

## JOURNAL OF THE HOUSE

## Sixty-fourth Legislative Assembly

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Bismarck, March 24, 2015

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

The prayer was offered by Pastor Jacob DeBoer, Lutheran Parish, Dawson and Steele.

The roll was called and all members were present except Representatives Belter, Dosch, Frantsvog, and Kempenich.

A quorum was declared by the Acting Speaker.

## POINT OF PERSONAL PRIVILEGE

**REP. DELMORE** rose on a point of personal privilege.

## REMARKS OF REPRESENTATIVE DELMORE

**MR. SPEAKER:** and Members of the Assembly:

Today I would like to recognize and congratulate the Red River High School DECA Chapter for placing first at the state DECA conference held here in Bismarck. This marks the third consecutive year and the fourth time in the last five years Red River has taken the title. There were 20 schools in attendance with approximately 420 students competing. Red River had 16 first place winners, 10 second place winners, and 7 third place winners for a total of 75 team points. The second place team had 42 points. Red River had 26 students recognized on stage for finishing in the first three spots in their respective events and a total of 40 students recognized overall!

Prem Thakker of Red River High School was selected the outstanding new DECA member, and Rachel Trenne was elected the 2015-16 state vice president. Thirty students qualified to attend the International DECA Career Development Conference in Orlando, Florida.

I am honored to recognize and send special congratulations to the Red River team and advisors Brent Polum and Keith Ronkowski!

Thank you, Mr. Speaker.

## REQUEST

**REP. MOCK REQUESTED** that the remarks of Rep. Delmore be printed in the Journal, which request was granted.

## SIXTH ORDER OF BUSINESS

**ACTING SPEAKER DEVLIN DEEMED** approval of the amendments to Engrossed SB 2109, SB 2119, Engrossed SB 2148, Engrossed SB 2166, Reengrossed SB 2238, SB 2255, Engrossed SB 2271, Engrossed SB 2300, and Engrossed SB 2356.

Engrossed SB 2271, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2109, SB 2119, Engrossed SB 2148, Engrossed SB 2166, Reengrossed SB 2238, SB 2255, Engrossed SB 2300, and Engrossed SB 2356, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. STRINDEN MOVED** that the House reconsider its action whereby Engrossed SB 2293, as amended, failed to pass. .

## REQUEST

**REP. MOCK REQUESTED** a recorded roll call vote, which request was granted.

**ROLL CALL**

The question being on the motion to reconsider the action whereby Engrossed SB 2293, as amended, failed to pass, the roll was called and there were 35 YEAS, 55 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, D.; Anderson, P.; Beadle; Boe; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hogan; Holman; Hunskor; Kelsh; Klemin; Kretschmar; Maragos; Martinson; Mitskog; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Sanford; Schneider; Strinden; Wallman; Zubke

**NAYS:** Anderson, B.; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Fehr; Froseth; Headland; Hofstad; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Lefor; Looysen; Louser; Meier; Monson; Nathe; Olson; Paur; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Weisz

**ABSENT AND NOT VOTING:** Dosch; Frantsvog; Kempenich; Speaker Belter

The motion failed on a recorded roll call vote.

**SECOND READING OF SENATE BILL**

**SB 2099:** A BILL for an Act to amend and reenact section 53-06.1-09 of the North Dakota Century Code, relating to sports pools.

**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 60 YEAS, 30 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Dockter; Fehr; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Johnson, D.; Johnson, M.; Kading; Kasper; Kelsh; Kiefert; Klein; Koppelman, B.; Kreidt; Kretschmar; Lefor; Looysen; Louser; Maragos; Martinson; Meier; Mitskog; Monson; Mooney; Nathe; Nelson, J.; Olson; Onstad; Oversen; Owens; Pollert; Porter; Sanford; Schatz; Schneider; Schreiber Beck; Seibel; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Zubke

**NAYS:** Anderson, B.; Bellew; Boe; Damschen; Delmore; Delzer; Devlin; Froseth; Glassheim; Guggisberg; Holman; Hunskor; Karls; Keiser; Klemin; Koppelman, K.; Laning; Larson; Mock; Muscha; Nelson, M.; Paur; Rohr; Ruby; Schmidt; Silbernagel; Skarphol; Vigesaa; Wallman; Weisz

**ABSENT AND NOT VOTING:** Dosch; Frantsvog; Kempenich; Speaker Belter

SB 2099 passed.

