

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

* * * * *

Bismarck, February 11, 2015

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

The prayer was offered by Shera Nesheim, Diaconal Ministry, Heart River Lutheran Church, Mandan.

The roll was called and all members were present except Representatives Boe, Brandenburg, Frantsvog, and M. Nelson.

A quorum was declared by the Acting Speaker.

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 Twenty-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 427, line 39, replace "0 NAYS, 3 ABSENT" with "3 NAYS, 0 ABSENT"

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

SIXTH ORDER OF BUSINESS

ACTING SPEAKER DEVLIN DEEMED approval of the amendments to HB 1049, HB 1089, HB 1133, HB 1173, HB 1215, HB 1234, HB 1262, HB 1273, HB 1282, HB 1285, HB 1286, HB 1295, HB 1299, HB 1327, HB 1350, HB 1359, HB 1426, and HB 1464.

HB 1049, HB 1234, HB 1273, HB 1282, HB 1285, HB 1286, and HB 1359, as amended, were rereferred to the **Appropriations Committee**.

HB 1089, HB 1133, HB 1173, HB 1215, HB 1262, HB 1295, HB 1299, HB 1327, HB 1350, HB 1426, and HB 1464, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEVENTH ORDER OF BUSINESS

MOTION

Rep. Schatz moved that the report of the Minority be withdrawn on HB 1461, which motion prevailed. HB 1461 was placed on the eleventh order of business.

MOTION

REP. VIGESAA MOVED that HB 1461 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1461: A BILL for an Act to create and enact two new sections to chapter 15.1-02 and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to contractual obligations and the suspension of state assessments; to provide for the creation of a North Dakota standards development committee; and to declare an emergency.

REQUEST

REP. B. KOPPELMAN REQUESTED that the House divide HB 1461, which request was granted.

DIVISION A: Sections 4,10,11

DIVISION B: 1,2,3,5,6,7,8,9

ROLL CALL

The question being on the final adoption of Division A of HB 1461, the roll was called and there were 43 YEAS, 46 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Becker, Rich S.; Becker, Rick C.; Boehning; Brabandt; Carlson; Damschen; Delzer; Devlin; Dosch; Froseth; Headland; Kading; Karls; Kasper; Kempenich; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Looyesen; Louser; Meier; Monson; Olson; Paur; Porter; Rohr; Ruby; Schatz; Seibel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Weisz; Speaker Belter

NAYS: Amerman; Anderson, D.; Anderson, P.; Beadle; Bellew; Boschee; Delmore; Dockter; Fehr; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Keiser; Kelsh; Klemmin; Kretschmar; Larson; Lefor; Maragos; Martinson; Mitskog; Mock; Mooney; Muscha; Nathe; Onstad; Oversen; Owens; Pollert; Sanford; Schmidt; Schneider; Schreiber Beck; Silbernagel; Strinden; Wallman; Zubke

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsvog; Nelson, J.; Nelson, M.

Division A of HB 1461 failed on a recorded roll call vote.

ROLL CALL

The question being on the final adoption of Division B of HB 1461, the roll was called and there were 0 YEAS, 89 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

NAYS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; 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; Klemmin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; 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: Boe; Brandenburg; Frantsvog; Nelson, J.; Nelson, M.

Division B of HB 1461 failed on a recorded roll call vote.

HB 1461 was deemed failed.

SECOND READING OF HOUSE BILL

HB 1090: A BILL for an Act to amend and reenact sections 53-06.2-01 and 53-06.2-11 of the North Dakota Century Code, relating to the establishment of the racetrack infrastructure fund and grant program; to provide a continuing appropriation; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 66 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, D.; Anderson, P.; Beadle; Boehning; Carlson; Delmore; Glassheim; Haak; Hawken; Hunskor; Kelsh; Kretschmar; Maragos; Martinson; Mitskog; Mooney; Nathe; Onstad; Oversen; Schneider; Streyle; Strinden

NAYS: Anderson, B.; Becker, Rich S.; Becker, Rick C.; Bellew; Boschee; Brabandt; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Guggisberg; Hanson; Hatlestad; Headland; Hofstad; Hogan; Holman; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemmin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Lefor; Looyesen; Louser; Meier; Mock;

Monson; Muscha; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsovog; Nelson, J.; Nelson, M.

HB 1090 failed.

SECOND READING OF HOUSE BILL

HB 1467: A BILL for an Act to amend and reenact sections 29-06-05.2 and 29-06-15 of the North Dakota Century Code, relating to the authority of federal agents.

