

JOURNAL OF THE HOUSE**Sixty-fourth Legislative Assembly**

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Bismarck, March 23, 2015

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

The prayer was offered by Pastor Allen Finger, Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the Acting Speaker.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on March 20, 2015, I have signed the following: HB 1029, HB 1048, HB 1065, HB 1076, HB 1093, HB 1099, HB 1100, HB 1118, HB 1128, HB 1132, HB 1142, HB 1146, HB 1183, and HB 1364.

Also, on March 23, 2015, I have signed the following: HB 1097 and HB 1119.

POINT OF PERSONAL PRIVILEGE

REP. J. NELSON rose on a point of personal privilege.

REMARKS OF REPRESENTATIVE J. NELSON

MR. SPEAKER and Members of the Assembly:

This past weekend, the Showcase of North Dakota High School Basketball, the Class "B" Basketball Tournament was held in Bismarck. In what is the premier venue for this event, the Bismarck Civic Center, a crowd of nearly 11,000 spectators witnessed the Rugby Panthers win this year's championship with a 54-40 victory over a very talented Four Winds-Minnewaukan Indians' team.

Along the way, the Panthers avenged last year's overtime championship loss to another very talented team, the Fargo Oak Grove Grovers. This senior-dominated Panther squad left Grand Forks last year with one goal, and that was to finish the job that evaded them in that tournament. The dedication and perseverance that these young men demonstrated since that game paid off with Rugby's first basketball championship in 53 years.

To borrow a horse racing analogy, the Panthers rode their thoroughbred to the finish line throughout the season and through this tournament as well. Senior Brad Heidlebaugh completed his high school basketball career in stellar fashion. He was named Tournament MVP, Class "B" Senior Athlete of the Year, as well as Mr. Basketball, the sport's highest honor. He was also honored as one of the Class "B" Academic All State recipients during the tournament. The rest of the stable though, was far but empty. Zach Miller and Tanner Bernhardt were both named to the State All-Tournament Team as well. Every player played important roles in insuring that the fundamental basketball principles were covered better than any of the other opponents they played. Only one of the Panthers' opponents scored more than 40 points in the three games that were played.

The Panther Cheerleaders were also named the Class "B" State Cheering Champions, as well as the Rugby Panther fans winning the Spirit Award for the tournament. The "sea of orange" that swarmed the floor of the Civic Center after the final buzzer blew was a fitting end to what has been a magical season for everyone in the Rugby community.

It is with great pride that I stand before you today, Mr. Speaker and Members of the Assembly, to honor the accomplishments of these very fine and talented student athletes and young men and women. The display of community pride and spirit, as well as the grace and dignity that the school, its administration and staff, and student body displayed at this event, is a testament to the makeup of the entire community.

Congratulations to the 2015 North Dakota Class "B" Basketball Champions, the Rugby Panthers.

REQUEST

REP. VIGESAA REQUESTED that the remarks of Rep. J. Nelson be printed in the Journal, which request was granted.

SECOND READING OF SENATE BILL

SB 2134: A BILL for an Act to amend and reenact subsection 1 of section 15-10-17 of the North Dakota Century Code, relating to the appointment and removal of institution presidents and the commissioner of higher education by the state board of higher education.

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

YEAS: Anderson, D.; Glassheim; Hunskor; Looyesen; Zubke

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

ABSENT AND NOT VOTING: Boe; Dosch; Frantsvog; Kempenich; Strinden; Speaker Belter

Engrossed SB 2134 failed.

SECOND READING OF SENATE BILL

SB 2288: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to the development and implementation of a gap scholarship program.

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, 67 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Boschee; Glassheim; Guggisberg; Haak; Hanson; Hogan; Holman; Hunskor; Johnson, M.; Kelsh; Mitskog; Mock; Mooney; Nelson, M.; Onstad; Oversen; Sanford; Schneider; Wallman; Zubke

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

ABSENT AND NOT VOTING: Boe; Dosch; Frantsvog; Kempenich; Strinden; Speaker Belter

Engrossed SB 2288 failed.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to amend and reenact section 53-06.1-12 of the North Dakota Century Code, relating to gaming and excise taxes; to provide a continuing appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 66 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, P.; Beadle; Boschee; Delmore; Guggisberg; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Kelsh; Larson; Maragos; Mitskog; Mooney; Onstad; Oversen; Schneider; Streyle; Wallman

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

ABSENT AND NOT VOTING: Boe; Dosch; Frantsvog; Kempenich; Strinden; Speaker Belter

Engrossed SB 2202 failed.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to amend and reenact section 57-20-07.2 of the North Dakota Century Code, relating to extension of the effective date of the state-paid property tax relief 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 21 YEAS, 67 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Boe; Dosch; Frantsvog; Kempenich; Strinden; Speaker Belter

Engrossed SB 2307 failed.

