

## JOURNAL OF THE SENATE

## Sixty-fourth Legislative Assembly

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Bismarck, February 11, 2015

The Senate convened at 1:00 p.m., with President Pro Tempore Dever 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 Luick.

A quorum was declared by the President Pro Tempore.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 313, replace line 36 with:

"Page 1, line 4, after "beekeeping" insert"; and to provide a penalty""

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

## MOTION

**SEN. KLEIN MOVED** that SB 2290 and SB 2323, which are on the Sixth order, be laid over one legislative day, and that SB 2038 and SB 2287, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2027: SEN. ARMSTRONG (Judiciary Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2027 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2202: SEN. OEHLKE (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2202 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2254: SEN. FLAKOLL (Education Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee WITHOUT RECOMMENDATION**, which motion prevailed on a voice vote.

SB 2254 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2307: SEN. UNRUH (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2307 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2150: SEN. ARMSTRONG (Judiciary Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**,

which motion prevailed on a voice vote.

SB 2150 was rereferred to the **Appropriations Committee**.

#### CONSIDERATION OF AMENDMENTS

**SB 2292: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2292 was rereferred to the **Appropriations Committee**.

#### CONSIDERATION OF AMENDMENTS

**SB 2321: SEN. AXNESS (Human Services Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2321 was rereferred to the **Appropriations Committee**.

#### CONSIDERATION OF AMENDMENTS

**SB 2048: SEN. J. LEE (Human Services Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2048 was rereferred to the **Appropriations Committee**.

#### CONSIDERATION OF AMENDMENTS

**SB 2181: SEN. RUST (Education 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.

#### CONSIDERATION OF AMENDMENTS

**SB 2170: SEN. POOLMAN (Industry, Business and Labor Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**SB 2030: SEN. GRABINGER (Judiciary 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.

#### CONSIDERATION OF AMENDMENTS

**SB 2223: SEN. OEHLKE (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**.

#### REQUEST

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

#### ROLL CALL

The question being on the motion to adopt the amendments to SB 2223, the roll was called and there were 32 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Miller; Oehlke; Poolman; Rust; Schaible; Sorvaag; Triplett; Unruh; Wanzek; Wardner

**NAYS:** Axness; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Sinner; Warner

**ABSENT AND NOT VOTING:** Luick

The proposed amendments to SB 2223 were adopted on a recorded roll call vote.

#### CONSIDERATION OF AMENDMENTS

**SB 2301: SEN. MILLER (Industry, Business and Labor 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.

#### CONSIDERATION OF AMENDMENTS

**SB 2350: SEN. MURPHY (Industry, Business and Labor Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**SB 2266: SEN. GRABINGER (Judiciary 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.

#### CONSIDERATION OF AMENDMENTS

**SB 2246: SEN. ANDERSON (Political Subdivisions 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.

#### CONSIDERATION OF AMENDMENTS

**SB 2259: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

#### MOTION

**SEN. KLEIN MOVED** that after action taken on the Sixth order, SB 2276 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2276: SEN. OEHLKE (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 2276:** A BILL for an Act to provide for a legislative management study related to providing natural gas service to underserved communities in this 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 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Campbell; O'Connell

**ABSENT AND NOT VOTING:** Luick

Engrossed SB 2276 passed.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4003:** A concurrent resolution to amend and reenact section 24 of article X of the Constitution of North Dakota, relating to the foundation aid stabilization fund.

#### MOTION

**SEN. HOLMBERG MOVED** that Engrossed SCR 4003 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 4, after the first "the" insert "educational"

Renumber accordingly

**SCR 4003:** A concurrent resolution to amend and reenact section 24 of article X of the Constitution of North Dakota, relating to the foundation aid stabilization fund.

#### MOTION

**SEN. TRIPLETT MOVED** that Reengrossed SCR 4003 be amended as follows, which motion failed on a voice vote.

Page 2, line 9, after "attending" insert "accredited"

Page 2, line 10, remove "in this state"

Renumber accordingly

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Luick

Reengrossed SCR 4003 was declared adopted on a recorded roll call vote.

