

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, March 23, 2015

The Senate convened at 1:00 p.m., with President Wrigley presiding.

The prayer was offered by Pastor Lisa Ahlness, Western ND Synod, Evangelical Lutheran Church in America, Bismarck.

The roll was called and all members were present except Senator Nelson.

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. KLEIN rose on a point of personal privilege.

REMARKS OF SENATOR KLEIN

MR. PRESIDENT: Title town has moved east. On Saturday the Rugby Panthers, under the direction of Coach Mike Santjen, won the State Class B Boys Basketball Championship.

It was a great game that could have gone either way, but at the end, the hard work and determination helped pull the Panthers ahead and bring their team to victory with a crowd of nearly 11,000 fans cheering on their teams.

The Panthers, playing before a sea of orange garbed fans, revenged a runner-up spot last year behind the leadership of Brad Heidlebaugh, the Senior forward who scored 23 of Rugby's 54 points. Heidlebaugh, along with two other Panthers, Zach Miller and Tanner Barnhardt, were named to the All-Tournament Team. Heidlebaugh was named tournament MVP and also received the Mr. Basketball Award of which he said, "I just play through my teammates, they deserve all the credit in the world".

Congratulations Rugby Panthers on a super season going 25-2 and winning the State Class B Boys Basketball Championship.

REQUEST

SEN. HOGUE REQUESTED that the remarks of Sen. Klein be printed in the Journal, which request was granted.

MOTION

SEN. KLEIN MOVED that HB 1284 be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, HB 1284 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1158: SEN. ARMSTRONG (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 869 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

HB 1158 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1360, as engrossed: SEN. CASPER (Transportation Committee) MOVED that the amendments on SJ page 870 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1360 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1081: SEN. ARMSTRONG (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 868 be adopted and then be **REREFERRED** to the

Appropriations Committee with DO PASS, which motion prevailed on a voice vote.

HB 1081 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1254, as engrossed: SEN. UNRUH (Finance and Taxation Committee) MOVED that the amendments on SJ pages 869-870 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1206, as engrossed: SEN. RUST (Transportation Committee) MOVED that the amendments on SJ pages 869-870 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1462, as engrossed: SEN. UNRUH (Finance and Taxation Committee) MOVED that the amendments on SJ pages 870-871 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1283: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to parental directives; and to provide an expiration date.

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 31 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Burckhard; Casper; Cook; Davison; Dotzenrod; Flakoll; Grabinger; Heckaman; Holmberg; Kilzer; Krebsbach; Laffen; Lee, J.; Marcellais; Mathern; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Triplett; Unruh; Wardner; Warner

NAYS: Anderson; Bekkedahl; Bowman; Campbell; Carlisle; Dever; Erbele; Hogue; Klein; Larsen; Lee, G.; Luick; Miller; Sorvaag; Wanzek

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1283, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1202: A BILL for an Act to amend and reenact section 34-14-09.2 of the North Dakota Century Code, relating to withholding of awarded paid time off; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1202, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1384: A BILL for an Act to create and enact chapter 26.1-26.7 of the North Dakota Century Code, relating to portable electronics insurance.

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1384, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1096: A BILL for an Act to amend and reenact subsection 4 of section 61-04-01.1, sections 61-04-06.2, 61-04-09, and 61-04-31, and subdivision i of subsection 2 of section 61-04.1-16 of the North Dakota Century Code, relating to the definition of domestic water use, the term and inspection of a water permit, reservation of waters, and weather modification permits.

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 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Marcellais; Mathern; Miller; Murphy; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Anderson; Bekkedahl; Larsen; Luick; O'Connell

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1096 passed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Rust

ABSENT AND NOT VOTING: Nelson

HB 1391 passed.

SECOND READING OF HOUSE BILL

HB 1184: A BILL for an Act to provide for a legislative management study regarding the practice of veterinary medicine in this state.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Anderson

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1184 passed.