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 83 YEAS, 5 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Bellew; Boehning; Boschee; Brabandt; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; 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; Olson; Onstad; Oversen; Owens; Pollert; Porter; Rohr; Sanford; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

NAYS: Becker, Rick C.; Paur; Ruby; Schatz; Toman

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsovog; Kading; Nelson, J.; Nelson, M.

HB 1467 passed.

SECOND READING OF HOUSE BILL

HB 1259: A BILL for an Act providing for performance audits of the oil and gas division of the industrial commission and the state department of health.

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 22 YEAS, 67 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, P.; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hogan; Holman; Hunskor; Johnson, M.; Kelsh; Mitskog; Mock; Mooney; Muscha; Onstad; Oversen; Schneider; Strinden; Wallman

NAYS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Brabandt; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Hatlestad; Hawken; Headland; Hofstad; Johnson, D.; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Monson; Nathe; Olson; 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

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsovog; Nelson, J.; Nelson, M.

HB 1259 failed.

SECOND READING OF HOUSE BILL

HB 1332: A BILL for an Act to amend and reenact section 32-15-01 of the North Dakota Century Code, relating to exercise of eminent domain authority on behalf of unelected boards.

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 22 YEAS, 68 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Becker, Rick C.; Bellew; Boehning; Brabandt; Delzer; Kading; Koppelman, B.; Laning; Louser; Olson; Owens; Paur; Rohr; Ruby; Schatz; Schmidt; Steiner; Streyle; Thoreson; Toman; Weisz

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boschee; Carlson; Damschen; Delmore; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, K.; Kreidt; Kretschmar; Larson; Lefor; Looyesen; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Onstad; Oversen; Pollert; Porter; Sanford; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Strinden; Sukut; Trottier; Vigesaa; Wallman; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsvog; Nelson, M.

HB 1332 failed.

SECOND READING OF HOUSE BILL

HB 1343: A BILL for an Act to amend and reenact sections 16.1-01-09.1 and 16.1-02-14, subsection 1 of section 16.1-07-30, and subsection 3 of section 44-08-21 of the North Dakota Century Code, relating to recall petitions, recall special elections, election notices, and jury lists; and to repeal sections 16.1-11-05 and 16.1-13-03 of the North Dakota Century Code, relating to notices by the secretary of state.

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, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; 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.; 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

NAYS: Hanson

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsvog; Nelson, M.

HB 1343 passed.

SECOND READING OF HOUSE BILL

HB 1345: A BILL for an Act to amend and reenact section 11-11-01 of the North Dakota Century Code, relating to the number of county commissioners; to repeal chapter 11-12 of the North Dakota Century Code, relating to requiring each county to have five county commissioners; 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 22 YEAS, 68 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boehning; Boschee; Dockter; Glassheim; Haak; Hanson; Headland; Holman; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Maragos; Mock; Oversen; Paur; Pollert; Schmidt; Silbernagel; Thoreson; Wallman; Weisz

NAYS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Brabandt; Carlson; Damschen; Delmore; Delzer; Devlin; Dosch; Fehr; Froseth; Guggisberg; Hatlestad; Hawken; Hofstad; Hogan; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kiefert; Klein; Klemm; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Martinson; Meier; Mitskog; Monson; Mooney; Muscha; Nathe; Nelson, J.; Olson; Onstad; Owens; Porter; Rohr; Ruby; Sanford; Schatz; Schneider; Schreiber Beck; Seibel; Skarphol; Steiner; Streyle; Strinden; Sukut; Toman; Trottier; Vigasaa; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsovog; Nelson, M.

HB 1345 failed.

SECOND READING OF HOUSE BILL

HB 1398: A BILL for an Act to create and enact a new section to chapter 40-06 of the North Dakota Century Code, relating to participation in city governing body meetings by residents of areas within the extraterritorial zoning jurisdiction of the city.

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 7 YEAS, 83 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Boehning; Delzer; Kelsh; Maragos; Mitskog; Toman

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boschee; Brabandt; Carlson; 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; Kempenich; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Martinson; Meier; 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; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsovog; Nelson, M.

HB 1398 failed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3023: A concurrent resolution declaring March 5, 2015, as "Canada Day in North Dakota".

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 89 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Bellew; Boehning; Boschee; Brabandt; 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; 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.; 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: Becker, Rick C.

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsvog; Nelson, M.

HCR 3023 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1415: A BILL for an Act to provide legislative intent.

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 84 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Klein; Mitskog; Nelson, J.; Schreiber Beck

ABSENT AND NOT VOTING: Boe; Brandenburg; Frantsvog; Hogan; Klemin; Nelson, M.

