

JOURNAL OF THE HOUSE

Sixty-fourth Legislative Assembly

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Bismarck, February 2, 2015

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

The prayer was offered by Rev. Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Representatives Belter, Guggisberg, and Monson.

A quorum was declared by the Acting Speaker.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Rep. Frank Klein.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Seventeenth and Eighteenth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 276, replace lines 28 through 36 with:

Page 1, line 1, remove "subdivision a of subsection 4 of section 15.1-32-01,"

Page 1, line 4, remove "; and to provide an appropriation"

Page 1, remove lines 6 through 22

Page 2, line 3, remove "but before age"

Page 2, line 4, replace "sixty five." with "and"

Page 2, line 4, remove "Nontraumatic"

Page 2, line 5, remove "insults include anoxia, aneurysm, and encephalopathy."

Page 2, line 6, after the second underscored comma insert "encephalopathy, aneurysm."

Page 6, remove lines 26 through 30

Page 289, replace line 40 with:

"Page 1, line 16, after the period insert:

"1."

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

SIXTH ORDER OF BUSINESS

ACTING SPEAKER DEVLIN DEEMED approval of the amendments to HB 1073, HB 1137, HB 1159, HB 1188, HB 1195, HB 1213, HB 1251, HB 1315, and HB 1349.

HB 1137, as amended, was rereferred to the **Appropriations Committee**.

HB 1073, HB 1159, HB 1188, HB 1195, HB 1213, HB 1251, HB 1315, and HB 1349, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

ANNOUNCEMENT

ACTING SPEAKER DEVLIN ANNOUNCED the appointments to the House of Representatives Memorial Committee for the Sixty-fourth Legislative Assembly: Rep. Rohr, Chair; Rep Sukut; Rep Nathe; Rep. Hogan; and Rep. Holman.

MOTION

REP. VIGESAA MOVED that HB 1112 be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1112 was rereferred.

MOTION

REP. VIGESAA MOVED that HB 1244 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, HB 1244 was rereferred.

MOTION

REP. VIGESAA MOVED that HB 1214 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1270: A BILL for an Act to create and enact section 57-02-27.4 of the North Dakota Century Code, relating to when land that has undergone reclamation may be returned to agricultural assessment status; to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to when land that has undergone reclamation may be returned to agricultural assessment status; 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 27 YEAS, 64 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, P.; Boe; Boschee; Delmore; Frantsvog; Glassheim; Haak; Hanson; Hogan; Holman; Hunskor; Johnson, M.; Keiser; Kelsh; Kretschmar; Mitskog; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Schneider; Schreiber Beck; Strinden; Wallman

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

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

HB 1270 failed.

SECOND READING OF HOUSE BILL

HB 1301: A BILL for an Act to amend and reenact sections 54-52.4-02, 54-52.4-03, 54-52.4-04, and 54-52.4-05 of the North Dakota Century Code, relating to state employee family sick leave and family leave.

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 34 YEAS, 57 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boschee; Delmore; Glassheim; Haak; Hanson; Hawken; Hogan; Holman; Hunskor; Johnson, M.; Kading; Kelsh; Larson; Lefor; Maragos; Martinson; Meier; Mitskog; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Sanford; Schneider; Seibel; Strinden;

Wallman

NAYS: Anderson, B.; Anderson, D.; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Dosch; Fehr; Frantsvog; Froseth; Hatlestad; Headland; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Looyesen; Louser; Nathe; Nelson, J.; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Schatz; Schmidt; Schreiber Beck; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigesaa; Weisz; Zubke

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

Engrossed HB 1301 failed.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-39.5 of the North Dakota Century Code, relating to refunds of sales tax and farm machinery gross receipts tax paid by a resident of an adjoining state; to amend and reenact sections 57-39.2-28 and 57-39.6-02, and subdivision d of subsection 1 of section 57-40.6-14 of the North Dakota Century Code, relating to refunds of sales tax paid by Canadian residents, the alcoholic beverages gross receipts tax, and prepaid 911 fees paid by a resident of an adjoining state; to repeal subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to refunds of sales tax paid by a resident of an adjoining state; 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 36 YEAS, 55 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Brabandt; Carlson; Damschen; Delzer; Devlin; Dockter; Headland; Kading; Kiefert; Klein; Koppelman, B.; Koppelman, K.; Larson; Looyesen; Louser; Nathe; Olson; Owens; Paur; Porter; Rohr; Ruby; Schmidt; Schreiber Beck; Seibel; Silbernagel; Steiner; Streyle; Toman; Trottier; Vigesaa; Weisz

