

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, February 10, 2015

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

The prayer was offered by Vicar John Koopman, Bethel and Shepherd of the Valley Lutheran Church, Bismarck.

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

A quorum was declared by the President Pro Tempore.

MOTION

SEN. KLEIN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Krebsbach, Chairman)** appointed to consider the nomination to North Dakota Securities Commission, do advise and consent to the appointment of Karen Tyler.

MOTION

SEN. CAMPBELL MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Karen Tyler to North Dakota Securities Commission," the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Miller

The Senate advises and consents to the appointment of Karen Tyler to North Dakota Securities Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Krebsbach, Chairman)** appointed to consider the nomination to North Dakota Financial Institutions, do advise and consent to the appointment of Robert Entringer.

MOTION

SEN. SINNER MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Robert Entringer to North Dakota Financial Institutions," the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

Wardner; Warner

ABSENT AND NOT VOTING: Miller

The Senate advises and consents to the appointment of Robert Entringer to North Dakota Financial Institutions.

MOTION

SEN. KLEIN MOVED that the Confirmation Session be dissolved, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2271: SEN. KLEIN (Agriculture 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 2271 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2025: SEN. OBAN (Agriculture 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 2303: SEN. HOGUE (Energy and Natural Resources 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 2366: SEN. ARMSTRONG (Energy and Natural Resources 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 SB 2290, which is on the Sixth order, be laid over one legislative day, and that SB 2323, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2374: SEN. UNRUH (Energy and Natural Resources 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 2141: SEN. COOK (Government and Veterans Affairs 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 2252: SEN. DAVISON (Government and Veterans Affairs 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 2166: SEN. OEHLKE (Transportation 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 2352: SEN. RUST (Transportation 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.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, SB 2376, SB 2316, and SB 2347 be placed on the Eleventh order for immediate second reading and final passage,

which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2376: SEN. LAFFEN (Energy and Natural Resources 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.

SECOND READING OF SENATE BILL

SB 2376: A BILL for an Act to provide for a game and fish department study and 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 NOT PASS, the roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Miller

Engrossed SB 2376 failed.

CONSIDERATION OF AMENDMENTS

SB 2316: SEN. KLEIN (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.

SECOND READING OF SENATE BILL

SB 2316: A BILL for an Act to provide for a grant program to political subdivisions for the settlement of claims; to provide an appropriation; and to provide retroactive application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Bekkedahl; Campbell; Casper; Davison; Dotzenrod; Grabinger; Heckaman; Laffen; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Triplett; Warner

NAYS: Anderson; Bowman; Burckhard; Carlisle; Cook; Dever; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Oehlke; Poolman; Rust; Schaible; Sinner; Sorvaag; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Miller

Engrossed SB 2316 failed.

CONSIDERATION OF AMENDMENTS

SB 2347: SEN. MURPHY (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.

SECOND READING OF SENATE BILL

SB 2347: A BILL for an Act to amend and reenact section 49-23-01 and subsection 3 of

section 49-23-05 of the North Dakota Century Code, relating to the removal of marking materials at excavation sites.

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; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner

NAYS: Larsen; Warner

ABSENT AND NOT VOTING: Miller

Engrossed SB 2347 passed.

SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act amend and reenact section 48-01.2-06 of the North Dakota Century Code, relating to bids for public improvement contracts.

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 13 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bekkedahl; Burckhard; Campbell; Casper; Cook; Davison; Flakoll; Laffen; Larsen; Schaible; Sorvaag; Triplett; Unruh

NAYS: Anderson; Armstrong; Axness; Bowman; Carlisle; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schneider; Sinner; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Miller

SB 2203 failed.

SECOND READING OF SENATE BILL

SB 2288: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to the development and implementation of a gap scholarship program.

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; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Unruh; Wanzek; Wardner; Warner

NAYS: Larsen; Triplett

ABSENT AND NOT VOTING: Miller

Engrossed SB 2288 passed.

