

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

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Bismarck, February 18, 2015

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

The prayer was offered by Pastor Rich Wyatt, Living Hope Church of the Nazarene, Bismarck.

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

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER BELTER DEEMED approval of the amendments to HB 1147, HB 1283, HB 1288, HB 1399, HB 1403, and HB 1453.

HB 1147, HB 1283, HB 1288, HB 1399, HB 1403, and HB 1453, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that HB 1167, HB 1223, HB 1260, HB 1296, and HB 1298 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3033: A concurrent resolution urging Congress to propose the Regulation Freedom amendment to the United States Constitution.

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 64 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Anderson, P.; Beadle; Boe; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Keiser; Kelsh; Kretschmar; Mitskog; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Schneider; Silbernagel; Strinden; Wallman; Zubke

ABSENT AND NOT VOTING: Frantsvog

HCR 3033 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to amend and reenact subsection 5 of section 39-08-20 of the North Dakota Century Code, relating to a certificate of insurance for driving without liability insurance.

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 92 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Laning

ABSENT AND NOT VOTING: Frantsvog

HB 1391 passed.

SECOND READING OF HOUSE BILL

HB 1318: A BILL for an Act to provide for agriculture development impact grants.

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 75 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Becker, Rich S.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Damschen; Dockter; Dosch; Fehr; Froseth; Glassheim; 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; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, M.; Onstad; Oversen; Pollert; Porter; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Trottier; Vigesaa; Weisz; Zubke; Speaker Belter

NAYS: Beadle; Becker, Rick C.; Carlson; Delmore; Delzer; Devlin; Guggisberg; Kading; Koppelman, B.; Laning; Nelson, J.; Olson; Owens; Paur; Rohr; Ruby; Toman; Wallman

ABSENT AND NOT VOTING: Frantsvog

Engrossed HB 1318 passed.

SECOND READING OF HOUSE BILL

HB 1348: A BILL for an Act to amend and reenact subsection 1 of section 16.1-07-08 and section 16.1-11.1-03 of the North Dakota Century Code, relating to delivery of absent voters' ballots and mail ballots.

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 62 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Fehr; Glassheim; Hatlestad; Headland; Hofstad; Holman; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Kelsh; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning;

Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Monson; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schmidt; Schreiber Beck; Seibel; Streyle; Sukut; Thoreson; Toman; Vigesaa; Weisz; Speaker Belter

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Boschee; Delmore; Dosch; Froseth; Guggisberg; Haak; Hanson; Hawken; Hogan; Hunskor; Keiser; Kempenich; Kretschmar; Meier; Mitskog; Mock; Mooney; Onstad; Schatz; Schneider; Silbernagel; Skarphol; Steiner; Strinden; Trottier; Wallman; Zubke

ABSENT AND NOT VOTING: Frantsvog

Engrossed HB 1348 passed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 60 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Anderson, D.; Becker, Rick C.; Bellew; Boschee; Devlin; Dosch; Headland; Hogan; Kading; Karls; Keiser; Kempenich; Kreidt; Lefor; Louser; Martinson; Muscha; Nelson, M.; Olson; Onstad; Owens; Paur; Pollert; Porter; Ruby; Sanford; Schneider; Streyle; Sukut; Toman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog

Engrossed HB 1072 passed.

SECOND READING OF HOUSE BILL

HB 1430: A BILL for an Act to create and enact chapter 19-24 of the North Dakota Century Code, relating to the use of medical marijuana; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Anderson, B.; Anderson, D.; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Hatlestad; Headland; Hofstad; Hunskor; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.;

Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Martinson; Meier; Monson; Nathe; Nelson, J.; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog

Engrossed HB 1430 failed.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to create and enact a new section to chapter 24-06 of the North Dakota Century Code, relating to an agreement on haul roads.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 82 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Brandenburg; Froseth; Headland; Johnson, M.; Kempenich; Kretschmar; Pollert; Schatz; Streyle; Vigesaa; Zubke

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

ABSENT AND NOT VOTING: Frantsvog

Engrossed HB 1232 failed.

SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to create and enact a new section to chapter 16.1-11 of the North Dakota Century Code, relating to filing of petitions or certificates of endorsement by legislative candidates; and to amend and reenact sections 16.1-11-06 and 16.1-11-11, subsection 5 of section 16.1-11-18, subsection 4 of section 16.1-12-02.2, subsection 2 of section 16.1-12-04, and section 16.1-12-06 of the North Dakota Century Code, relating to filing of petitions or certificates of endorsement by legislative candidates.

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

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

NAYS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Hatlestad; Hawken; Headland; Hofstad; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Monson; Nathe; Nelson, J.; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel;

Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog

HB 1075 failed.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to amend and reenact sections 16.1-15-04, 16.1-15-05, and 16.1-15-06 of the North Dakota Century Code, relating to election canvass reports.

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 90 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Hawken; Porter; Schatz

ABSENT AND NOT VOTING: Frantsvog

HB 1445 passed.

SECOND READING OF HOUSE BILL

HB 1376: A BILL for an Act to create and enact a new subsection to section 11-11-14 and a new subsection to section 40-05-01 of the North Dakota Century Code, relating to county and city authority to donate funds to a nonprofit health care facility within its jurisdiction.

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 50 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Boschee; Brandenburg; Delmore; Devlin; Fehr; Glassheim; Guggisberg; Hatlestad; Hawken; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Karls; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, K.; Kretschmar; Laning; Lefor; Maragos; Martinson; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Sanford; Schatz; Schneider; Seibel; Silbernagel; Skarphol; Strinden; Sukut; Trottier; Vigesaa; Weisz; Zubke

NAYS: Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Brabandt; Carlson; Damschen; Delzer; Dockter; Dosch; Froseth; Haak; Hanson; Headland; Hofstad; Kading; Kasper; Keiser; Koppelman, B.; Kreidt; Larson; Looyesen; Louser; Meier; Mitskog; Monson; Nathe; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Schmidt; Schreiber Beck; Steiner; Streyle; Thoreson; Toman; Wallman; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog

HB 1376 passed.

SECOND READING OF HOUSE BILL

HB 1468: A BILL for an Act to amend and reenact section 32-03-09.1 of the North Dakota Century Code, relating to injury to property not from contract.

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 21 YEAS, 72 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Boe; Boschee; Delmore; Froseth; Glassheim; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kelsh; Kempenich; Klein; Mitskog; Mooney; Muscha; Onstad; Oversen; Steiner; Wallman; Zubke

NAYS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Johnson, M.; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigesaa; Weisz; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog

HB 1468 failed.

SECOND READING OF HOUSE BILL

HB 1465: A BILL for an Act to create and enact a new subsection to section 44-04-18 of the North Dakota Century Code, relating to public records held by entities or agents located outside the state.

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 46 YEAS, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Becker, Rick C.; Bellew; Brabandt; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Headland; Holman; Kading; Karls; Kasper; Klein; Koppelman, B.; Koppelman, K.; Larson; Lefor; Louser; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nelson, M.; Olson; Oversen; Pollert; Porter; Rohr; Schatz; Schmidt; Schneider; Seibel; Skarphol; Steiner; Streyle; Strinden; Thoreson; Toman; Vigesaa

NAYS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boehning; Boschee; Brandenburg; Delmore; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hofstad; Hogan; Hunskor; Johnson, D.; Johnson, M.; Keiser; Kelsh; Kempenich; Kiefert; Klemin; Kreidt; Kretschmar; Laning; Looyesen; Maragos; Martinson; Nathe; Nelson, J.; Onstad; Owens; Paur; Ruby; Sanford; Schreiber Beck; Silbernagel; Sukut; Trottier; Wallman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog

HB 1465 failed.

SECOND READING OF HOUSE BILL

HB 1405: A BILL for an Act to create and enact a new section to chapter 57-38 and a new

subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit equal to a portion of a taxpayer's federal earned income credit; 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 18 YEAS, 74 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Frantsvog; Kading

HB 1405 failed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3032: A concurrent resolution urging Congress and the Internal Revenue Service to end the requirement of capitalization of business and farm machinery repair costs and allow business owners to deduct those costs as a business expense.

REQUEST

REP. DOCKTER REQUESTED a recorded roll call vote on the adoption of HCR 3032, which request was granted.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; 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; Vigesaa; Wallman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog

HCR 3032 was declared adopted on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1412: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative redistricting requirements.