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**SECOND READING OF SENATE BILL**

**SB 2110:** A BILL for an Act to amend and reenact section 43-33-01, subsection 1 of section 43-33-02, subsection 1 of section 43-33-03, sections 43-33-04 and 43-33-06, subsection 2 of section 43-33-07, section 43-33-09, subdivision c of subsection 2 of section 43-33-12, subsection 4 of section 43-33-15, and section 43-33-18 of the North Dakota Century Code, relating to licensing hearing aid specialists; to repeal section 43-33-08 of the North Dakota Century Code, relating to temporary trainee permits; and to provide a penalty.

**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 4 YEAS, 86 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Hanson; Muscha; Onstad; Strinden

**NAYS:** 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; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Nathe; Nelson, J.; Nelson, M.; Olson; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke

**ABSENT AND NOT VOTING:** Dosch; Frantsvog; Kempenich; Speaker Belter

Engrossed SB 2110 failed.

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

**SB 2248:** A BILL for an Act to amend and reenact section 39-10-03.1 of the North Dakota Century Code, relating to the lights displayed by tow trucks.

### **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 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Carlson; Damschen; Delmore; Devlin; Dockter; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kading; Karls; Kasper; Keiser; Kelsh; 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; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke

**NAYS:** Brandenburg; Delzer; Johnson, M.; Porter

**ABSENT AND NOT VOTING:** Dosch; Frantsvog; Kempenich; Speaker Belter

SB 2248 passed.

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

**SB 2363:** A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for transfer of a motor vehicle without consideration from grandparent to grandchild; and to provide an effective date.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; 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.; Kading; Karls; Kasper; Keiser; Kelsh; Kiefert; Klein;

Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke

**NAYS:** Johnson, M.

**ABSENT AND NOT VOTING:** Dosch; Frantsvog; Kempenich; Speaker Belter

SB 2363 passed.

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

**SB 2025:** A BILL for an Act to create and enact chapter 4.1-16 of the North Dakota Century Code, relating to beekeeping; to amend and reenact section 4.1-08-03 of the North Dakota Century Code, relating to the submission of assessments by beekeepers; to repeal chapter 4-12.2 of the North Dakota Century Code, relating to beekeeping; and to provide a penalty.

#### **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 72 YEAS, 18 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Fehr; Froseth; Glassheim; Guggisberg; Hanson; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, M.; Karls; Kasper; Keiser; Kelsh; Kiefert; Klein; Klemin; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Meier; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Paur; Pollert; Porter; Sanford; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigasaa; Zubke

**NAYS:** Becker, Rick C.; Bellew; Brabandt; Devlin; Haak; Hogan; Kading; Koppelman, B.; Mitskog; Mock; Mooney; Olson; Rohr; Ruby; Schatz; Toman; Wallman; Weisz

**ABSENT AND NOT VOTING:** Dosch; Frantsvog; Kempenich; Speaker Belter

Engrossed SB 2025 passed.

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

**SB 2186:** A BILL for an Act to amend and reenact sections 4.1-08-02, 4.1-08-06, and 4.1-08-07 of the North Dakota Century Code, relating to honey assessments; and to provide an effective date.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 15 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boehning; Boschee; Brandenburg; Carlson; Damschen; Delmore; Dockter; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Karls; Kasper; Keiser; Kelsh; Kiefert; Klein; Klemin; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Pollert; Porter; Sanford; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke

**NAYS:** Becker, Rick C.; Bellew; Brabandt; Delzer; Devlin; Kading; Koppelman, B.; Koppelman, K.; Meier; Olson; Paur; Rohr; Ruby; Schatz; Schmidt

**ABSENT AND NOT VOTING:** Dosch; Frantsvog; Kempenich; Speaker Belter

SB 2186 passed.