Engrossed HB 1415 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2198, SB 2261, SB 2288, SB 2306, SB 2326, SB 2334, SB 2346, SB 2347, 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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, February 12, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1147: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1147 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "fifty-five" with "sixty"

Page 1, line 10, replace "fifty-five" with "sixty"

Page 5, line 11, after "2014" insert "for ad valorem property taxes and for taxable years beginning after December 31, 2015 for mobile home taxes."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1161: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1161 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "five" with "three"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1190: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1190 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1230: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1230 was placed on the Sixth order on the calendar.

Page 1, line 8, after "into" insert "no more than one hundred twenty"

Page 1, line 8, overstrike "that" and insert immediately thereafter "in each of no more than three rings which"

Page 1, line 10, remove the overstrike over "~~The maximum price per paddlewheel ticket or chip is two dollars.~~"

Page 1, remove line 21

Page 1, line 22, replace "from a scan of the player's bet selections on a licensed gaming site" with "Electronically simulated paddlewheels must use a paper ticket printed from a scan made at a licensed gaming site representing all of the player's bet selections"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1235: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1235 was placed on the Sixth order on the calendar.

Page 1, line 2, after "of" insert "electronic quick shot"

Page 1, line 6, replace "**Bingo**" with "**Electronic quick shot bingo**"

Page 1, line 7, remove "Bingo means a game in which a player matches letter and number combinations on"

Page 1, replace lines 8 through 12 with "Electronic quick shot bingo is a bingo game played on portable hand-held bingo devices utilizing electronic bingo card images. The bingo game is played using twenty-four predrawn letters and numbers and may use up to six bonus letters and numbers to achieve predetermined patterns. The letters and numbers may only be drawn by the organization either manually or with the use of a random number generator, once during a business day and before the beginning of any session. It is not required for each bingo game to have a winner. The bingo devices used in conjunction with a site operating system automatically daubs the called letters and numbers via a radio frequency signal or wi-fi transmission on a maximum of sixteen electronic bingo cards for an individual game. The site operating system, including the point-of-sale, allows an employee to deposit credits received from a player by cash, check, or debit card to a temporary credit account to be used by a player for the purchase of electronic bingo cards. The devices may determine a winning bingo and must accumulate the winning prize amounts in a separate winnings account which may only be redeemed by an employee."

Page 1, line 13, remove "If a player chooses to play using a bingo card, letter and number combinations may be"

Page 1, replace line 14 with "An electronic quick shot bingo marking device under subsection 1 is not a "coin-operated gaming device" as defined in subsection 4 of section 12.1-28-02."

Page 1, remove lines 15 through 23

Page 2, remove lines 1 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1275: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1275 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1287: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1287 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1321: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1321 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "devices" with "communication"

Page 1, line 14, after "c." insert "(1)"

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

(a) Directed"

Page 1, line 15, overstrike the second "that" and insert immediately thereafter "which"

Page 1, line 16, overstrike the period and insert immediately thereafter ":

(b) To communicate, or cause to be communicated, to a specific individual, words, images, or language by or through the use of electronic mail or electronic communication, or to track that individual's movement by electronic means, which frightens, intimidates, or harasses that individual and which serves no legitimate purpose.

(2)"

Page 1, line 19, overstrike "No" and insert immediately thereafter "A"

Page 1, line 19, after "may" insert "not"

Page 2, line 1, remove "As used in this subsection, "follow" includes the"

Page 2, remove lines 2 and 3

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1344: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1344 was placed on the Sixth order on the calendar.

Page 2, line 29, replace "thousand" with "million"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1374: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1374 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of oil and gas put options, swap agreements, or other hedging strategies.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PURCHASE OF OIL AND GAS SWAPS. During the 2015-16 interim, the legislative management shall consider studying the feasibility and desirability of authorizing the state investment board to purchase oil and gas put options, enter swap agreements, or utilize any other industrial commission-approved hedging strategies with designated counterparties for the office of management and budget in order to offset reduced state general fund oil and gas tax revenues in the case of decreases in oil and gas prices. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1392: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1392 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1406: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1406 was placed on the Sixth order on the calendar.

Page 2, line 10, remove "or"

Page 2, line 11, after the first underscored comma insert "and allocation and deposit of the state share of revenues."

Page 2, line 17, remove "allocation of"

Page 2, line 17, remove "between the tribe and the state"

Page 2, line 19, replace "subject to determination by the terms of the agreement" with "to be allocated between the Standing Rock Sioux Tribe and this state, in proportion to the percentage of enrolled members of the Standing Rock Sioux Tribe and nonenrolled persons living within the exterior boundaries of the Standing Rock Reservation, as reported in the most recent decennial census by the United States census bureau"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1407: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1407 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to the registration of sex offenders and offenders against children who are homeless; to provide a penalty; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

12.1-32-15. Offenders against children and sexual offenders - Sexually violent predators - Registration requirement - Penalty.