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#### SECOND READING OF SENATE BILL

**SB 2039:** A BILL for an Act to create and enact a new section to chapter 15-10, a new section to chapter 15.1-27, and a new section to chapter 15.1-36 of the North Dakota Century Code, relating to a scholarship fund, uses of the foundation aid stabilization fund, and a school construction assistance loan fund; to provide a continuing appropriation; to provide for transfers; and to provide for a contingent 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Luick

Engrossed SB 2039 passed.

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#### SECOND READING OF SENATE BILL

**SB 2235:** A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to warranty work compensation for outdoor power equipment.

**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; Axness; Bekkedahl; Bowman; Burckhard; Carlisle; Casper; Davison; Dever; Dotzenrod; Erbele; Flakoll; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Unruh; Wanzek; Wardner; Warner

**NAYS:** Campbell; Cook; Grabinger; Laffen; Miller; Triplett

**ABSENT AND NOT VOTING:** Luick

Engrossed SB 2235 passed.

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**SECOND READING OF SENATE BILL**

**SB 2330:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to student identification cards issued by institutions of higher education under the control of the state board of higher education; and to amend and reenact subsection 1 of section 16.1-05-07 of the North Dakota Century Code, relating to acceptable forms of identification to be eligible to 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Luick

Engrossed SB 2330 passed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2198, SB 2261, SB 2288, SB 2306, SB 2326, SB 2334, SB 2346, SB 2347, SB 2363.

**MOTION**

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

**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 12:30 p.m., Thursday, February 12, 2015, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2034: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2034 was placed on the Sixth order on the calendar.

Page 2, replace lines 24 and 25 with:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through May 30, 2017, and after that date is ineffective."

Renumber accordingly

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

**SB 2042: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2042 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "pay as a" with "benefits, including retired military personnel benefits paid to the surviving spouse of a deceased"

Renumber accordingly

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

**SB 2049: 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 2049 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a department of human services study and report to the legislative management regarding statutory references to mental health professionals."

#### **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. STATUTORY REFERENCES TO MENTAL HEALTH PROFESSIONALS - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2015-16 interim, the department of human services, in consultation with the state department of health and other stakeholders, shall study statutory references to mental health professionals to determine whether changes in the law may help to more fully utilize these professionals within their scope of practice, as it relates to the responsibilities of the department of human services to provide services or license facilities. In addition, the department of human services shall study statutory language and report recommended changes in alignment with the most current professional standard or with most current diagnostic and statistical manual. Before August 1, 2016, the department of human services shall report to the legislative management the outcome of the study and together with any recommendations."

Renumber accordingly

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

**SB 2095: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2095 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 chapter 37-17.5 of the North Dakota Century Code, relating to facilitating entry of an out-of-state business to perform disaster or emergency remediation work in this state, on critical electrical and telecommunication transmission infrastructure, and to provide a limited exemption for that purpose from state and local taxes and fees, licensing, and other requirements during the time in this state employed in disaster or emergency remediation work; and to declare an emergency."

#### **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** Chapter 37-17.5 of the North Dakota Century Code is created and enacted as follows:

**37-17.5-01. Definitions.**

As used in this chapter:

1. "Critical electrical and telecommunication transmission infrastructure" means real and personal electrical and telecommunication transmission property so vital to the state that the incapacity or destruction of that electrical transmission or distribution system or telecommunications transmission system would have a debilitating impact on public health or safety, economic, and physical security of the state or region.
2. "Declared state disaster or emergency" means a disaster or emergency event for which a:
  - a. Disaster or emergency has been declared by the governor; or
  - b. Presidential declaration of a federal major disaster or emergency has been issued.
3. "Disaster or emergency remediation work" means repair or replacement of critical electrical and telecommunication transmission infrastructure that has been, or is under threat of being damaged, impaired, or destroyed by the declared state disaster or emergency.
4. "Disaster response period" means a period that begins ten days before, and ends sixty calendar days after, the declared state disaster or emergency and includes any extension of that time provided by executive order of the governor.
5. "Out-of-state business" means a business entity, including an out-of-state business affiliated solely through common ownership with a business registered in this state that, before the disaster remediation period, has no business presence in this state and which is in this state to perform disaster or emergency remediation work at the request of a requesting entity.
6. "Out-of-state employee" means an employee employed by an out-of-state business.
7. "Registered business" means a business entity registered to do business in this state prior to the declared state disaster or emergency.
8. "Requesting entity" means an officer or agency of this state, a political subdivision, or a business registered in this state.
9. "State agency" means job service North Dakota, the secretary of state, the tax commissioner, or workforce safety and insurance.