SECOND READING OF SENATE BILL

SB 2334: A BILL for an Act to create and enact sections 25-17-02.1 and 25-17-07 of the North Dakota Century Code, relating to the state's newborn screening program; to amend and reenact sections 23-01-03.1, 25-17-00.1, 25-17-01, 25-17-03, 25-17-05, and 25-17-06 of the North Dakota Century Code, relating to the state's newborn screening program; and to repeal section 25-17-04 of the North Dakota Century Code, relating to the state's newborn screening program.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Miller

Engrossed SB 2334 passed.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act create and enact a new section to chapter 37-18 of the North Dakota Century Code, relating to the creation, membership, and duties of the tribal veterans' advisory commission.

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 12 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axness; Grabinger; Heckaman; Marcellais; Mathern; O'Connell; Oban; Robinson; Schneider; Sinner; Triplett; Warner

NAYS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Murphy; Nelson; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Miller

SB 2244 failed.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to amend and reenact section 18-11-28 of the North Dakota Century Code, relating to alternate firefighters relief association plan benefits.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Miller

SB 2306 passed.

SECOND READING OF SENATE BILL

SB 2346: A BILL for an Act to amend and reenact section 37-14-18 of the North Dakota Century Code, relating to county veterans' service officers.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Miller

SB 2346 passed.

SECOND READING OF SENATE BILL

SB 2261: A BILL for an Act to amend and reenact sections 4.1-53-12, 4.1-53-16, 4.1-53-17, 4.1-53-48, 4.1-53-57, 4.1-53-59, 4.1-53-61, 4.1-55-17, 4.1-56-13, and 4.1-57-22 of the North Dakota Century Code, relating to agricultural seed; and to provide a penalty.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Miller

SB 2261 passed.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to authority of state employees to participate in interstate organizations without legislative authority; and to provide a penalty.

MOTION

SEN. HOLMBERG MOVED that SB 2268 be amended as follows.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to prohibiting state employees from taking certain actions without legislative authority; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Legislative approval required for certain actions - Penalty.

1. A state employee, without legislative authorization, may not commit the state or a political subdivision to any action if that action requires or may require an expenditure of public funds not authorized by the legislative assembly or a change in the laws of the state.
2. A state employee who violates subsection 1 is considered to have misapplied entrusted property in violation of section 12.1-23-07."

Renumber accordingly

REQUEST

SEN. BOWMAN REQUESTED a verification vote on the motion to adopt the proposed amendments to SB 2268, which request was granted.

The proposed amendments to SB 2268 failed on a verification vote.

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 8 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Dever; Erbele; Klein; Larsen; Luick; O'Connell; Schaible

NAYS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dotzenrod; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Krebsbach; Laffen; Lee, G.; Lee, J.; Marcellais; Mathern; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Miller

SB 2268 failed.

SECOND READING OF SENATE BILL

SB 2280: A BILL for an Act to amend and reenact section 39-22-26 of the North Dakota Century Code, relating to motor vehicle brokers; 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 NOT PASS, the roll was called and there were 7 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Erbele; Heckaman; Luick; Marcellais; Mathern; Nelson; O'Connell

NAYS: Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Flakoll; Grabinger; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Murphy; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh;

Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Miller

SB 2280 failed.

SECOND READING OF SENATE BILL

SB 2363: A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for transfer of a motor vehicle without consideration from grandparent to grandchild; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Miller

SB 2363 passed.

SECOND READING OF SENATE BILL

SB 2326: A BILL for an Act to create and enact a new section to chapter 15.1-07 of the North Dakota Century Code, relating to reportable data fields; and to amend and reenact section 15.1-02-18 of the North Dakota Century Code, relating to duties of the state longitudinal data system committee.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Miller

Engrossed SB 2326 passed.

SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to amend and reenact section 39-24-09.1 of the North Dakota Century Code, relating to the minimum age for snowmobile operators.