1. As used in this section:

- a. "A crime against a child" means a violation of chapter 12.1-16, section 12.1-17-01.1 if the victim is under the age of twelve, 12.1-17-02, 12.1-17-04, subdivision a of subsection 6 of section 12.1-17-07.1, section 12.1-18-01, 12.1-18-02, 12.1-18-05, chapter 12.1-29, or subdivision a of subsection 1 or subsection 2 of section 14-09-22, labor trafficking in violation of chapter 12.1-40, or an equivalent offense from another court in the United States, a tribal court, or court of another country, in which the victim is a minor or is otherwise of the age required for the act to be a crime or an attempt or conspiracy to commit these offenses.
- b. "Department" means the department of corrections and rehabilitation.
- c. "Homeless" means an individual who is physically present in this state, but is living in a park, under a bridge, on the streets, in a vehicle or camper, or is otherwise without a traditional dwelling, and also one who resides in this state but does not maintain a permanent address. The term does not include individuals who are temporarily domiciled or individuals residing in public or private shelters that provide temporary living accommodations.
- d. "Mental abnormality" means a congenital or acquired condition of an individual that affects the emotional or volitional capacity of the individual in a manner that predisposes that individual to the commission of criminal sexual acts to a degree that makes the individual a menace to the health and safety of other individuals.
- ~~d-e.~~ "Predatory" means an act directed at a stranger or at an individual with whom a relationship has been established or promoted for the primary purpose of victimization.
- ~~e-f.~~ "Sexual offender" means a person who has pled guilty to or been found guilty, including juvenile delinquent adjudications, of a violation

of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-06.1, 12.1-20-07 except for subdivision a, 12.1-20-11, 12.1-20-12.1, or 12.1-20-12.2, chapter 12.1-27.2, or subsection 2 of section 12.1-22-03.1, sex trafficking in violation of chapter 12.1-40, or an equivalent offense from another court in the United States, a tribal court, or court of another country, or an attempt or conspiracy to commit these offenses.

f.g. "Sexually dangerous individual" means an individual who meets the definition specified in section 25-03.3-01.

g.h. "Temporarily domiciled" means staying or being physically present in this state for more than thirty days in a calendar year or at a location for longer than ten consecutive days, attending school for longer than ten days, or maintaining employment in the jurisdiction for longer than ten days, regardless of the state of the residence.

2. The court shall impose, in addition to any penalty provided by law, a requirement that the individual register, within three days of coming into a county in which the individual resides, is homeless, or within the period identified in this section that the individual becomes temporarily domiciled. The individual must register with the chief of police of the city or the sheriff of the county if the individual resides, attends school, or is employed in an area other than a city. A homeless individual shall register every three days with the sheriff or chief of police of the jurisdiction in which the individual is physically present. The court shall require an individual to register by stating this requirement on the court records, if that individual:

- a. Has pled guilty or nolo contendere to, or been found guilty as a felonious sexual offender or an attempted felonious sexual offender, including juvenile delinquent adjudications of equivalent offenses unless the offense is listed in subdivision c.
- b. Has pled guilty or nolo contendere to, or been found guilty as a sexual offender for, a misdemeanor or attempted misdemeanor. The court may deviate from requiring an individual to register if the court first finds the individual is no more than three years older than the victim if the victim is a minor, the individual has not previously been convicted as a sexual offender or of a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.
- c. Is a juvenile found delinquent under subdivision d of subsection 1 of section 12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03, or as a sexual offender for a misdemeanor. The court may deviate from requiring the juvenile to register if the court first finds the juvenile has not previously been convicted as a sexual offender or for a crime against a child, and the juvenile did not exhibit mental abnormality or predatory conduct in the commission of the offense.
- d. Has pled guilty or nolo contendere to, or been found guilty of, a crime against a child or an attempted crime against a child, including juvenile delinquent adjudications of equivalent offenses. Except if the offense is described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not the parent of the victim, the court may deviate from requiring an individual to register if the court first finds the individual has not previously been convicted as a sexual offender or for a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.
- e. Has pled guilty or nolo contendere, been found guilty, or been adjudicated delinquent of any crime against another individual which

is not otherwise specified in this section if the court determines that registration is warranted by the nature of the crime and therefore orders registration for the individual. If the court orders an individual to register as an offender under this section, the individual shall comply with all of the registration requirements in this chapter.