**37-17.5-02. Business and employee status during and after disaster response period.**

1. An out-of-state business that conducts operations within this state for purposes of performing disaster or emergency remediation work or services during the disaster response period must not be considered to have established a business presence that would require that business or its out-of-state employees to be subject to any state and local taxes or fees including unemployment insurance, workers' compensation, or taxes administered by the tax commissioner. The out-of-state business or out-of-state employee shall have a valid license to perform that business or occupation from the principal place of business or employment.
2. During the disaster response period, the out-of-state business or out-of-state employee may not be required to file or pay any state or local tax administered by a state agency. The out-of-state business or out-of-state employee may not be required to pay any sales and use tax

on equipment used or brought into the state temporarily for use during the disaster response period if the equipment is removed from the state within a reasonable period of time after the disaster response period.

3. For purposes of any state or local tax on or measured by, in whole or in part, net or gross income or receipts, all activity of the out-of-state business which is conducted in this state under this chapter must be disregarded with respect to any filing requirements for a tax, including the income tax return required for a unitary or combined group of which the out-of-state business may be a part. For the purpose of apportioning income, the apportionment factors attributable to the performance by an out-of-state business of any work under this chapter may not be sourced to this state by the out-of-state business or any member of its affiliated group.
4. An out-of-state employee may not be considered to have established a presence in this state which would require that individual or that individual's employer to file or pay income taxes or to be subject to income tax withholding, or to file and pay any other state or local tax or fee during the disaster response period. This includes any tax or fee, imposed by a state agency, but does not include any transaction taxes or fees as described in subsection 5.
5. Out-of-state businesses and out-of-state employees are subject to fuel taxes and state or local sales or use taxes on materials or services purchased, consumed, or used in this state which are subject to sales or use taxes, hotel taxes, or car rental taxes or fees which the out-of-state affiliated business or out-of-state employee purchases for use or consumption in the state during the disaster response period.
6. After the disaster response period, any out-of-state business or out-of-state employee that remains in the state after the disaster response period is subject to any business or employee registration and tax requirements that apply.

**37-17.5-03. Notification by out-of-state business during and after disaster response period.**

1. An out-of-state business that enters the state for disaster or emergency remediation work shall provide to the state agencies, a statement that the business is in the state for the sole purpose of responding to the disaster or emergency. The statement must include the business name, or out-of-state employee's name, state of domicile, principal business address, federal tax identification number, date of entry into this state, and contact information, including the out-of-state business's tax matters person. An out-of-state business must provide proof that its workers have worker's compensation insurance to workforce safety and insurance.
2. A registered business in this state shall provide the information required in subsection 1 for any out-of-state affiliate that enters this state.
3. Each state agency shall develop procedures and issue forms or online processes to carry out these administrative procedures, and maintain and make available a record of any designations made by an out-of-state business or out-of-state employee pursuant to this chapter.

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2107: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT



VOTING). SB 2107 was placed on the Sixth order on the calendar.

Page 3, line 12, remove the underscored colon

Page 3, line 13, replace "a. Commercial" with "commercial"

Page 3, line 14, remove the underscored semicolon

Page 3, line 15, replace "b. Labor" with "inducing an individual to provide labor"

Page 3, line 15 remove the underscored colon

Page 3, line 16, replace "(1) The" with "the"

Page 3, line 17, remove the underscored semicolon

Page 3, line 18, replace "(2) The" with "if the"

Page 3, line 19, after the underscored period insert "The term does not include an effort by a creditor to collect an enforceable obligation by means that are permitted under state or federal laws."

Page 4, line 17, replace "B" with "A"

Page 4, line 18, replace "A" with "AA"

Page 4, line 23, replace "B" with "A"

Page 4, line 24, replace "A" with "AA"

Page 5, line 4, replace "A" with "AA"

Page 5, line 5, replace "B" with "A"

Page 5, line 11, replace "C" with "B"

Page 5, line 12, replace "B" with "A"

Page 5, line 28, remove "only if:"

Page 5, remove lines 29 through 31

Page 6, replace lines 1 and 2 with "as provided by chapter 12.1-03."