SECOND READING OF HOUSE BILL

HB 1032: A BILL for an Act to amend and reenact section 57-51-15 of the North Dakota Century Code, relating to the abandoned oil and gas well plugging and site reclamation fund; and to provide a contingent effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1032 passed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Erbele; Wanzek

NAYS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1318 failed.

SECOND READING OF HOUSE BILL

HB 1389: A BILL for an Act to provide for a legislative management study relating to verification of citizenship status for voting and for obtaining driver's licenses and nondriver photo identification cards.

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1389 passed.

SECOND READING OF HOUSE BILL

HB 1356: A BILL for an Act to amend and reenact subdivision c of subsection 17 of section 20.1-02-05, sections 20.1-02-28 and 20.1-05-02 of the North Dakota Century Code, relating to depredation prevention by landowners.

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

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

HB 1356 passed.

SECOND READING OF HOUSE BILL

HB 1114: A BILL for an Act to amend and reenact section 23-29-03, subsection 3 of section 23-29-05.1, and section 23-29-12 of the North Dakota Century Code, relating to solid waste management; to repeal sections 23-29-09 and 23-29-16 of the North Dakota Century Code, relating to solid waste management correspondence and environmental protection; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1114 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3009: A concurrent resolution urging Congress to pass H.R. 5078 or otherwise address the concerns of the agriculture industry, water development industry, and water management industry, in defining the "waters of the United States" in the Clean Water Act.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3009 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3031: A concurrent resolution designating the third week in June as "North Dakota Share the Road Safety Week".

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3031 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3034: A concurrent resolution urging Congress to authorize a compact agreement between member states and contiguous states of the Western States Transportation Alliance to lift the federal freeze on commercial vehicle weight and size limitations.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3034 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

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

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3032 was declared adopted on a voice vote.

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.

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.

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: 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.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2096

Page 5, line 14, replace "December 31, 2016" with "June 30, 2017"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2113

Page 2, line 8, remove "A surviving spouse who has become ineligible for the exemption under subsection 1"

Page 2, remove lines 9 through 11

Page 2, line 12, remove "4."

Page 2, line 13, remove "or a surviving spouse seeking to regain eligibility under"

Page 2, line 14, remove "subsection 3"

Page 2, line 21, remove the overstrike over "4."

Page 2, line 21, remove "5."

Page 2, line 25, remove the overstrike over "5."

Page 2, line 25, remove "6."

Page 2, line 27, remove the overstrike over "6."

Page 2, line 27, remove "7."

Page 2, line 29, replace "8." with "7."

Page 3, line 3, replace "9." with "8."

Page 3, line 10, replace "10." with "9."

Page 3, line 16, replace "11." with "10."

Page 3, line 20, replace "12." with "11."

Page 3, line 24, replace "13." with "12."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2171

Page 1, line 17, after "general" insert an underscored comma

Page 1, line 17, after "electrical" insert an underscored comma

Page 1, line 17, remove the underscored comma

Page 1, line 18, remove the underscored comma

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2352

Page 1, line1, replace "section" with "sections"

Page 1, line1, after "39-10-47" insert "and 39-10-48"

Page 1, line 2, remove the semicolon

Page 1, line 2, remove "to amend and reenact section 39-10-48 of the"

Page 1, line 3, remove "North Dakota Century Code, relating to"

Page 2, after line 9, insert:

"5. The decision and method used to remove a vehicle or any personal property, or cause a vehicle or any personal property to be removed, is a discretionary decision under this section. In the event of a public necessity, a police officer, an employee of the department of transportation, or an employee of a political subdivision authorized by a police officer may take an action that may damage a vehicle or property removed under this section."

