

JOURNAL OF THE SENATE**Sixty-fifth Legislative Assembly**

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Bismarck, February 22, 2017

The Senate convened at 10:00 a.m., with President Sanford presiding.

The prayer was offered by Reverend Gretchen Deeg, United Church of Christ, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. ARMSTRONG MOVED that the Senate do concur in the House amendments to Engrossed SB 2302 as printed on SJ page 593, which motion prevailed on a voice vote.

Engrossed SB 2302 as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2302: A BILL for an Act to amend and reenact sections 12-60-05 and 12-1-29-07, subsection 1 of section 29-06-05.2, and sections 54-12-01.1 and 54-12-28 of the North Dakota Century Code, relating to appointment of ad hoc special agents, the offender education program, authority for federal law enforcement officers to make arrests, online publication of eminent domain information, and twenty-four seven program records and statistics; to repeal section 19-03.1-44 of the North Dakota Century Code, relating to a drug use status and trends report; to provide a penalty; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Reengrossed SB 2302, as amended, passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to create and enact sections 19-24-14, 19-24-15, 19-24-16, 19-24-17, 19-24-18, 19-24-19, 19-24-20, 19-24-21, 19-24-22, 19-24-23, 19-24-24, 19-24-25, 19-24-26, 19-24-27, 19-24-28, 19-24-29, 19-24-30, 19-24-31, 19-24-32, 19-24-33, 19-24-34, 19-24-35, 19-24-36, 19-24-37, 19-24-38, 19-24-39, 19-24-40, and 19-24-41 of the North Dakota Century Code, relating to implementation of the North Dakota Compassionate Care Act to authorize medical marijuana; to amend and reenact sections 19-24-01, 19-24-02, 19-24-03, 19-24-04, 19-24-05, 19-24-06, 19-24-07, 19-24-08, 19-24-09, 19-24-10, 19-24-11, 19-24-12, and 19-24-13 of the North Dakota Century Code, relating to implementation of the North Dakota Compassionate Care Act to authorize medical marijuana; to provide a report to the legislative management; to provide a penalty; to provide a continuing appropriation; and to declare an emergency.

MOTION

SEN. O. LARSEN MOVED that Engrossed SB 2344 be amended as follows.

Page 1, line 4, remove "and"

Page 1, line 4, after "19-24-41" insert ", and 19-24-42"

Page 54, line 21, after "e." insert "A designation as to whether a qualifying patient or designated caregiver under subdivision d is authorized to grow the plant of the genus cannabis as provided under section 19-24-42:

f."

Page 54, line 22, replace "f." with "g."

Page 54, line 24, replace "g." with "h."

Page 54, line 26, replace "h." with "i."

Page 54, line 27, replace "i." with "j."

Page 55, line 24, replace "A" with "Except as otherwise provided under section 19-24-42, a"

Page 75, line 27, after the underscored comma insert "cultivation."

Page 75, line 30, after the first underscored comma insert "cultivation."

Page 76, line 4, after the first underscored comma insert "cultivation."

Page 76, line 8, after the second underscored comma insert "cultivation."

Page 76, line 12, after the first underscored comma insert "cultivation."

Page 82, after line 11, insert:

"SECTION 42. Section 19-24-42 of the North Dakota Century Code is created and enacted as follows:

19-24-42. Cultivation of marijuana by a registered qualifying patient or registered designated caregiver.

1. If the residence of a registered qualifying patient who is authorized to use the dried leaves or flowers of the plant of the genus cannabis is more than forty miles [64.37 kilometers] from the nearest dispensary, that qualifying patient or that qualifying patient's registered designated caregiver may grow the plant of the genus cannabis for the use of that registered qualifying patient.
2. A registered qualifying patient or registered qualifying caregiver authorized to grow under this section may grow no more than eight plants of the genus cannabis, but may not exceed the allowable amount of usable marijuana for medical use. A plant grown under this section must be grown in an enclosed, locked facility, which may not be located within one thousand feet [604.80 meters] of a property line of a pre-existing public or private school.
3. Before a registered qualifying patient or registered qualifying caregiver grows the plant of the genus cannabis under this section, the patient or caregiver shall give local law enforcement a notice of intent to grow. The department shall establish the notice requirements under this subsection.
4. A registered qualifying patient or registered caregiver may not grow the plant of the genus cannabis under this section, unless that individual's registry identification card designates that individual as authorized to grow under this section."

Renumber accordingly

REQUEST

SEN. O. LARSEN REQUESTED a verification vote on the motion to adopt the proposed amendments to Engrossed SB 2344, which request was granted.

The proposed amendments to Engrossed SB 2344 failed on a verification vote.