SECOND READING OF SENATE BILL

SB 2378: 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 for contributions to qualified community of life projects; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 67 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Boe; Dosch; Frantsvog; Kempenich; Strinden; Speaker Belter

Engrossed SB 2378 failed.

SECOND READING OF SENATE BILL

SB 2208: A BILL for an Act to amend and reenact section 12.1-30-04 of the North Dakota Century Code, relating to retail business leases and agreements and state holidays; 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 22 YEAS, 66 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Boschee; Brandenburg; Damschen; Delzer; Glassheim; Hogan; Hunskor; Koppelman, K.; Laning; Larson; Meier; Mock; Muscha; Nelson, M.; Onstad; Oversen; Paur; Pollert; Schneider; Seibel; Trottier; Wallman

NAYS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Brabandt; Carlson; Delmore; Devlin; Dockter; Fehr; Froseth; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Holman; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kiefert; Klein; Klemin; Koppelman, B.; Kreidt; Kretschmar; Lefor; Looyesen; Louser; Maragos; Martinson; Mitskog; Monson; Mooney; Nathe; Nelson, J.; Olson; Owens; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Vigesaa; Weisz; Zubke

ABSENT AND NOT VOTING: Boe; Dosch; Frantsvog; Kempenich; Strinden; Speaker Belter

SB 2208 failed.

SECOND READING OF SENATE BILL

SB 2241: A BILL for an Act to provide for a legislative management study of department of commerce satellite offices on Indian reservations.

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 25 YEAS, 63 NAYS,

0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, P.; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hogan; Holman; Hunskor; Kasper; Kelsh; Maragos; Meier; Mitskog; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Schneider; Thoreson; Wallman

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

ABSENT AND NOT VOTING: Boe; Dosch; Frantsvog; Kempenich; Strinden; Speaker Belter

Engrossed SB 2241 failed.

SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to amend and reenact section 48-01.2-02.1 of the North Dakota Century Code, relating to the bidding threshold for plans and specifications for a public improvement contract; and to provide for a legislative management study.

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 19 YEAS, 69 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, P.; Brandenburg; Delmore; Devlin; Guggisberg; Haak; Hanson; Hawken; Hogan; Maragos; Nelson, J.; Onstad; Oversen; Paur; Pollert; Schneider; Trottier; Wallman; Weisz

NAYS: Amerman; Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Carlson; Damschen; Delzer; Dockter; Fehr; Froseth; Glassheim; Hatlestad; Headland; Hofstad; 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; Martinson; Meier; Mitskog; Mock; Monson; Mooney; Muscha; Nathe; Nelson, M.; Olson; Owens; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Vigesaa; Zubke

ABSENT AND NOT VOTING: Boe; Dosch; Frantsvog; Kempenich; Strinden; Speaker Belter

Engrossed SB 2246 failed.

SECOND READING OF SENATE BILL

SB 2293: A BILL for an Act to provide for a report to the legislative management regarding rail safety.

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 34 YEAS, 55 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, D.; Anderson, P.; Beadle; Boe; Boschee; Delmore; Glassheim; Guggisberg; Haak; Hanson; Hatlestad; Hawken; Hogan; Holman; Hunskor; Keiser; Kelsh; Klemin; Kretschmar; Maragos; Martinson; Mitskog; Mock; Mooney; Muscha;

Nelson, J.; Nelson, M.; Onstad; Oversen; Sanford; Schneider; 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; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Lefor; Looyesen; Louser; Meier; Monson; Nathe; Olson; Owens; 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; Strinden; Speaker Belter

Engrossed SB 2293, as amended, failed.

SECOND READING OF SENATE BILL

SB 2367: A BILL for an Act to provide for the creation of a task force on substance exposed newborns; and to provide for a report to the legislative management.

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 73 YEAS, 14 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Becker, Rick C.; Bellew; Boehning; Brabandt; Carlson; Delzer; Froseth; Headland; Johnson, M.; Kreidt; Laning; Pollert; Streyle; Zubke

ABSENT AND NOT VOTING: Dosch; Frantsvog; Glassheim; Kempenich; Onstad; Strinden; Speaker Belter

Engrossed SB 2367, as amended, passed.