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### SECOND READING OF SENATE BILL

**SB 2336:** A BILL for an Act to amend and reenact subsection 3 of section 61-40-10 of the North Dakota Century Code, relating to approval of the state water commission for expansion of the western area water supply project.

### 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 12 YEAS, 78 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Beadle; Becker, Rick C.; Bellew; Johnson, M.; Kading; Klein; Koppelman, B.; Koppelman, K.; Olson; Paur; Ruby

**NAYS:** Amerman; Anderson, B.; Anderson, D.; 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; Hunsakor; Johnson, D.; Karls; Kasper; Keiser; Kelsh; Kiefert; Klemin; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Pollert; Porter; Rohr; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke

**ABSENT AND NOT VOTING:** Dosch; Frantsvog; Kempenich; Speaker Belter

Engrossed SB 2336 failed.

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### SECOND READING OF SENATE BILL

**SB 2361:** A BILL for an Act to amend and reenact subsection 2 of section 61-40-05 of the North Dakota Century Code, relating to the use of eminent domain by the western area water supply authority.

### 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 14 YEAS, 76 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Beadle; Becker, Rick C.; Bellew; Boschee; Damschen; Kading; Klein; Koppelman, B.; Koppelman, K.; Maragos; Olson; Paur; Ruby

**NAYS:** Amerman; Anderson, B.; Anderson, D.; Becker, Rich S.; Boe; Boehning; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Devlin; Dockter; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Karls; Kasper; Keiser; Kelsh; Kiefert; Klemin; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Owens; Pollert; Porter; Rohr; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke

**ABSENT AND NOT VOTING:** Dosch; Frantsvog; Kempenich; Speaker Belter

Engrossed SB 2361 failed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, unchanged: SCR 4007, SCR 4012, SCR 4013, SCR 4014, SCR 4018.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2123, SB 2130, SB 2285, SB 2367, SCR 4011.

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, unchanged: 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 HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1202, HB 1283, HB 1384.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1202**

Page 1, line 14, replace "that has been" with "if:

a. The paid time off was"

Page 1, line 15, replace ", if at the time of hiring" with "; and

b. Before awarding the paid time off"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1283**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to parental directives; and to provide an expiration date.

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

**SECTION 1.** A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

##### **Parental directive - Administration of tests and assessments.**

1. A student's parent may direct that the school district in which the student is enrolled not administer a specific test or assessment to the student, provided that a parental directive does not apply to:
  - a. Any test or assessment required by the student's school district of enrollment or this state for the completion of any grade from kindergarten through twelve;
  - b. Any test or assessment required by the student's school district of enrollment or this state for high school graduation;
  - c. The ACT; or
  - d. WorkKeys assessments.
2.
  - a. A parental directive is valid only if it is presented to the school district using a standardized form, prepared by the superintendent of public instruction, and signed by the student's custodial parent.
  - b. A parental directive is valid only until the conclusion of the school year in which it is received by the school district.

- c. A parental directive submitted to a school district in accordance with this section must be retained as part of the student's educational record.
3. A school district is not liable for any consequences incurred by a student as a result of a parental directive submitted in accordance with this section.
4. Each school district must post the parental directive form on its website and make the form available to a parent, upon request.

**SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2017, and after that date is ineffective."

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1384**

Page 5, line 25, replace the second "the" with "any"

Page 5, line 26, remove "is"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1318.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1245, HB 1251, HB 1310, HB 1312.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2129, SB 2131, SB 2172, SB 2215, SB 2335, SB 2364.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1098, HB 1108, HB 1109, HB 1130, HB 1134, HB 1135, HB 1166, HB 1169, HB 1180, HB 1182, HB 1193, HB 1277, HB 1281, HB 1307, HB 1316, HB 1323, HB 1343, HB 1363, HB 1426.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3002.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2029, SB 2049, SB 2061, SB 2073, SB 2156, SB 2168, SB 2187, SB 2192, SB 2204, SB 2217, SB 2234, SB 2237, SB 2262, SB 2315, SB 2372, SCR 4020.