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 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, J.; Luick; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Hogue; Larsen, O.; Lee, G.; Marcellais; Mathern; Piepkorn

ABSENT AND NOT VOTING: Davison

Engrossed SB 2344 passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2024: SEN. KILZER (Appropriations Committee) MOVED that the amendments on SJ pages 598-600 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. HECKAMAN REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2024, the roll was called and there were 37 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Erbele; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson

ABSENT AND NOT VOTING: Davison

The proposed amendments to SB 2024 were adopted on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to amend and reenact subsection 2 of section 23-12-10.4, subsection 2 of section 54-27-25, and subsection 1 of section 54-59-22.1 of the North Dakota Century Code, relating to smoking prohibited signage, the tobacco settlement trust fund, and required use of centralized desktop support services; to repeal chapter 23-42 of the North Dakota Century Code, relating to the tobacco prevention and control program; to provide an effective date; and to declare an emergency.

MOTION

SEN. MATHERN MOVED that Engrossed SB 2024 be amended as follows.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation for defraying the expenses of the comprehensive tobacco control advisory committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the tobacco prevention and control trust fund, not otherwise appropriated, to the comprehensive tobacco control advisory committee for the purpose of defraying the expenses of the committee, for the biennium beginning July 1, 2017, and ending June 30, 2019.

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Comprehensive tobacco control	<u>\$16,548,039</u>	<u>\$3,200,000</u>	<u>\$19,748,039</u>
Total special funds	\$16,548,039	\$3,200,000	\$19,748,039
Full-time equivalent positions	8.00	0.00	8.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2024 - Tobacco Prevention & Control Exec Comm - Senate Action

	<u>Base Budget</u>	<u>Senate Changes</u>	<u>Senate Version</u>
Comprehensive tobacco control	<u>\$16,548,039</u>	<u>\$3,200,000</u>	<u>\$19,748,039</u>
Total all funds	\$16,548,039	\$3,200,000	\$19,748,039
Less estimated income	<u>16,548,039</u>	<u>3,200,000</u>	<u>19,748,039</u>
General fund	\$0	\$0	\$0
FTE	8.00	0.00	8.00

Department No. 305 - Tobacco Prevention & Control Exec Comm - Detail of Senate Changes

	<u>Adds Funding for a Cessation Program¹</u>	<u>Total Senate Changes</u>
Comprehensive tobacco control	<u>\$3,200,000</u>	<u>\$3,200,000</u>
Total all funds	\$3,200,000	\$3,200,000
Less estimated income	<u>3,200,000</u>	<u>3,200,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ Funding is added for a cessation program. The Comprehensive Tobacco Control Advisory Committee may assume the duties of administering the cessation program or provide funding to the State Department of Health to continue the program. This funding, provided from the tobacco prevention and control trust fund, is intended to replace cessation funding provided to the State Department of Health from the community health trust fund.

REQUEST

SEN. GRABINGER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2024, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2024, the roll was called and there were 9 YEAS, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson

NAYS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Erbele; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

The proposed amendments to Engrossed SB 2024 failed on a recorded roll call vote.

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Casper; Clemens; Cook; Dever; Erbele; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Campbell; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson

ABSENT AND NOT VOTING: Davison

Engrossed SB 2024 passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2004: SEN. KILZER (Appropriations Committee) MOVED that the amendments on SJ pages 593-598 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact subsection 1 of section 54-27-25 of the North Dakota Century Code, relating to the tobacco settlement trust fund; to repeal chapter 23-38 of the North Dakota Century Code, relating to the community health grant program; and to declare an emergency.

MOTION

SEN. MATHERN MOVED that Engrossed SB 2004 be amended as follows.

Page 1, line 4, after the semicolon insert "to provide for a legislative management report;"

Page 4, after line 3, insert:

"SECTION 10. TOBACCO PROGRAM - INDEPENDENT REVIEW AND REPORT TO LEGISLATIVE MANAGEMENT. By July 31, 2017, the state department of health shall develop a statewide tobacco prevention and control plan that is consistent with the five components of centers of disease control and prevention best practices for comprehensive tobacco control programs. At least once during the biennium, the state department of health shall provide for an independent review to evaluate the effectiveness of the plan and its implementation and shall report the results of the review to the legislative management."

Renumber accordingly

REQUEST

SEN. MATHERN REQUESTED a verification vote on the motion to adopt the proposed amendments to Engrossed SB 2004, which request was granted.

The proposed amendments to Engrossed SB 2004 failed on a verification vote.

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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Grabinger; Marcellais; Mathern; Robinson

ABSENT AND NOT VOTING: Davison

Engrossed SB 2004 passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2044, as engrossed: SEN. UNRUH (Appropriations Committee) MOVED that the amendments on SJ pages 600-601 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to create and enact a new section to chapter 6-09 and a new section to chapter 54-03 of the North Dakota Century Code, relating to dynamic fiscal impact analysis of select economic development incentives and bills introduced by the legislative assembly and the creation of a dynamic fiscal impact bill selection committee; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Reengrossed SB 2044 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2302.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2302.

