

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, February 19, 2015

The Senate convened at 12:30 p.m., with President Pro Tempore Dever presiding.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Senators J. Lee and Mathern.

A quorum was declared by the President Pro Tempore.

MOTION

SEN. KLEIN MOVED that SB 2160, which is on the Sixth order, be laid over one legislative day, and that SB 2054, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. KLEIN MOVED that SB 2269, which is on the Eleventh order, be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2269 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2016: SEN. ROBINSON (Appropriations 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 2016: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide for transfers; to provide exemptions; and to declare an emergency.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2016 passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2128: SEN. WARNER (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to amend and reenact subsection 5 of section 43-05-01 of the North Dakota Century Code, relating to the definition of podiatric medicine.

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 43 YEAS, 3 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; Holmberg; Klein; Krebsbach; Laffen; Larsen; Lee, J.; Luick; Marcellais; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

NAYS: Hogue; Kilzer; Lee, G.

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2128 passed.

CONSIDERATION OF AMENDMENTS

SB 2199: SEN. GRABINGER (Appropriations 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 2199: A BILL for an Act to provide an appropriation to the attorney general for a human trafficking victims treatment and support services pilot project; and to provide for a report to the legislative management.

ROLL CALL

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

YEAS: Anderson; Armstrong; 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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2199 passed.

CONSIDERATION OF AMENDMENTS

SB 2236: SEN. LARSEN (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2236: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24, a new subsection to section 43-17-02, and a new chapter to title 43 of the North Dakota Century Code, relating to the regulation and licensure of technical personnel who perform medical imaging procedures and radiation therapy treatments; and to provide a penalty.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2236 passed.

CONSIDERATION OF AMENDMENTS

SB 2226: SEN. TRIPLETT (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 2226: A BILL for an Act to amend and reenact sections 57-51.2-01 and 57-51.2-02 of the North Dakota Century Code, relating to authority of the governor to enter agreements relating to taxation and regulation of oil and gas exploration and production within the boundaries of the Fort Berthold Reservation, Standing Rock Sioux Tribe Reservation, or Turtle Mountain Band of Chippewa Indians Reservation and on certain trust properties outside reservation boundaries.

ROLL CALL

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

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

NAYS: Larsen

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2226 passed.

SECOND READING OF SENATE BILL

SB 2221: A BILL for an Act to amend and reenact section 47-18-01, subsection 4 of section 47-18-04, section 47-18-14, and subsections 1 and 2 of section 57-02-08.1 of the North Dakota Century Code, relating to the homestead exemption, when the homestead is subject to exemption, exempt proceeds of sale, and the homestead tax credit; 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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

SB 2221 passed.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act 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; to amend and reenact section 57-38-01.33 of the North Dakota Century Code, relating to an income tax credit for purchases of manufacturing machinery and equipment for automating manufacturing processes; and to provide an effective date.

ROLL CALL

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

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

NAYS: Miller

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2340 passed.

SECOND READING OF SENATE BILL

SB 2374: A BILL for an Act to create and enact two new sections to chapter 38-08 of the North Dakota Century Code, relating to regulation of gathering pipelines; to amend and reenact subdivision d of subsection 1 of section 38-08-04 and subsection 3 of section 38-08-04.5 of the North Dakota Century Code, relating to the abandoned oil and gas well plugging and site reclamation fund; and to provide for a legislative management study.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2374 passed.

SECOND READING OF SENATE BILL

SB 2032: A BILL for an Act to create and enact chapter 17-10 of the North Dakota Century Code, relating to the western infrastructure strategy office; and to provide an appropriation.