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

YEAS: Anderson, B.; Boschee; Glassheim; Guggisberg; Haak; Hanson; Holman; Mitskog; Mock; Mooney; Muscha; Nelson, J.; Onstad; Oversen

NAYS: Amerman; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Froseth; Hatlestad; Hawken; Headland; Hofstad; Hogan; 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; Monson; Nathe; Nelson, M.; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke; Speaker Belter

ABSENT AND NOT VOTING: Frantsvog

HB 1412 failed.

SECOND READING OF HOUSE BILL

HB 1133: A BILL for an Act to create and enact a new section to chapter 57-01, a new subsection to section 57-01-02.1, a new subsection to section 57-38-30.5, and a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to minimum tax payments and refunds, offsets of overpaid local option taxes from future distributions, the effect of the expiration of the federal research tax credit on the state income tax credit for research and experimental expenditures, and exemptions from motor vehicle excise tax; to amend and reenact sections 5-03-05 and 40-57.3-04, subsection 2 of section 57-38-62, section 57-40.2-11, and subsection 1 of section 57-43.2-02 of the North Dakota Century Code, relating to authority of the tax commissioner to adopt rules, offsets of restaurant, restaurant and lodging, and city motor vehicle rental taxes from future distributions, estimated income tax requirements for corporations, articles taxed in other states or political subdivisions of other states, and establishing energy per volume equivalent of liquefied natural gas for special fuels tax purposes; and to provide an effective date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Frantsvog

Reengrossed HB 1133 passed.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Rep. Joyce Kingsbury

SECOND READING OF HOUSE BILL

HB 1377: A BILL for an Act to create the next biennium K-12 fund; to amend and reenact sections 15-08.1-08 and 57-51.1-07.5 of the North Dakota Century Code, relating to the unobligated balance of the strategic investment and improvements fund and the state share of oil and gas tax allocations; to provide an effective date; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Frantsvog

Engrossed HB 1377 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1254: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to a parent's choice individual income tax deduction for qualified educational expenses; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Anderson, P.; Boe; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Keiser; Kelsh; Mock; Mooney; Nelson, M.; Onstad; Oversen; Wallman; Weisz

ABSENT AND NOT VOTING: Frantsvog

Engrossed HB 1254 passed.

SECOND READING OF HOUSE BILL

HB 1355: A BILL for an Act to create and enact section 57-38-01.36 of the North Dakota Century Code, relating to a corporate income tax credit for charitable gifts to a scholarship endowment fund for nonpublic school students; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 73 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dosch; Karls; Kasper; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Larson; Lefor; Louser; Martinson; Meier; Nathe; Porter; Rohr; Silbernagel; Steiner; Streyle; Thoreson; Speaker Belter

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; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Kading; Keiser; Kelsh; Kempenich; Kiefert; Klemin; Kretschmar; Laning; Looyesen; Maragos; Mitskog; Mock; Monson; Mooney; Muscha; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Skarphol; Strinden; Sukut; Toman; Trottier; Vigesaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Frantsvog

Engrossed HB 1355 failed.

SECOND READING OF HOUSE BILL

HB 1462: A BILL for an Act to create and enact a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax credits for charitable contributions to private education institutions; to amend and reenact section 57-38-01.7 of the North Dakota Century Code, relating to income tax credits for charitable contributions to private education institutions; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Anderson, P.; Beadle; Boe; Delmore; Glassheim; Guggisberg; Hanson; Hawken; Hunskor; Kelsh; Mock; Mooney; Nelson, M.; Onstad; Oversen; Strinden; Wallman

ABSENT AND NOT VOTING: Frantsvog

Engrossed HB 1462 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 2065, SB 2074, SB 2081, SB 2148, SB 2174, SB 2222, SB 2242, SB 2277, SB 2318, SB 2331, SB 2333, SB 2348, SB 2358.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2279.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2023, SB 2271.

MOTION

REP. VIGESAA MOVED that the absent member 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 19, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1039: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1039 was placed on the Sixth order on the calendar.

Page 1, line 12, after "individual" insert ", except for an individual guaranteed renewable policies issued before July 1, 1997"

Page 2, line 20, overstrike "who is eligible for listing on the national register of health"

Page 2, line 21, overstrike "service providers in psychology"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1116: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Sixth order on the calendar.