Page 7, line 29, replace "Forgery" with "Misdemeanor forgery"

Page 7, line 30, replace "Theft" with "Misdemeanor theft"

Page 7, line 30, remove "and"

Page 7, line 31, replace the underscored period with ":

e. Manufacture or possession of a controlled or counterfeit substance offenses under section 19-03.1-23; and

f. Drug and paraphernalia offenses under chapter 19-03.4."

Page 8, line 1, after "2." insert: "It is an affirmative defense to felony forgery, felony theft, and felony drug distribution that the individual was a minor at the time of the offense and committed the offense as a direct result of being a victim as defined by this chapter.

3."

Page 8, line 4, replace "3." with "4."

Page 8, line 7, replace "4." with "5."

Page 9, line 11, remove " - **Penalty for failure to display**"

Page 9, line 12, remove "1."

Page 9, remove lines 16 through 25

Page 10, after line 5, insert:

"4. For purposes of this section, "a benefit or service available through the state" does not include a benefit or service of a program administered by the department of human services using federal or special funds, if the victim or minor does not meet program eligibility requirements including an eligibility requirement that is based on immigration status."

Page 10, after line 26, insert:

**"12.1-41-20. Use of public funds for abortions prohibited.**

Except as provided by federal law, funds of this state or a political subdivision of this state and federal funds passing through the state treasury or a state agency to provide treatment and support services for victims of human trafficking may not be used to refer for or counsel in favor of abortion."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2217: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2217 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2222: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "1."

Page 1, remove lines 12 through 24

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2270: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2270 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 26.1-26.6-08 of the North Dakota Century Code, relating to commissions, premiums, fees, and mileage reimbursement charged by bail bond agents.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 26.1-26.6-08 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-26.6-08. Maximum commission or fee - Mileage.**

A bail bond agent may not charge a premium, commission, or fee for a bond in an amount more than ~~ten~~twenty percent of the amount of bail furnished by the bail bond agent, or ~~seventy-five~~one hundred fifty dollars, whichever is greater. In addition

to the premium, commission, or fee charged under this section, a bail bond agent may charge for mileage reimbursement, which may not exceed mileage reimbursement rates provided for state employees under section 54-06-09."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2284: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2284 was placed on the Sixth order on the calendar.

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2313: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2313 was placed on the Sixth order on the calendar.

Page 2, replace lines 3 through 7 with:

"\$0	\$6,000	0.00%	
\$6,000	\$37,450	1.22%	\$6,000
\$37,450	\$90,750	\$383.69 + 2.27%	\$37,450
\$90,750	\$189,300	\$1,593.60 + 2.52%	\$90,750
\$189,300	\$411,500	\$4,077.06 + 2.93%	\$189,300
\$411,500		\$10,587.52 + 3.22%	\$411,500"

Page 2, replace lines 16 through 20 with:

"\$0	\$12,000	0.00%	
\$12,000	\$62,600	1.22%	\$12,000
\$62,600	\$151,200	\$617.32 + 2.27%	\$62,600
\$151,200	\$230,450	\$2,628.54 + 2.52%	\$151,200
\$230,450	\$411,500	\$4,625.64 + 2.93%	\$230,450
\$411,500		\$9,930.41 + 3.22%	\$411,500"

Page 2, remove lines 29 through 31

Page 3, replace lines 1 and 2 with:

"\$0	\$6,000	0.00%	
\$6,000	\$31,300	1.22%	\$6,000
\$31,300	\$75,600	\$308.66 + 2.27%	\$31,300
\$75,600	\$115,225	\$1,314.27 + 2.52%	\$75,600
\$115,225	\$205,750	\$2,312.82 + 2.93%	\$115,225
\$205,750		\$4,965.20 + 3.22%	\$205,750"

Page 3, replace lines 11 through 15 with:

"\$0	\$10,000	0.00%	
\$10,000	\$50,200	1.22%	\$10,000
\$50,200	\$129,600	\$490.44 + 2.27%	\$50,200
\$129,600	\$209,850	\$2,292.82 + 2.52%	\$129,600
\$209,850	\$411,500	\$4,315.12 + 2.93%	\$209,850
\$411,500		\$10,223.47 + 3.22%	\$411,500"

Page 3, replace lines 24 through 28 with:

"\$0	\$800	0.00%	
\$800	\$2,500	1.22%	\$800
\$2,500	\$5,900	\$20.74 + 2.27%	\$2,500

\$5.900	\$9.050	\$97.92 + 2.52%	\$5.900
<u>\$9.050</u>	<u>\$12.300</u>	<u>\$177.30 + 2.93%</u>	<u>\$9.050</u>
<u>\$12.300</u>		<u>\$272.53 + 3.22%</u>	<u>\$12.300"</u>

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2318: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2318 was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "to provide for a legislative management study;"

Page 2, after line 30, insert:

**"SECTION 4. LEGISLATIVE MANAGEMENT STUDY - OIL EXTRACTION TAX EXEMPTION FOR CARBON DIOXIDE RECOVERY PROJECTS.** During the 2015-16 interim, the legislative management shall study the oil extraction tax exemption available for incremental production from a tertiary recovery project that uses carbon dioxide. The study must include consideration of the potential benefits and costs to industry, the state, and the environment of using carbon dioxide enhanced recovery methods. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifty legislative assembly."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2322: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2322 was placed on the Sixth order on the calendar.

Page 1, line 10, after "up" insert "of."

Page 1, line 10, after "of" insert ", or derived from"

Page 1, line 10, after "part" insert ", which can be ingested in any way. "Other tobacco products" includes any product or device that contains nicotine and any separately sold component of such a product or device. "Other tobacco products" does not include a product that delivers nicotine for human consumption if that product has been approved by the United States food and drug administration for sale as a tobacco-cessation product""

Page 1, line 13, overstrike "**and**" and insert immediately thereafter a boldfaced underscored comma

Page 1, line 13, after "**tobacco**" insert "**, and other tobacco products**"

Page 1, line 13, overstrike "**Other**"

Page 1, line 14, overstrike "**tobacco products - Excise**" and insert immediately thereafter "**Snuff and chewing tobacco excise**"

Page 1, line 18, overstrike "and" and insert immediately thereafter an underscored comma

Page 1, line 18, after "tobacco" insert ", and other tobacco products"

Page 1, line 20, overstrike "or" and insert immediately thereafter an underscored comma

Page 1, line 20, after "tobacco" insert ", or other tobacco products"

Page 1, line 21, after the period insert "For cigars, pipe tobacco, or other tobacco products for which the tax commissioner is unable to readily identify the established price for which a manufacturer sells the cigars, pipe tobacco, or other tobacco products to a distributor, the excise tax shall be paid by the retailer and the "wholesale purchase price" means the price at which the retailer sells such product to a customer at the point of sale, exclusive of any discount or reduction."

Page 2, line 1, after "ten" insert "seventy-two"

Page 2, line 3, after "fifty-six" insert "seventy-three"

Page 2, line 5, remove the overstrike over "~~For purposes of this subsection, the tax on~~"

Page 2, line 5, after "~~products~~" insert "snuff and chewing tobacco"

Page 2, line 5, remove the overstrike over "~~is computed based~~"

Page 2, remove the overstrike over line 6

Page 2, line 8, overstrike "and regulations"

Page 2, line 30, overstrike the second "and" and insert immediately thereafter an underscored comma

Page 2, line 30, after "tobacco" insert ", and other tobacco products"

Page 3, line 1, overstrike "and, upon"

Page 3, overstrike lines 2 and 3

Page 3, line 4, overstrike "57-36-25, at the time the products were brought into this state"

Page 3, line 6, overstrike "or" and insert immediately thereafter an underscored comma

Page 3, line 6, after "tobacco" insert ", or other tobacco products"

Page 3, line 7, after the period insert "For cigars, pipe tobacco, or other tobacco products for which the tax commissioner is unable to readily identify the established price for which a manufacturer sells the cigars, pipe tobacco, or other tobacco products to a distributor, the excise tax shall be paid by the retailer and the "wholesale purchase price" means the price at which the retailer sells such product to a customer at the point of sale, exclusive of any discount or reduction."

