

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

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**Bismarck, January 30, 2019**

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

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

The roll was called and all members were present except Senators Holmberg and J. Roers.

A quorum was declared by the President.

**MOTION**

**SEN. KLEIN MOVED** that SB 2348 be moved to the bottom of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2177:** A BILL for an Act to amend and reenact sections 36-21.2-05 and 36-21.2-06 of the North Dakota Century Code, relating to due process and accounting for animals to be seized.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

Engrossed SB 2177 passed.

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**SECOND READING OF SENATE BILL**

**SB 2232:** A BILL for an Act to amend and reenact sections 40-55-09 and 57-15-12 of the North Dakota Century Code, relating to levy authority for city public recreation systems and general fund levy limitations in park districts; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

SB 2232 passed.

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**SECOND READING OF SENATE BILL**

**SB 2292:** A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfer of municipal court cases to district court.

**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, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Dotzenrod; Luick; Marcellais

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

SB 2292 failed.

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**SECOND READING OF SENATE BILL**

**SB 2259:** A BILL for an Act to amend and reenact section 32-15-22 of the North Dakota Century Code, relating to the valuation of property for just compensation.

**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 20 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Davison; Dotzenrod; Grabinger; Heckaman; Hogan; Hogue; Kannianen; Larsen, O.; Lee, G.; Lee, J.; Marcellais; Mathern; Myrdal; Oban; Oehlke; Piepkorn; Robinson; Vedaa; Wanzek

**NAYS:** Anderson; Bekkedahl; Burckhard; Clemens; Cook; Dever; Dwyer; Elkin; Erbele; Fors; Klein; Krebsbach; Kreun; Larson, D.; Luick; Meyer; Osland; Patten; Poolman; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wardner

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

SB 2259 failed.

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**SECOND READING OF SENATE BILL**

**SB 2252:** A BILL for an Act to amend and reenact sections 13-08-01 and 13-08-12 of the North Dakota Century Code, relating to deferred presentment service transaction fees; 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 NOT PASS, the roll was called and there were 6 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Heckaman; Hogan; Marcellais; Mathern; Robinson

**NAYS:** Anderson; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Hogue; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

SB 2252 failed.

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#### **SECOND READING OF SENATE BILL**

**SB 2142:** A BILL for an Act to create and enact chapter 15.1-39 of the North Dakota Century Code, relating to the establishment of an education savings account program.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Burckhard; Larsen, O.; Larson, D.

**NAYS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Kannianen; Klein; Krebsbach; Kreun; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

SB 2142 failed.

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#### **SECOND READING OF SENATE BILL**

**SB 2323:** A BILL for an Act to amend and reenact sections 43-13-19, 43-13-20, 43-13-21.1, 43-13-22, and 43-13-26.1 of the North Dakota Century Code, relating to optometry licenses; and to repeal section 43-13-23, 43-13-24, 43-13-25, 43-13-26, and 43-13-32 of the North Dakota Century Code, relating to the state board of optometry.

#### **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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Holmberg; Roers, J.

SB 2323 passed.

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#### **SECOND READING OF SENATE BILL**

**SB 2336:** A BILL for an Act to amend and reenact section 57-51.1-02 of the North Dakota Century Code, relating to the oil extraction tax rate; and to provide an effective date.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Dotzenrod; Grabinger; Heckaman; Hogan; Marcellais; Mathern; Oban; Piepkorn; Robinson

**NAYS:** Anderson; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Patten; Poolman; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Roers, J.

SB 2336 failed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2061, SB 2089, SB 2304, SCR 4003.

**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 2357.

**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 1143, HB 1188, HB 1199, HB 1312, HB 1367, HB 1387, HB 1404.

**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 1439.

**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 1501.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, January 31, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2045: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 54-52.2 of the North Dakota Century Code, relating to contributions to the deferred compensation plan; and to"

Page 1, line 17, remove "health"

Page 3, line 17, replace "an" with "any"

Page 4, after line 19, insert:

**"SECTION 4.** A new section to chapter 54-52.2 of the North Dakota Century Code is created and enacted as follows:

**Employer contribution.**

Employer contributions to the deferred compensation program established under this chapter are authorized as permitted under the Internal Revenue Code."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2104: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2104 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2116: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2116 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2170: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2170 was placed on the Sixth order on the calendar.

Page 2, line 3, after the second underscored comma insert "an advanced practice registered nurse licensed by the board of nursing."

Page 3, line 6, after the second underscored comma insert "an advanced practice registered nurse licensed by the board of nursing."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2192: 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 2192 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact subsections 21, 22, and 23 of section 57-39.2-01, subdivision e of subsection 1 of section 57-39.2-02.1, and subsection 22 of section 57-39.2-04 of the North Dakota Century Code, relating to references to tourist court accommodations;"

Page 1, line 9, remove "bed and breakfast."

