

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

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Bismarck, March 27, 2015

The House convened at 12:30 p.m., with Acting Speaker Devlin presiding.

The prayer was offered by Pastor Matt Thompson, Holy Cross Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Belter, Frantsvog, Keiser, Skarphol, and Trottier.

A quorum was declared by the Acting Speaker.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on March 26, 2015, I have signed the following: HB 1047, HB 1052, HB 1062, HB 1063, HB 1064, HB 1066, HB 1110, HB 1123, HB 1148, HB 1149, HB 1153, HB 1163, HB 1189, HB 1193, HB 1199, HB 1343, HB 1375, HB 1418, and HB 1436.

REQUEST

REP. PORTER REQUESTED debate on the amendments to SB 2050 on the Sixth order, which request was granted.

SIXTH ORDER OF BUSINESS

ACTING SPEAKER DEVLIN DEEMED approval of the amendments to Engrossed SB 2015, Reengrossed SB 2031, Engrossed SB 2035, and Engrossed SB 2097.

Reengrossed SB 2031, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2015, Engrossed SB 2035, and Engrossed SB 2097, as amended, were placed on the Fourteenth order of business on today's calendar.

SIXTH ORDER OF BUSINESS**REQUEST**

REP. PORTER REQUESTED a recorded roll call vote on the amendments for Engrossed SB 2050, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2050, the roll was called and there were 60 YEAS, 29 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Becker, Rich S.; Bellew; Boschee; Brandenburg; Damschen; Delmore; Delzer; Devlin; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, M.; Karls; Kasper; Kelsh; Kempenich; Kiefert; Klein; Koppelman, K.; Kreidt; Kretschmar; Laning; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Rohr; Sanford; Schatz; Schreiber Beck; Seibel; Steiner; Sukut; Thoreson; Vigasaa; Wallman; Weisz

NAYS: Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Boe; Boehning; Brabandt; Carlson; Dockter; Dosch; Hogan; Kading; Klemin; Koppelman, B.; Larson; Lefor; Looyen; Nathe; Nelson, M.; Olson; Porter; Ruby; Schmidt; Schneider; Silbernagel; Streyle; Strinden; Toman; Zubke

ABSENT AND NOT VOTING: Frantsvog; Keiser; Skarphol; Trottier; Speaker Belter

The proposed amendments to Engrossed SB 2050 were adopted on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2050: A BILL for an Act to create and enact a new section to chapter 50-06.2 of the North Dakota Century Code, relating to eligibility for service payments for elderly and disabled; and to amend and reenact subsection 2 of section 50-24.1-07 of the North Dakota Century Code, relating to claims against an estate.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; 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; 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.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wallman; Weisz; Zubke

NAYS: Becker, Rick C.; Olson

ABSENT AND NOT VOTING: Frantsvog; Keiser; Skarphol; Trottier; Speaker Belter

Engrossed SB 2050, as amended, passed.

MOTION

REP. VIGESAA MOVED that SB 2105, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

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, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 11 NAYS, 0 EXCUSED, 5 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; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Karls; Kasper; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Sanford; Schatz; Schneider; Schreiber Beck; Seibel; Silbernagel; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wallman; Weisz

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

ABSENT AND NOT VOTING: Frantsvog; Keiser; Skarphol; Trottier; Speaker Belter

Engrossed SB 2035, as amended, passed.

SECOND READING OF SENATE BILL

SB 2097: A BILL for an Act to amend and reenact sections 43-11-01, 43-11-02, 43-11-04, 43-11-11, 43-11-13, 43-11-15, 43-11-25, 43-11-26, subsection 1 of section 43-11-27, and section 43-11-28 of the North Dakota Century Code, relating to the practice and licensing of cosmetology, manicuring, and esthetics.