3. If a court has not ordered an individual to register in this state, an individual who resides, is homeless, or is temporarily domiciled in this state shall register if the individual:
 - a. Is incarcerated or is on probation or parole after July 31, 1995, for a crime against a child described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 if the individual was not the parent of the victim, or as a sexual offender;
 - b. Has pled guilty or nolo contendere to, or been adjudicated for or found guilty of, an offense in a court of this state for which registration is mandatory under this section or an offense from another court in the United States, a tribal court, or court of another country equivalent to those offenses set forth in this section; or
 - c. Has pled guilty or nolo contendere to, or has been found guilty of, a crime against a child or as a sexual offender for which registration is mandatory under this section if the conviction occurred after July 31, 1985.
4. In its consideration of mental abnormality or predatory conduct, the court shall consider the age of the offender, the age of the victim, the difference in ages of the victim and offender, the circumstances and motive of the crime, the relationship of the victim and offender, and the mental state of the offender. The court may order an offender to be evaluated by a qualified counselor, psychologist, or physician before sentencing. Except as provided under subdivision e of subsection 2, the court shall state on the record in open court its affirmative finding for not requiring an offender to register.
5. When an individual is required to register under this section, the official in charge of a facility or institution where the individual required to register is confined, or the department, shall, before the discharge, parole, or release of that individual, inform the individual of the duty to register pursuant to this section. The official or the department shall require the individual to read and sign a form as required by the attorney general, stating that the duty of the individual to register has been explained to that individual. The official in charge of the place of confinement, or the department, shall obtain the address where the individual expects to reside, attend school, or work upon discharge, parole, or release and shall report the address to the attorney general. The official in charge of the place of confinement, or the department, shall give three copies of the form to the individual and shall send three copies to the attorney general no later than forty-five days before the scheduled release of that individual. The attorney general shall forward one copy to the law enforcement agency having jurisdiction where the individual expects to reside, attend school, or work upon discharge, parole, or release, one copy to the prosecutor who prosecuted the individual, and one copy to the court in which the individual was prosecuted. All forms must be transmitted and received by the law enforcement agency, prosecutor, and court thirty days before the discharge, parole, or release of the individual.
6. An individual who is required to register pursuant to this section who is released on probation or discharged upon payment of a fine must, before the release or discharge, be informed of the duty to register under this section by the court in which that individual is convicted. The court shall require the individual to read and sign a form as required by the attorney general, stating that the duty of the individual to register under this section has been explained to that individual. The court shall obtain the

address where the individual expects to reside, attend school, or work upon release or discharge and shall report the address to the attorney general within three days. The court shall give one copy of the form to the individual and shall send two copies to the attorney general. The attorney general shall forward one copy to the appropriate law enforcement agency having jurisdiction where the individual expects to reside, attend school, or work upon discharge, parole, or release.

7. Registration consists of a written statement signed by the individual, giving the information required by the attorney general, and the fingerprints and photograph of the individual. An individual who is not required to provide a sample of blood and other body fluids under section 31-13-03 or by the individual's state or court of conviction or adjudication shall submit a sample of blood and other body fluids for inclusion in a centralized database of DNA identification records under section 31-13-05. The collection, submission, testing and analysis of, and records produced from, samples of blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile comparison is admissible in accordance with section 31-13-02. A report of the DNA analysis certified by the state crime laboratory is admissible in accordance with section 31-13-05. A district court shall order an individual who refuses to submit a sample of blood or other body fluids for registration purposes to show cause at a specified time and place why the individual should not be required to submit the sample required under this subsection. Within three days after registration, the registering law enforcement agency shall forward the statement, fingerprints, and photograph to the attorney general and shall submit the sample of the individual's blood and body fluids to the state crime laboratory. If an individual required to register under this section has a change in vehicle or computer online identity, the individual shall inform in writing, within three days after the change, the law enforcement agency with which that individual last registered of the individual's new vehicle or computer online identity. If an individual required to register pursuant to this section has a change in name, school, or residence or employment address, that individual shall inform in writing, at least ten days before the change, the law enforcement agency with which that individual last registered of the individual's new name, school, residence address, or employment address. A change in school or employment address includes the termination of school or employment for which an individual required to register under this section shall inform in writing within five days of the termination the law enforcement agency with which the individual last registered. The law enforcement agency, within three days after receipt of the information, shall forward it to the attorney general. The attorney general shall forward the appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. Upon a change of address, the individual required to register shall also register within three days at the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. The individual registering under this section shall periodically confirm the information required under this subsection in a manner and at an interval determined by the attorney general. A law enforcement agency that has previously registered an offender may omit the fingerprint portion of the registration if that agency has a set of fingerprints on file for that individual and is personally familiar with and can visually identify the offender. These provisions also apply in any other state that requires registration.
8. An individual required to register under this section shall comply with the registration requirement for the longer of the following periods:
 - a. A period of fifteen years after the date of sentence or order deferring or suspending sentence upon a plea or finding of guilt or after release from incarceration, whichever is later;