Page 1, line 22, remove "bed and breakfast."

Page 2, line 16, remove "Visitors' committee -"

Page 2, line 19, remove "and a visitors"

Page 2, remove line 20

Page 2, line 21, remove the first "committee"

Page 2, line 21, replace "visitors' committee" with "local destination marketing organization"

Page 2, line 25, replace "visitors' committee" with "local destination marketing organization"

Page 2, line 27, remove "The visitors' committee must be registered with the secretary of"

Page 2, remove lines 28 through 30

Page 3, remove lines 1 and 2

Page 3, line 4, replace "visitors' committee" with "local destination marketing organization"

Page 3, line 5, replace the first "committee" with "organization"

Page 3, line 5, replace the second "committee" with "organization"

Page 3, line 6, replace "visitors' committee" with "local destination marketing organization"

Page 3, after line 28, insert:

**"SECTION 2. AMENDMENT.** Subsections 21, 22, and 23 of section 57-39.2-01 of the North Dakota Century Code are amended and reenacted as follows:

21. "Retail sale" or "sale at retail" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrental. "Retail sale" or "sale at retail" includes the sale, including the leasing or renting, to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property; the sale of steam, gas, and communication service, excluding internet access service, to retail consumers or users; the sale of vulcanizing, recapping, and retreading services for tires; the ordering, selecting, or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer; the sale or furnishing of hotel, motel, or ~~tourist court~~ other accommodations, tickets, or admissions to any place of amusement, athletic event, or place of entertainment; and the sales of magazines and other periodicals. By the term "processing" is meant any tangible personal property, including containers which it is intended, by means of fabrication, compounding, manufacturing, producing, or germination shall become an integral or an ingredient or component part of other tangible personal property intended to be sold ultimately at retail. The sale of an item of tangible personal property for the purpose of incorporating it in or attaching it to real property must be considered as a sale of tangible personal property for a purpose other than for processing; the delivery of possession within the state of North Dakota of tangible personal property by a wholesaler or distributor to an out-of-state retailer who does not hold a North Dakota retail sales tax permit or to a person who by contract incorporates such tangible personal property into, or attaches it to, real property situated in another state may not be considered a taxable sale if such delivery of possession would not be treated as a taxable sale in that state. As used in this subsection, the word "consumer" includes any hospital, infirmary, sanatorium, nursing home, home for the aged, or similar institution that furnishes services to any patient or occupant. The sale of an item of tangible personal property to a person under a finance leasing agreement over the term of which the property will be substantially consumed must be considered a retail sale if the purchaser elects to treat it as such by paying or causing the transferor to pay the sales tax thereon to the commissioner on or before the last day on which payments may be made without penalty as provided in section 57-39.2-12.
22. "Retailer" or "seller" includes every person engaged in the business of leasing or renting hotel, motel, or ~~tourist court~~ other accommodations, and every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or furnishing of steam, gas, and communication services, excluding internet access service, or tickets or admissions to places of amusement, entertainment, and athletic events, or magazines or other periodicals; and includes any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items of tangible personal property entering into the performance of such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the state in the manner provided in this chapter; and shall include the state or any municipality furnishing steam, gas, or communication service to members of the public in its proprietary capacity. For the purpose of this chapter, retailer shall also include every clerk, auctioneer, agent, or factor selling tangible personal property owned by any other retailer. A retailer also includes every

person who engages in regular or systematic solicitation of a consumer market in this state by the distribution of catalogs, periodicals, advertising fliers, or other advertising, or by means of print, radio or television media, by mail, telegraphy, telephone, computer database, cable, optic, microwave, or other communication system.

23. "Sale" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatever, for a consideration, and includes the furnishing or service of steam, gas, or communication, excluding internet access service, the furnishing of hotel, motel, or ~~tourist court~~ other accommodations, the furnishing of tickets or admissions to any place of amusement, athletic event, or place of entertainment, and sales of magazines and other periodicals. Provided, the words "magazines and other periodicals" as used in this subsection do not include newspapers nor magazines or periodicals that are furnished free by a nonprofit corporation or organization to its members or because of payment by its members of membership fees or dues.

**SECTION 3. AMENDMENT.** Subdivision e of subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

- e. The leasing or renting of a hotel or motel room or ~~tourist court~~ other accommodations.

**SECTION 4. AMENDMENT.** Subsection 22 of section 57-39.2-04 of the North Dakota Century Code is amended and reenacted as follows:

22. Gross receipts from the leasing or renting of manufactured homes, modular living units, or sectional homes, whether or not placed on a permanent foundation, for residential housing for periods of thirty or more consecutive days and the gross receipts from the leasing or renting of a hotel or motel room or ~~tourist court~~ other accommodations occupied by the same person or persons for residential housing for periods of thirty or more consecutive days."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2193: 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 2193 was placed on the Sixth order on the calendar.