Page 3, after line 19, insert:

"6. The decision and method used to remove a vehicle or any personal property, or cause a vehicle or any personal property to be removed, is a discretionary decision under this section. In the event of a public necessity, a police officer, an employee of the department of transportation, or an employee of a political subdivision authorized by a police officer may take an action that may damage a vehicle or property removed under this section."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4016

Page 2, line 1, after "resolution" insert ", via certified mail return receipt requested,"

Page 2, line 3, replace the period with "; and"

Page 2, after line 3, insert:

"BE IT FURTHER RESOLVED, that the Sixty-fourth Legislative Assembly urges Congress and the President of the United States to direct the federal Food and

Drug Administration to review and update the Compassionate Care application process so a greater number of terminally ill patients may benefit."

Renumber accordingly

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

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

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2257

Page 1, line 3, remove "to provide an appropriation;"

Page 1, line 4, after the first semicolon insert "and"

Page 1, line 4, remove "; and to declare an emergency"

Page 2, line 18, overstrike "multifamily"

Page 2, line 27, overstrike "multifamily"

Page 4, remove lines 15 through 20

Page 4, line 22, after "2017" insert ", and are thereafter ineffective"

Page 4, remove line 24

Renumber accordingly

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.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2188

Page 1, line 11, overstrike "two" and insert immediately thereafter "six"

Renumber accordingly

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 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: 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.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on March 23, 2015, I have signed the following: SB 2056, SB 2179, and SB 2191.

MOTION

SEN. KLEIN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until

1:00 p.m., Tuesday, March 24, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1106, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1106 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 issues relating to criminal defendants who are veterans or who are currently serving in the armed forces.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. CRIMINAL JUSTICE ISSUES RELATING TO DEFENDANTS WHO ARE VETERANS OR SERVING IN ARMED FORCES - LEGISLATIVE MANAGEMENT STUDY.

1. The legislative management shall consider studying, during the 2015-16 interim, issues related to criminal defendants who are veterans or who are currently serving in the armed forces, including:
 - a. Whether additional treatment and sentencing options should be considered if a defendant is suspected to have posttraumatic stress disorder or other behavioral health conditions;
 - b. Whether the additional treatment and sentencing options should apply to both misdemeanor and felony offenses and, if applied to misdemeanor offenses, the impact those additional cases would have on the courts and the department of corrections and rehabilitation;
 - c. The point in the criminal proceeding at which the inquiry regarding the defendant's behavioral health condition should be made; and
 - d. What steps the state needs to take to ensure that veterans and other armed forces personnel with posttraumatic stress disorder or other behavioral health conditions are best handled in the state's criminal justice system.
2. 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 1138, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1138 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1197, as engrossed: Agriculture Committee (Sen. Miller, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1197 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "longer than thirty years"

Page 1, line 10, remove "state"

Page 1, line 11, remove "state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1211, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1211 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1237, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1237 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1338, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1338 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1347: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1347 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1372, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1372 was placed on the Sixth order on the calendar.

Page 1, line 5, after the third comma insert "and out of any moneys in the environment and rangeland protection fund in the state treasury, the sum of \$25,000,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1373, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1373 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1387, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1387 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact section 54-06-14.5 of the North Dakota Century Code, relating to state employee use of sick leave and annual leave; and to"

Page 1, line 1, replace "section" with "sections"

Page 1, line 1, after "54-21-18" insert "and 54-52.4-03"

Page 1, line 2, after "for" insert "pregnant employees and"

Page 1, line 2, after "infants" insert "and state employee use of sick leave"

Page 1, after line 3 insert:

"SECTION 1. Section 54-06-14.5 of the North Dakota Century Code is created and enacted as follows:

54-06-14.5. Use of sick leave and annual leave - Birth or adoption - Family leave priority.

1. During the first six weeks following birth or placement, an employer shall grant an employee's request to use up to one hundred sixty hours of sick leave under section 54-06-14 to care for the employee's newborn child or

to care for a child placed with the employee, by a child-placing agency licensed under chapter 50-12, for adoption or placed with the employee as a precondition to adoption under section 14-15-12, but not both. The employer shall compensate the employee for leave used by the employee under this subsection on the same basis as the employee would be compensated if the leave had been taken due to the employee's illness, medical needs, or health needs. This subsection does not prevent an employee from using sick leave for the employee's illness, medical needs, or health needs following the birth of a child or from using leave under section 54-52.4-03.