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, 0 NAYS, 0 EXCUSED, 5 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; 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; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigesaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Frantsvog; Keiser; Skarphol; Trottier; Speaker Belter

Engrossed SB 2097, as amended, passed.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to amend and reenact paragraph 2 of subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the inclusion of buildings used in agritourism within the property tax exemption for farm buildings; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 79 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Becker, Rich S.; Brandenburg; Froseth; Hofstad; Johnson, D.; Kempenich; Kiefert; Kretschmar; Monson; Schneider

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

ABSENT AND NOT VOTING: Frantsvog; Keiser; Skarphol; Trottier; Speaker Belter

Engrossed SB 2339 failed.

SECOND READING OF SENATE BILL

SB 2147: A BILL for an Act to amend and reenact subdivision i of subsection 1 and subdivision h of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to the one-call excavation notice system.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 65 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Boehning; Brandenburg; Carlson; Delzer; Devlin; Froseth; Haak; Hanson; Headland; Kelsh; Kempenich; Kretschmar; Louser; Maragos; Mitskog; Muscha; Olson; Onstad; Paur; Pollert; Schreiber Beck; Zubke

NAYS: Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boschee; Brabandt; Damschen; Delmore; Dockter; Dosch; Fehr; Glassheim; Guggisberg; Hatlestad; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Lefor; Looysen; Martinson; Meier; Mock; Monson; Mooney; Nathe; Nelson, J.; Nelson, M.; Oversen; Owens; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Seibel; Silbernagel; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wallman; Weisz

ABSENT AND NOT VOTING: Frantsvog; Keiser; Skarphol; Trottier; Speaker Belter

Engrossed SB 2147 failed.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative James Johnson

MOTION

REP. VIGESAA MOVED that SB 2331 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2331: A BILL for an Act to amend and reenact sections 28-01-25.1 and 29-04-03.1 of the North Dakota Century Code, relating the statute of limitations on the prosecution of and claim for relief on actions alleging childhood sexual abuse.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 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; 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; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Vigasaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Frantsvog; Keiser; Skarphol; Trottier; Speaker Belter

Engrossed SB 2331 passed.

MOTION

REP. VIGESAA MOVED the passage of SCR 4005, which is on the Consent Calendar, which motion prevailed.

SECOND READING OF HOUSE RESOLUTION ON CONSENT CALENDAR

SCR 4005: A concurrent resolution directing the Legislative Management to study judicial issues related to behavioral health, including 24-hour hold, termination of parental rights, and court committals.

The question being on the final adoption of the resolution, which has been read.

SCR 4005 was declared adopted on a voice vote.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2270.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2037, SB 2104, SB 2181, SB 2233, SB 2283.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2054, SB 2221, SB 2337.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1215, HB 1314, HB 1365, HB 1401, HB 1455, HB 1463, HCR 3033.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1387.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1387

Page 1, line 1, after "to" insert "create and enact section 54-06-14.5 of the North Dakota Century Code, relating to state employee use of sick leave and annual leave; and to"

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

Page 1, line 1, after "54-21-18" insert "and 54-52.4-03"

Page 1, line 2, after "for" insert "pregnant employees and"

Page 1, line 2, after "infants" insert "and state employee use of sick leave"

Page 1, after line 3 insert:

"SECTION 1. Section 54-06-14.5 of the North Dakota Century Code is created and enacted as follows:

54-06-14.5. Use of sick leave and annual leave - Birth or adoption - Family leave priority.

1. During the first six weeks following birth or placement, an employer shall grant an employee's request to use up to one hundred sixty hours of sick leave under section 54-06-14 to care for the employee's newborn child or to care for a child placed with the employee, by a child-placing agency licensed under chapter 50-12, for adoption or placed with the employee as a precondition to adoption under section 14-15-12, but not both. The employer shall compensate the employee for leave used by the employee under this subsection on the same basis as the employee would be compensated if the leave had been taken due to the

employee's illness, medical needs, or health needs. This subsection does not prevent an employee from using sick leave for the employee's illness, medical needs, or health needs following the birth of a child or from using leave under section 54-52.4-03.

2. If an employee requests to use annual leave under section 54-06-14 for any of the reasons identified under subsection 1 of section 54-52.4-02, the employer shall give priority to the request."