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; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, J.; Luick; Nelson; Oban; Oehlke; Poolman; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Carlisle; Grabinger; Lee, G.; Marcellais; Mathern; Murphy; O'Connell; Robinson

ABSENT AND NOT VOTING: Miller

Engrossed SB 2198 passed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2060, SB 2161, SB 2173, SB 2209, SB 2233, SB 2245, SB 2258, SB 2364.

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 1029, HB 1106.

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 1111.

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 1:00 p.m., Wednesday, February 11, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2027: 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 2027 was placed on the Sixth order on the calendar.

Page 1, line 17, overstrike "and"

Page 1, line 17, remove the overstrike over "~~two years~~" and insert immediately thereafter "for a class A misdemeanor offense; and"

Page 1, line 17, after "a" insert "class B"

Page 2, line 18, replace "three hundred sixty days" with "two years"

Page 2, line 22, after "6." insert "Upon petition by the defendant, no sooner than eighteen months from the time of sentence, the court shall provide a hearing to determine if the defendant should be discharged from probation."

Page 2, line 24, after the period insert "A defendant may not petition for an early discharge from probation within twelve months of a previous hearing on a request for discharge from probation. Unless waived by the state's attorney, the state's attorney must be provided notice of a petition for discharge from probation and must be provided an opportunity to object to the petition."

Page 2, line 25, remove "Except for an offense under chapter 12.1-20 or 12.1-27.2 and unless otherwise"

Page 2, remove lines 26 through 30

Page 3, remove lines 1 and 2

Page 3, line 3, remove "8."

Page 3, line 8, remove "under chapter"

Page 3, line 9, remove "12.1-20 or 12.1-27.2, a felony offense"

Page 3, line 9, remove ", a felony offense"

Page 3, line 10, replace "subject to section" with "or"

Page 3, line 10, remove "which involves the use of a firearm or dangerous"

Page 3, line 11, remove "weapon"

Page 3, line 22, overstrike "If an appropriate"

Page 3, overstrike lines 23 through 26

Page 3, line 27, overstrike "program selected by the department of corrections and rehabilitation."

Page 3, line 29, overstrike "or"

Page 3, overstrike line 30

Page 3, line 31, overstrike "the department of corrections and rehabilitation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2030: 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 2030 was placed on the Sixth order on the calendar.

Page 1, line 9, after the eighth comma insert "or"

Page 1, line 9, overstrike the ninth comma

Page 1, line 14, remove the overstrike over "~~, other than marijuana,~~"

Page 1, line 20, after "3." insert: "A person may not use or possess with intent to use drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, or conceal marijuana in violation of chapter 19-03.1. A person violating this subsection is guilty of a class A misdemeanor."

4."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2048: Human Services Committee (Sen. J. Lee, 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 2048 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "child care provider" with "noncertified school staff"

Page 1, line 5, after the second boldfaced dash insert "**YOUTH**"

Page 1, line 7, replace "\$6,000,000" with "\$1,500,000"

Page 1, line 8, remove "for the purpose of establishing"

Page 1, line 9, replace "an adult and" with "to begin to develop a"

Page 1, line 9, replace "biennium" with "period"

Page 1, line 9, replace "2015" with "2016"

Page 1, after line 10 insert "The department of human services shall develop requirements for a youth mental health assessment network and shall ensure that entities accepting funding as part of the youth mental health assessment network developed under this section report process and outcome measures."

Page 1, after line 18 insert "The requirements of chapter 54-44.4 do not apply to the selection of a grantee, the grant award, or payments made under this section."

SECTION 3. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - BEHAVIORAL HEALTH FTE. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$166,092, or so much of the sum as may be necessary, to the department of human services for the purpose of hiring one full-time equivalent employee to facilitate the behavioral health activities required of the department of human services found in Senate Bill Nos. 2045 and 2046, and sections 1 and 2 of this Act, for the biennium beginning July 1, 2015, and ending June 30, 2017."