Page 1, line 2, after "23-02.1-30" insert "of the North Dakota Century Code,"

Page 1, line 3, after "Act" insert "; and to provide for application"

Page 1, line 23, overstrike "irrespective"

Page 1, line 24, overstrike "of the duration of pregnancy;"

Page 3, line 23, after "registrar" insert ", within thirty days of the birth"

Page 3, line 23, remove the overstrike over "~~by one of the~~"

Page 3, remove the overstrike over lines 24 and 25

Page 3, line 26, remove the overstrike over "~~such~~"

Page 3, line 26, after "~~person~~" insert "an individual"

Page 3, line 26, remove the overstrike over the semicolon

Page 3, line 27, remove the overstrike over "~~b. Any other~~"

Page 3, line 27, after "person" insert "individual"

Page 3, line 27, remove the overstrike over "~~in attendance at or immediately after the birth, or in the~~"

Page 3, line 28, remove the overstrike over "~~absence of such~~"

Page 3, line 28, after "person" insert "an individual"

Page 3, line 28, remove the overstrike over "~~;~~"

Page 3, line 29, remove the overstrike over line 29

Page 3, line 30, remove the overstrike over "~~mother, the~~"

Page 3, line 30, after "person" insert "individual"

Page 3, line 30, remove the overstrike over "~~in charge of the premises where the birth occurred~~"

Page 3, line 30, remove "within five"

Page 3, line 31, remove "days after the birth"

Page 4, line 7, remove the overstrike over "~~the presumption of~~"

Page 4, line 8, remove the overstrike over "~~paternity has been rebutted by a court decree~~"

Page 4, line 8, remove the colon

Page 4, remove lines 9 through 12

Page 4, line 13, remove "and biological father, and filed with the state registrar"

Page 11, after line 15, insert:

"SECTION 9. APPLICATION. Under subsection 3 of section 23-02.1-13, the state department of health shall use forms that are substantially similar to the department's North Dakota parent's worksheet and certifier's worksheet for completing the North Dakota birth certificate."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1203, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (12 YEAS, 10 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1203 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1218: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1218 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 sections 15.1-07-29 and 15.1-27-35.3 of the North Dakota Century Code, relating to school district ending fund balances; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-07-29 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-29. Ending fund balance - Amount.

1. ~~The~~Within the limits of this section, the board of a school district may carry over moneys to the ensuing fiscal year, to meet the cash requirements of all funds or purposes to which the credit of the school district may be legally extended.
2. For taxable years beginning after December 31, 2003, and ending on December 31, 2007, the amount carried over by a school district may not exceed fifty percent of the current annual budget for all purposes other than debt retirement and amounts financed from bond sources plus twenty thousand dollars.
3. For taxable years beginning after December 31, 2007, the amount carried over by a school district may not exceed forty-five percent of the current annual budget for all purposes other than debt retirement and amounts financed from bond sources plus twenty thousand dollars.
4. For taxable years beginning after December 31, 2018, the amount carried over by a school district may not exceed twenty percent of the district's current annual budget for all purposes other than debt retirement and amounts financed from bond sources, or five hundred thousand dollars, whichever is greater.

SECTION 2. AMENDMENT. Section 15.1-27-35.3 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35.3. ~~(Effective through June 30, 2015)~~ Payments to school districts - Unobligated general fund balance.

4. a. ~~The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars.~~
 - ~~b-1.~~ Beginning July 1, 2015, the superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty percent of its actual expenditures, plus twenty thousand dollars.
 - ~~e-2.~~ Beginning July 1, 2017, the superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus twenty thousand dollars.
2. ~~In making the determination required by subsection 1, the superintendent of public instruction may not include in a district's unobligated general fund balance any moneys that were received by the district from the federal education jobs fund program.~~
3. ~~For purposes of this section, a district's unobligated general fund balance includes all moneys in the district's miscellaneous fund, as established under section 57-15-14.2.~~

~~(Effective after June 30, 2015) Payments to school districts-- Unobligated general fund balance.~~

1. ~~The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars.~~

2. ~~In making the determination required by subsection 1, the superintendent of public instruction may not include in a district's unobligated general fund balance any moneys that were received by the district from the federal education jobs fund program. Beginning July 1, 2019, the superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifteen percent of its actual expenditures, or four hundred thousand dollars, whichever is greater.~~

SECTION 3. EFFECTIVE DATE. Section 2 of this Act is effective on July 1, 2015.

