council shall recommend ways to strengthen"

Page 3, remove lines 12 through 14

Page 3, line 15, replace "county and stakeholder" with "appointed"

Page 3, line 17, replace "ten" with "nine"

Page 3, line 18, replace the first underscored comma with "or"

Page 3, line 18, remove ", or state agencies"

Page 3, line 20, replace "or" with "to"

Page 3, line 20, after "accomplish" insert "its"

Page 3, line 20, replace "protect" with "fairly represent"

Page 3, line 20, remove "and rights"

Page 3, line 23, replace "their" with "its"

Page 3, line 26, replace "potential legislation" with "recommendations"

Renumber accordingly

Engrossed HB 1249 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2284, as reengrossed: Your conference committee (Sens. Casper, Armstrong, Nelson and Reps. Skarphol, Vigesaa, Hogan) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1377, adopt amendments as follows, and place SB 2284 on the Seventh order:

That the House recede from its amendments as printed on page 1377 of the Senate Journal and page 1558 of the House Journal and that Reengrossed Senate Bill No. 2284 be amended as follows:

Page 1, line 2, remove "and to provide an"

Page 1, line 3, replace "appropriation" with "to designate the use of oil and gas impact grants; and to provide for reports"

Page 2, replace lines 1 through 7 with:

"SECTION 2. BOARD OF UNIVERSITY AND SCHOOL LANDS - USE OF OIL AND GAS IMPACT GRANTS - REPORTS. The board of university and school lands, from funds designated in House Bill No. 1176 as approved by the sixty-fourth legislative assembly for grants to law enforcement agencies impacted by oil and gas development, shall make available \$250,000 for grants through the domestic violence and rape crisis program for community-based or hospital-based sexual assault examiner programs for the biennium beginning July 1, 2015, and ending June 30, 2017. The board of university and school lands shall award the grants as directed by the attorney general. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-fifth legislative assembly on the use of the funds received and the outcomes of its program. The attorney general shall report to the sixty-fifth legislative assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, states attorneys, and sexual assault advocates. Grant funds awarded under this section may not be used for salaries for nurses."

Renumber accordingly

Reengrossed SB 2284 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4010, as engrossed: Your conference committee (Sens. Hogue, Armstrong, Grabinger and Reps. Kasper, Louser, Amerman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1069, adopt amendments as follows, and place SCR 4010 on the Seventh order:

That the House recede from its amendments as printed on page 1069 of the Senate Journal and pages 1233 and 1234 of the House Journal and that Engrossed Senate Concurrent Resolution No. 4010 be amended as follows:

Page 1, line 5, after "selected" insert "and would prohibit an individual from being seated in the legislative assembly if the individual does not live in the district from which selected"

Page 1, line 10, replace "primary" with "general"

Page 1, replace lines 12 through 20 with:

"SECTION 1. AMENDMENT. Section 5 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

Section 5. Each ~~person~~ individual elected or appointed to the legislative assembly must be, on the day of the election or appointment, a qualified elector in the district from which the member was ~~chosen~~ selected and must have been a resident of the state for one year immediately prior to that election. An individual may not be seated in the legislative assembly unless the individual lives in the district from which selected."

Renumber accordingly

Engrossed SCR 4010 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2150, as engrossed: Your conference committee (Sens. Luick, Hogue, Nelson and Reps. K. Koppelman, M. Johnson, Delmore) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1235-1236 and place SB 2150 on the Seventh order.

Engrossed SB 2150 was placed on the Seventh order of business on the calendar.

FIRST READING OF HOUSE BILL

Reps. Carlson, Belter, Headland and Sens. Cook, Wardner introduced:
(Approved by the Delayed Bills Committee)

HB 1476: A BILL for an Act to amend and reenact subsection 4 of section 38-08-04 and sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to oil extraction tax rates and exemptions; to provide legislative intent; to provide an effective date; and to declare an emergency.

Was read the first time and referred to the **Finance and Taxation Committee**.

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

Buell J. Reich, Chief Clerk