Page 1, line 21, replace "\$50,000" with "\$250,000"

Page 1, line 22, after "providing" insert "grants to regional education associations for"

Page 1, line 23, replace "child care providers" with "noncertified school staff"

Page 1, after line 24 insert "The department shall establish guidelines to qualify for a grant under this section which must include a matching requirement one dollar of matching funds for every one dollar of grant funds. Schools which do not belong to a regional education association may apply to a regional education association for grant funding, but must supply the required matching funds to the association."

SECTION 5. LEGISLATIVE MANAGEMENT STUDY - ADULT MENTAL HEALTH ASSESSMENT NETWORK. During the 2015-16 interim, the legislative management shall consider studying mental health assessment network for adults. The study must identify the populations that may benefit from an adult mental health assessment network, the challenges and any deficiencies that may exist, alternative assessment delivery frameworks, and provide details of how assessment networks may be integrated into the existing mental health delivery system. The legislative management shall report its findings and recommendations, along with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2150: 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 2150 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 15-10 of the North Dakota Century Code, relating to student and student organization disciplinary proceedings at institutions under the control of the state board of higher education."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

Disciplinary proceedings - Right to counsel for students and organizations - Appeals.

1. Any student enrolled at an institution under the control of the state board of higher education has the right to be represented, at the student's expense, by the student's choice of either an attorney or a nonattorney advocate, who may fully participate during any disciplinary proceeding or during any other procedure adopted and used by that institution to address an alleged violation of the institution's disciplinary policies. This right only applies if the disciplinary proceeding involves a violation that could result in a suspension or expulsion from the institution. This right does not apply to matters involving academic misconduct.
2. Any student organization officially recognized by an institution under the control of the state board of higher education has the right to be represented, at the student organization's expense, by the student organization's choice of either an attorney or nonattorney advocate, who may fully participate during any disciplinary procedure or during any other procedure adopted and used by the institution to address an alleged violation. This right only applies if the disciplinary proceeding involves a violation that could result in the suspension or the removal of the student organization from the institution.
3.
 - a. Any student who is suspended or expelled from an institution under the control of the state board of higher education for a violation of the disciplinary or conduct rules of that institution and any student organization that is found to be in violation of the disciplinary or conduct rules of that institution may appeal the institution's decision to the same institutional body that conducted the original proceeding.
 - b. The student or a student organization must file the appeal no later than one year after the day the student or the student organization receives final notice of discipline from the institution. The right of the student or the student organization under subsection 1 or 2 to be represented, at the student's or the student organization's expense, by the student's or the student organization's choice of either an attorney or a nonattorney advocate, also applies to the appeal.
 - c. The issues that may be raised on appeal include new evidence, contradictory evidence, and evidence that the student or student organization was not afforded due process. The institutional body considering the appeal may consider police reports, transcripts, and the outcome of any civil or criminal proceeding directly related to the appeal.
4. Upon consideration of the evidence, the institutional body considering the appeal may grant the appeal, deny the appeal, order a new hearing, or reduce or modify the suspension or expulsion. In any successful appeal brought under subsection 3, the institution may reimburse the student for any tuition and fees paid to the institution for the period of suspension or expulsion which had not been previously refunded."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2153: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2153 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2170: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2170 was placed on the Sixth order on the calendar.

Page 1, line 18, after "a" insert "date of first disability or"

Page 2, line 22, after "a" insert "date of first disability or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2181: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2181 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "board minutes" with "district records"

Page 1, line 3, replace "sections" with "section"

Page 1, line 4, remove "and 15.1-07-21"

Page 2, remove lines 13 through 31

Page 3, remove lines 1 through 5

Page 3, line 8, replace "**board minutes**" with "**district records**"

Page 3, replace line 9 with:

- "1. A school district shall permanently retain the minutes of each school board meeting.
2. Unless otherwise provided by law, a school district shall retain payroll records and records of revenues and expenditures for a period of five years.
3. A school district may consult with the state archivist before disposing of records in order to determine whether the records may have any archival value."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2192: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2192 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2202: 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 2202 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide a continuing appropriation;"