SECTION 4. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1305: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1305 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the second the colon

Page 1, remove line 11

Page 1, line 12, replace "(2) A naturalized" with "a"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1314: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1314 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "Upon the request of a minor who is a victim of sexual assault, a" with "A"

Page 1, line 15, replace "shall" with "may"

Page 1, line 15, remove "related"

Page 1, line 16, replace "to the" with "to a minor who is a victim of"

Page 1, line 16, remove "and any related followup care to the minor"

Page 1, line 17, after the underscored period insert "Reasonable steps must be made to notify the minor's parent or guardian of the care provided."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1342: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (13 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). HB 1342 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1353: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1353 was placed on the Sixth order on the calendar.

Page 2, line 5, remove the overstrike over "a minimum of one thousand six hundred ~~sixty four hours of~~"

Page 2, line 6, remove the overstrike over "employment" and insert immediately thereafter "each year for"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1360, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1360 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1367: 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). HB 1367 was placed on the Sixth order on the calendar.

Page 1, line 8, after "the" insert "total"

Page 1, line 8, overstrike "the period of" and insert immediately thereafter "unsupervised"

Page 1, after line 14, insert:

"2. Except as provided in this section the total length of supervised probation imposed in conjunction with a sentence of probation or a suspended execution or deferred imposition of sentence may not extend for more than five years for a class C felony, ten years for all other felony offenses, and two years for a class A misdemeanor from the later of the date of:

- a. The order imposing probation;
- b. The defendant's release from incarceration; or
- c. Termination of the defendant's parole."

Page 1, line 15, overstrike "2." and insert immediately thereafter "3."

Page 1, line 18, after "of" insert "unsupervised"

Page 1, line 20, overstrike "3." and insert immediately thereafter "4."

Page 2, line 7, overstrike "4." and insert immediately thereafter "5."

Page 2, line 10, overstrike "5." and insert immediately thereafter "6."

Page 2, line 10, after "felony" insert "and misdemeanor"

Page 2, line 11, overstrike "not to exceed five years"

Page 2, line 11, remove "for each"

Page 2, line 12, remove "additional period imposed"

Page 2, line 12, overstrike the period

Page 2, line 12, remove "An"

Page 2, line 12, overstrike "additional period of probation may follow a period of"

Page 2, overstrike lines 13 and 14 and insert immediately thereafter "if the defendant has not served the maximum sentence of imprisonment or probation available to the court at the time of initial sentencing or deferment. The court shall allow the defendant credit for a sentence of probation from the date the defendant began probation until the

date a petition to revoke probation was filed with the court. If the defendant is on supervised probation, the defendant is not entitled to credit for a sentence of probation for any period the defendant has absconded from supervision. The total amount of credit a defendant is entitled to for time spent on probation must be stated in the criminal judgment or order of revocation of probation."

Page 2, line 15, overstrike "6." and insert immediately thereafter "7."

Page 2, line 18, overstrike "7." and insert immediately thereafter "8."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1382: 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). HB 1382 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "chapter 49-03" with "chapters 10-13 and 40-32"

Page 1, line 2, after "cooperatives" insert "and municipal power agencies"

Page 1, line 5, replace "49-03" with "10-13"

Page 1, line 10, after the underscored comma insert "electric public utility."

Page 1, line 12, replace "An" with "Except as provided in subsection 3, an"

Page 1, line 15, after "notice" insert "to the rural electric cooperative"

Page 1, line 15, remove "at least one"

Page 1, remove line 16

Page 1, line 17, remove "necessity for that line"

Page 1, line 18, remove "and the commission."

Page 1, line 21, remove "the commission may not issue a certificate of public convenience"

Page 1, line 22, replace "and necessity for the proposed line of the electric transmission provider or designee" with "the rural electric cooperative shall have the right to construct the line"

Page 1, line 23, after "3." insert: "If an electric transmission line would interconnect facilities owned, leased, or operated by a municipal utility or municipal power agency and by a rural electric cooperative or by an electric public utility doing business in this state the following conditions apply:

- a. The municipal utility or municipal power agency and the rural electric cooperative or the electric public utility shall attempt to agree on all terms and conditions, including design, construction, ownership, and operation of the electric transmission line.
- b. If parties are unable to agree, this subsection does not compel a party to participate in the project or be construed as a waiver by any party of its right to establish and enforce any requirements for interconnection of transmission facilities to its transmission system.