Page 3, line 10, overstrike "and regulations"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2324: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "to amend and reenact subsections 3 and"

Page 1, line 2, after "state" insert "; and to provide a penalty"

Page 1, line 4, replace "Subsection" with "Subsections 3 and"

Page 1, line 5, replace "is" with "are"

Page 1, after line 5, insert:

- "3. For a first violation of subsection 1 or 2, the tax commissioner shall notify, by certified mail, the person and order that person to cease and desist

any shipment of alcoholic beverages in violation of subsection 1 or 2 and shall assess a civil penalty of one hundred dollars for each illegal shipment. ~~The~~For a second violation of subsection 1 or 2 ~~is a class A misdemeanor, the tax commissioner shall assess a civil penalty of two hundred dollars for each illegal shipment. Any~~For any subsequent violation of subsection 1 or 2 ~~is a class C felony and, the tax commissioner shall assess a civil penalty of five hundred dollars for each illegal shipment."~~

Page 1, line 19, remove "may"

Page 1, line 19, remove the overstrike over "~~the license number and name~~"

Page 1, remove the overstrike over line 20

Page 1, line 21, remove the overstrike over "~~logistics shipper,~~"

Page 1, line 23, remove "The tax commissioner may not require the records to include the"

Page 1, remove line 24

Page 2, line 1, remove "shipper."

Page 2, line 8, overstrike "For a violation, the licensed alcohol carrier is subject to"

Page 2, line 9, overstrike "the penalties in subsection 3" and insert immediately thereafter: "If the tax commissioner has provided notice to a licensed alcohol carrier that a direct shipper is not licensed, the licensed alcohol carrier must notify the direct shipper that it will not ship additional alcoholic beverages for the unlicensed direct shipper until the direct shipper obtains the required license. For each shipment made by a licensed alcohol carrier for an unlicensed direct shipper more than fifteen days after receiving notice from the tax commissioner, the licensed alcohol carrier is subject to the penalties under subsection 3. Any assessed penalty may be waived by the tax commissioner for good cause upon request by the licensed alcohol carrier"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2332: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2332 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "a mandated" with "an"

Page 1, line 3 remove "and subdivision e of subsection 1 of section 12.1-32-15"

Page 1, line 4, remove "and sex offender registration"

Page 1, line 16, replace "**Mandated offender**" with "**Offender**"

Page 1, line 17, remove "reasonably"

Page 1, line 17, replace the underscored comma with "within seventy-five miles of the offender's residence"

Page 1, line 18, replace "must" with "may"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 8

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2340: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2340 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subdivision to subsection 3 of section 1 of Senate Bill No. 2057, as approved by the sixty-fourth legislative assembly, relating to regular evaluation of economic development tax incentives created by the sixty-fourth legislative assembly;"

Page 1, after line 4, insert:

**"SECTION 1.** A new subdivision to subsection 3 of section 1 of Senate Bill No. 2057, as approved by the sixty-fourth legislative assembly, is created and enacted as follows:

Any economic development tax incentive created by the sixty-fourth legislative assembly."

Page 1, line 13, overstrike "costs"

Page 1, line 14, overstrike "incurred in the taxable year to purchase" and insert immediately thereafter "cost of the"

Page 1, line 14, overstrike " for"

Page 1, line 15, overstrike "the purpose of automating manufacturing processes" and insert immediately thereafter "purchased in the taxable year"

Page 2, line 1, replace "acquisition through a lease-purchase agreement" with "manufacturing machinery and equipment acquired under a capital lease only for the taxable year in which the lease is executed. A capital lease is a lease which meets generally accepted accounting principles. The qualifying costs of the equipment acquired under a capital lease is the fair market value of the equipment at the inception of the lease"

Page 2, line 12, replace "any" with "a"

Page 3, line 12, overstrike "taxable years beginning after" and insert immediately thereafter "purchases made after"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2342: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2348: 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 2348 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "provided" with "approved"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2358: 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 2358 was placed on the Sixth order on the calendar.

Page 1, line 8, after "property" insert "at full market value"

Page 1, line 12, after the first "conveyance" insert ", and the department shall obtain budget section approval"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2367: 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 2367 was placed on the Sixth order on the calendar.

Page 2, line 5, remove "and"

Page 2, line 6, after the semicolon insert: "and

(5) The Sisseton-Wahpeton Sioux Tribe;"

Page 2, line 12, remove "and"

Page 2, line 14, after "services" insert: "; and

p. A county social services director"

Renumber accordingly

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

**Jane Schaible, Secretary**