SECOND READING OF SENATE BILL

SB 2123: A BILL for an Act to amend and reenact section 49-03.1-03 of the North Dakota Century Code, relating to imposing an application fee for a certificate of public convenience and necessity by a utility other than an electric utility.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 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; Guggisberg; Haak; Hanson; 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; Muscha; 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; Vigesaa;

Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Dosch; Frantsvog; Glasheim; Kempenich; Onstad; Strinden; Speaker Belter

Engrossed SB 2123, as amended, passed.

SECOND READING OF SENATE BILL

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; 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 86 YEAS, 1 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Bellew; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Fehr; Froseth; Guggisberg; Haak; Hanson; 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; Muscha; 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; Vigesaa; Wallman; Weisz; Zubke

NAYS: Becker, Rick C.

ABSENT AND NOT VOTING: Dosch; Frantsvog; Glasheim; Kempenich; Onstad; Strinden; Speaker Belter

SB 2130, as amended, passed.

SECOND READING OF SENATE BILL

SB 2285: A BILL for an Act to amend and reenact section 34-02-01 of the North Dakota Century Code, relating to exceptions from the duty of an employer to indemnify an employee for expenses.

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 63 YEAS, 24 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Devlin; Dockter; Fehr; Froseth; Hanson; Hatlestad; Hawken; Hofstad; Johnson, D.; Kading; Karls; Kasper; Keiser; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Monson; Nathe; Nelson, J.; Olson; Owens; Paur; Porter; Ruby; Sanford; Schatz; Schreiber Beck; Seibel; Silbernagel; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Weisz; Zubke

NAYS: Amerman; Boe; Boschee; Delzer; Guggisberg; Haak; Headland; Hogan; Holman; Hunskor; Johnson, M.; Kelsh; Mock; Mooney; Muscha; Nelson, M.; Oversen; Pollert; Rohr; Schmidt; Schneider; Skarphol; Steiner; Wallman

ABSENT AND NOT VOTING: Dosch; Frantsvog; Glasheim; Kempenich; Onstad; Strinden; Speaker Belter

SB 2285, as amended, passed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4011: A concurrent resolution urging Congress to take a pro-education position, extricate the federal government from any role it has unconstitutionally usurped with respect to the education of our children, and eliminate the United States Department of Education.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 56 YEAS, 31 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Amerman; Anderson, P.; Beadle; Boe; Boschee; Delmore; Guggisberg; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Keiser; Kelsh; Klemin; Kretschmar; Martinson; Mitskog; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Oversen; Sanford; Schneider; Schreiber Beck; Silbernagel; Wallman; Zubke

ABSENT AND NOT VOTING: Dosch; Frantsvog; Glassheim; Kempenich; Onstad; Strinden; Speaker Belter

Engrossed SCR 4011, as amended, was declared adopted on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to the development of a satisfaction survey for the education standards and practices board; to provide for a legislative management study; 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 45 YEAS, 42 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, P.; Beadle; Boehning; Boschee; Carlson; Delmore; Devlin; Dockter; Guggisberg; Haak; Hanson; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Kelsh; Kiefert; Kretschmar; Larson; Lefor; Looyesen; Maragos; Martinson; Meier; Mitskog; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Oversen; Owens; Porter; Schneider; Seibel; Silbernagel; Trottier; Vigesaa; Wallman; Weisz; Zubke

NAYS: Anderson, B.; Anderson, D.; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Brabandt; Brandenburg; Damschen; Delzer; Fehr; Froseth; Hatlestad; Headland; Johnson, M.; Kading; Karls; Kasper; Keiser; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Louser; Mock; Monson; Paur; Pollert; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman

ABSENT AND NOT VOTING: Dosch; Frantsvog; Glassheim; Kempenich; Onstad; Strinden; Speaker Belter

Engrossed SB 2355, as amended, failed.

MOTION

REP. VIGESAA MOVED the final passage of all the Do Pass resolutions on the Consent Calendar, which motion prevailed.

SECOND READING OF HOUSE RESOLUTIONS ON CONSENT CALENDAR

SCR 4007: A concurrent resolution directing the Legislative Management to study the feasibility and desirability of implementing a Results First Initiative program evaluation process in North Dakota.

SCR 4012: A concurrent resolution directing the Legislative Management to study the privacy, security, and data sharing laws in North Dakota, the effectiveness of federal privacy, security, and data sharing laws and the laws of other states, the interaction of federal and state laws, and whether current privacy, security, and data sharing protections meet the reasonable expectations of the citizens of North Dakota.

SCR 4013: A concurrent resolution urging North Dakota to continue its endorsement and support of the relationship and shared interests between the people of the Republic of China (Taiwan) and the State of North Dakota.