Page 1, line 7, after "for" insert "pregnant employees and"

Page 2, replace lines 3 through 9 with:

- "3. The office of management and budget shall provide to a state employee a temporary permit or some other means that allow that employee to park on the capitol grounds in any parking area in which a member of the public is allowed to park, if the state employee is pregnant and employed by a state agency housed on the capitol grounds or if the state employee is allowed by a state agency housed on the capitol grounds to bring an infant to work. This subsection does not authorize a state employee to park in an emergency or fire zone, in parking for the mobility impaired, or in a zone for which another permit is required. The special parking authorized under this subsection expires when the employee is no longer pregnant or no longer authorized to bring an infant to work.

SECTION 3. AMENDMENT. Section 54-52.4-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52.4-03. Use of other available leave for care of parent, spouse, or child.

An employer that provides leave for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take ~~eightyfour hundred eighty~~ hours of leave under this section in any twelve-month period ~~and, upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition.~~ The employer shall compensate the employee for leave used by the employee under this section on the same basis as the employee would be compensated if the leave had been taken due to the employee's own illness."

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1040, HB 1082, HB 1133, HB 1319, HB 1376, HB 1417, HB 1462, HB 1471.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1040

Page 3, line 14, overstrike "suffer from a mental illness" and insert immediately thereafter "be a person who is mentally ill"

Page 5, line 21, overstrike "suffering from a"

Page 5, line 22, overstrike "mental disorder or chemical dependency" and insert immediately thereafter "who are mentally ill or chemically dependent"

Page 10, line 3, overstrike "suffering"

Page 10, line 4, overstrike "from mental illness" and insert immediately thereafter "a person who is mentally ill"

Page 10, line 4, overstrike "combination of mental illness and chemical dependency" and insert immediately thereafter "person who is both mentally ill and chemically dependent"

Page 10, line 17, after "physician" insert ", a physician assistant, or an advanced practice registered nurse"

Page 10, line 22, overstrike "prescribing physician" and insert immediately thereafter prescriber"

Page 10, line 27, after "be" insert "a"

Page 10, line 28, after "ill" insert "person"

Page 10, line 28, overstrike "suffering from a combination of chemical dependency and mental illness" and insert immediately thereafter "a person who is both mentally ill and chemically dependent"

Page 17, line 21, overstrike "suffering"

Page 17, line 22, overstrike "from mental illness" and insert immediately thereafter "a person who is mentally ill"

Page 17, line 22, overstrike "from a combination of mental illness and chemical dependency" and insert immediately thereafter "a person who is both mentally ill and chemically dependent"

Page 17, line 23, overstrike "suffering from chemical"

Page 17, line 24, overstrike "dependency" and insert immediately thereafter "a person who is chemically dependent"

Page 18, line 11, overstrike "suffering from mental illness" and insert immediately thereafter "a person who is mentally ill"

Page 18, line 11, overstrike "from a combination of mental illness and"

Page 18, line 12, overstrike "chemical dependency" and insert immediately thereafter "a person who is both mentally ill and chemically dependent"

Page 19, line 21, overstrike "suffering from mental illness or chemical dependency" and insert immediately thereafter "a person who is both mentally ill and chemically dependent"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1082

Page 1, line 1, after "57-02-08" insert "and subsection 1 of 57-02-26"

Page 1, line 7, overstrike "The leasehold interest in property" and insert immediately thereafter "Property"

Page 1, after line 9, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 57-02-26 of the North Dakota Century Code is amended and reenacted as follows:

1. Property held under a lease for a term of years, or under a contract for the purchase thereof, belonging to the United States or to the state or a political subdivision thereof, except such lands ~~as have been leased for pasture or grazing purposes or~~ upon which the state makes payments in lieu of property taxes, or to any religious, scientific, or benevolent society or institution, whether incorporated or unincorporated, or to any railroad corporation whose property is not taxed in the

same manner as other property, must be considered, for all purposes of taxation, as the property of the person so holding the same."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1133