NAYS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Boe; Boschee; Brandenburg; Delmore; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Haak; Hanson; Hatlestad; Hawken; Hofstad; Hogan; Holman; Hunskor; Johnson, D.; Johnson, M.; Karls; Kasper; Keiser; Kelsh; Kempenich; Klemin; Kreidt; Kretschmar; Laning; Lefor; Maragos; Martinson; Meier; Mitskog; Mock; Mooney; Muscha; Nelson, J.; Nelson, M.; Onstad; Oversen; Pollert; Sanford; Schatz; Schneider; Skarphol; Strinden; Sukut; Thoreson; Wallman; Zubke

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

Engrossed HB 1243 failed.

SECOND READING OF HOUSE BILL

HB 1150: A BILL for an Act to amend and reenact sections 57-39.5-02, 57-39.6-02, and subsection 1 of section 57-40.6-14 of the North Dakota Century Code, relating to elimination of the sales tax exemption and creation of a farm machinery gross receipts tax exemption for purchases by residents of an adjoining state that does not impose a retail sales tax; to repeal subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to elimination of the sales tax exemption for purchases by residents of an adjoining state that does not impose a retail sales tax; 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 13 YEAS, 78 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Becker, Rick C.; Bellew; Boehning; Dockter; Headland; Koppelman, B.; Porter; Ruby; Schmidt; Seibel; Streyle; Toman; Trottier

NAYS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Haak; Hanson; Hatlestad; Hawken; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Rohr; Sanford; Schatz; Schneider; Schreiber Beck; Silbernagel; Skarphol; Steiner; Strinden; Sukut; Thoreson; Vigasaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

Engrossed HB 1150 failed.

SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to create and enact chapter 26.1-12.2 of the North Dakota Century Code, relating to conversion of a mutual property and casualty insurance company to a stock insurance company; to amend and reenact section 26.1-12.1-10 and subdivision b of subsection 12 of section 26.1-17-33.1 of the North Dakota Century Code, relating to references to demutualization of domestic mutual insurance companies; and to repeal section 26.1-12-32 of the North Dakota Century Code, relating to demutualization of domestic mutual insurance companies.

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 76 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: 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; Frantsvog; Froseth; Glassheim; Hatlestad; Hawken; Headland; Hofstad; Holman; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyen; Louser; Maragos; Martinson; Meier; Mitskog; Nathe; Nelson, J.; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Trottier; Vigasaa; Weisz; Zubke

NAYS: Amerman; Haak; Hanson; Hogan; Kelsh; Mock; Mooney; Muscha; Nelson, M.; Onstad; Oversen; Schneider; Strinden; Toman; Wallman

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

Engrossed HB 1313 passed.

SECOND READING OF HOUSE BILL

HB 1418: A BILL for an Act to amend and reenact section 47-30.1-02.1 of the North Dakota Century Code, relating to an abandoned property presumption for uncashed checks issued by the state.

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 90 YEAS,

1 NAYS, 0 EXCUSED, 3 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; Frantsvog; Froseth; Glassheim; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; 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; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke

NAYS: Kelsh

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

Engrossed HB 1418 passed.

SECOND READING OF HOUSE BILL

HB 1428: A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to state employee harassment policies.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Frantsvog; Froseth; Glassheim; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

Engrossed HB 1428 passed.

SECOND READING OF HOUSE BILL

HB 1434: A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to sales of alcohol on Sunday.

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 49 YEAS, 42 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boe; Boehning; Boschee; Brabandt; Delmore; Dockter; Glassheim; Haak; Hanson; Hawken; Headland; Hogan; Johnson, M.; Kading; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klemin; Kretschmar; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Onstad; Oversen; Ruby; Schatz; Schneider; Schreiber Beck; Streyle; Strinden; Thoreson; Wallman

NAYS: Anderson, B.; Bellew; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dosch; Fehr; Frantsvog; Froseth; Hatlestad; Hofstad; Holman; Hunskor; Johnson, D.; Karls; Klein; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Larson; Lefor; Olson; Owens; Paur; Pollert; Porter; Rohr; Sanford; Schmidt; Seibel; Silbernagel; Skarphol; Steiner; Sukut; Toman; Trottier; Vigasaa; Weisz; Zubke

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

Engrossed HB 1434 passed.

SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to a blue alert notice system; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Frantsvog; Froseth; Glassheim; 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; 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

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

Engrossed HB 1281 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1256: A BILL for an Act to amend and reenact sections 50-06.4-01, 50-06.4-02, 50-06.4-04, 50-06.4-05, 50-06.4-06, 50-06.4-07, 50-06.4-08, 50-06.4-09, 50-24.1-33, and 54-38-05, and subsection 25 of section 65-01-02 of the North Dakota Century Code, relating to the definition of brain injury.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Frantsvog; Froseth; Glassheim; 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; 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

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

Engrossed HB 1256 passed.

SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to amend and reenact subsection 2 of section 51-13-02 and section 51-13-07 of the North Dakota Century Code, relating to retail installment sales contracts; and to provide a penalty.

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 91 YEAS, 0 NAYS, 0 EXCUSED, 3 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; Frantsvog; Froseth; Glassheim; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looyesen; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Mooney; Muscha; Nathe; Nelson, J.; Nelson, M.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

Engrossed HB 1346 passed.

SECOND READING OF HOUSE BILL

HB 1067: A BILL for an Act to create and enact a new subsection to section 57-39.2-26.1, relating to allocation of revenues among political subdivisions; to provide an effective date; to provide an expiration date; and to declare an emergency.

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 84 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Frantsvog; Froseth; Glassheim; Haak; Hatlestad; Hawken; Headland; Hofstad; Hogan; Hunsakor; 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; Muscha; Nathe; Nelson, J.; Olson; Onstad; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Weisz; Zubke

NAYS: Amerman; Boe; Hanson; Holman; Mooney; Nelson, M.; Wallman

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

HB 1067 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1033: A BILL for an Act to create and enact three new sections to chapter 54-27 of the North Dakota Century Code, relating to definitions for the legacy fund, the legacy fund principal balance, and a transfer of legacy fund earnings; and to repeal section

21-10-12 of the North Dakota Century Code, relating to a definition of legacy fund earnings.

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 82 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Bellew; Boe; Boehning; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Dosch; Fehr; Frantsvog; Froseth; Haak; 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; Mitskog; Mock; Muscha; Nathe; Nelson, J.; Olson; Onstad; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schneider; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Trottier; Vigasaa; Weisz; Zubke

NAYS: Boschee; Glassheim; Hanson; Holman; Mooney; Nelson, M.; Oversen; Strinden; Wallman

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

HB 1033 passed.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to create and enact section 34-06-23 of the North Dakota Century Code, relating to the minimum wage for tipped employees.

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 27 YEAS, 63 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Guggisberg; Koppelman, B.; Monson; Speaker Belter

HB 1438 failed.

SECOND READING OF HOUSE BILL

HB 1449: A BILL for an Act to amend and reenact subsection 4 of section 54-17-07.3 of the North Dakota Century Code, relating to first-time home buyer closing assistance.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 81 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Hogan; Holman; Mitskog; Mock; Mooney; Muscha; Onstad; Oversen; Schneider

NAYS: 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; Frantsvog; Froseth; Glassheim; Haak; Hanson; Hatlestad; Hawken; Headland; Hofstad; Hunskor; Johnson, D.; Johnson, M.; Kading; Karls; Kasper; Keiser; Kelsh; Kempenich; Kiefert; Klein; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Kretschmar; Laning; Larson; Lefor; Looysen; Louser; Maragos; Martinson; Meier; Nathe; Nelson, J.; Nelson, M.; Olson; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schatz; Schmidt; Schreiber Beck; Seibel; Silbernagel; Skarphol; Steiner; Streyle; Strinden; Sukut; Thoreson; Toman; Trottier; Vigasaa; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

HB 1449 failed.

SECOND READING OF HOUSE BILL

HB 1297: A BILL for an Act to repeal sections 29-01-20 and 29-01-21 of the North Dakota Century Code, relating to the procedure for the disposition of property held by a peace officer.

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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Boe; Brandenburg; Kempenich; Owens; Schatz; Skarphol

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

HB 1297 passed.

SECOND READING OF HOUSE BILL

HB 1329: A BILL for an Act to amend and reenact section 21-10-01 of the North Dakota Century Code, relating to the membership of the state investment board.