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

MR. PRESIDENT: The Speaker has signed: SB 2302.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The President has signed: SB 2302.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on February 22, 2017: SB 2302.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Sanford presiding.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Thirty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 498, line 18, remove "HB 1045,"

Page 498, after line 34 insert:

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

MR. PRESIDENT: The House has passed, the emergency clause failed, and your favorable consideration is requested on: HB 1045."

SEN. ANDERSON MOVED that the report be adopted, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2314: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2314 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 49-22-07 of the North Dakota Century Code, relating to a temporary moratorium on the siting of new wind energy conversion facilities; to provide for a legislative management study; to provide an effective date; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-22-07 of the North Dakota Century Code is amended and reenacted as follows:

49-22-07. Certificate of site compatibility or route permit required.

1. A utility may not begin construction of an energy conversion facility or transmission facility in the state without first having obtained a certificate of site compatibility or a route permit from the commission pursuant to this chapter. The facility must be constructed, operated, and maintained in conformity with the certificate or permit and any terms, conditions, or modifications of the certificate or permit. A certificate or permit may be transferred, subject to the approval of the commission, to any person who agrees to comply with its terms, conditions, and modifications.
2. If a power emergency exists which necessitates the relocation of a portion of an electric transmission line and associated facilities from the designated route, the owner of the line shall give telephonic notice to the commission in advance of the relocation. The line may then be relocated to restore power as soon as practicable. After the line has been relocated, the owner shall file with the commission a request to approve the relocated route.
3. Notwithstanding any other provision of this chapter, the commission may not approve any application for a certificate of site compatibility for a wind energy conversion facility until August 1, 2019, unless the commission determines additional generation is needed for consumers in this state.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - STATE ENERGY

PLAN. During the 2017-19 interim, the legislative management shall consider studying the long-term energy plan for the state. The study must include consideration of multiple energy sources including coal, wind, and hydroelectric energy sources; analysis of the sustainability and reliability of various energy sources; an assessment of how the present tax environment affects the availability of energy from various sources; and the distribution of revenue from energy sources. The study must consider the needs of the state, political subdivisions, and industry when assessing various energy sources. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly.

SECTION 3. EFFECTIVE DATE - EXPIRATION DATE. Section 1 of this Act is effective August 1, 2017, through August 1, 2019, and after that date is ineffective."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2314: SEN. COOK (Energy and Natural Resources Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. COOK REQUESTED that the Senate divide the amendments to SB 2314, which request was granted.

DIVISION A: Section 2

DIVISION B: Sections 1 and 3

The question being the adoption of Division A of the proposed amendments to SB 2314, the motion passed on a voice vote.

Division A of the proposed amendments to SB 2314 was adopted on a voice vote.

The question being the adoption of Division B of the proposed amendments to SB 2314, the motion failed on a voice vote.

Division B of the proposed amendments to SB 2314 failed on a voice vote.

Therefore, the question being on the motion to adopt the amendments to SB 2314, which consists of Division A only, the proposed amendments were adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to provide for a legislative management study of a long-term energy plan for 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Dever; Marcellais; Mathern; Piepkorn

ABSENT AND NOT VOTING: Davison

Engrossed SB 2314 passed.

REPORT OF STANDING COMMITTEE

SB 2342: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "One member of the senate and one member of the public, appointed by the"

Page 1, remove lines 11 through 17

Page 1, line 18, replace "e." with "One member of the senate and one member of the house of representatives appointed by the chairman of the legislative management. One legislator must be a member of the majority party and one legislator must be a member of the minority party;

b."

Page 1, line 18, after "The" insert "executive"

Page 1, line 18, after "services" insert a comma

Page 1, line 18, remove "a designee of"

Page 1, line 18, replace the second "director" with "executive director's designee"

Page 1, line 19, replace "f." with "c."

Page 1, line 19, replace "an agency" with "a children's advocacy center or similar organization"

Page 1, line 19, replace "leads the collaboration of" with "assists in"

Page 1, line 21, after the first "the" insert "executive"

Page 1, line 22, replace "g." with "d."

Page 1, line 23, after the first "the" insert "executive"

Page 1, line 24, replace "h." with "e."

Page 1, line 24, after "instruction" insert a comma

Page 1, line 24, replace "a designee of the superintendent" with "the superintendent's designee"

Page 2, remove line 1

Page 2, line 2, replace "j." with "f."

Page 2, remove line 3

Page 2, line 4, replace "Dakota united" with:

"g. The executive director of the Indian affairs commission, or the executive director's designee"

Page 2, line 5, replace "2." with "3. The executive director of the department of human services, or the executive director's designee, shall convene the task force."