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 16 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Bekkedahl; Davison; Dotzenrod; Lee, J.; Murphy; Nelson; O'Connell; Oban; Oehlke; Rust; Schaible; Sinner; Unruh; Warner

NAYS: Anderson; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Dever; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Luick; Marcellais; Miller; Poolman; Robinson; Schneider; Sorvaag; Triplett; Wanzek; Wardner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2032 failed.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2021 passed.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to provide for a railroad safety program; to amend and reenact sections 49-01-05 and 57-43.2-19 of the North Dakota Century Code, relating to the salary of public service commissioners and the special fuels excise taxes distribution of funds; to authorize a transfer; to provide an effective date; to provide for retroactive application; and to declare an emergency.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2008 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2087: A BILL for an Act to provide an exemption; and to declare an emergency.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2087 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2283: A BILL for an Act to create and enact sections 26.1-26-54 and 26.1-26-55 of the North Dakota Century Code, relating to lines of insurance and procedures for travel insurance.

ROLL CALL

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

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

NAYS: Oehlke

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2283 passed.

SECOND READING OF SENATE BILL

SB 2075: A BILL for an Act to amend and reenact section 15.1-21-02.6 of the North Dakota Century Code, relating to the North Dakota scholarship eligibility of students in accelerated programs.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2075 passed.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact sections 54-11-13 and 57-20-07.2 of the North Dakota Century Code, relating to the salary of the state treasurer and state-paid property tax relief credit.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2005 passed.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2004 passed.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to provide an exemption; and to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of 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 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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2002 passed.

SECOND READING OF SENATE BILL

SB 2150: 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 and student organization disciplinary proceedings at institutions under the control of the state board of higher education.

ROLL CALL

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

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

NAYS: Hogue

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2150 passed.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2014 passed.

MOTION

SEN. KLEIN MOVED that SB 2361 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to amend and reenact subsection 2 of section 61-40-05 of the North Dakota Century Code, relating to the use of eminent domain by the western area water supply authority.

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; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Miller; Murphy; Nelson; Oban; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Wanzek; Wardner; Warner

NAYS: Bekkedahl; Davison; Laffen; O'Connell; Oehlke; Unruh

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2361 passed.

SECOND READING OF SENATE BILL

SB 2336: A BILL for an Act to amend and reenact subsection 3 of section 61-40-10 of the North Dakota Century Code, relating to approval of the state water commission for expansion of the western area water supply project.

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 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Burckhard; Campbell; Casper; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Larsen; Lee, G.; Luick; Marcellais; Miller; Murphy; Nelson; Oban; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Wanzek; Wardner; Warner

NAYS: Bekkedahl; Bowman; Carlisle; Cook; Davison; Laffen; Lee, J.; O'Connell; Oehlke; Rust; Unruh

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2336 passed.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to amend and reenact section 53-06.1-12 of the North Dakota Century Code, relating to gaming and excise taxes; to provide a continuing appropriation; and to provide an effective date.

ROLL CALL

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

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

NAYS: Marcellais

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2202 passed.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to amend and reenact section 12.1-32-06.1, subsections 1 and 3 of section 12.1-32-07, and subdivision c of subsection 5 of section 39-08-01 of the North Dakota Century Code, relating to length and termination of probation, supervision of probation, and conditions of probation; and to provide a penalty.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2027 passed.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to amend and reenact subsections 21, 22, and 23 of section 57-39.2-01 and subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to elimination of sales taxes on sale of internet access services; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Casper; Cook; Dever; Dotzenrod; Flakoll; Grabinger; Heckaman; Hogue; Laffen; Larsen; Luick; Marcellais; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Rust; Schaible; Schneider; Sinner; Triplett; Unruh; Wardner

NAYS: Anderson; Bowman; Carlisle; Davison; Erbele; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Robinson; Sorvaag; Wanzek; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2096 passed.

SECOND READING OF SENATE BILL

SB 2197: A BILL for an Act to provide an appropriation to the state department of health to expand a dental sealant program for elementary aged students.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner;

Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2197 passed.

SECOND READING OF SENATE BILL

SB 2253: A BILL for an Act to provide an appropriation to the department of human services for expanding the healthy families home visitation program.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Burckhard; Casper; Davison; Dever; Dotzenrod; Flakoll; Grabinger; Heckaman; Krebsbach; Laffen; Lee, J.; Marcellais; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Schneider; Sinner; Triplett; Unruh; Warner

NAYS: Bekkedahl; Bowman; Campbell; Carlisle; Cook; Erbele; Hogue; Holmberg; Kilzer; Klein; Larsen; Lee, G.; Luick; Miller; Rust; Schaible; Sorvaag; Wanzek; Wardner

ABSENT AND NOT VOTING: Mathern

SB 2253 passed.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the creation of a medication therapy management program for medicaid-eligible individuals; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2320 passed.

SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to create and enact section 12.1-29-07 of the North Dakota Century Code, relating to an offender education program; to amend and reenact section 12.1-29-06 of the North Dakota Century Code, relating to hiring an individual to engage in sexual activity; and to provide a penalty.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2332 passed.

SECOND READING OF SENATE BILL

SB 2175: A BILL for an Act to amend and reenact sections 57-39.5-02 and 57-43.1-03.1 of the North Dakota Century Code, relating to the transfer of revenue from the farm machinery gross receipts tax and fuel tax refunds; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Reengrossed SB 2175 passed.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to provide for a legislative management study of plugging and reclamation bonds.

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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Mathern

Engrossed SB 2251 passed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4018: A concurrent resolution directing the Legislative Management to study the use of seclusion and restraint procedures in schools.

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

SCR 4018 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4015: A concurrent resolution urging Congress to repeal the portions of the federal Affordable Care Act which are overreaching and the portions which are counter to good governance.

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

SCR 4015 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4020: A concurrent resolution urging Congress to establish food labeling standards, direct the clarification of voluntary food labeling standards, and provide for a review of foods derived through the use of biotechnology.

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

SCR 4020 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4004: A concurrent resolution directing the Legislative Management to continue to study dental services in the state, including the effectiveness of case management services and the state infrastructure necessary to cost effectively use mid-level providers to improve access to services and address dental service provider shortages in underserved areas of the state.

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

SCR 4004 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4006: A concurrent resolution directing the Legislative Management to study the impact to North Dakotans of the marriage penalty within the supplementary security income program under the Social Security Act and encouraging the North Dakota Congressional Delegation to address this issue within the Social Security laws.

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

SCR 4006 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution directing the Legislative Management to study how the institution for mental disease Medicaid reimbursement exclusion impacts this state, including the impact on Medicaid enrollees and on private and public sector providers.

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

SCR 4021 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to amend and reenact subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to an individual income tax rate reduction; to provide an effective date; and to provide an expiration date.

ROLL CALL

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

YEAS: Axness; Erbele; Hogue; Larsen; Lee, G.; Miller; Nelson; O'Connell; Sinner; Warner

NAYS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Flakoll; Grabinger; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Lee, J.; Luick; Marcellais; Murphy; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sorvaag; Triplett; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Mathern

SB 2212 failed.

SECOND READING OF SENATE BILL

SB 2287: A BILL for an Act to amend and reenact section 38-08-06.4 of the North Dakota Century Code, relating to flaring restrictions.

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 11 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axness; Dotzenrod; Grabinger; Heckaman; Marcellais; Nelson; Oban; Robinson; Schneider; Triplett; Warner

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

ABSENT AND NOT VOTING: Mathern

SB 2287 failed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2007, SB 2009, SB 2010, SB 2011, SB 2034, SB 2144, SB 2194, SB 2292, SB 2304, SB 2307, SB 2315, SB 2329, SB 2339, SB 2349, SB 2371, SCR 4010, SCR 4019.

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 1026, HB 1027, HB 1028, HB 1030, HB 1033, HB 1034, HB 1052, HB 1057, HB 1060, HB 1061.

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 1062, HB 1063, HB 1064, HB 1070, HB 1076, HB 1081, HB 1082, HB 1083, HB 1085, HB 1086.

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 1091, HB 1093, HB 1098, HB 1100, HB 1102.

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 12:00 p.m., Friday, February 20, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2037: 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 2037 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 57-06-14.1, and subsection 1 of section 57-38-01.8 of the North Dakota Century Code, relating to taxation of wind turbine electric generation units and an income tax credit for installation of geothermal, solar, wind, or biomass energy devices; to provide for a legislative management study; to provide for a report; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-06-14.1 of the North Dakota Century Code is amended and reenacted as follows:

57-06-14.1. ~~Taxable valuation~~ Taxation of centrally assessed wind turbine electric generators.

1. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more on which construction is completed before January 1, 2015, must be valued at three percent of assessed value to determine taxable valuation of the property except:
 - 4- a. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, for which a purchased power agreement was executed after April 30, 2005, and before January 1, 2006, and construction was completed after April 30, 2005, and before July 1, 2006, must be valued at one and one-half percent of assessed value to determine taxable valuation of the property for the duration of the initial purchased power agreement for the generation unit; and
 - 2- b. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, on which construction is completed after June 30, 2006, and before January 1, 2015, must be valued at one and one-half percent of assessed value to determine taxable valuation of the property.
2. A centrally assessed wind turbine electric generation unit with a nameplate generation capacity of one hundred kilowatts or more, on which construction is completed after December 31, 2014; for which a purchased power agreement is entered or renewed after December 31, 2014; or which is purchased by a company subject to taxation under this chapter after December 31, 2014, is subject to taxes in lieu of property taxes, to be determined as provided in subsection 1 of section 57-33.2-04 and subject to any associated administrative provisions of chapter 57-33.2.

SECTION 2. AMENDMENT. Subsection 1 of section 57-38-01.8 of the North Dakota Century Code is amended and reenacted as follows:

1. A taxpayer filing a North Dakota income tax return pursuant to the provisions of this chapter may claim a credit against the tax liability under section 57-38-30 for the cost of a geothermal, solar, ~~wind~~, or biomass energy device installed before January 1, 2015, in a building or on property owned or leased by the taxpayer in North Dakota. A wind energy device on which construction was commenced before January 1, 2015, and which is installed before January 1, 2017, is eligible for the credit provided in this section. The credit ~~provided in this section~~ for a device installed before January 1, 2001, must be in an amount equal to five percent per year for three years, and for a device installed after December 31, 2000, must be in an amount equal to three percent per year for five years of the actual cost of acquisition and installation of the geothermal, solar, wind, or biomass energy device and must be subtracted from any income tax liability of the taxpayer as determined pursuant to the provisions of this chapter.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - WIND GENERATION TAXATION. During the 2015-16 interim, the legislative management shall consider studying wind generation taxation, including analysis of property, generation, sales, and income tax application and equity within the industry. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-fifth legislative assembly.

SECTION 4. REPORTS BY PUBLIC SERVICE COMMISSION. At least once in each year of the 2015-16 interim, the public service commission shall present a report to the interim committee designated by the legislative management on the most current information available on the status of retail sales of electricity in the state meeting or exceeding the state renewable and recycled energy objective established in section 49-02-28 and a comparison of the amount of renewable and recycled energy produced in the state with the amount sold at retail in the state.

SECTION 5. EFFECTIVE DATE. Sections 1 and 2 of this Act are effective for taxable years beginning after December 31, 2014."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2041: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "\$250,000" with "\$125,000"

Page 1, line 11, after the second "the" insert "life skills and transition center, the"

Page 1, line 11, after "hospital" insert a comma

Page 1, line 13, replace "land" with ":

1. Land"

Page 1, line 14, remove ". The master plan must also"

Page 1, line 15, replace "address the" with ";

2. The"

Page 1, line 16, replace the period with "; and

3. The potential to transfer facilities at the life skills and transition center and the state hospital to the department of corrections and rehabilitation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2042, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2042 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2044, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2044 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2045, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2045 was placed on the Sixth order on the calendar.