- b. A period of twenty-five years after the date of sentence or order deferring or suspending sentence upon a plea or finding of guilt or after release from incarceration, whichever is later, if the offender is assigned a moderate risk by the attorney general as provided in subsection 12; or
- c. For the life of the individual, if that individual:
 - (1) On two or more occasions has pled guilty or nolo contendere to, or been found guilty of a crime against a child or as a sexual offender. If all qualifying offenses are misdemeanors, this lifetime provision does not apply unless a qualifying offense was committed after August 1, 1999;
 - (2) Pleads guilty or nolo contendere to, or is found guilty of, an offense committed after August 1, 1999, which is described in subdivision a of subsection 1 of section 12.1-20-03, section 12.1-20-03.1, or subdivision d of subsection 1 of section 12.1-20-03 if the person is an adult and the victim is under age twelve, or section 12.1-18-01 if that individual is an adult other than a parent of the victim, or an equivalent offense from another court in the United States, a tribal court, or court of another country; or
 - (3) Is assigned a high risk by the attorney general as provided in subsection 12.
- 9. An individual required to register under this section who violates this section is guilty of a class C felony. The failure of a homeless individual to register as required in subsections 2 and 3 is prima facie evidence of a violation of this section. The clerk of court shall forward all warrants issued for a violation of this section to the county sheriff, who shall enter all such warrants into the national crime information center wanted person file. A court may not relieve an individual, other than a juvenile, who violates this section from serving a term of at least ninety days in jail and completing probation of one year.
- 10. When an individual is released on parole or probation and is required to register pursuant to this section, but fails to do so within the time prescribed, the court shall order the probation, or the parole board shall order the parole, of the individual revoked.
- 11. If an individual required to register pursuant to this section is temporarily sent outside the facility or institution where that individual is confined under conviction or sentence, the local law enforcement agency having jurisdiction over the place where that individual is being sent must be notified within a reasonable time period before that individual is released from the facility or institution. This subsection does not apply to any individual temporarily released under guard from the facility or institution in which that individual is confined.
- 12. The attorney general, with the assistance of the department and the juvenile courts, shall develop guidelines for the risk assessment of sexual offenders who are required to register, with a low-risk, moderate-risk, or high-risk level being assigned to each offender as follows:
 - a. The department shall conduct a risk assessment of sexual offenders who are incarcerated in institutions under the control of the department and sexual offenders who are on supervised probation. The department, in a timely manner, shall provide the attorney general any information, including the offender's level of risk and supporting documentation, concerning individuals required to be registered under this section who are about to be released or placed into the community.

- b. The attorney general shall conduct a risk assessment of sexual offenders who are not under the custody or supervision of the department. The attorney general may adopt a law enforcement agency's previous assignment of risk level for an individual if the assessment was conducted in a manner substantially similar to the guidelines developed under this subsection.
 - c. The juvenile courts or the agency having legal custody of a juvenile shall conduct a risk assessment of juvenile sexual offenders who are required to register under this section. The juvenile courts or the agency having legal custody of a juvenile shall provide the attorney general any information, including the offender's level of risk and supporting documentation, concerning juveniles required to register and who are about to be released or placed into the community.
 - d. The attorney general shall notify the offender of the risk level assigned to that offender. An offender may request a review of that determination with the attorney general's sexual offender risk assessment committee and may present any information that the offender believes may lower the assigned risk level.
13. Relevant and necessary conviction and registration information must be disclosed to the public by a law enforcement agency if the individual is a moderate or high risk and the agency determines that disclosure of the conviction and registration information is necessary for public protection. The attorney general shall develop guidelines for public disclosure of offender registration information. Public disclosure may include internet access if the offender:
- a. Is required to register for a lifetime under subsection 8;
 - b. Has been determined to be a high risk to the public by the department, the attorney general, or the courts, according to guidelines developed by those agencies; or
 - c. Has been determined to be a high risk to the public by an agency of another state or the federal government.

If the offender has been determined to be a moderate risk, public disclosure must include, at a minimum, notification of the offense to the victim registered under chapter 12.1-34 and to any agency, civic organization, or group of persons who have characteristics similar to those of a victim of the offender. Upon request, law enforcement agencies may release conviction and registration information regarding low-risk, moderate-risk, or high-risk offenders.