Page 2, line 7, replace "3." with "4."

Page 2, line 14, replace "4." with "5."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2342: SEN. HECKAMAN (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2342: A BILL for an Act to provide for the creation of a task force on the prevention of sexual abuse of children; and to provide 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed SB 2342 passed.

REPORT OF STANDING COMMITTEE

SB 2166: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 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 40-05 of the North Dakota Century Code, relating to approval of property tax incentives granted by a city; to amend and reenact subsection 7 of section 40-57.1-03, section 40-58-20.2, subsection 2 of section 40-63-01, and subsection 3 of section 54-35-26 of the North Dakota Century Code, relating to approval of property tax incentives granted by a city and evaluation of economic development tax incentives; to provide for a legislative management study; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 40-05 of the North Dakota Century Code is created and enacted as follows:

Duties of cities granting property tax incentives.

1. Notwithstanding any other provision of law, before granting a property tax incentive on any parcel of property that is anticipated to receive a property tax incentive for more than five years, the governing body of a city shall send the chairman of each county commission and the president of each school district affected by the property tax incentive a letter, by certified mail, which provides notice of the terms of the proposed property tax incentive.
2. Within thirty days from receipt of the letter, each affected county and school district shall notify the city, in writing, whether the county or school district elects to participate in granting the tax incentive on the county or school district portion of tax levied on the property. The notification from a county or school district electing not to participate must include a letter explaining any reason for which the entity elected not to participate and

whether the county or school district is willing to negotiate the terms of the property tax incentive with the city.

3. If the city does not receive a response from an affected county or school district within thirty days of delivery of the letter, the county and school district must be treated as participating in the property tax incentive.
4. The term "negotiation" as used in this section means the governing body of an affected county or school district may negotiate the terms of participating in the tax incentive, including the duration of the tax incentive and the taxable value selected for the base year for purposes of computing tax instruments.
5. If an agreement is reached through negotiation under this section, the property tax incentive must be applied in accordance with the agreement.

SECTION 2. AMENDMENT. Subsection 7 of section 40-57.1-03 of the North Dakota Century Code is amended and reenacted as follows:

7. During the negotiation and deliberation of a property tax exemption or the option to make payments in lieu of taxes under this chapter, a municipality shall include, as nonvoting ex officio members of its governing body, a representative appointed by the school board of each school district affected by the proposed action and a representative appointed by the board of township supervisors of each township affected by the proposed action. Before granting a property tax incentive on any parcel of property that is anticipated to receive a property tax incentive for more than five years, the governing body of a city must comply with the requirements in section 1 of this Act.

SECTION 3. AMENDMENT. Section 40-58-20.2 of the North Dakota Century Code is amended and reenacted as follows:

40-58-20.2. Tax increment financing proposal - Public hearing - Invitation to representatives of affected taxing districts.

1. Before approval of a development or renewal plan for any development or renewal area under section 40-58-20, the governing body of the municipality shall conduct a public hearing on the proposal. The governing body shall provide invitations to participate in the public hearing to the governing body of each county, school district, and park district within the development or renewal area. At a minimum, the governing body of the municipality shall provide the following information at the public hearing:
 - 1- a. The anticipated costs of development of property to be reimbursed by tax incentives.
 - 2- b. The anticipated annual revenue from tax increments which will be received to complete the development or renewal plan.
 - 3- c. The anticipated date when the plan will be completed, the costs will be fully paid, and the tax increments will be released.
 - 4- d. The estimate of the dollars annually attributable to the levies from each taxing entity which will be credited to the tax increment fund.
2. Before granting a property tax incentive on any parcel of property that is anticipated to receive a property tax incentive for more than five years, the governing body of the municipality must comply with the requirements in section 1 of this Act.

SECTION 4. AMENDMENT. Subsection 2 of section 40-63-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Development plan" means a written plan that addresses the criteria in subsection 1 of section 40-63-03 and includes the following:
 - a. A map of the proposed renaissance zone which indicates the geographic boundaries and blocks, a description of the properties and structures on each block, identification of those properties and structures to be targeted for potential zone projects, and a description of the present use and conditions of the targeted properties and structures.
 - b. A description of the existing physical assets, in particular natural or historical assets, of the zone and a plan for the incorporation and enhancement of the assets within the proposed development.
 - c. An outline of goals and objectives and proposed outcomes, including major milestones or benchmarks, by which to gauge success resulting from the designation of the zone.
 - d. A description of the types of projects the city would encourage in the city's targeted properties.
 - e. A description of the promotion, development, and management strategies to maximize investment in the zone.
 - f. A plan for the development, promotion, and use of a renaissance fund organization, if one is desired to be established. If a city is not ready to commit to establishing a renaissance fund organization, the city may indicate in the renaissance zone application the city's desire to submit a plan for approval at a later date.
 - g. Evidence of community support and commitment from residential and business interests. Evidence of community support must include letters of support from the governing bodies of each county and school district that contain property located within the boundaries of the proposed renaissance zone.