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

**MR. SPEAKER:** The President has signed: SB 2029, SB 2049, SB 2061, SB 2073, SB 2156, SB 2168, SB 2187, SB 2192, SB 2204, SB 2217, SB 2234, SB 2237, SB 2262, SB 2315, SB 2372, SCR 4020.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 24, 2015: HB 1098, HB 1108, HB 1109, HB 1130, HB 1134, HB 1135, HB 1166, HB 1169, HB 1180, HB 1182, HB 1193, HB 1277, HB 1281, HB 1307, HB 1316, HB 1323, HB 1343, HB 1363, HB 1426.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on March 24, 2015: HCR 3002.

#### **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., Wednesday, March 25, 2015, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2026, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2026 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2037, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2037 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and"

Page 1, line 2, after "57-38-01.8" insert ", and section 57-39.2-04.8"

Page 1, line 3, replace "and" with a comma

Page 1, line 4, after "devices" insert "and a sales tax exemption for machinery or equipment used to produce coal from a new mine"

Page 1, line 4, remove "and"

Page 1, line 5, after "date" insert "; and to provide for retroactive application"

Page 1, line 20, overstrike "for the duration of the initial purchased power"

Page 1, line 21, overstrike "agreement for the generation unit"

Page 2, line 5, remove "for which a purchased power agreement is entered or renewed"

Page 2, remove line 6

Page 2, line 7, replace "under this chapter after December 31, 2014" with ", or which is twenty years or more from the date of first assessment"

Page 2, after line 24, insert:

**"SECTION 3. AMENDMENT.** Section 57-39.2-04.8 of the North Dakota Century Code is amended and reenacted as follows:

**57-39.2-04.8. Sales tax exemption for machinery or equipment used to produce coal from a new mine.**

1. Gross receipts from sales of machinery or equipment used to produce coal from a new mine located in this state are exempt from the tax imposed by this chapter. The exemption for each new mine under this section is limited to the first five million dollars of sales and use tax paid.
2. Purchase of replacement machinery or equipment is exempt if the capitalized investment in the new mine exceeds twenty million dollars using the United States generally accepted accounting principles. Purchases of repair or replacement parts for existing machinery or equipment are not exempt under this section.
3. The mine operator shall apply to the commissioner for a refund of sales and use taxes paid for which the exemption is claimed under this section. A refund claim may not exceed the limitation in subsection 1. If the machinery or equipment is used directly or indirectly to produce coal, the interest provisions of section 57-39.2-25 do not apply to purchases made before July 1, 2015. Application for the refund must be made at the time



and in the manner directed by the commissioner and must include sufficient information to verify the correctness of the refund claim.

4. For purposes of this section:
  - a. "Machinery or equipment" means machinery or equipment purchased after December 31, 2010, and used directly or indirectly to uncover, sever, crush, handle, or transport coal removed from the earth. "Machinery or equipment" includes draglines, excavators, rolling stock, conveyor equipment, reclamation equipment, ~~and~~ equipment to pulverize coal, water trucks, fuel trucks, low-boys, cranes, lubrication trucks, motor graders, service trucks, light plants, and dewatering equipment, but does not include rail spurs, office buildings, workshops, or any component not used directly to uncover, sever, crush, handle, or transport coal removed from the earth.
  - b. "New mine" means an area permitted under chapter 38-14.1 by the public service commission after December 31, 2010.
  - c. "Produce coal" means mining operations to uncover, sever, crush, handle, or transport coal from its natural location under the earth's surface to the mouth of the mine and all activities necessary and incidental to the reclamation of that location."

Page 3, after line 9, insert:

**"SECTION 7. RETROACTIVE APPLICATION.** Section 3 of this Act applies retroactively to purchases of machinery or equipment made after December 31, 2010."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2054, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2054 was placed on the Sixth order on the calendar.