Page 1, line 2, after "services" insert "; and to provide for a report to the legislative management"

Page 1, line 5, replace "\$2,000,000" with "\$1,000,000"

Page 1, after line 16, insert:

"SECTION 2. DEPARTMENT OF HUMAN SERVICES REPORT TO LEGISLATIVE MANAGEMENT. The department of human services shall provide a report to the legislative management or a committee designated by the legislative management before July 1, 2016, regarding the rules adopted to establish and administer the voucher system to assist in the payment of addiction treatment services provided by private licensed substance abuse treatment programs as provided in section 1 of this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2046, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2046 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; to"

Page 1, line 3, remove "provide for reports to the legislative management"

Page 1, line 3, replace "appropriations" with "an appropriation"

Page 1, remove lines 12 through 23

Page 2, remove lines 8 through 12

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes sections 2 and 4 of the engrossed bill which would have provided a \$3 million general fund appropriation to the Department of Human Services for substance abuse treatment services and a \$25,000 general fund appropriation to the Highway Patrol for mental health first-aid training for state and local law enforcement personnel.

REPORT OF STANDING COMMITTEE

SB 2048, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)

recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2048 was placed on the Sixth order on the calendar.

Page 1, line 2, after "services" insert "and for substance abuse treatment services"

Page 1, line 2, remove "to provide an appropriation to the department of public instruction for"

Page 1, line 3, replace "teacher and noncertified school staff training" with "to provide for reports to the legislative management"

Page 2, line 4, remove "found in Senate Bill Nos. 2045 and 2046, and sections 1 and 2 of this Act"

Page 2, replace lines 6 through 15 with:

"SECTION 4. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - REPORTS TO THE LEGISLATIVE MANAGEMENT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the department of human services for the purpose of addressing gaps in the state's substance abuse treatment system, including intervention, detoxification, and recovery services, for the biennium beginning July 1, 2015, and ending June 30, 2017. The department of human services shall ensure recipients of funding under this section collect and report process and outcome measures. Recipients of funding under this section shall implement research-based programs. The department of human services shall require recipients of funding under this section to develop sustainability plans and participate in training and technical assistance. The department of human services shall report to the legislative management on the use of these funds by July 1, 2016."

Page 3, line 10, after "include" insert "consideration of developing a grant program for mental health first-aid training for teachers and noncertified school staff and"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment adds an appropriation of \$2,000,000 for addressing gaps in the state's substance abuse treatment system, removes an appropriation of \$250,000 for providing grants to regional education associations for mental health first-aid training for teachers and noncertified school staff, and adds language to a legislative management study on behavioral health needs of youth and adults to include, as part of the study, consideration of developing a grant program for mental health first-aid training for teachers and noncertified school staff.

REPORT OF STANDING COMMITTEE

SB 2050: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2050 was placed on the Sixth order on the calendar.

Page 1, after line 6, insert:

"1."

Page 1, line 7, remove "the state's"

Page 1, line 8, replace "medical assistance program" with "chapter 50-24.1"

Page 1, line 9, after "program" insert: ":

- a. If the individual's estimated monthly home and community-based services benefits, excluding the cost of case management, are between the income level established in section 50-24.1-02.6 and the lowest level of the fee schedule for services under this chapter; or
 - b. If the individual is receiving a service that is not available under chapter 50-24.1.
2. The home and community-based services case manager shall notify the state agency upon use of an exception authorized under subsection 1"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2107, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2107 was placed on the Sixth order on the calendar.

Page 10, line 18, replace "department of corrections and rehabilitation" with "attorney general"

Page 10, line 22, replace "department of corrections and rehabilitation" with "the attorney general"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2127: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2127 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2134: Judiciary Committee (Sen. Hogue, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the Sixth order on the calendar.

In lieu of the amendments printed on pages 434 and 435 of the Senate Journal, Senate Bill No. 2134 is amended as follows:

Page 1, line 2, replace "performance evaluations" with "the appointment and removal"

Page 1, line 2, after "and" insert "the"

Page 1, line 9, overstrike "and to"

Page 1, line 10, overstrike "therefor"

Page 1, line 10, overstrike the first "to"

Page 1, line 10, overstrike the second "to"

Page 1, line 11, overstrike "any"

Page 1, line 12, overstrike "shall be" and insert immediately thereafter "must take place"

Page 1, line 12, overstrike "if the" and insert immediately thereafter ", unless:

(1) The"

Page 1, line 12, overstrike "unless the" and insert immediately thereafter "to open the meeting; or