2. If an employee requests to use annual leave under section 54-06-14 for any of the reasons identified under subsection 1 of section 54-52.4-02, the employer shall give priority to the request."

Page 1, line 7, after "**for**" insert "**pregnant employees and**"

Page 2, replace lines 3 through 9 with:

- "3. The office of management and budget shall provide to a state employee a temporary permit or some other means that allow that employee to park on the capitol grounds in any parking area in which a member of the public is allowed to park, if the state employee is pregnant and employed by a state agency housed on the capitol grounds or if the state employee is allowed by a state agency housed on the capitol grounds to bring an infant to work. This subsection does not authorize a state employee to park in an emergency or fire zone, in parking for the mobility impaired, or in a zone for which another permit is required. The special parking authorized under this subsection expires when the employee is no longer pregnant or no longer authorized to bring an infant to work.

SECTION 3. AMENDMENT. Section 54-52.4-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52.4-03. Use of other available leave for care of parent, spouse, or child.

An employer that provides leave for its employees for illnesses or other medical or health reasons shall grant an employee's request to use that leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition. An employee may take ~~eightyfour hundred eighty~~ hours of leave under this section in any twelve-month period and, ~~upon approval of the employee's supervisor and pursuant to rules adopted by the director of the office of management and budget, the employee may take, in any twelve-month period, up to an additional ten percent of the employee's accrued sick leave to care for the employee's child, spouse, or parent if the child, spouse, or parent has a serious health condition.~~ The employer shall compensate the employee for leave used by the employee under this section on the same basis as the employee would be compensated if the leave had been taken due to the employee's own illness."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1432, as reengrossed: Agriculture Committee (Sen. Miller, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1432 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 four new sections to chapter 4-01 of the North Dakota Century Code, relating to federal environmental legislation and regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors; to provide for a transfer; to provide for a continuing appropriation; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Federal environmental law impact review committee.

1. The federal environmental law impact review committee consists of:
 - a. The agriculture commissioner, who shall serve as the chairman;
 - b. The governor or the governor's designee;
 - c. The majority leader of the house of representatives, or the leader's designee;
 - d. The majority leader of the senate, or the leader's designee;
 - e. One member of the legislative assembly from the minority party, selected by the chairman of the legislative management;
 - f. One individual appointed by the lignite energy council;
 - g. One individual appointed by the North Dakota corn growers association;
 - h. One individual appointed by the North Dakota grain growers association;
 - i. One individual appointed by the North Dakota petroleum council;
 - j. One individual appointed by the North Dakota soybean growers association; and
 - k. One individual appointed by the North Dakota stockmen's association.
2. The committee shall review federal environmental legislation and regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors and advise the attorney general with respect to participation in administrative or judicial processes pertaining to such legislation or regulations.

SECTION 2. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Environmental impact - Cost of participation.

1. If the attorney general elects to participate in an administrative or judicial process, as recommended by the review committee under section 1 of this Act, any expenses incurred by the attorney general in the participation must be paid by the agriculture commissioner from the federal environmental law impact review fund.
2. For purposes of this section, "expenses" include consulting fees, research costs, expert witness fees, attorney fees, and travel costs.

SECTION 3. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Gifts - Grants - Donations.

The agriculture commissioner may accept gifts, grants, and donations for the purposes set forth in section 2 of this Act, provided the commissioner posts the amount and source of any gifts, grants, and donations on the department of

agriculture's website. Any moneys received in accordance with this section must be deposited in the federal environmental law impact review fund.

SECTION 4. A new section to chapter 4-01 of the North Dakota Century Code is created and enacted as follows:

Federal environmental law impact review fund - Continuing appropriation.