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, 45 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Becker, Rick C.; Bellew; Boehning; Brabandt; Brandenburg; Carlson; Delzer; Devlin; Dockter; Fehr; Frantsvog; Froseth; Hatlestad; Headland; Hofstad; Kading; Kasper; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Lefor; Looysen; Louser; Meier; Nelson, J.; Nelson, M.; Olson; Oversen; Owens; Paur; Pollert; Porter; Rohr; Ruby; Sanford; Schmidt; Seibel; Skarphol; Steiner; Streyle; Sukut; Thoreson; Toman; Vigasaa

NAYS: Amerman; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boschee; Damschen; Delmore; Dosch; Glassheim; Haak; Hanson; Hawken; Hogan; Holman; Hunsakor; Johnson, D.; Johnson, M.; Karls; Keiser; Kelsh; Kiefert; Klein; Klemin; Kretschmar; Laning; Larson; Maragos; Martinson; Mitskog; Mock; Mooney; Muscha; Nathe; Onstad; Schatz; Schneider; Schreiber Beck; Silbernagel; Strinden; Trotter; Wallman; Weisz; Zubke

ABSENT AND NOT VOTING: Guggisberg; Monson; Speaker Belter

HB 1329 failed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2088, SB 2167, SB 2179, SB 2255.

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 2237.

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 Ninth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, February 3, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1062: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1062 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1094: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1094 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to prohibiting executive branch elected officials from establishing nonprofit foundations and public corporations.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

Nonprofit foundations and public corporations - Prohibition.

An elected statewide official in the executive branch of government may not establish in that official's capacity as an elective officer a nonprofit foundation or public corporation to perform any governmental function."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1194: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). HB 1194 was placed on the Sixth order on the calendar.

Page 1, line 19, after "bank" insert "or credit union"

Page 3, line 4, after "bank" insert "or credit union"

Page 3, line 16, after "bank" insert "or credit union"

Page 3, line 17, after "bank" insert "or credit union"

Page 3, line 18, after "bank" insert "or credit union"

Page 3, line 24, after "bank" insert "or a credit union"

Page 3, line 25, after "bank" insert "or credit union"

Page 3, line 27, after "bank" insert "or credit union"

Page 3, line 28, after "bank" insert "or credit union"

Page 4, line 8, after "bank" insert "or credit union"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1208: 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). HB 1208 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "for a period of at least six"

Page 1, line 10, replace "years, who" with an underscored comma

Page 1, line 10, remove the second "who"

Page 1, line 11, after "of" insert "a"

Page 1, line 11, after "is" insert ", at the completion of that individual's term of service,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1236: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1236 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1246: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1246 was placed on the Sixth order on the calendar.

Page 2, line 14, remove "All comparisons must include, as part of the"

Page 2, replace lines 15 through 17 with:

"All comparisons must be in terms of total compensation paid in dollars. Weighting factors may not be used to reduce or increase the value of total compensation when making comparisons. The total compensation comparison must include all contributions paid by the employer and employee in terms of dollars and must include the cost of all benefits paid."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1268: Political Subdivisions Committee (Rep. Klemin, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1268 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 regarding taxation of state sovereign lands.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TAXATION OF SOVEREIGN LANDS. During the 2015-16 interim, the legislative management shall consider studying the boundary changes of state sovereign lands due to frequent or substantial changes in water levels and the effect these boundary changes have on the taxation of sovereign lands. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1309: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1309 was placed on the Sixth order on the calendar.

Page 1, line 3, after the first comma insert "section 16.1-08.1-03.9,"

Page 1, line 3, after "16.1-08.1-03.13" insert ", 16.1-08.1-06,"

Page 7, after line 20, insert:

"SECTION 6. AMENDMENT. Section 16.1-08.1-03.9 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.9. Contribution statements of judicial district candidates or a candidate committee for a judicial district candidate.

1. A judicial district candidate or a candidate committee for a judicial district candidate shall make and file a statement in accordance with this section. The candidate or candidate committee shall include in the statement:
 - a. The name and mailing address of all contributors who made contributions in excess of two hundred dollars in the aggregate for the purpose of influencing the nomination for election, or election, of the candidate;
 - b. The aggregated amount of the contributions from each listed contributor;
 - c. The date the last contribution was received from each listed contributor;
 - d. The gross total of all contributions received in excess of two hundred dollars;
 - e. The gross total of all contributions received of two hundred dollars, or less; and
 - f. The cash on hand in the filer's account at the start and close of the reporting period.
2. A candidate or a candidate committee described in this section shall file a statement with the secretary of state no later than the thirty-second day before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes. The reporting period for each of these statements is from the beginning

of that calendar year through the fortieth day before the date of the election.