Page 1, line 7, after "5-03-05" insert ", 40-57.1-04.4,"

Page 1, line 7, after the first comma insert "subsection 4 of section 57-02-27.2,"

Page 1, line 9, after the first comma insert "the tax lien of record clearance requirement for the new and expanding business income tax exemption,"

Page 1, line 10, after the comma insert "removal of obsolete language from provisions relating to the valuation and assessment of agricultural lands,"

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Section 40-57.1-04.4 of the North Dakota Century Code is amended and reenacted as follows:

40-57.1-04.4. ~~Tax lien of record clearance~~Clearance of tax obligations and tax liens of record.

1. A project operator is not eligible for the income tax exemption under section 40-57.1-04 until a showing is made that the project operator has satisfied all state ~~and/or~~ local tax obligations and tax liens of record for delinquent property, income, income withholding, sales, or use taxes owed to the state or a political subdivision.
2. A certificate from the tax commissioner to the state board of equalization satisfies the requirement of subsection 1.
3. If the project operator is a corporation or a ~~limited liability company~~passthrough entity defined in section 57-38-01, any of its officers, governors, or managers charged with the responsibility for making either property, income, income withholding, sales, or use tax returns and payments are subject to the provisions of subsections 1 and 2 with respect to all state or local tax obligations and tax liens of record for delinquent property, income, income withholding, sales, or use taxes for which the individual is personally liable. If the project operator is a partnership, each general partner is subject to the provisions of subsections 1 and 2 with respect to all state or local tax obligations or tax liens of record for delinquent property, income, income withholding, sales, or use taxes for which the individual is personally liable."

Page 3, after line 7, insert:

"SECTION 6. AMENDMENT. Subsection 4 of section 57-02-27.2 of the North Dakota Century Code is amended and reenacted as follows:

4. To find the "capitalized average annual gross return", the average annual gross return must be capitalized by a rate that is a ten-year average of the gross agribank mortgage rate of interest for North Dakota, ~~but the rate used for capitalization under this section may not be less than eight percent for taxable year 2010, and seven and seven-tenths percent for taxable year 2011.~~ The ten-year average must be computed from the twelve years ending with the most recent year used under subdivision a of subsection 3, discarding the highest and lowest years, and the gross agribank mortgage rate of interest for each year must be determined in the manner provided in section 20.2032A-4(e)(1) of the United States treasury department regulations for valuing farm real property for federal

estate tax purposes, except that the interest rate may not be adjusted as provided in section 20.2032A-4(e)(2)."

Page 4, line 27, after the second boldfaced period insert "Section 2 of this Act is effective for applications filed after June 30, 2015."

Page 4, line 27, replace "5" with "7"

Page 4, line 27, replace "6" with "8"

Page 4, line 28, replace "7" with "9"

Page 4, line 28, replace "8" with "10"

Page 4, line 29, remove "2,"

Page 4, line 29, after the fifth comma insert "5,"

Page 4, line 29, replace "9" with "11"

Page 4, line 29, replace "are" with "become"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1319

Page 1, line 23, after the second underscored comma insert "hosted."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1376

Page 1, line 7, after "donation" insert "for a capital improvement project"

Page 1, line 11, after "donation" insert "for a capital improvement project"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1417

Page 1, line 7, after "maintain" insert "an"

Page 1, line 7, overstrike "rooms" and insert immediately thereafter "room"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1462

Page 1, line 16, remove the overstrike over "~~The amount allowable as a credit under~~"

Page 1, remove the overstrike over line 17

Page 1, line 18, after "~~corporation's~~" insert "taxpayer's"

Page 1, line 18, remove the overstrike over "~~total income tax under this chapter for the year, or two thousand five~~"

Page 1, remove the overstrike over line 19

Page 2, line 2, remove the overstrike over "~~The amount allowable as a credit under this subsection for any taxable year~~"

Page 2, line 3, remove the overstrike over "~~may not exceed twenty percent of the~~"

Page 2, line 3, after "~~corporation's~~" insert "taxpayer's"

Page 2, line 3, remove the overstrike over "~~total income tax under this chapter~~"

Page 2, remove the overstrike over line 4

Page 2, line 5, after "3." insert: "At the election of the taxpayer, there must be allowed, subject to the applicable limitations provided in this subsection, as a nonrefundable credit against the income tax liability under section 57-38-30 or, in the case of contributions by a passthrough entity, under section 57-38-30.3 for the taxable year, an amount equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the year directly to nonprofit private institutions of primary education, located within the state.