SECTION 5. AMENDMENT. Subsection 3 of section 54-35-26 of the North Dakota Century Code is amended and reenacted as follows:

3. The legislative management interim committee assigned the study responsibility under this section may examine economic development tax incentives, shall complete analysis of the ~~state-imposed tax aspects of the incentives~~ it designates for analysis during the interim, and shall approve a plan to provide that each of the economic development tax incentives listed in this subsection is subject to a complete analysis within each six-year period. The interim committee may include in its recommendations any amendments to this section, including amendments to add or remove incentives from the list of incentives subject to analysis under this subsection. Analysis must be completed for ~~state-imposed tax aspects of~~ economic development tax incentives, including each of the following:
 - a. Renaissance zone credits and exemptions.
 - b. Research expense credit.
 - c. Agricultural commodity processing facility investment credit.
 - d. Biodiesel fuel production facility construction or retrofit credit, biodiesel fuel blending credit, and biodiesel fuel equipment credit.
 - e. Seed capital investment credit.
 - f. Wage and salary credit.

- g. Internship program credit.
- h. Microbusiness credit.
- i. Angel fund investment credit.
- j. Workforce recruitment credit.
- k. Soybean or canola crushing facility construction or retrofit credit.
- l. Manufacturing automation equipment credit.
- m. New or expanding business exemption.
- n. Manufacturing and recycling equipment sales tax exemption.
- o. Coal severance and conversion tax exemptions.
- p. Oil and gas gross production and oil extraction tax exemptions.
- q. Fuel tax refunds for certain users.
- r. New jobs credit from income tax withholding.
- s. ~~Any economic development tax incentive created by the sixty-fourth legislative assembly~~ Development or renewal area incentives.
- t. Sales and use tax exemption for materials used to construct a fertilizer or chemical processing facility.
- u. Sales and use tax exemption for materials used in compressing, gathering, collecting, storing, transporting, or injecting carbon dioxide for use in enhanced recovery of oil or natural gas.
- v. Sales and use tax exemption for enterprise information technology equipment and computer software used in a qualified data center.

SECTION 6. LEGISLATIVE MANAGEMENT STUDY - PROPERTY TAX IMPACTS FROM CITY GROWTH AND DEVELOPMENT. During the 2017-18 interim, the legislative management shall consider studying how city growth and infill development affects property taxes, and evaluate the return on investment for state and community projects. The study must examine various policies affecting city development patterns, including the impact of transfer payments between state and local governments; the cost of government services and infrastructure, including future liability; the amount of tax revenue generated per increment of assumed liability for downtown areas; and whether certain areas of a city generate more revenue than expenses while other areas generate more expenses than revenue. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly.

SECTION 7. EFFECTIVE DATE. Sections 1 through 4 of this Act are effective for property tax incentives approved after December 31, 2017."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2166: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2166: A BILL for an Act to create and enact a new section to chapter 40-05 of the North Dakota Century Code, relating to approval of property tax incentives granted by a city; to amend and reenact subsection 7 of section 40-57.1-03, section 40-58-20.2,

subsection 2 of section 40-63-01, and subsection 3 of section 54-35-26 of the North Dakota Century Code, relating to approval of property tax incentives granted by a city and evaluation of economic development tax incentives; to provide for a legislative management study; 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 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Holmberg; Kannianen; Kilzer; Klein; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Luick; Marcellais; Meyer; Myrdal; Osland; Piepkorn; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Hogue; Krebsbach; Lee, J.; Mathern; Nelson; Oban; Oehlke; Robinson

ABSENT AND NOT VOTING: Davison

Engrossed SB 2166 passed.

SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act to repeal section 15.1-21-15 of the North Dakota Century Code, relating to the electronic course delivery approval process.

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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

HB 1051 passed.

SECOND READING OF HOUSE BILL

HB 1086: A BILL for an Act to amend and reenact subsection 5 of section 65-05-08.1, subsection 1 of section 65-05-09.1, section 65-05-28, subsection 2 of section 65-05-33, and section 65-05.1-06.3 of the North Dakota Century Code, relating to notice to treating doctor, social security offset, criminal offense for filing of false claim, and vocational rehabilitation pilot program reports; to provide a penalty; and to provide for application.

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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

HB 1086 passed.

SECOND READING OF HOUSE BILL

HB 1099: A BILL for an Act to amend and reenact subsection 3 of section 19-03.5-01 of the North Dakota Century Code, relating to the definition of controlled substance.