3. A candidate or a candidate committee described in this section shall also be required to file a complete year-end statement with the secretary of state no later than the thirty-first day of January in the year immediately following the date of the election in which the candidate's name appeared on the ballot or in which the candidate sought election through write-in votes. Even if the candidate or candidate committee has not received any contributions in excess of two hundred dollars during the reporting period, the candidate or candidate committee shall file a statement as required by this section.
4. A candidate or a candidate committee described in this section shall be required to file a year-end statement with the secretary of state, regardless of whether the candidate sought election during that calendar year.
5. ~~A statement required by this section to be filed with the secretary of state must be:~~
 - a. ~~Deemed properly filed when deposited with or delivered to the secretary of state within the prescribed time. A statement that is mailed is deemed properly filed when it is postmarked and directed to the secretary of state within the prescribed time. If the secretary of state does not receive a statement, a duplicate of the statement must be promptly filed upon notice by the secretary of state of its nonreceipt.~~
 - b. ~~Preserved by the secretary of state for a period of four years from the date of filing. The statement is to be considered a part of the public records of the secretary of state and must be open to public inspection."~~

Page 9, line 8, after "measure" insert "or referendum"

Page 10, after line 11, insert:

"SECTION 9. AMENDMENT. Section 16.1-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-06. Contributions and expenditure statement requirements.

1. Any statement required by this chapter to be filed with the secretary of state must be:
 - a. ~~Deemed properly filed when~~Filed electronically delivered to with the secretary of state and must be within the prescribed time and in the format established by the secretary of state. If the secretary of state does not receive a statement, ~~an electronic~~ duplicate of the statement must be promptly filed upon notice by the secretary of state of its nonreceipt. After a statement has been filed, the secretary of state may request or accept written clarification along with an amended statement from a candidate, political party, or political committee filing the statement when discrepancies, errors, or omissions on the statement are discovered by the secretary of state, the candidate, political party, or political committee filing the statement, or by any interested party reciting a lawful reason for requesting clarification and an amendment be made. When requesting an amended statement, the secretary of state shall establish a reasonable period of time, not to exceed ten days, agreed to by the candidate, political party, or political committee, for filing the amended statement with the secretary of state.

- b. Preserved by the secretary of state for a period of ten years from the date of filing. The statement is to be considered a part of the public records of the secretary of state's office and must be open to public inspection on the internet.
2. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated to report an overall total contribution for the purposes of the statements required by this chapter. Aggregate contributions must reference the date of the most recent contribution. Contributions made separately by different persons from joint accounts are considered separate contributions for reporting purposes.
3. Any statement and data filed electronically with the secretary of state must be made available on the internet to the public free of charge within twenty-four hours after filing.
4. ~~Unless otherwise provided by law, any candidate, political party, committee, or person may not be charged a fee for filing any statement with the secretary of state under this chapter."~~

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1334: 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). HB 1334 was placed on the Sixth order on the calendar.

Page 1, line 2, after "electric" insert "motor"

Page 1, line 6, after "electric" insert "motor"

Page 1, line 7, after the second "a" insert "motor"

Page 1, line 8, replace "two" with "one"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1364: 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). HB 1364 was placed on the Sixth order on the calendar.

Page 1, line 7, after the second "of" insert "providing transportation services to veterans or for"

Page 1, line 7, after the second "for" insert "the provision of"

Page 1, line 7, replace the third "for" with "to"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1372: Government and Veterans Affairs Committee (Rep. Kasper, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1372 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1431: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1431 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HCR 3003: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)
recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).
HCR 3003 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

SB 2103: A BILL for an Act to provide an appropriation to the state treasurer for allocations to counties, cities, school districts, and townships; to provide an appropriation to the department of transportation for state highway projects; to provide for a transfer; and to declare an emergency.

Was read the first time and referred to the **Appropriations Committee**.

SB 2159: A BILL for an Act to authorize the state board of higher education and the state board of agricultural research and education to convey certain real property in Stark County owned by the state of North Dakota; to authorize the state board of higher education and the state board of agricultural research and education to acquire certain real property in Stark County; to provide a continuing appropriation; and to declare an emergency.

Was read the first time and referred to the **Appropriations Committee**.

SB 2177: A BILL for an Act to provide for an appropriation to defray the expenses of the department of human services for the modification of the department's eligibility systems; to provide an exemption; and to declare an emergency.

Was read the first time and referred to the **Appropriations Committee**.

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

Buell J. Reich, Chief Clerk