SCR 4014: A concurrent resolution directing the Legislative Management to study reinvestment scenarios and potential priorities for legacy fund earnings.

SCR 4018: A concurrent resolution directing the Legislative Management to study the use of seclusion and restraint procedures in schools.

The question being on the final adoption of the resolutions, which have been read.

SCR 4007, SCR 4012, SCR 4013, SCR 4014, and SCR 4018 were declared adopted on a voice vote.

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

MR. PRESIDENT: The House has passed, unchanged: SB 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 House has amended and subsequently passed: SB 2096, SB 2113, SB 2171, SB 2352, SCR 4016.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2257.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2188.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1245, HB 1251, HB 1310, HB 1312.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1060, HB 1117, HB 1141, HB 1256, HB 1264, HB 1434.

SENATE AMENDMENTS TO HOUSE BILL NO. 1060

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

Page 1, line 2, after "57-38-57" insert ", and a new subsection to section 57-39.2-23"

Page 2, after line 12, insert:

"**SECTION 3.** A new subsection to section 57-39.2-23 of the North Dakota Century Code is created and enacted as follows:

9. The commissioner may provide the department of commerce information obtained through the administration of the sales tax under this chapter or the use tax under chapter 57-40.2. A request by the department of commerce for information must be in writing and must be limited to information necessary to evaluate the degree of success and compliance with statutory or contractual performance standards established for employers who received economic development assistance from this state. A request under this subsection does not require the commissioner to compile or create a record, including compiling or creating a record that does not exist from electronically stored information. Information received by the department of commerce under this subsection is not subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota and may not be disclosed by the department of commerce except in an aggregate format that does not allow the identification of a taxpayer and does not contain any information in the returns or reports filed by a taxpayer."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1117

Page 1, line 3, replace the second "section" with "sections"

Page 1, line 3, replace the second comma with "and 57-39.4-31,"

Page 1, line 6, after the comma insert "the streamlined sales tax governing board and advisory council,"

Page 4, after line 3, insert:

"**SECTION 3. AMENDMENT.** Section 57-39.4-31 of the North Dakota Century Code is amended and reenacted as follows:

57-39.4-31. Membership of streamlined sales tax governing board and ~~state and local advisory council.~~

1. ~~Two~~^{Three} members of the house of representatives and ~~two~~ members of the ~~senate, legislative assembly~~ to be appointed by the chairman of the legislative management; ~~and one member that is the tax commissioner or the tax commissioner's designee~~ shall represent ~~the~~^{this} state of North Dakota on the streamlined sales tax governing board.
2. ~~One~~ member of the house of representatives and ~~one~~ member of the senate, to be appointed by the chairman of the legislative management, shall represent the state of North Dakota on the streamlined sales tax ~~state and local advisory council.~~
3. The tax commissioner shall designate a member of the tax commissioner's staff to accompany and advise the members appointed under this section with regard to multistate discussions to review or revise the agreement or to conduct such other business as comes before the board or council.

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1141

Page 2, line 10, after "located" insert "unless the plaintiff and the defendant consent in writing to a proceeding in a different county"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1256

Page 1, line 12, after "encephalopathy" insert "caused by infection"

Page 1, line 12, remove "aneurysm."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1264

Page 1, line 2, after "officer" insert "and firefighter"

Page 1, line 7, after "officer" insert "or a firefighter"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1434

Page 1, line 11, after "Day" insert "or between two a.m. and noon on Sundays"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1101.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1101

In lieu of the amendments as printed on pages 761-764 of the Senate Journal and the amendments adopted by the Senate as printed on page 833 of the Senate Journal, Engrossed House Bill No. 1101 is amended as follows:

Page 1, line 3, remove the second "and"

Page 1, line 4, after "sections" insert "13-04.1-01.1,"

Page 1, line 4, after the second comma insert "13-04.1-09,"

Page 1, line 4, after the fourth comma insert "and"

Page 1, line 4, after the fifth comma insert "subsection 13 of section 13-09-02, sections"

Page 1, line 4, remove the sixth comma

Page 1, line 5, replace "subsection" with "subsections"

Page 1, line 5, after "1" insert "and 2"

Page 1, line 6, replace "broker licensing requirements and fees" with "brokers"

Page 1, line 6, remove "agency licensing requirements and"

Page 1, line 7, replace "fees" with "agencies"

Page 1, line 7, replace "transmitter licensing requirements" with "transmitters"

Page 1, line 7, remove "originator license"

Page 1, line 8, replace "exemptions" with "originators; and to declare an emergency"

Page 1, after line 9, insert:

"SECTION 1. AMENDMENT. Section 13-04.1-01.1 of the North Dakota Century Code is amended and reenacted as follows:

13-04.1-01.1. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Borrower" means a person or entity that seeks out, or is solicited by a money broker for the purpose of money brokering.
2. "Commissioner" means the commissioner of financial institutions.
3. "Money broker" means a person or entity who, in the ordinary course of business, engages in money brokering.
4. "Money brokering" means the act of arranging or providing loans or leases as a form of financing, or advertising or soliciting either in print, by letter, in person, or otherwise, the right to find lenders or provide loans or leases for persons or businesses desirous of obtaining funds for any purposes.
5. "Net branch" means an office at which a licensed money broker allows a separate person that does not hold a valid North Dakota money brokers license to originate loans under the license of the money broker.
6. "Net branch arrangement" means an arrangement under which a licensed money broker enters an agreement whereby its designated branch manager has the appearance of ownership of the licensee by, among other things, sharing in the profits or losses, establishing, leasing, or renting the branch premises, entering other contractual relationships with vendors such as for telephones, utilities, and advertising, having control of a corporate checkbook, or exercising control of personnel through the power to hire or fire such individuals. A person may be considered to be utilizing a net branch if the net branch agreement requires the branch manager to indemnify the licensee for damages from any apparent, express, or implied agency representation by or through the branch's actions or if the agreement requires the branch manager to issue a personal check to cover operating expenses whether or not funds are available from an operating account of the licensee.
7. "Precomputed loan" means a loan that is expressed as a sum comprising the principal and the amount of the loan finance charge computed in advance."

Page 2, after line 18, insert:

"SECTION 4. AMENDMENT. Section 13-04.1-09 of the North Dakota Century Code is amended and reenacted as follows:

13-04.1-09. Prohibited acts and practices.

It is a violation of this chapter for a person subject to this chapter to knowingly:

1. Make or cause to be made any material false statement or representation in any application or other document or statement required to be filed under any provision of this chapter, or to omit to state any material statement or fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading.
2. Directly or indirectly, employ any device, scheme, or artifice to defraud or mislead borrowers or lenders to defraud any person.
3. Directly or indirectly, make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not

- misleading in connection with the procurement or promise of procurement of any lender or loan funds.
4. Engage in any unfair or deceptive practice toward any person.
 5. Obtain property by fraud or misrepresentation.
 6. Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting.
 7. Conduct any business covered by this chapter without holding a valid license as required under this chapter, or assist or aid and abet any person in the conduct of business under this chapter without a valid license as required under this chapter.
 8. Fail to make disclosures as required by this chapter and any other applicable state or federal law and regulations.
 9. Fail to comply with this chapter or rules adopted under this chapter, or fail to comply with any other state or federal law, including the rules and regulations thereunder, applicable to any business authorized or conducted under this chapter.
 10. Make, in any manner, any false or deceptive statement or representation, including, with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan or engage in bait and switch advertising.
 11. Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the nationwide mortgage licensing system and registry or in connection with any investigation conducted by the commissioner or another governmental agency.
 12. Make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a loan or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property.
 13. Collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this chapter.
 14. Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer.
 15. Fail to truthfully account for moneys belonging to a party to a loan transaction.
 16. Conduct another business within the same office, suite, room, or place of business at which the licensee engages in money broker business unless the commissioner provides written authorization after a determination the other business is not contrary to the best interests of any borrower or potential borrower.
 17. Enter any agreement that constitutes a precomputed loan."

Page 3, after line 26, insert:

"SECTION 10. AMENDMENT. Subsection 13 of section 13-09-02 of the North Dakota Century Code is amended and reenacted as follows:

13. "Money transmission" means to engage in the business of the sale or issuance of payment instruments, stored value, or of receiving money or monetary value for transmission to a location within or outside the United States by any and all means, including wire, facsimile, or electronic transfer. Notwithstanding any other provision of law, "money transmission" also includes bill payment services not limited to the right to receive payment of any claim for another, but does not include payment processing activities conducted for a merchant under an agency relationship."

Page 4, line 23, replace "Subsection" with "Subsections"

Page 4, line 23, after "1" insert "and 2"

Page 4, line 24, replace "is" with "are"

Page 4, after line 30, insert:

- "2. The following are exempt from this chapter:
- a. Registered mortgage loan originators, when acting for an entity described in subdivision a of subsection 11 of section 13-10-02 are exempt from this chapter.
 - b. Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual.
 - c. Any individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that served as the individual's residence.
 - d. A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator.
 - e. An individual who is an employee of a federal, state, or local government agency or housing finance agency and who acts as a loan originator solely pursuant to that individual's official duties as an employee of the federal, state, or local government agency or housing finance agency in compliance with title 12, Code of Federal Regulations, part 1008, section 1008.103(e)(6).
 - f. An individual who is an employee of a bona fide nonprofit organization who acts as a loan originator solely with respect to that individual's work duties to the bona fide nonprofit organization, and who acts as a loan originator solely with respect to residential mortgage loans with terms that are favorable to the borrower in compliance with title 12, Code of Federal Regulations, part 1008, section 1008.103(e)(7).