Page 1, line 6, after "allocations" insert "**- Continuing appropriation**"

Page 1, line 17, remove "exceeding"

Page 1, line 18, remove "twenty-five thousand dollars"

Page 1, line 21, overstrike "the general" and insert immediately thereafter "a special"

Page 1, line 22, after "treasury" insert "designated as the gaming regulation and enforcement fund. All moneys in the gaming regulation and enforcement fund are appropriated on a continuing basis to the attorney general for the purpose of gaming regulation and enforcement"

Page 1, line 23, overstrike "seven" and insert immediately thereafter "thirteen"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2212: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2212 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2221: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2223: 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 2223 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide an"

Page 1, line 3, remove "appropriation;"

Page 1, line 7, remove "**- Allocation of replacement revenue to cities and**"

Page 1, line 8, remove "**counties - Continuing appropriation**"

Page1, after line 8, insert:

"1."

Page 1, remove lines 10 through 14

Page 1, line 15, replace "1." with "2."

Page 1, line 17, replace "2." with "3."

Page 2, line 29, replace "3." with "4."

Page 3, line 10, replace "4." with "5."

Page 3, line 23, replace "5." with "6."

Page 4, line 1, replace "6." with "7."

Page 4, line 17, replace "7." with "8."

Page 5, remove lines 2 through 6

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2224: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2224 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2230: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2230 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2232: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2232 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2246: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2246 was placed on the Sixth order on the calendar.

Page 1, line 3, after "contract" insert "; and to provide for a legislative management study"

Page 1, line 10, after "improvement" insert "involving water works, sewerage, or solid waste"

Page 1, line 10, remove the overstrike over "one"

Page 1, line 10, remove "two"

Page 1, line 10, remove "fifty"

Page 1, line 10, after "dollars" insert "and for construction of other public improvement projects is one hundred fifty thousand dollars"

Page 1, after line 10, insert:

"SECTION 2. LEGISLATIVE MANAGEMENT STUDY. During the 2015-16 interim, the legislative management shall consider studying public improvement issues relating to the use of multiple bids versus single prime bids, bidding thresholds, design services thresholds, and indemnification. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2250: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2250 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2254: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Sixth order on the calendar.

Page 5, line 5, replace "0.50" with "0.30"

Page 8, line 18, replace "0.50" with "0.30"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2259: 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 2259 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "23-28" with "23-48"

Page 2, line 6, after "investigation" insert "in a United States food and drug administration-approved clinical trial"

Page 4, after line 17 insert "This section does not require payment for experimental drugs under this state's medical assistance program or from other payer sources."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2266: 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 2266 was placed on the Sixth order on the calendar.

Page 3, line 2, remove "to"

Page 3, line 3, remove "seventeen"

Page 3, line 3, after "age" insert "or older"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2275: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2276: 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 2276 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study related to providing natural gas service to underserved communities in this state."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY. The legislative management shall consider studying, during the 2015-16 interim, issues related to providing natural gas service to underserved communities in this state from available natural gas not otherwise committed in main gas transmission lines near those underserved communities. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2281: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2281 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2292: 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** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2292 was placed on the Sixth order on the calendar.

Page 1, line 2, after "reenact" insert "subsection 5 of section 57-38-04 and"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Subsection 5 of section 57-38-04 of the North Dakota Century Code is amended and reenacted as follows:

5. Whenever business activity is carried on partly within and partly without this state by a nonresident of this state as a sole proprietorship, or through a partnership, subchapter S corporation, or other passthrough

entity, the entire income therefrom must be allocated to this state and to other states, according to the provisions of chapter 57-38.1 but only according to the apportionment method provided under subsection 1 of section 57-38.1-09, providing for allocation and apportionment of income of corporations doing business within and without this state."