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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

HB 1099 passed.

SECOND READING OF HOUSE BILL

HB 1092: A BILL for an Act to amend and reenact sections 43-04-26, 43-04-31, 43-04-32, 43-04-33, 43-04-35, 43-04-36, 43-04-39, 43-04-42, and 43-04-45 of the North Dakota Century Code, relating to the repeal of apprentice barbering requirements; and to repeal sections 43-04-22, 43-04-23, 43-04-28, 43-04-29, and 43-04-34 of the North Dakota Century Code, relating to the repeal of apprentice barbering requirements.

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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

HB 1092 passed.

SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to amend and reenact section 43-04-07 of the North Dakota Century Code, relating to per diem for board of barber examiners board members.

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 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen;

Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Armstrong; Larsen, O.

ABSENT AND NOT VOTING: Davison

HB 1094 passed.

SECOND READING OF HOUSE BILL

HB 1087: A BILL for an Act to create and enact section 43-06-16.1 of the North Dakota Century Code, relating to certified chiropractic clinical assistants; to amend and reenact subdivision hh of subsection 2 of section 12-60-24 and sections 43-06-01, 43-06-04.1, 43-06-07, 43-06-09.1, 43-06-11.1, 43-06-15, and 43-06-19 of the North Dakota Century Code, relating to chiropractic; 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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed HB 1087 passed.

SECOND READING OF HOUSE BILL

HB 1088: A BILL for an Act to create and enact a new section to chapter 32-12.2 of the North Dakota Century Code, relating to data breach response and remediation costs.

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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

HB 1088 passed.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act to amend and reenact subsection 10 of section 43-42-01 and sections 43-42-03 and 43-42-05 of the North Dakota Century Code, relating to respiratory care and polysomnographic licensure.

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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed HB 1093 passed.

SECOND READING OF HOUSE BILL

HB 1095: A BILL for an Act to amend and reenact sections 30.1-01-06 and 30.1-28-03, subsection 3 of section 30.1-28-04, subdivision d of subsection 1 of section 30.1-28-09, section 30.1-29-01, subsection 2 of section 30.1-29-04, subsection 1 of section 30.1-29-05, sections 30.1-29-07 and 30.1-29-08, subsection 2 of section 30.1-29-14, and section 30.1-29-19 of the North Dakota Century Code, relating to guardianship and conservatorship proceedings.

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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Davison

Engrossed HB 1095 passed.

SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to create and enact subsection 10 to section 55-08-05 of the North Dakota Century Code, relating to advertising sales in parks and recreation publications.

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; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Davison

HB 1089 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2003, SB 2291.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, unchanged: HB 1109, HB 1117, HB 1118, HB 1127, HB 1131, HB 1135.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1112, HB 1125, HB 1132.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1121.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2021, SB 2206, SB 2253, SB 2263, SB 2313, SB 2316, SB 2326.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1040, HB 1126, HB 1128, HB 1170, HB 1181, HB 1195, HB 1199, HB 1201, HB 1217, HB 1221, HB 1228, HB 1255, HB 1269, HB 1359, HB 1392, HB 1397, HB 1419, HB 1425.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1041, HB 1055, HB 1124, HB 1169, HB 1273, HB 1282, HB 1310, HB 1336, HB 1390, HB 1430, HB 1431, HB 1433, HB 1435.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HCR 3011, HCR 3015.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1279, HB 1352.

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

MR. PRESIDENT: The House has passed, the emergency clause failed, and your favorable consideration is requested on: HB 1322.

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

MR. PRESIDENT: The House has passed, the emergency clause failed, and your favorable consideration is requested on: HB 1389.

REPORT OF STANDING COMMITTEE

HB 1101: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1101 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1104: Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1104 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1105, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1105 was placed on the Fourteenth order on the calendar.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Thursday, February 23, 2017, which motion prevailed.

FIRST READING OF HOUSE BILLS

HB 1040: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to an evidence-based alcohol and drug education program; to amend and reenact subsection 3 of section 5-01-08 of the North Dakota Century Code, relating to a penalty for individuals under twenty-one years of age using alcoholic beverages or entering licensed premises; to provide for a report; and to provide an appropriation to the department of human services.

Was read the first time and referred to the **Human Services Committee**.