(2) The"

Page 1, line 13, remove the overstrike over "that"

Page 1, line 14, after "public" insert "and the board consents to the request"

Page 1, line 18, replace "shall be" with "must take place"

Page 1, line 18, replace "if the" with ", unless:

(1) The"

Page 1, line 19, replace "unless the" with "to open the meeting; or

(2) The"

Page 1, line 19, after "requests" insert "that"

Page 1, line 20, after "public" insert "and the board consents to the request"

Page 2, remove lines 1 through 7

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2218, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2218 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$300,000" with "\$100,000"

Page 1, line 10, replace "\$75,000" with "\$25,000"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2284, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2284 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "\$500,000" with "\$200,000"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2289: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2289 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$500,000" with "\$160,000"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2295: 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 2295 was placed on the Sixth order on the calendar.

Page 1, line 11, after "means" insert "doing any of"

Page 1, line 15, remove "comprehensive management of injuries"

Page 1, replace lines 16 and 17 with "following under the guidance of a physician:

- a. Preventing, recognizing, and evaluating injuries and illnesses sustained while participating in physical activity;
- b. Managing and administering the initial treatment of injuries or illnesses sustained while participating in physical activity;
- c. Giving emergency care or first aid for an injury or illness sustained while participating in physical activity;
- d. Rehabilitating injuries or illnesses sustained while participating in physical activity;
- e. Rehabilitating and physically reconditioning injuries or illnesses that impede or prevent an individual from returning to participating in physical activity, if the individual recently participated in, and intends to return to participation in, physical activity;
- f. Establishing or administering risk management, conditioning, and injury prevention programs; or
- g. Referring a patient to an appropriate health care provider as needed."

Page 1, line 20, after "4." insert: "Physical Activity" means activity that requires physical strength, agility, range of motion, repetitive motion, speed, or stamina, including participation in exercise, sports, games, recreation, wellness, or fitness.

5."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2298: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2351: Agriculture Committee (Sen. Miller, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2355: 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 2355 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 15.1-13 of the North Dakota Century Code, relating to the development of a satisfaction survey for the education standards and practices board; to provide for a legislative management study; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Satisfaction survey - Development - Utilization - Report to legislative management.

1. a. The superintendent of public instruction shall develop an electronic survey instrument that the education standards and practices board

shall utilize at the conclusion of all interactions with individuals seeking information or services from the board.

- b. The survey instrument must include references to quality; timeliness; the availability, courtesy, knowledge, and responsiveness of staff; the ease of obtaining information or services; and the cost and value of the interaction.
- c. The education standards and practices board shall begin to utilize the survey no later than June 1, 2015.
- 2. The education standards and practices board shall compile the responses and provide regular reports regarding the results to an interim committee designated by the legislative management, at the times and in the manner requested by the committee.
- 3. Any expenses incurred by the superintendent of public instruction in developing the survey instrument are the responsibility of the education standards and practices board.

SECTION 2. LEGISLATIVE MANAGEMENT STUDY - EDUCATION STANDARDS AND PRACTICES BOARD - OTHER EDUCATIONAL SERVICE PROVIDERS. During the 2015-16 interim, the legislative management shall consider studying the effectiveness and efficiency of the education standards and practices board and other educational service providers, including regional education associations, EduTech, the center for distance education, and the teacher center network. The study shall examine organizational, structural, administrative, and supervisory options for strengthening the role and function of the named entities an ensuring the optimal provision of services to students, teachers, schools, and school districts throughout the state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4011: 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). SCR 4011 was placed on the Sixth order on the calendar.