Page 1, line 5, after "assessors" insert "and assessment technicians"

Page 2, line 14, after "assessors" insert "and assessment technicians"

Page 2, line 25, remove the overstrike over "that any city with a population of under five thousand or township may, at its"

Page 2, line 26, remove the overstrike over "option by resolution of its governing body, employ an"

Page 2, line 26, after "assessor" insert "assessment technician"

Page 2, line 26, remove the overstrike over "who shall retain the"

Page 2, line 27, remove the overstrike over "powers, duties, and responsibilities of the office. The resolution"

Page 2, line 27, remove "within the jurisdiction"

Page 2, line 28, remove "in which the"

Page 2, line 28, remove the overstrike over "to employ an"

Page 2, line 28, remove "employs a certified"

Page 2, line 29, overstrike "assessor" and insert immediately thereafter "assessment technician"

Page 2, line 29, remove the overstrike over "~~continues in force until rescinded by the governing body~~"

Page 2, line 29, after "~~body~~" insert "or upon a majority vote of the members of the board of county commissioners approving county assumption of the assessment responsibilities of a city or township"

Page 2, line 29, after the period insert:

"3."

Page 2, line 29, remove the overstrike over "~~Notwithstanding~~"

Page 2, remove the overstrike over lines 30 and 31

Page 3, remove the overstrike over line 1

Page 3, line 2, remove the overstrike over "~~establish minimum requirements for all city and township~~"

Page 3, line 2, after "~~assessors~~" insert "assessment technicians"

Page 3, line 2, remove the overstrike over "~~.The standards~~"

Page 3, remove the overstrike over lines 3 and 4

Page 3, line 5, remove the overstrike over "~~included in those minimum requirements for~~"

Page 3, line 5, after "of" insert "assessment technicians for"

Page 3, line 5, remove the overstrike over "~~townships or cities with a~~"

Page 3, remove the overstrike over lines 6 through 9

Page 3, line 10, remove the overstrike over "~~may serve as an~~"

Page 3, line 10, after "of" insert "assessment technician for"

Page 3, line 10, remove the overstrike over "~~a township or a city with a population under five~~"

Page 3, remove the overstrike over lines 11 through 14

Page 3, line 15, remove the overstrike over "~~minimum requirements. The expenses and salaries of city and township~~"

Page 3, line 15, after "~~assessors~~" insert "assessment technicians"

Page 3, remove the overstrike over line 16

Page 3, line 17, after "assessor" insert "or assessment technician"

Page 3, line 21, after "assessor" insert "or assessment technician"

Page 3, line 24, after "assessor" insert "or assessment technician"

Page 4, line 9, after "assessors" insert "and assessment technicians"

Page 4, line 13, after "assessors" insert "and assessment technicians"

Page 4, line 18, after "assessors" insert "and assessment technicians"

Page 4, line 22, after "assessors" insert ", assessment technicians."

Page 5, line 12, after "assessors" insert "and assessment technicians"

Page 5, line 13, after the second "of" insert "assessment technicians."

Page 5, line 13, after "assessors" insert an underscored comma

Page 9, after line 3, insert:

- "4. The state supervisor of assessments shall reclassify all current holders of a township assessor or class II city assessor certification as certified assessment technicians upon application and submission of evidence by the holders of current certification as a township or class II city assessor."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2104: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2104 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "43-15-11" with "43-15-10"

Page 1, line 21, after "antagonist" insert ", if the health care professional provides training"

Page 2, line 20, replace "43-15-11" with "43-15-10"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2151, as engrossed: Education Committee (Rep. Nathe, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2151 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide for a superintendent of public instruction study and report to legislative management;"

Page 4, after line 7, insert:

**"SECTION 6. SUPERINTENDENT OF PUBLIC INSTRUCTION STUDY - REPORT.** During the 2015-2016 interim, the superintendent of public instruction shall study the implementation of a uniform system for the accounting, budgeting, and reporting of data by an early childhood education provider who has received a grant distributed in accordance with section 3 of this Act. The superintendent of public instruction shall report its findings to the legislative management by August 1, 2016."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2161, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2161 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 create and enact a new chapter to title 27 of the North Dakota Century Code, relating to the establishment of an interdisciplinary committee on problem-solving courts.