HB 1041: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to presumptive probation; to amend and reenact sections 12-44.1-32, 12-54.1-01, 12-59-08, 12.1-17-13, and 12.1-23-05, subsection 2 of section 12.1-32-02, subsections 3 and 6 of section 12.1-32-07, section 19-03.1-22.3, subsection 1 of section 19-03.1-22.5, subsections 5 and 7 of section 19-03.1-23, subdivision a of subsection 1 of section 19-03.1-23.1, section 19-03.4-03, subdivision f of subsection 5 of section 39-08-01, section 43-45-06, subsection 17 of section 50-06-05.1, and section 50-09-29 of the North Dakota Century Code, relating to sentence reduction credit, medical paroles, domestic violence offender treatment, grading of theft offenses, credit for time spent in custody, terms and conditions of probation, controlled substances and controlled substance paraphernalia, addiction counseling services, and the supplemental nutrition assistance program; to provide a penalty; to provide for the creation of a pretrial services program pilot project within the department of corrections and rehabilitation; to provide a report to the legislative management; and to provide for a report to the legislative assembly.

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

HB 1055: A BILL for an Act to amend and reenact section 61-16.1-16 of the North Dakota Century Code, relating to the aggregate total outstanding revenue bond indebtedness limit for water resource districts.

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

HB 1124: A BILL for an Act to amend and reenact sections 60-02.1-28 and 60-04-02 of the North Dakota Century Code, relating to a public warehouse or grain buyer licensee insolvency.

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

HB 1126: A BILL for an Act to amend and reenact sections 60-02-09, 60-02-17, 60-02-35, 60-02-38, 60-02-40, 60-02.1-08, 60-02.1-26, 60-02.1-28, 60-02.1-32, 60-02.1-35, 60-02.1-37, 60-02.1-38, 60-04-02, 60-04-04, 60-04-07, 60-04-09, 60-04-10, and 60-10-09 of the North Dakota Century Code, relating to public warehouse and grain buyer licensing and insolvencies of public warehouses and grain buyers; and to repeal sections 60-02-39 and 60-02.1-25, of the North Dakota Century Code, relating to warehouse closures.

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

HB 1128: A BILL for an Act to create and enact a new subsection to section 39-01-01 and section 39-06-14.2 of the North Dakota Century Code, relating to the definition of primary source identity document and driver's license central identity management; and to amend and reenact sections 39-06-01, 39-06-03.1, 39-06-07.1, and 39-06-18, subsection 5 of section 39-06-19, and sections 39-06-20 and 39-06.2-08 of the North Dakota Century Code, relating to operator's license and nondriver identification card criteria, license renewals, notice of change of address or name, and the application for commercial driver's license.

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

HB 1169: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code, relating to carrying a handgun; to amend and reenact sections 62.1-04-02 and 62.1-04-04 of the North Dakota Century Code, relating to carrying concealed firearms or dangerous weapons; and

to provide a penalty.

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

HB 1170: A BILL for an Act to create and enact chapter 29-31.2 of the North Dakota Century Code, relating to criminal forfeitures; to amend and reenact subsection 4 of section 4-24-12, subsection 4 of section 5-01-16, sections 12.1-06.1-05 and 12.1-06.1-06, subsection 7 of section 12.1-23-16, subsection 4 of section 12.1-28-02, section 19-03.1-36, subsection 1 of section 27-20-03, sections 39-03-18, 39-08-01.3, 39-30-04, 40-11-13, 54-12-14, and 57-36-14, subsection 2 of section 57-36-33, section 62.1-01-02, and subsection 2 of section 62.1-05-01 of the North Dakota Century Code, relating to forfeiture remedies, forfeiture of property, forfeiture funds of motor vehicles, forfeitures for violation of ordinances, seizure procedures, and forfeiture procedures; and to repeal sections 19-03.1-36.1, 19-03.1-36.2, 19-03.1-36.3, 19-03.1-36.4, 19-03.1-36.5, 19-03.1-36.6, 19-03.1-36.7, and 28-01-20, and chapters 29-31.1 and 32-14 of the North Dakota Century Code, relating to forfeiture proceedings, forfeiture disposition, seizure and transfer of forfeitable property, and actions to recover forfeitures.

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

HB 1181: A BILL for an Act to amend and reenact sections 17-04-01, 17-04-03, and 17-04-05 of the North Dakota Century Code, relating to termination of wind option agreements, wind easements, and wind energy leases.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

HB 1195: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to imprisonment of minors; and to provide a penalty.

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

HB 1199: A BILL for an Act to create and enact subsection 5 to section 61-33-01 of the North Dakota Century Code, relating to the definition of subsurface minerals; and to amend and reenact subsection 3 of section 61-33-01 of the North Dakota Century Code, relating to the definition of sovereign lands.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

HB 1201: A BILL for an Act to create and enact a new subsection to section 47-16-13.1 of the North Dakota Century Code, relating to landlord responsibilities regarding carbon monoxide detection devices; to amend and reenact section 23-13-15, subdivision d of subsection 1 of section 47-16-13.1, and subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating to the installation of carbon monoxide and smoke detection devices; to provide a penalty; and to provide an effective date.