Page 1, line 10, overstrike "All" and insert immediately thereafter "Except as permitted under subsections 2 through 4, all"

Page 1, line 13, replace "A taxpayer" with "For the first two taxable years beginning after December 31, 2014, a taxpayer that is not a passthrough entity may elect to apportion business income to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus two times the sales factor, and the denominator of which is four.

- a. The election must be made on the return as originally and timely filed in the form and manner prescribed by the tax commissioner.
 - b. The election is applicable for all companies in a unitary group and for all companies filing a consolidated North Dakota return.
 - c. The election is binding for five consecutive taxable years after making the election, at which time the election lapses. The election under this subsection also includes the election to use the sales factor under subsections 3 and 4 for the taxable years those subsections apply.
 - d. Unless a taxpayer makes another election under subsection 4 in the taxable year immediately following the final year of the binding effect of the election under this subsection, the taxpayer must file under subsection 1 for a period of three taxable years before it may make a new election under subsection 4.
3. For the first two taxable years beginning after December 31, 2016, a taxpayer that is not a passthrough entity may elect to apportion business income to this state by multiplying the income by a fraction, the numerator of which is the property factor plus the payroll factor plus six times the sales factor, and the denominator of which is eight.
- a. The election must be made on the return as originally and timely filed in the form and manner prescribed by the tax commissioner.
 - b. The election is applicable for all companies in a unitary group and for all companies filing a consolidated North Dakota return.
 - c. The election is binding for five consecutive taxable years after making the election, at which time the election lapses. The election under this subsection also includes the election to use the sales factor under subsection 4 for the taxable years that subsection applies.
 - d. Unless a taxpayer makes another election under subsection 4 in the taxable year immediately following the final year of the binding effect of the election under this subsection, the taxpayer must file under subsection 1 for a period of three taxable years before it may make a new election under subsection 4.
4. For taxable years beginning after December 31, 2018, a taxpayer that is not a passthrough entity"

Page 2, line 2, replace "can" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2301: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2301 was placed on the Sixth order on the calendar.

Page 1, line 7, after "annual" insert "A"

Page 1, line 7, remove the overstrike over "license must be obtained from the"

Page 1, line 7, remove "The"

Page 1, line 7, remove the overstrike over "for"

Page 1, line 7, remove "shall license"

Page 1, line 10, remove "and ending July 31, 2016."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2302: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2305: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2305 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2307: 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 2307 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 57-20-07.2 of the North Dakota Century Code, relating to extension of the effective date of the state-paid property tax relief credit; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-20-07.2 of the North Dakota Century Code is amended and reenacted as follows:

57-20-07.2. ~~(Effective for the first two taxable years beginning after December 31, 2012)~~ State-paid property tax relief credit.

1. The owner of taxable property is entitled to a credit against property taxes levied against the total amount of property or mobile home taxes in dollars levied against the taxable value of the property. The credit is equal to twelve percent of property or mobile home taxes levied in dollars against that property.
2. The owner, operator, or lessee of railroad property assessed by the state board of equalization under chapter 57-05 or public utility operative property assessed by the state board of equalization under chapter 57-06 is entitled to a credit against property taxes levied within each county against that property in the amount provided in subsection 1 against property taxes levied in dollars against that property in that county.
3. The owner, operator, or lessee of operative property of an air carrier transportation company assessed and taxed under chapter 57-32 is