4."

Page 1, after line 24, insert:

"SECTION 2. A new section to chapter 40-33 of the North Dakota Century Code is created and enacted as follows:

Right of municipal electric utilities and municipal power agencies to construct, own, and maintain electric transmission lines.

1. For purposes of this section, the terms electric transmission provider, electric transmission line, and electric public utility, have the same meanings as in section 49-03-01.5. Municipal power agency has the meaning provided in section 40-33.2-02 and also includes a municipal power agency of which any municipality in this state is a member.
2. Except as provided in subsection 3, an electric transmission provider or designee may not construct an electric transmission line interconnecting with an existing electric transmission line owned, leased, or operated by a municipal utility or municipal power agency, unless the electric transmission provider or designee has provided written notice to the municipal utility or municipal power agency of its intention to do so. If the municipal utility or municipal power agency provides written notification to the electric transmission provider or designee within one hundred eighty days from receipt of the written notice under this subsection, that the municipal utility or municipal power agency is willing and able to construct and operate a similar electric transmission line, the municipal utility or municipal power agency shall have the right to construct said line.
3. If an electric transmission line would interconnect facilities owned, leased, or operated by a municipal utility or municipal power agency and by a rural electric cooperative or by an electric public utility doing business in this state the following conditions apply:
 - a. The municipal utility or municipal power agency and the rural electric cooperative or the electric public utility shall attempt to agree on all terms and conditions, including design, construction, ownership, and operation of the electric transmission line.
 - b. If parties are unable to agree, this subsection does not compel a party to participate in the project or be construed as a waiver by any party of its right to establish and enforce any requirements for interconnection of transmission facilities to its transmission system."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1394: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1394 was placed on the Sixth order on the calendar.

Page 1, line 17, overstrike "one-half"

Page 1, line 18, overstrike "ounce [14.175 grams] to"

Page 1, line 18, after the closing bracket insert "or less"

Page 1, line 19, overstrike "Any person"

Page 1, line 19, overstrike "who violates"

Page 1, overstrike line 20

Page 1, line 21, overstrike "marijuana is guilty of"

Page 1, line 23, remove "an infraction"

Page 1, line 23, overstrike the period

Page 2, line 2, remove "or any offense regarding the"

Page 2, line 3, remove "possession of one-half ounce [14.175 grams] or less"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1416: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1416 was placed on the Sixth order on the calendar.

Page 2, line 7, remove "in ten years"

Page 2, line 8, remove "to a minor"

Page 2, line 12, remove "This section does not apply if the sale to a minor"

Page 2, remove line 13

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1436: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1436 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "4-41-01,"

Page 1, line 1, remove the second comma

Page 1, line 1, after "4-41-03" insert "and subdivision b of subsection 2 of section 12-60-24"

Page 1, remove lines 4 through 11

Page 1, line 18, after the period insert:

"a."

Page 1, line 20, after the period insert:

"b."

Page 1, line 24, after the first "history" insert "record"

Page 1, line 24, after the second "history" insert "record"

Page 2, line 1, overstrike "background" and insert immediately thereafter "criminal history record"

Page 2, line 2, after the period insert:

"c."

Page 2, line 4, after the period insert:

"d."

Page 2, line 5, overstrike "is not eligible for" and insert immediately thereafter "may be denied"

Page 2, line 5, after the period insert:

"e."

Page 2, line 7, after the period insert:

"f."

Page 2, line 9, after the period insert:

"g."

Page 2, line 10, after the period insert:

"h."

Page 2, after line 12, insert:

"i. An application for a license under this subsection may be filed with the commissioner at any time."

Page 2, line 17, remove "If a licensee fulfills the requirements of subdivision a and if thereafter the"

Page 2, remove lines 18 through 20

Page 2, line 21, remove "c."

Page 2, line 26, after the period insert:

"4."

Page 3, replace lines 1 through 6 with:

"SECTION 2. AMENDMENT. Section 4-41-03 of the North Dakota Century Code is amended and reenacted as follows:

4-41-03. Industrial hemp seed - Authority to import and sell Authorized activity - Research.