Page 1, line 1, after "a" insert "more"

Page 1, line 1, remove "extricate the federal"

Page 1, line 2, replace "government from any role it has unconstitutionally usurped with respect to the" with "recognize states' rights in the role of"

Page 1, line 3, replace "eliminate" with "encourage greater flexibility and cooperation between"

Page 1, line 3, after "Education" insert "and the states"

Page 1, line 13, remove "has convinced many that the United States Department of Education is a costly,"

Page 1, line 14, remove "inefficient, and ineffective federal bureaucracy"

Page 1, line 14, remove the second "and"

Page 1, line 16, replace "threaten" with "interfere with"

Page 1, line 16, remove "very future as a nation and to"

Page 1, line 17, remove "return the"

Page 1, line 17, replace "to" with "by"

Page 1, line 21, after "a" insert "more"

Page 1, line 21, replace "extricate the federal government from any role it has unconstitutionally"

Page 1, line 22, replace "usurped with respect to" with "recognize states' rights in the role of"

Page 1, line 22, replace "eliminate" with "encourage greater flexibility and cooperation between"

Page 1, line 23, after "Education" insert "and the states"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4013: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4013 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4022: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4022 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3023: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3023 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1026: A BILL for an Act to create and enact chapter 4.1-17 of the North Dakota Century Code, relating to ginseng; and to repeal chapter 4-39 of the North Dakota Century Code, relating to ginseng.

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

HB 1027: A BILL for an Act to create and enact chapter 4.1-26 of the North Dakota Century Code, relating to the milk marketing board; to amend and reenact section 54-07-01.2 of the North Dakota Century Code, relating to boards and commissions; and to repeal chapter 4-18.1 of the North Dakota Century Code, relating to the milk marketing board.

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

HB 1028: A BILL for an Act to require that the legislative management continue its study of laws relating to agriculture.

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

HB 1030: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to exceptions from mandatory minimum sentences; to amend and reenact subsection 19 of section 12.1-01-04, subdivision a of subsection 3 of section 12.1-20-03, and subsection 2 of section 12.1-32-07.1 of the North Dakota Century Code, relating to the definition of manifest injustice.

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

HB 1033: A BILL for an Act to create and enact three new sections to chapter 54-27 of the North Dakota Century Code, relating to definitions for the legacy fund, the legacy fund principal balance, and a transfer of legacy fund earnings; and to repeal section 21-10-12 of the North Dakota Century Code, relating to a definition of legacy fund earnings.

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

HB 1034: A BILL for an Act to amend and reenact section 54-44.1-12 of the North Dakota

Century Code, relating to the allotment of appropriations.
Was read the first time and referred to the **Appropriations Committee**.

HB 1052: A BILL for an Act to amend and reenact subsection 11 of section 54-35-15.2 and section 54-59-12 of the North Dakota Century Code, relating to information technology reports by the North Dakota university system.
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1057: A BILL for an Act to create and enact section 57-02-53 of the North Dakota Century Code, relating to notice to a property owner of an assessment increase; to amend and reenact sections 57-09-04, 57-11-03, and 57-12-06 and subsection 2 of section 57-15-02.1 of the North Dakota Century Code, relating to notice to a property owner of an assessment increase; to repeal section 57-12-09 of the North Dakota Century Code, relating to notice to a property owner of an assessment increase; and to provide an effective date.
Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1060: A BILL for an Act to create and enact a new subsection to section 52-01-03 and a new subsection to section 57-38-57 of the North Dakota Century Code, relating to disclosure of certain information in possession of job service North Dakota or the tax commissioner to the department of commerce and restricting the use and disclosure of that information by the department of commerce.
Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1061: A BILL for an Act to amend and reenact section 54-35-02.7 of the North Dakota Century Code, relating to the water topics overview committee.
Was read the first time and referred to the **Energy and Natural Resources Committee**.