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

HB 1217: A BILL for an Act to amend and reenact sections 2-05-11 and 2-05-11.3 of the North Dakota Century Code, relating to aircraft registration.

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

HB 1221: A BILL for an Act to create and enact chapter 29-29.5 of the North Dakota Century Code, relating to the use of confidential informants by law enforcement.

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

HB 1228: A BILL for an Act to create and enact sections 59-04.2-03.1 and 59-09-04.1, chapter 59-10.1, section 59-14-05, and chapters 59-16.1, 59-16.2, and 59-16.3 of the North Dakota Century Code, relating to actions to contest the validity of a trust, trust decanting, and directed trustees; to amend and reenact sections 47-02-27.4, 59-04.2-03, and 59-16-13 of the North Dakota Century Code, relating to exclusions from the rule against perpetuities and a trustee's duty to inform; to repeal sections 59-14-01, 59-14-04, and 59-16-08 of the North Dakota Century Code, relating to the capacity of a settlor of a revocable trust, actions contesting the validity of a trust, and powers to direct a trustee; and to provide for retroactive application.

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

HB 1255: A BILL for an Act to create and enact a new chapter to title 24 and a new subsection to section 39-12-05.3 of the North Dakota Century Code, relating to the creation of a large truck primary highway network and the permitting of increased

vehicle weights.

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

HB 1269: A BILL for an Act to amend and reenact subsections 1 and 5 of section 19-03.1-23 of the North Dakota Century Code, relating to mandatory sentences; and to provide a penalty.

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

HB 1273: A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at a public gathering.

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

HB 1279: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm; and to declare an emergency.

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

HB 1282: A BILL for an Act to provide for reports to the legislative management; and to provide for a legislative management study regarding agricultural commodity groups.

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

HB 1310: A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

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

HB 1322: A BILL for an Act to create and enact section 58-18-08 of the North Dakota Century Code, relating to township bonding authority.

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

HB 1336: A BILL for an Act to provide for limitations of penalties for environmental audits.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

HB 1352: A BILL for an Act to amend and reenact sections 24-03-23, 39-26-02, 39-26-04, 39-26-06, 39-26-07, 39-26-08, and 47-30.1-23 of the North Dakota Century Code, relating to custody and disposition of abandoned motor vehicles and deposit of funds; to provide for a continuing appropriation; and to declare an emergency.

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

HB 1359: A BILL for an Act to create and enact a new section to chapter 39-03 of the North Dakota Century Code, relating to disabled and vulnerable elderly adults and minors who have developmental disabilities who are reported missing.

Was read the first time and referred to the **Human Services Committee**.

HB 1389: 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.

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

HB 1390: A BILL for an Act to create and enact a new section to chapter 11-11 and section 61-32-03.2 of the North Dakota Century Code, relating to a limitation on county authority and subsurface water management on land that qualifies for prevented planting insurance coverage; to amend and reenact sections 61-16-07, 61-16-08, and 61-16-09 and subsection 8 of section 61-16.1-09 of the North Dakota Century Code, relating to water resource district board members and subsurface water management projects; and to provide for a legislative management study.

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

HB 1392: A BILL for an Act to to amend and reenact section 14-09-00.1 and subsection 1 of section 14-09-29 of the North Dakota Century Code, relating to a presumption of equal parenting time and responsibility; and to provide for a legislative management

study.

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

HB 1397: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to the introduction of bills by executive branch agencies and the judicial branch.

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

HB 1419: A BILL for an Act to provide an appropriation for a firearm safety program.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

HB 1425: A BILL for an Act to protect the rights and privileges granted under the United States Constitution.

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

HB 1430: A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to failure to maintain control of a motor vehicle; to amend and reenact subsection 2 of section 39-06.1-06 and sections 39-06.1-09 and 39-08-23 of the North Dakota Century Code, relating to fees for a moving violation and the use of a wireless communication device while driving; and to provide a penalty.

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

HB 1431: A BILL for an Act to amend and reenact section 54-35-02.8 of the North Dakota Century Code, relating to the legislative ethics committee.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1433: A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to the direct sale of food by the producer to a consumer; to amend and reenact sections 19-07-01 and 36-24-06 of the North Dakota Century Code, relating to the sale and production of animal-based products.

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

HB 1435: A BILL for an Act to amend and reenact section 21-03-11 of the North Dakota Century Code, relating to school bond issue elections.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3011: A concurrent resolution extending appreciation to the President of the United States for expediting the approval of the easement required for the completion of the Dakota Access Pipeline, and requesting the federal government reimburse the state of North Dakota for all expenses incurred as a result of the Dakota Access Pipeline protests and permitting delays.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

HCR 3015: A concurrent resolution declaring the fourth Saturday in July of each year as "Day of the American Cowboy".

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

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

Shanda Morgan, Secretary