1. The federal environmental law impact review fund consists of:
 - a. Any moneys appropriated or transferred for the purposes set forth in section 2 of this Act; and
 - b. Any gifts, grants, and donations forwarded to the agriculture commissioner for the purposes set forth in section 2 of this Act.
2. All moneys in the federal environmental law impact review fund are appropriated to the commissioner on a continuing basis for the purposes set forth in section 2 of this Act.

SECTION 5. APPROPRIATION - TRANSFER - FEDERAL ENVIRONMENTAL LAW IMPACT REVIEW FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much of the sum as may be necessary, which sum the office of management and budget shall transfer to the federal environmental law impact review fund, for the purpose of funding the state's participation in administrative or judicial processes based on federal environmental legislation or regulations that detrimentally impact or have the potential to detrimentally impact the state's agricultural, energy, or oil production sectors, for the biennium beginning July 1, 2015, and ending June 30, 2017. The office of management and budget shall transfer sums under this section at the time and in the amount directed by the agriculture commissioner."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1441, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1441 was placed on the Sixth order on the calendar.

Page 1, line 2, after "states" insert ", called pursuant to article V of the United States Constitution,"

Page 1, line 3, remove "; and to provide a penalty"

Page 1, line 7, remove "**- Penalty**"

Page 1, line 8, replace "an interstate" with "a"

Page 1, line 8, after "convention" insert "of the states"

Page 1, line 10, replace the first "the" with "this"

Page 1, line 22, remove the second underscored comma

Page 2, line 6, remove the second "the"

Page 2, line 10, after "assembly" insert an underscored comma

Page 2, line 11, after "text" insert an underscored comma

Page 2, line 11, remove the underscored comma

Page 2, line 13, replace "on" with "upon"

Page 2, line 14, after "convention" insert an underscored comma

Page 2, line 17, after "assembly" insert an underscored comma

Page 2, line 17, remove the underscored comma

Page 2, line 18, replace "on" with "upon"

Page 2, line 21, after "assembly" insert an underscored comma

Page 2, remove line 31

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1469, as engrossed: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1469 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-04.2-04 of the North Dakota Century Code, relating to conditions for public transportation funding.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-04.2-04 of the North Dakota Century Code is amended and reenacted as follows:

39-04.2-04. Distribution of funds - Continuing appropriation.

1. Moneys in the public transportation fund must be disbursed under guidelines issued by the director. The funds must be used by transportation providers to establish and maintain public transportation, especially for the elderly and handicapped, and may be used to contract to provide public transportation, as matching funds to procure money from other sources for public transportation and for other expenditures authorized by the director. If a transportation provider receives funds from the public transportation fund, that transportation provider shall provide transportation to a disabled veteran at no charge if the transportation is within a funded transportation program, the disabled veteran qualifies for United States department of veterans' affairs health care benefits, and the disabled veteran otherwise qualifies for the funded transportation program. Moneys in the public transportation fund are appropriated to the department of transportation on a continuing basis for distributions authorized under this section.
2. Each county shall receive a base amount of four-tenths of one percent of the appropriation for the program plus one dollar and fifty cents per capita of population in the county, based upon the latest regular or special official federal census. Each year the director shall increase or decrease the one dollar and fifty cents per capita amount in order to distribute all funds appropriated for the biennium. If there are multiple transportation providers in one county, ~~then~~ the base amount must be divided equally among the providers and the additional per capita amount must be based upon the percentage of elderly and handicapped ridership provided by each transportation provider within the county. Funds not expended by a county during a contract period, or previous contract periods, may be redistributed under guidelines established by the director. In addition, unexpended funds may also be used by the director for transit coordination purposes."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3014: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3014 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3015: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HCR 3015 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3016, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3016 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3017, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3017 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3045: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3045 was placed on the Fourteenth order on the calendar.

The Senate stood adjourned pursuant to Senator Klein's motion.

Jane Schaible, Secretary