HB 1062: A BILL for an Act to amend and reenact subsection 6 of section 39-03.1-01, sections 39-03.1-10.3 and 39-03.1-11.2, subsection 3 of section 39-03.1-14.1, subsection 1 of section 54-52-05, subsection 3 of section 54-52-17, subsection 1 of section 54-52-17.2, sections 54-52-17.14 and 54-52-28, subsection 1 of section 54-52.1-03, and sections 54-52.1-03.1, 54-52.1-03.4, 54-52.1-18, 54-52.6-09.4, and 54-52.6-21 of the North Dakota Century Code, relating to the highway patrolmen's retirement plan and the public employees retirement system defined benefit plan and defined contribution plan retirement benefits, health insurance plans, life insurance benefits, and employee assistance benefits coverage; and to provide for retroactive application.
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1063: A BILL for an Act to amend and reenact sections 21-10-02.1 and 21-10-06 of the North Dakota Century Code, relating to modifications to investment policies for and funds under management of the state investment board.
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1064: A BILL for an Act to amend and reenact subsection 10 of section 15-39.1-04, subsection 4 of section 15-39.1-10, sections 15-39.1-10.6 and 15-39.1-20, subsections 8 and 11 of section 15-39.1-24, and section 15-39.1-34 of the North Dakota Century Code, relating to the incorporation of federal law changes for the definition of salary, eligibility for normal retirement benefits, benefit limitations, and withdrawal from the fund under the teachers' fund for retirement.
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1070: A BILL for an Act to amend and reenact subdivision f of subsection 43 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for affordable housing.
Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1076: A BILL for an Act to amend and reenact sections 27-02.1-01, 27-0.1-02, 27-02.1-03, 27-02.1-04, 27-02.1-05, 27-02.1-06, 27-02.1-07, 27-02.1-08, and 27-02.1-09 of the North Dakota Century Code, relating to the temporary court of appeals; to provide an effective date; and to provide an expiration date.
Was read the first time and referred to the **Judiciary Committee**.

HB 1081: A BILL for an Act to amend and reenact sections 20.1-04-07, 20.1-08-04.2,

20.1-08-04.6, 20.1-08-04.13 of the North Dakota Century Code, relating to big game and turkey hunting licenses for youth with a life-threatening illness.

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

HB 1082: A BILL for an Act to amend and reenact subsection 38 of section 57-02-08 of the North Dakota Century Code, relating to application of property taxes to the value or the leasehold interest in state lands leased for pasture or grazing purposes; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

HB 1083: A BILL for an Act to provide for a legislative management study of statutory and regulatory requirements placed on North Dakota state government agencies by United States government agencies.

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

HB 1085: A BILL for an Act to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to federal funds reporting requirements by state agencies and reports to the legislative management; and to amend and reenact section 54-27-27 of the North Dakota Century Code, relating to federal grant applications reporting requirements by state agency.

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

HB 1086: A BILL for an Act to amend and reenact subsection 10 of section 28-22-02 of the North Dakota Century Code, relating to absolute exemptions from process, levy, or sale.

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

HB 1091: A BILL for an Act to amend and reenact section 53-06.2-04.1 of the North Dakota Century Code, relating to registration of North Dakota-bred horses with the breeders' fund.

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

HB 1093: A BILL for an Act to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to allocation and distribution of the highway tax distribution fund.

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

HB 1098: A BILL for an Act to amend and reenact section 43-05-16.3 of the North Dakota Century Code, relating to the powers of the North Dakota board of podiatric medicine.

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

HB 1100: A BILL for an Act to amend and reenact subsection 2 of section 43-23.3-03 and sections 43-23.3-04, 43-23.3-04.1, 43-23.3-09, 43-23.3-22, and 43-23.3-24 of the North Dakota Century Code, relating to real estate appraiser permits.

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

HB 1102: A BILL for an Act to create and enact subsection 9 to section 65-05-32 of the North Dakota Century Code, relating to privacy of records; to amend and reenact subsection 21 of section 65-05-02, subsection 1 of section 65-01-15.1, sections 65-05-10 and 65-05-20.1, subsection 1 of section 65-05.1-06.1, and sections 65-05.1-06.3, 65-05.1-08, and 65-06-03 of the North Dakota Century Code, relating to definition of a health care provider, presumption of compensability for full-time paid firefighters and law enforcement, payment of temporary partial disability benefits, rules for the workforce safety and insurance scholarship fund, issuance of vocational rehabilitation decisions, rehabilitation pilot programs, rules for the educational revolving loan fund, and average weekly wages for volunteer firefighters, volunteer health practitioners, and volunteer emergency responders; and to provide for application.

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

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

Jane Schaible, Secretary