- entitled to a credit in the amount provided in subsection 1 against property taxes in dollars levied against that property. The tax commissioner shall determine the total amount of credits under this subsection and certify the amount to the state treasurer for transfer from the general fund to the air transportation fund. The credit for each air transportation company must be allocated to each city or municipal airport authority where that company makes regularly scheduled landings, in the same manner as the tax collected from that company is allocated.
4. The tax commissioner shall estimate the amount necessary to provide each county advance payment of seventy-five percent of the amount the county and the taxing districts in the county will ultimately receive for a taxable year under this section and certify the estimated amounts to the state treasurer by March fifteenth for transfer by April first to the county treasurer and distribution to the county and taxing districts in the county as provided in subsection 5.
 5. The tax commissioner shall determine the total amount of credits under this section for each county from the abstract of the tax list filed by the county auditor under section 57-20-04, as audited and corrected by the tax commissioner. The tax commissioner shall certify to the state treasurer for payment, by June first following receipt of the abstract of the tax list, the amount determined for each county under this subsection. No penalty or interest applies to any state payment under this section, regardless of when the payment is made. The tax commissioner shall reduce the June certification of payments to reflect the April estimated payments previously made to counties under subsection 4.
 6. Upon receipt of the payment from the state treasurer under subsections 4 and 5, the county treasurer shall apportion and distribute it to the county and the taxing districts in the county on the basis on which the general real estate tax for the preceding year is apportioned and distributed.
 7. After payments to counties under subsection 5 have been made, the tax commissioner shall certify to the state treasurer as necessary any supplemental amounts payable to counties or the air transportation fund or any amounts that must be returned by counties or returned from the air transportation fund for deposit in the state general fund to correct any errors in payments or reflect any abatement or compromise of taxes, court-ordered tax reduction or increase, or levy of taxes against omitted property. The county auditor shall provide any supplemental information requested by the tax commissioner after submission of the abstract of the tax list. The county treasurer shall apply to the tax commissioner for any supplemental payments to which the county treasurer believes the county is entitled.
 8. Notwithstanding any other provision of law, for any property other than mobile homes, the property tax credit under this section does not apply to any property subject to payments or taxes that are stated by law to be in lieu of personal or real property taxes.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2014."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2321: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2321 was placed on the Sixth order on the calendar.

Page 1, line 3, after "reimbursement" insert "; to provide a report; and to provide an effective date"

Page 4, after line 16, insert:

"SECTION 3. REPORT.

The department of human services shall provide a report to the sixty-fifth legislative assembly on the medicaid enrollment by community health workers-community health representatives and on medicaid service utilization of clients receiving services from community health workers-community health representatives. The department of human services shall compare medicaid service utilization before and after the medicaid enrollment of community health workers-community health representatives.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on July 1, 2016, or upon approval from the center for medicare and medicaid services for the department of human services to secure one hundred percent federal funding of the medicaid costs for the services of the community health worker-community health representative, whichever occurs later."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2335: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2335 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2349: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2349 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2350: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2350 was placed on the Sixth order on the calendar.

Page 2, line 1, remove "An employee or representative of a company when engaged in electrical work within"

Page 2, replace lines 2 and 3 with "An operator involved in the exploration and production of oil and gas if engaged in electrical work on the operator's own equipment and if the supply voltage does not exceed twenty-four volts. The operator shall provide proper safety training and equipment-specific electrical training for the operator's particular applications."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2357: Judiciary Committee (Sen. Hogue, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2357 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4016: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1029: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to neglect of a child; to amend and reenact subdivision a of subsection 1 of section 12.1-32-15, section 14-09-22, paragraph 1

of subdivision d of subsection 3 of section 27-20-02, and subsection 3 of section 50-25.1-02 of the North Dakota Century Code, relating to abuse of a child; and to provide a penalty.

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

HB 1106: A BILL for an Act to create and enact a new subsection to section 12.1-32-02 of the North Dakota Century Code, relating to sentencing of current and former members of the military.

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

HB 1111: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to the person who is allowed to claim the tax deduction for a child under a child support order; to amend and reenact section 14-09-08.2, subsections 1 and 3 of section 14-09-08.4, sections 14-09-08.5, 14-09-08.6, 14-09-08.7, 14-09-08.11, 14-09-08.13, 14-09-09.30, 35-34-04, 35-34-06, and 50-09-06.1 of the North Dakota Century Code, and section 73 of chapter 152 of the 2009 Session Laws, relating to child support; to repeal section 14-09-08.8 of the North Dakota Century Code, relating to motions to amend child support; and to declare an emergency.

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

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

Jane Schaible, Secretary