14. A state officer, law enforcement agency, or public school district or governing body of a nonpublic school or any appointee, officer, or employee of those entities is not subject to civil or criminal liability for making risk determinations, allowing a sexual offender to attend a school function under section 12.1-20-25, or for disclosing or for failing to disclose information as permitted by this section.
15. If a juvenile is adjudicated delinquent and required or ordered to register as a sexual offender or as an offender against a child under this section, the juvenile shall comply with the registration requirements in this section. Notwithstanding any other provision of law, a law enforcement agency shall register a juvenile offender in the same manner as adult offenders and may release any relevant and necessary information on file to other law enforcement agencies, the department of human services, or the public if disclosure is necessary to protect public health or safety. The law enforcement agency shall release any relevant and necessary information on file to the superintendent or principal of the school the juvenile attends. The school administration shall notify others

in similar positions if the juvenile transfers to another learning institution in or outside the state.

16. If an individual has been required to register as a sexual offender or an offender against a child under section 12.1-32-15 or 27-20-52.1 before August 1, 1999, the individual may petition the court to be removed from the offender list if registration is no longer mandatory for that individual. In considering the petition, the court shall comply with the requirements of this section.
17. A sexual offender who is currently assigned a moderate or high-risk level by the attorney general may not use a state park of this state as a residence or residential address to comply with the registration requirements of this section. Before arriving at a state park for overnight lodging or camping, a sexual offender who is assigned a moderate or high-risk level by the attorney general shall notify a parks and recreation department law enforcement officer at the state park where the sexual offender will be staying.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1421: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1421 was placed on the Sixth order on the calendar.

Page 1, line 14, overstrike "**and**" and insert immediately thereafter an underscored boldfaced comma

Page 1, line 14, after "**tobacco**" insert "**, and other tobacco products**"

Page 1, line 14, overstrike "**Other** "

Page 1, line 15, overstrike "**tobacco products - Excise**" and insert immediately thereafter "**Snuff and chewing tobacco excise**"

Page 1, line 22, overstrike "or" and insert immediately thereafter an underscored comma

Page 1, line 22, after "tobacco" insert "**, or other tobacco products**"

Page 1, line 23, after the period insert "For cigars, pipe tobacco, or other tobacco products for which the tax commissioner is unable to readily identify the established price for which a manufacturer sells the cigars, pipe tobacco, or other tobacco products to a distributor, the excise tax shall be paid by the retailer and the "wholesale purchase price" means the price at which the retailer sells such product to a customer at the point of sale, exclusive of any discount or reduction."

Page 2, line 3, after "dollars" insert "ten"

Page 2, line 7, remove the overstrike over "~~For purposes of this subsection, the tax on~~"

Page 2, line 7, after "products" insert "snuff and chewing tobacco"

Page 2, line 7, remove the overstrike over "~~is computed based~~"

Page 2, remove the overstrike over line 8

Page 2, line 10, overstrike "and regulations"

Page 3, line 3, overstrike the second "and" and insert immediately thereafter an underscored comma

Page 3, line 3, after "tobacco" insert ", and other tobacco products"

Page 3, line 6, overstrike "and, upon all other tobacco products purchased in another state and"

Page 3, overstrike lines 7 and 8

Page 3, line 9, overstrike "state"

Page 3, line 10, overstrike the first "or" and insert immediately thereafter an underscored comma

Page 3, line 10, after "tobacco" insert ", or other tobacco products"

Page 3, line 11, after the period insert "For cigars, pipe tobacco, or other tobacco products for which the tax commissioner is unable to readily identify the established price for which a manufacturer sells the cigars, pipe tobacco, or other tobacco products to a distributor, the excise tax shall be paid by the retailer and the "wholesale purchase price" means the price at which the retailer sells such product to a customer at the point of sale, exclusive of any discount or reduction."

Page 3, line 14, overstrike "and regulations"

Page 4, line 24, overstrike "hereinafter"

Page 4, line 24, after "provided" insert "in this section"

Page 4, line 25, after "2." insert "All moneys received by the tax commissioner under this chapter from fifty-six and one-half mills of the tax on each of the classes of cigarettes; fifteen and one-half percentage points of the tax on all cigars, pipe tobacco, and other tobacco products; one dollar fifty cents per ounce of the tax on snuff; and forty cents per ounce of the tax on chewing tobacco must be transmitted to the state treasurer at the end of each month and deposited in the tobacco tax distribution fund in the state treasury."

3.