Page 5, after line 5, insert:

"SECTION 15. EMERGENCY. Section 13 of this Act is declared to be an emergency measure."

Re-number accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (JANE SCHAIBLE, SECRETARY)
MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1195.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1258, HB 1303, HB 1465, HCR 3041.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1098, HB 1130, HB 1166, HB 1180, HB 1307, HB 1316, HB 1363, HB 1426.

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

MR. SPEAKER: Your signature is respectfully requested on: 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: HB 1098, HB 1130, HB 1166, HB 1180, HB 1307, HB 1316, HB 1363, HB 1426.

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

MR. SPEAKER: The President has signed: HB 1108, HB 1109, HB 1134, HB 1135, HB 1169, HB 1182, HB 1193, HB 1277, HB 1281, HB 1323, HB 1343, 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., Tuesday, March 24, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2025, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2025 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2109, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2109 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "20.00" with "40.00"

Page 1, line 17, overstrike "30.00" and insert immediately thereafter "50.00"

Page 1, line 18, replace "40.00" with "60.00"

Page 1, line 19, replace "50.00" with "70.00"

Page 1, line 20, overstrike "60.00" and insert immediately thereafter "80.00"

Page 1, line 21, replace "70.00" with "90.00"

Page 1, line 22, replace "80.00" with "100.00"

Page 1, line 23, replace "90.00" with "125.00"

Page 1, line 24, replace "100.00" with "150.00"

Page 2, line 1, replace "125.00" with "175.00"

Page 2, line 2, replace "150.00" with "200.00"

Page 2, line 3, replace "175.00" with "250.00"

Page 2, line 4, replace "200.00" with "300.00"

Page 2, line 5, replace "250.00" with "400.00"

Page 2, line 6, overstrike "300.00" and insert immediately thereafter "500.00"

Page 2, line 7, replace "400.00" with "1,000.00"

Page 2, line 8, remove the overstrike over "~~20,001 to 30,000~~"

Page 2, line 8, after "~~600.00~~" insert "2,000.00"

Page 2, line 9, remove the overstrike over "~~30,001 to 40,000~~"

Page 2, line 9, after "~~900.00~~" insert "3,000.00"

Page 2, line 13, remove "Over 20,000"

Page 2, line 13, remove "500.00"

Page 2, after line 13, insert "Over 40,000 5,000.00"

Page 2, line 18, after the overstruck period insert "The fees must be reduced by fifty percent after the tenth year of the manufacture of the aircraft, which is the fee each year thereafter."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2119: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2119 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of requirements for the submission of financial statements by public warehouses and grain buyers.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SUBMISSION OF FINANCIAL STATEMENTS BY PUBLIC WAREHOUSES AND GRAIN BUYERS.

During the 2015-16 interim, the legislative management shall consider studying requirements for the submission of financial statements, to the public service commission, by public warehouses and grain buyers in this state, including the time and manner in which the statements must be submitted and confidentiality protections for the information contained therein. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2148, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2148 was placed on the Sixth order on the calendar.

Page 1, line 7, after "features" insert "upon request"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2166, as engrossed: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2166 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact paragraph 40 to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against driving records; to"

Page 1, line 1, replace "section" with "sections 39-06.1-05 and 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, and sections 39-07-09 and"

Page 1, line 2, after "to" insert "authorized procedures for traffic violations, definitions of moving violations, entries against driving records, discretion for release upon promise to appear, and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 39-06.1-05 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-05. Offenses excepted.

The procedures authorized under sections 39-06.1-02 and 39-06.1-03 may not be utilized by a person charged with one of the following offenses:

1. Driving or being in actual physical control of a vehicle in violation of section 39-08-01, or an equivalent ordinance.
2. Reckless driving or aggravated reckless driving in violation of section 39-08-03, or an equivalent ordinance.
3. A violation of chapter 12.1-16 resulting from the operation of a motor vehicle.
4. Leaving the scene of an accident in violation of section 39-08-04, 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances.
5. Driving while license or driving privilege is suspended or revoked in violation of section 39-06-42, or an equivalent ordinance.
6. Violating subdivision b or c of subsection 5 of section 39-24-09.
7. ~~Operating a modified vehicle in violation of section 39-21-45.1.~~
8. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.
- 9-8. Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26.