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

**SECTION 1.** A new chapter to title 27 of the North Dakota Century Code is created and enacted as follows:

**Interdisciplinary committee on problem-solving courts.**

1. The interdisciplinary committee on problem-solving courts is established as a collaborative mechanism to acquire and analyze relevant information related to the need for and feasibility of establishing problem-solving courts in this state. For purposes of this chapter, a "problem-solving court" is a juvenile or adult drug court, mental health court, veterans court, or other specialized court comprised of interdisciplinary teams, enhanced judicial involvement, court-supervised treatment programs, and other components designed to achieve effective alternatives to traditional case dispositions.
2. The interdisciplinary committee on problem-solving courts consists of:
  - a. A justice of the supreme court appointed by the chief justice.
  - b. A member appointed by the governor.
  - c. A presiding judge elected by the judicial system administrative council.
  - d. The executive director of the department of human services, or the director's designee.
  - e. The director of the department of corrections and rehabilitation, or the director's designee.
  - f. The state court administrator, or the administrator's designee.
  - g. A state's attorney appointed by the state's attorneys' association.
  - h. A defense attorney appointed by the commission on legal counsel for indigents.
  - i. A court administrator appointed by the state court administrator.
  - j. A representative of chemical, mental health, or other treatment providers in the state as agreed upon by the committee members.
  - k. The director of parole and probation services.
  - l. A director of juvenile court appointed by the chief justice.
  - m. Two members appointed by the North Dakota peace officers association, one representing city law enforcement agencies and one representing county law enforcement agencies.
  - n. A legislator appointed by the chairman of legislative management.
  - o. The executive director of the department of veterans' affairs.
3. The chief justice designates the chairman and vice-chairman of the interdisciplinary committee.
4. Members of the interdisciplinary committee serve for a term of three years beginning January 1, 2016. Appointed members are limited to two consecutive terms.
5. With the consent of committee members, the chairman of the interdisciplinary committee may temporarily supplement membership to assist in the review of whether establishment of a problem-solving court should be recommended.

6. The interdisciplinary committee shall meet at least semiannually but must timely consider any requests for evaluation of the establishment of a problem-solving court.

#### **Functions and duties.**

The interdisciplinary committee on problem-solving courts shall:

1. Acquire and analyze information and data, including budgetary requirements and funding sources, regarding whether establishment of a problem-solving court in a judicial district should be considered.
2. Determine the feasibility of establishing a problem-solving court in a judicial district, including the availability of judicial and nonjudicial resources.
3. Based on relevant data and analysis, recommend to the presiding judge of a judicial district and the supreme court that establishment of a problem-solving court in the judicial district should be considered.
4. Review requests to establish problem-solving courts and submit recommendations to the supreme court regarding whether a particular problem-solving court should be established.
5. Establish a mechanism for monitoring and evaluating the effectiveness of established problem-solving courts and related treatment services.

#### **Request to establish a problem-solving court - Submission - Review.**

1. A request for establishment of a problem-solving court must be submitted to the interdisciplinary committee on problem-solving courts for review and recommendation.
2. The interdisciplinary committee shall promptly review any information submitted in support of the request and consider the committee's own analysis, if any, regarding the need for a problem-solving court.
3. Following its review, the interdisciplinary committee shall promptly submit to the supreme court its recommendation regarding the need for and feasibility of the requested problem-solving court.

#### **Staff services.**

The interdisciplinary committee on problem-solving courts may request appropriate staff services from the office of the state court administrator."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2181, as engrossed: Education Committee (Rep. Nathe, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2181 was placed on the Sixth order on the calendar.

Page 2, line 9, after "manager" insert "unless the board has established an alternate supervisory structure that is clearly defined in the board's policy and is represented in the school district's organizational chart, and through board action delegates to the superintendent supervisory responsibility of the business manager's daily operations"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2221: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2221 was placed on

the Sixth order on the calendar.