Page 4, line 25, overstrike "All moneys received from the levy and assessment of"

Page 4, line 25, remove "nine and"

Page 4, line 26, remove "sixth-tenths"

Page 4, line 26, overstrike "mills on each of the classes of cigarettes provided in this chapter"

Page 4, line 26, remove "and four"

Page 4, remove line 27

Page 4, line 28, replace "tobacco products provided in this chapter" with "Fifteen percent of the revenues deposited in the tobacco tax distribution fund"

Page 5, line 4, overstrike ", and warrants must be drawn"

Page 5, line 5, overstrike "payable to the treasurers of such cities"

Page 5, after line 5, insert:

"4. Twenty-five percent of the revenues deposited in the tobacco tax distribution fund are appropriated and must be distributed on or before the thirtieth day of June and the thirty-first day of December of each year, ten percent of the distribution in equal amounts to each county and ninety percent on a per capita basis to the counties, the allocation to be based upon the population of each county according to the most recent official

federal census. The county treasurer shall distribute all moneys received under this section to the county public health unit. Moneys received by counties under this section are intended to augment, but not replace, county taxes levied for the support of public health units under section 23-35-07."

Page 5, line 6, replace "3." with "5."

Page 5, line 6, remove "All moneys received from the levy and assessment of thirty-three and one-tenth mills"

Page 5, remove lines 7 through 9

Page 5, line 10, replace "the credit of" with "Sixty percent of the revenues deposited in the tobacco tax distribution fund are appropriated and must be transferred to"

Page 5, remove lines 11 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1429: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1429 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second comma

Page 1, line 3, remove "wind, solar, or biomass"

Page 1, line 9, remove ", wind, solar, or biomass"

Page 1, line 10, remove the overstrike over "and before January 1,"

Page 1, line 10, after "2015" insert "2017"

Page 1, line 10, remove the overstrike over the fourth comma

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1437: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1437 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to repeal subsection 9 of section 57-51.1-03 of the North Dakota Century Code, relating to the triggered oil extraction tax rate reduction for new horizontal wells;"

Page 1, line 10, replace "2019" with "2017"

Page 1, line 11, overstrike "A well"

Page 1, overstrike lines 12 through 14

Page 1, after line 24, insert:

"SECTION 2. REPEAL. Subsection 9 of section 57-51.1-03 of the North Dakota Century Code is repealed."

Page 2, line 1, replace "This" with "Section 1 of this"

Page 2, line 2, after the period insert "Section 2 of this Act is effective on the first day of any month after June 2015, if on that day the exemption under subsection 3 of section

57-51.1-03 is effective for a horizontal well drilled and completed before or on that day."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1451: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1451 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and a new chapter to"

Page 1, line 2, remove "title 43"

Page 1, line 2, replace the second comma with "and"

Page 1, line 2, remove ", and testing"

Page 1, line 3, replace "of fire sprinkler systems and fire sprinkler system licenses; and to provide a penalty" with "; and to provide an effective date"

Page 1, line 7, replace the first bold underscored comma with "**and**"

Page 1, line 7, remove "**, and testing**"

Page 1, line 9, after "building" insert "and sprinkler"

Page 1, line 10, remove "national fire"

Page 1, line 11, replace "protection association" with "fire marshal or fire marshal's designee"

Page 1, line 14, after "inspect" insert "the fire sprinkler system"

Page 1, line 14, after "and" insert "observe the acceptance"

Page 1, line 14, remove "the fire sprinkler system"

Page 1, line 15, remove "of the national fire protection association"

Page 1, line 16, remove "The owner of any building containing a fire sprinkler system shall have the fire"

Page 1, remove lines 17 through 21

Page 1, line 22, remove "4."

Page 2, line 1, replace "5." with "4."

Page 2, line 1, remove "building"

Page 2, line 2, after "inspections" insert "as"

Page 2, line 2, after "section" insert "and conducted by the fire marshal"

Page 2, line 3, remove "who conducts a review or inspection under this"

Page 2, remove line 4

Page 2, line 5, replace "approved by the fire marshal" with "may establish a fee schedule for permits, plan review, and inspections"

Page 2, remove lines 6 through 31

Page 3, remove lines 1 through 31

Page 4, overstrike lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 29

Page 8, remove lines 1 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1466: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1466 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "majority leader"

Page 1, line 8, replace "of the house of representatives" with "chairman of the legislative management"

Page 1, line 9, replace "majority leader of the senate" with "chairman of the legislative management"

Page 1, line 14, after "statewide" insert "and nationwide"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1472: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1472 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 4, after "date" insert "; and to provide an expiration date"

Page 3, line 12, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 3, line 13, after "2015" insert ", and before July 1, 2017, and is thereafter ineffective"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3021: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3021 was placed on the Tenth order on the calendar.

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

Buell J. Reich, Chief Clerk