The agriculture commissioner, North Dakota state university, and any other person licensed under this chapter may import and, resell, and plant industrial hemp seed that has been certified as having no more than three-tenths of one percent tetrahydrocannabinol, cultivate the growing plant, and harvest any resulting crop, for any legally permissible purpose, including an authorized pilot program or other agricultural research involving the planting, cultivating, or marketing of industrial hemp.

SECTION 3. AMENDMENT. Subdivision b of subsection 2 of section 12-60-24 of the North Dakota Century Code is amended and reenacted as follows:

- b. The agriculture commissioner for each applicant for a license to grow or process industrial hemp under section 4-41-02 and any individual engaged in an activity authorized under section 4-41-03."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1471: Education Committee (Rep. Nathe, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1471 was placed on the Sixth order on the calendar.

Page 2, line 15, remove "A student enrolled in an institution under the supervision of the state board of higher"

Page 2, replace lines 16 through 19 with "An institution may not authorize any prior restraint of any school-sponsored media except when the media:

- a. Is libelous or slanderous;

- b. Constitutes an unwarranted invasion of privacy;
 - c. Violates federal or state law; or
 - d. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of institution or state board of higher education policies, or the material and substantial disruption of the orderly operation of the institution.
5. An institution may not sanction a student operating as an independent journalist.
6. Each institution shall adopt a written student freedom of expression policy in accordance with this section. The policy must include reasonable provisions for the time, place, and manner of student expression."

Page 2, line 23, remove "a postsecondary educational"

Page 2, line 24, replace "institution" with "an institution under the supervision of the state board of higher education"

Page 2, line 29, replace "a postsecondary institution" with "an institution under the supervision of the state board of higher education"

Page 3, line 1, remove "This section does not apply to any postsecondary educational institution that is"

Page 3, remove lines 2 and 3

Page 3, line 4, remove "4."

Page 3, line 4, after "does" insert "not"

Page 3, line 5, replace "5." with "4."

Page 3, remove lines 7 through 11

Page 4, line 12, remove "A student enrolled in a public school or the student's parent or guardian may"

Page 4, replace lines 13 through 16 with "A school may not authorize any prior restraint of any school-sponsored media except when the media:

- a. Is libelous or slanderous;
- b. Constitutes an unwarranted invasion of privacy;
- c. Violates federal or state law; or
- d. So incites students as to create a clear and present danger of the commission of an unlawful act, the violation of institution or state board of higher education policies, or the material and substantial disruption of the orderly operation of the institution."

Page 4, line 17, after "5." insert "A school may not sanction a student operating as an independent journalist.

6."

Page 4, line 19, after the underscored period insert "The policy may also include limitations to language that may be defined as profane, harassing, threatening, or intimidating."

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Rep. Schreiber Beck introduced:

HCR 3040: A concurrent resolution directing the Legislative Management to study the Airport Authorities Act, with particular attention to airport finances.

Was read the first time and referred to the **Political Subdivisions Committee**.

FIRST READING OF SENATE BILLS

SB 2059: A BILL for an Act to amend and reenact subsection 7 of section 65-05-08 of the North Dakota Century Code, relating to workers' compensation job offers; and to provide for application.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2060: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation coverage of chronic opioid therapy; and to provide for application.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

SB 2068: A BILL for an Act to amend and reenact sections 11-18-02.2, 40-57.1-04.4, and subsection 4 of section 57-02-27.2 of the North Dakota Century Code, relating to providing statements of full consideration, the tax lien of record clearance requirement for new and expanding business income tax exemptions, and removal of obsolete language from provisions relating to valuation and assessment of agricultural lands; and to provide an effective date.

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

SB 2115: A BILL for an Act to amend and reenact section 57-01-11, subsection 5 of section 57-39.2-12.1, and subsection 5 of section 57-40.2-07.1 of the North Dakota Century Code, relating to the assessment of taxes and compensation allowance to retailers for administrative expenses.

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

SB 2130: A BILL for an Act to amend and reenact sections 26.1-31.2-01, 26.1-31.2-02, 26.1-31.2-03, and 26.1-31.2-04 of the North Dakota Century Code, relating to reinsurance credit of insurers.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

Buell J. Reich, Chief Clerk