4."

Page 2, line 10, replace "4." with "5."

Page 2, line 20, after the period insert "The term "nonprofit private institution of primary education" means only a nonprofit private educational institution located in North Dakota which normally maintains a regular faculty and curriculum approved by the state department of public instruction, which normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, and which regularly offers education to students in kindergarten through eighth grade."

Page 2, line 21, replace "5." with "6."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1471

Page 1, line 1, remove ", 15-18.1,"

Page 2, remove lines 15 through 29

Page 3, remove lines 1 through 14

Page 4, line 16, after "school" insert "district"

Page 4, line 22, replace "institution or state board of higher education" with "school district"

Page 4, line 24, replace "institution" with "school"

Page 4, line 25, after "school" insert "district"

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 1139.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1139

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to authorize the issuance of revenue bonds for improvements to Woods Hall on the Dickinson state university campus and for acquiring properties for student housing near the campus; to provide an appropriation for defraying the expenses of improvements to Woods Hall and for acquiring properties for student housing near the campus; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. BOND ISSUANCE - AUTHORIZATION. The state board of higher education, in accordance with chapter 15-55, may arrange for the funding of the projects authorized in this section, declared to be in the public interest, through

the issuance of self-liquidating, tax-exempt evidences of indebtedness under chapter 15-55, beginning with the effective date of this Act and ending June 30, 2017. Evidences of indebtedness issued pursuant to this section are not a general obligation of the state of North Dakota. Any unexpended balance resulting from the proceeds of the evidences of indebtedness must be placed in a sinking fund to be used for the retirement of indebtedness. The evidences of indebtedness may be issued and the proceeds are appropriated in section 2 of this Act for the following capital projects:

Dickinson state university - Woods Hall	\$6,100,000
Dickinson state university - Acquisition of Miller Apartments, Altringer Apartments, and Bosch Apartments for student housing	<u>3,500,000</u>
Total	\$9,600,000

SECTION 2. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from special funds derived from federal funds, bond proceeds, and other income, to Dickinson state university under the supervision of the state board of higher education for the purpose of defraying the expenses of improvements to Woods Hall and to purchase student housing properties beginning with the effective date of this Act and ending June 30, 2017, as follows:

Capital assets	<u>\$11,500,000</u>
Total special funds	\$11,500,000

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT

This amendment provides for the issuance of \$9.6 million of revenue bonds for improvements to Woods Hall (\$6.1 million) on the Dickinson State University campus and for acquiring properties for student housing near the campus (\$3.5 million). The amendment also provides for an appropriation of \$11.5 million for defraying the expenses of improvements to Woods Hall (\$7.5 million) and for acquiring Miller Apartments, Altringer Apartments, and Bosch Apartments for student housing near the campus (\$4 million).

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1254.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HCR 3022.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1032, HB 1096, HB 1114, HB 1184, HB 1356, HB 1389, HB 1391, HCR 3009, HCR 3031, HCR 3032, HCR 3034.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1138, HB 1338, HB 1347, HB 1373, HCR 3015, HCR 3045.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2261, SB 2329, SB 2375.

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

MR. SPEAKER: The President has signed: HB 1032, HB 1096, HB 1114, HB 1138, HB 1184, HB 1338, HB 1347, HB 1356, HB 1373, HB 1389, HB 1391, HCR 3009, HCR 3015, HCR 3031, HCR 3032, HCR 3034, HCR 3045.