SECTION 2. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-09. Moving violation defined.

For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22, subsection 1 of section 39-04-37, section 39-04-55, 39-06-01, 39-06-14, 39-06-14.1, 39-06-16, 39-08-20, 39-08-23, 39-08-24, 39-09-01, 39-09-01.1, 39-09-04.1, or 39-09-09, subsection 1 of section 39-12-02, section 39-12-04, 39-12-05, 39-12-06, 39-12-09, ~~39-21-45.1~~, 39-24-02, or 39-24-09, except subdivisions b and c of subsection 5 of section 39-24-09, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except subsection 5 of section 39-10-26, section 39-21-44, and ~~39-21-45.1~~, subsections 2 and 3 of section 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 3. Paragraph 40 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is created and enacted as follows:

- (40) Driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance 1 point

SECTION 4. AMENDMENT. Subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code is amended and reenacted as follows:

b. Criminal Violations Conviction of:	Points Assigned:
(1) Reckless driving in violation of section 39-08-03, or equivalent ordinance	8 points
(2) Aggravated reckless driving in violation of section 39-08-03, or equivalent ordinance	12 points
(3) Leaving the scene of an accident involving property damage in violation of section 39-08-05, 39-08-07, or 39-08-08, or equivalent ordinances	14 points
(4) Leaving the scene of an accident involving personal injury or death in violation of section 39-08-04, or equivalent ordinance	18 points
(5) Violating restrictions in a restricted license issued under section 39-06-17 and relating to the use of eyeglasses or contact lenses while driving	3 points
(6) Violating any restrictions other than those listed in paragraph 5, contained in a restricted license issued under section 39-06-17 or 39-06.1-11	4 points
(7) Knowingly driving a modified motor vehicle in violation of section 39-21-45.1, or equivalent ordinance	2 points
(8) Except as provided in paragraph 9 of subdivision a, knowingly operating an unsafe vehicle in violation of section 39-21-46, or equivalent ordinance	2 points
(9) (8) Fleeing in a motor vehicle from a peace officer in violation of section 39-10-71, or equivalent ordinance	24 points
(10) (9) Causing an accident with an authorized emergency vehicle or a vehicle operated by or under the control of the director used for maintaining the state highway system in violation of subsection 5 of section 39-10-26, or equivalent ordinance	2 points
(11) (10) Driving in violation of the conditions of an instruction permit	2 points

SECTION 5. AMENDMENT. Section 39-07-09 of the North Dakota Century Code is amended and reenacted as follows:

39-07-09. Offenses under which person halted may not be entitled to release upon promise to appear.

Section 39-07-07 does not apply to a person if:

1. The halting officer has good reason to believe the person guilty of any felony or if the person is halted and charged with an offense listed in section 39-06.1-05 but not listed in subsection 2; or
2. The halting officer, acting within the officer's discretion, determines that it is inadvisable to release the person upon a promise to appear and if the person has been halted and charged with any of the following offenses:

- a. Reckless driving.
- b. Driving in excess of speed limitations established by the state or by local authorities in their respective jurisdictions.
- c. Driving while license or driving privilege is suspended or revoked for violation of section 39-06-42, or an equivalent ordinance.
- d. ~~Operating a modified vehicle.~~
- e. Driving without liability insurance in violation of section 39-08-20.
- f.e. Failing to display a placard or flag, in violation of any rule implementing section 39-21-44, while transporting explosive or hazardous materials.
- g.f. Operating an unsafe vehicle in violation of subsection 2 of section 39-21-46.

The halting officer forthwith shall take any person not released upon a promise to appear before the nearest or most accessible magistrate."

Page 1, line 9, remove the overstrike over "seven"

Page 1, line 9, remove "ten"

Page 1, line 9, remove the overstrike over "3175.14"

Page 1, line 9, remove "4535.92"

Page 2, line 2, replace "the director's requirements" with "any other requirement applicable to a vehicle under chapter 39-21"

Page 2, line 4, overstrike "comply" and insert immediately thereafter "be branded"

Page 2, line 5, remove "the director's",

Page 2, line 5, overstrike "requirements" and insert immediately thereafter "a United States department of transportation tire identification number"

Page 2, line 6, overstrike "The maximum outside diameter permitted for tires is forty-four inches"

Page 2, overstrike line 7

Page 2, line 8, remove "(4)"

Page 2, line 14, remove the overstrike over "e."