Page 1, line 1, after "40-57.3-02" insert ", subsections 21, 22, and 23 of section 57-39.2-01, subdivision e of subsection 1 of section 57-39.2-02.1, and subsection 22 of section 57-39.2-04"

Page 1, line 3, after "membership" insert "and references to tourist court accommodations"

Page 2, line 28, overstrike the first comma and insert immediately thereafter "and"

Page 2, line 28, overstrike ", and a visitors' committee. The visitors'"

Page 2, line 29, overstrike the first "committee" and insert immediately thereafter ". The local destination marketing organization or visitors' committee"

Page 3, line 4, after "The" insert "advisory"

Page 3, line 4, remove the overstrike over "~~committee~~"

Page 3, line 5, overstrike "governing body of the city"

Page 3, line 5, replace "shall appoint the committee members" with "consists of the local destination marketing organization or the visitors' committee"

Page 3, after line 10, insert:

**"SECTION 4. AMENDMENT.** Subsections 21, 22, and 23 of section 57-39.2-01 of the North Dakota Century Code are amended and reenacted as follows:

21. "Retail sale" or "sale at retail" means any sale, lease, or rental for any purpose other than for resale, sublease, or subrental. "Retail sale" or "sale at retail" includes the sale, including the leasing or renting, to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property; the sale of steam, gas, and communication service, excluding internet access service, to retail consumers or users; the sale of vulcanizing, recapping, and retreading services for tires; the ordering, selecting, or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer; the sale or furnishing of hotel, motel, or ~~tourist court~~ other accommodations, tickets, or admissions to any place of amusement, athletic event, or place of entertainment; and the sales of magazines and other periodicals. By the term "processing" is meant any tangible personal property, including containers which it is intended, by means of fabrication, compounding, manufacturing, producing, or germination shall become an integral or an ingredient or component part of other tangible personal property intended to be sold ultimately at retail. The sale of an item of tangible personal property for the purpose of incorporating it in or attaching it to real property must be considered as a sale of tangible personal property for a purpose other than for processing; the delivery of possession within the state of North Dakota of tangible personal property by a wholesaler or distributor to an out-of-state retailer who does not hold a North Dakota retail sales tax permit or to a person who by contract incorporates such tangible personal property into, or attaches it to, real property situated in another state may not be considered a taxable sale if such delivery of possession would not be treated as a taxable sale in that state. As used in this subsection, the word "consumer" includes any hospital, infirmary, sanatorium, nursing home, home for the aged, or similar institution that furnishes services to any patient or occupant. The sale of an item of tangible personal property to a person under a finance leasing agreement over the term of which the property will be substantially consumed must be considered a retail sale if the purchaser elects to treat it as such by paying or causing the transferor to pay the sales tax thereon to the commissioner on or before the last day on which payments may be made without penalty as provided in section 57-39.2-12.
22. "Retailer" or "seller" includes every person engaged in the business of leasing or renting hotel, motel, or ~~tourist court~~ other accommodations, and every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or furnishing of steam, gas, and communication services, excluding internet access service, or tickets or admissions to places of amusement, entertainment, and athletic events, or magazines or other periodicals; and includes any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items of tangible personal property entering into the performance of such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the state in the manner provided in this chapter; and shall include the state or any municipality furnishing steam, gas, or communication service to members of the public in its proprietary capacity. For the purpose of this chapter, retailer shall also include every clerk, auctioneer, agent, or factor selling tangible personal property owned by any other retailer. A retailer also includes every



person who engages in regular or systematic solicitation of a consumer market in this state by the distribution of catalogs, periodicals, advertising fliers, or other advertising, or by means of print, radio or television media, by mail, telegraphy, telephone, computer database, cable, optic, microwave, or other communication system.

23. "Sale" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatever, for a consideration, and includes the furnishing or service of steam, gas, or communication, excluding internet access service, the furnishing of hotel, motel, or ~~tourist court~~ other accommodations, the furnishing of tickets or admissions to any place of amusement, athletic event, or place of entertainment, and sales of magazines and other periodicals. Provided, the words "magazines and other periodicals" as used in this subsection do not include newspapers nor magazines or periodicals that are furnished free by a nonprofit corporation or organization to its members or because of payment by its members of membership fees or dues.

**SECTION 5. AMENDMENT.** Subdivision e of subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

- e. The leasing or renting of a hotel or motel room or ~~tourist court~~ other accommodations.

**SECTION 6. AMENDMENT.** Subsection 22 of section 57-39.2-04 of the North Dakota Century Code is amended and reenacted as follows:

22. Gross receipts from the leasing or renting of manufactured homes, modular living units, or sectional homes, whether or not placed on a permanent foundation, for residential housing for periods of thirty or more consecutive days and the gross receipts from the leasing or renting of a hotel or motel room or ~~tourist court~~ other accommodations occupied by the same person or persons for residential housing for periods of thirty or more consecutive days."