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

MR. PRESIDENT: The Speaker has signed: SB 2025, SB 2099, SB 2186, SB 2248, SB 2363.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2261, SB 2329, SB 2375.

MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)
MR. SPEAKER: The President has signed: SB 2025, SB 2099, SB 2186, SB 2248, SB 2363.

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 1:00 p.m., Monday, March 30, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2164: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2164 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "39-24-04" insert ", and section 39-24-05"

Page 1, line 2, after "fees" insert "and the state snowmobile fund"

Page 1, line 13, remove the overstrike over "five"

Page 1, line 13, remove "sixty"

Page 1, line 16, overstrike "In addition, in each year"

Page 1, overstrike lines 17 and 18

Page 1, line 19, overstrike "unsatisfied judgment fund."

Page 1, line 19, remove the overstrike over "~~For each snowmobile registered under the provisions of~~"

Page 1, line 20, remove the overstrike over "~~this chapter, there must be assessed a snowmobile trail tax in the amount of~~"

Page 1, line 20, after "~~thirty-five~~" insert "forty-five"

Page 1, line 21, remove the overstrike over "~~dollars.~~"

Page 2, line 3, replace "twenty" with "twenty-five"

Page 2, line 7, replace "twenty" with "twenty-five"

Page 2, after line 8, insert:

"SECTION 3. AMENDMENT. Section 39-24-05 of the North Dakota Century Code is amended and reenacted as follows:

39-24-05. Disposition of registration fees and trail tax - Transfer from highway tax distribution fund.

Fees from registration of snowmobiles must be deposited with the state treasurer and credited to the highway tax distribution fund. The snowmobile trail tax must be deposited in a state snowmobile fund in the state treasury. Additionally, an amount equal to the tax collected on ~~thirty~~forty gallons [~~113.56~~151.42 liters] of motor vehicle fuel multiplied by the number of collector snowmobiles and snowmobiles registered under this chapter must be transferred annually from the highway tax

distribution fund, before allocation of the fund under section 54-27-19, and credited to the state snowmobile fund. The parks and recreation department may, upon appropriation by the legislative assembly, expend from such fund moneys it deems necessary for purposes of administering snowmobile safety programs and establishing and maintaining snowmobile facilities and programs."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2226, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2226 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "54-40.2-04, 54-40.2-05,"

Page 1, line 1, after "57-51.2-01" insert a comma

Page 1, line 2, after the first "to" insert "legislative confirmation of state-tribal tax collection agreements and the"

Page 1, line 5, after "boundaries" insert "; and to provide an effective date"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 54-40.2-04 of the North Dakota Century Code is amended and reenacted as follows:

54-40.2-04. Approval of agreement by governor and tribes - Approval by legislative assembly for tax collection agreements.

As a condition precedent to an agreement made under this chapter becoming effective, it must have the approval of the governor of North Dakota and the governing bodies of the tribes involved. If the agreement is a tax collection agreement between the tax commissioner and one or more tribes, the agreement also is subject to confirmation by a majority of members elected to the house of representatives and the senate and does not become effective until its legislative confirmation date or the effective date in the agreement, whichever is later. Each tax collection agreement presented for legislative confirmation must contain an expiration date not later than March thirty-first of the next ensuing odd-numbered year. If the agreement so provides obtains the approvals under this section and, if required, legislative confirmation under this section, it may be submitted to the secretary for approval.

SECTION 2. AMENDMENT. Section 54-40.2-05 of the North Dakota Century Code is amended and reenacted as follows:

54-40.2-05. Filing of agreement.

~~Within ten days after a declaration of~~After approval by the governor and following approval of the agreement by the tribe or tribes affected by the agreement and, if required, legislative confirmation, and prior to commencement of its performance, an agreement made pursuant to this chapter must be filed with:

1. The secretary.
2. The clerk of court of each county where the principal office of one of the parties to the agreement is located.
3. The secretary of state.
4. The affected tribal government."