Page 1, line 1, after the second comma insert "and"

Page 1, line 2, remove ", and subsections 1 and 2 of section 57-02-08.1"

Page 1, line 3, after the third comma insert "and"

Page 1, line 4, remove ", and the homestead tax credit; and to provide an effective date"

Page 2, remove lines 11 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 8

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2233, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2233 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "amend and reenact section 48-01.2-22 of the North Dakota Century Code, relating to the public opening of subcontractor bids; and to"

Page 1, line 1, remove "of public improvement issues"

Page 1, remove line 2

Page 1, line 3, remove "thresholds, and indemnification"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 48-01.2-22 of the North Dakota Century Code is amended and reenacted as follows:

#### **48-01.2-22. Subcontractor bids.**

1. An agency construction manager selected for a public improvement shall publicly advertise publicly and receive open bids from subcontractors for the work items necessary to complete the general construction portions of the improvement. The governing body may influence the selection of the subcontractors, but only insofar as the governing body's past experience with a subcontractor or a current legal dispute with a subcontractor.
2. A construction manager at-risk selected for a public improvement shall publicly advertise publicly and receive open bids from subcontractors for the work items the construction manager at-risk chooses not to perform. The governing body may influence the selection of the subcontractors, but only insofar as the governing body's past experience with a subcontractor or a current legal dispute with a subcontractor."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2261: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2261 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2266, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2266 was placed on the Sixth order on the calendar.

Page 2, line 13, after the "in" insert "a"

Page 2, line 13, remove "conduct during a"

Page 2, line 13, after "performance" insert an underscored comma

Page 2, line 14, replace "himself or herself as" with "the adult to be"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2277: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2277 was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "first appointed after July 21, 2011, must be residents of the state,"

Page 1, line 20, after the period insert "Commissioners first appointed after July 21, 2011, must be residents of the state."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2283, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2283 was placed on the Sixth order on the calendar.

Page 2, line 13, replace "A description of material terms and the" with "The"

Page 2, line 16, after the underscored semicolon insert "and"

Page 2, line 18, remove ";and"

Page 2, remove lines 19 through 22

Page 2, line 23, remove "or disseminated through the travel retailer"

Page 3, line 21, after "4." insert:

"The limited lines travel insurance producer and any travel retailer and the travel retailer's employees offering and disseminating travel insurance under the limited lines travel insurance producer license shall be subject to the provisions of chapters 26.1-04 and 26.1-26.

5. The travel retailer and its employees act on behalf of the limited lines producer and the producer is responsible for any representations made by the employees of the travel retailer relating to insurance products offered or disseminated through the travel retailer.
6. If the insurance commissioner determines that a travel retailer, or a travel retailer's employee has violated any provision of this chapter or any other provision of this title, the commissioner may:
  - a. Direct the limited lines travel insurance producer to implement a corrective action plan with the travel retailer; or

- b. Revoke the authorization of the travel retailer to transact travel insurance on behalf of the limited lines travel insurance producer under its license and direct the limited lines travel insurance producer to remove the travel retailer's name from its register.
- 7. If the insurance commissioner determines that a travel retailer, or a travel retailer's employee, has violated any provision in this chapter or any other provision of this title, the commissioner may:
  - a. Suspend or revoke the license of the limited lines travel insurance producer;
  - b. Issue a cease and desist order against the license of the limited lines travel insurance producer; and
  - c. Impose a monetary fine on the limited lines travel insurance producer.

8."

Page 3, line 23, replace "5." with "9."

Page 4, line 3, replace "6." with "10."

Page 4, line 11, replace "7." with "11."

Page 4, line 14, replace "8." with "12."

Page 4, line 16, replace "9." with "13."

Page 4, remove lines 19 and 20

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2314, as engrossed: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2314 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2329, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **DO PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2329 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2337: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2337 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 3, after "date" insert "; and to provide an expiration date"

Page 1, after line 17, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2017, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2375, as engrossed: Political Subdivisions Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).



Engrossed SB 2375 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4005: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4005 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4023: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **DO NOT PASS** (8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SCR 4023 was placed on the Fourteenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**