Page 2, line 14, overstrike "The maximum lift permitted in the suspension system is four inches [10.16"

Page 2, overstrike line 15

Page 2, line 16, remove "e."

Page 2, line 16, remove "An individual"

Page 2, line 16, overstrike "charged with violating this section has the burden of"

Page 2, line 17, remove "showing"

Page 2, line 17, overstrike "that the modifications are permitted under this"

Page 2, overstrike line 18

Page 2, line 19, remove "f."

Page 2, line 21, replace "g." with "f."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2186: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2186 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2238, as reengrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2238 was placed on the Sixth order on the calendar.

Page 1, line 2, after "caskets" insert "or urns"

Page 1, line 19, remove "If the deceased was a veteran as defined"

Page 1, line 20, replace "in section 37-01-40, the" with "The"

Page 1, line 20, replace "shall" with "may"

Page 1, line 20, after "provide" insert "for the use of"

Page 1, line 20, after "casket" insert "or urn, if the deceased was a veteran as defined in section 37-01-40, unless the additional cost exceeds the negotiated expenses of this section or a surviving spouse or the nearest of kin of the deceased elects a nonmilitary casket"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2255: Transportation Committee (Rep. Ruby, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2255 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "the certificate"

Page 1, line 9, after "or" insert "a household goods carrier"

Page 1, line 9, remove the overstrike over "permit"

Page 1, line 21, overstrike "**Certificate of public convenience - "**

Page 1, line 21, after "**Temporary**" insert "**Household goods carrier**"

Page 1, line 22, remove the overstrike over "**permit**"

Page 1, line 24, overstrike "certificate of public convenience and necessity" and insert immediately thereafter "household goods carrier permit"

Page 2, line 4, replace "certificate of public convenience and necessity" with "household goods carrier permit"

Page 2, line 8, overstrike "**Certificates - "**

Page 2, line 8, remove the overstrike over "**Permits-**"

Page 2, line 9, overstrike "Certificates"

Page 2, line 9, after "and" insert "Household goods carrier"

Page 2, line 9, remove the overstrike over "permits"

Page 2, line 9, remove "of public convenience and necessity"

Page 2, line 10, overstrike "certificates"

Page 2, line 11, remove the overstrike over "permits"

Page 2, line 16, overstrike "certificate of"

Page 2, line 17, overstrike "public convenience and necessity"

Page 2, line 17, after "or" insert "household goods carrier"

Page 2, line 17, remove the overstrike over "permit"

Page 2, line 18, overstrike "certificate of public convenience and"

Page 2, line 19, overstrike "necessity" and insert immediately thereafter "household goods carrier permit"

Page 2, line 19, remove "certificate of public"

Page 2, line 20, replace "convenience and necessity" with "household goods carrier permit"

Page 2, line 23, overstrike "**certificate**"

Page 2, line 23, remove the overstrike over "**permit**"

Page 2, line 24, overstrike "certificate"

Page 2, line 24, after "or" insert "household goods carrier"

Page 2, line 24, remove the overstrike over "permit"

Page 2, line 29, overstrike "certificate" and insert immediately thereafter "household goods carrier permit"

Page 3, line 5, overstrike the first "certificate" and insert immediately thereafter "permit"

Page 3, line 5, overstrike the second "certificate" and insert immediately thereafter "permit"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2271, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2271 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "or employ" with "for"

Page 1, line 15, after the first underscored comma insert "or"

Page 1, line 15, replace "or" with "and may not"

Page 1, line 23, replace "general" with "abandoned oil and gas well plugging site reclamation"

Page 1, line 24, replace "\$660,000" with "\$400,000"

Page 2, line 2, after "program" insert ", without additional full-time employees,"

Page 2, line 2, remove "this"

Page 2, line 2, after "section" insert "1 of this Act"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2300, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2300 was placed on the Sixth order on the calendar.

Page 4, line 12, after "appointed" insert ". A majority of the members of each task force and a majority of the legislative assembly members of each task force must vote in favor of any proposed legislation before the proposed legislation may be recommended to the legislative management"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2336, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2336 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2356, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2356 was placed on the Sixth order on the calendar.

Page 1, line 1, after the second "for" insert "a"

Page 1, line 1, replace "studies of oil and gas and" with "study of"

Page 1, line 6, replace "include the consideration of" with "address the"

Page 1, line 8, after "lands" insert a comma

Page 1, remove lines 16 through 24

Page 2, remove lines 1 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2361, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2361 was placed on the Fourteenth order on the calendar.

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

Buell J. Reich, Chief Clerk