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2195: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2195 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$160,000" with "\$250,000"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2218: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2218 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2222: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2223: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2223 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2243: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 2, line 3, overstrike "Antipsychotics;"

Page 2, line 4, overstrike "(2)"

Page 2, line 5, overstrike "(3)" and insert immediately thereafter "(2)"

Page 2, line 6, overstrike "(4)" and insert immediately thereafter "(3)"

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

Page 2, line 8, overstrike "(6)" and insert immediately thereafter "(5)"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2247: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2247 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to provide for a legislative management study,"

Page 1, line 9, overstrike "service" and insert immediately thereafter "community"

Page 1, line 10, overstrike "develop" and insert immediately thereafter "maintain"

Page 1, line 10, overstrike "or related"

Page 1, line 10, overstrike "with an independent rate"

Page 1, line 11, overstrike "model utilizing the support intensity scale" and insert immediately thereafter "based on a state-approved assessment"

Page 1, line 12, overstrike "establish" and insert immediately thereafter "maintain"

Page 1, line 13, overstrike "The steering committee"

Page 1, overstrike lines 14 through 16

Page 1, line 19, overstrike "support intensity"

Page 1, line 20, overstrike "scale assessed needs of clients"

Page 1, line 21, after "of" insert "the state approved assessment"

Page 1, line 21, remove ". For"

Page 1, line 21, overstrike "clients younger than sixteen years of age"

Page 1, line 21, remove the underscored comma

Page 1, line 22, remove "department may tie funding to a"

Page 1, overstrike lines 23 and 24

Page 2, overstrike line 1

Page 2, line 2, overstrike "need, and service provision data. The"

Page 2, line 2, remove "steering committee"

Page 2, line 2, overstrike "shall provide the"

Page 2, overstrike lines 3 and 4

Page 2, line 5, overstrike "4." and insert immediately thereafter "3."

Page 2, line 5, overstrike "team of support intensity scale assessors"

Page 2, line 7, after "2" insert "vendor to complete assessments based on the state-approved assessment"

Page 2, line 8, overstrike "5."

Page 2, line 8, after "data" insert "4."

Page 2, line 9, overstrike "make" and insert immediately thereafter "recommend to the department"

Page 2, line 9, overstrike "needed"

Page 2, line 10, after "assumptions" insert ", including the state-approved assessment"

Page 2, line 11, overstrike "6."

Page 2, line 11, after "the" insert "5."

Page 2, line 16, remove ", within the limits of legislative appropriations,"

Page 2, line 17, remove "the North Dakota association of"

Page 2, line 18, replace "revise" with "consider revising"

Page 2, line 18, remove "and regulatory"

Page 2, line 21, after "**CAPACITY**" insert " - **INTELLECTUAL DISABILITY SYSTEM**"

Page 2, line 22, remove the comma

Page 2, line 23, remove "within the limits of legislative appropriations,"

Page 2, line 24, remove "the North Dakota Association of"

Page 2, line 24, remove "create"

Page 2, line 24, replace "improving" with "improve"

Page 2, line 25, remove "with elevated medical, behavioral, and other needs"

Page 2, line 26, replace "Biannually, the" with "The"

Page 2, line 28, after the period insert "The department shall also provide a report to the legislative management regarding the system of services for individuals with an intellectual or developmental disability, including a review of the existing service system, funding, and unmet needs."

Page 2, remove lines 29 through 31

Page 3, remove lines 1 through 3

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2288: Finance and Taxation Committee (Sen. Cook, Chairman) recommends**

**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2288 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "thirty" with "twenty-seven"

Page 1, line 11, replace "thirty" with "twenty-seven"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2290: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2290 was placed on the Sixth order on the calendar.

Page 1, line 3, after "program" insert "; and to provide a contingent effective date"

Page 4, after line 10, insert:

**"SECTION 2. CONTINGENT EFFECTIVE DATE.** Section 1 of this Act becomes effective on the date the executive director of the department of human services certifies to the legislative council a Medicare advantage plan operating in the state has implemented a prior authorization step therapy program protocol for Medicare part B."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2302: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2310: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2326: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2326 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2327: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the Sixth order on the calendar.

Page 1, line 3, after "sales" insert "; and to declare an emergency"

Page 1, after line 10, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2330: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2330 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "establish" with "implement"

Page 1, line 8, after the period insert "The pilot program may build upon an existing program related to childhood trauma and violence."

Page 1, line 8, replace "department shall establish" with "pilot program must include providing"

Page 1, line 9, remove "to provide"

Page 1, line 9, remove the comma

Page 1, line 9, remove "the program"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2337: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2337 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2338: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2338 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2339: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2339 was placed on the Eleventh order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2343: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2343 was placed on the Eleventh order on the calendar.