Page 1, line 10, after "enter" insert "separate"

Page 1, line 10, remove the overstrike over "agreements"

Page 1, line 10, remove "an"

Page 1, line 11, remove "agreement"

Page 1, line 12, after "Indians" insert an underscored comma

Page 1, after line 16, insert:

"Each agreement under this chapter is subject to confirmation by a majority of members elected to the house of representatives and the senate and does not become effective until its confirmation date or the effective date in the agreement, whichever is later. Each agreement presented for confirmation must contain an expiration date not later than March thirty-first of the next ensuing odd-numbered year."

Page 3, after line 28, insert:

"SECTION 5. EFFECTIVE DATE. This Act is effective for agreements entered after July 31, 2015."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2276, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2276 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2343, as reengrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2343 was placed on the Sixth order on the calendar.

Page 1, line 11, after "38-08" insert ", excluding spacing unit orders."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2374, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2374 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4002: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SCR 4002 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4006: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4006 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to North"

Page 1, line 2, remove "Dakotans"

Page 1, line 2, replace "supplementary" with "supplemental"

Page 1, line 2, after "program" insert "and the impact of the marriage penalty on retirement benefits"

Page 1, line 3, remove "this"

Page 1, line 4, replace "issue" with "the impact"

Page 1, line 5, replace "supplementary" with "supplemental"

Page 1, line 5, after "rescues" insert "from poverty"

Page 1, line 5, replace "people" with "individuals"

Page 1, line 6, replace "North Dakota from poverty" with "this state"

Page 1, after line 6, insert:

"WHEREAS, many older residents depend on social security benefits for retirement income; and"

Page 1, line 8, replace "the" with "a"

Page 1, line 8, replace the comma with a semicolon

Page 1, line 8, after "and" insert **"WHEREAS**,"

Page 1, line 8, replace "supplementary" with "supplemental"

Page 1, line 9, remove "benefits"

Page 1, line 10, replace ", which provides" with "; and"

WHEREAS, social security benefits may be reduced for married couples;
and

WHEREAS, such circumstances provide"

Page 1, line 11, replace "people" with "retired individuals and individuals"

Page 1, line 12, replace "North Dakota" with "this state"

Page 1, line 12, after "marriage" insert a semicolon

Page 1, after line 12, insert:

"WHEREAS, an"

Page 1, line 13, replace the second "of" with "that"

Page 1, line 13, after "penalty" insert "has"

Page 1, line 13, replace "supplementary" with "supplemental"

Page 1, line 14, after "income" insert "program and the social security"

Page 1, line 14, replace the first comma with a semicolon

Page 1, line 14, replace the second comma with "by the marriage penalty;"

Page 1, line 14, after "impact" insert "of the marriage penalty"

Page 1, line 14, replace the third comma with "; the"

Page 1, line 15, after "recipients" insert "in this state"

Page 1, line 15, replace "the cost of" with "their"

Page 1, line 15, remove "for North Dakota residents,"

Page 1, line 16, replace "assessing" with a semicolon

Page 1, line 16, after "whether" insert "the marriage penalty holds"

Page 1, line 16, remove "are held"

Page 1, line 16, replace "North Dakota," with "this state;"

Page 1, line 17, replace "policies in states that subsidize supplementary security income for their residents" with "the manner in which other states address the impact of the marriage penalty"

Page 1, line 20, remove "to North Dakotans"

Page 1, line 21, replace "supplementary" with "supplemental"

Page 1, line 21, after "program" insert "and the impact of the marriage penalty on retirement benefits"

Page 2, line 3, replace "them" with "members of the Congressional Delegation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4019, as engrossed: Political Subdivisions Committee (Rep. Klemin, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SCR 4019 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "utilizing state funds to provide" with "procuring"

Page 1, line 3, replace "to" with "for"

Page 1, line 8, replace "administering" with "administration"

Page 1, line 17, remove "utilizing state"

Page 1, line 18, replace "funds to provide" with "procuring"

Page 1, line 18, replace the second "to" with "for"

Renumber accordingly

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

Buell J. Reich, Chief Clerk