

## JOURNAL OF THE SENATE

## Sixty-fourth Legislative Assembly

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Bismarck, March 24, 2015

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

The prayer was offered by Reverend Don Schmid, Baptist Health Care Center, Bismarck.

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

A quorum was declared by the President.

**CONSIDERATION OF AMENDMENTS**

**HB 1372, as engrossed: SEN. MARCELLAIS (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 887 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1372 was rereferred to the **Appropriations Committee**.

**CONSIDERATION OF AMENDMENTS**

**HB 1432, as reengrossed: SEN. MILLER (Agriculture Committee) MOVED** that the amendments on SJ pages 888-890 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Reengrossed HB 1432 was rereferred to the **Appropriations Committee**.

**CONSIDERATION OF AMENDMENTS**

**HB 1387, as engrossed: SEN. POOLMAN (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 887-888 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1197, as engrossed: SEN. LUICK (Agriculture Committee) MOVED** that the amendments on SJ page 886 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that after action taken on the Sixth order, Engrossed HB 1469, Engrossed HB 1106, and Engrossed HB 1441 be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1469, as engrossed: SEN. CASPER (Transportation Committee) MOVED** that the amendments on SJ page 891 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1469:** A BILL for an Act to amend and reenact section 39-04.2-04 of the North Dakota Century Code, relating to conditions for public transportation funding.

**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; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman;

Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell

Engrossed HB 1469, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1106, as engrossed: SEN. ARMSTRONG (Judiciary Committee) MOVED** that the amendments on SJ page 886 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1106:** A BILL for an Act to provide for a legislative management study of issues relating to criminal defendants who are veterans or who are currently serving in the armed forces.

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

**ABSENT AND NOT VOTING:** Campbell

Engrossed HB 1106, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1441, as engrossed: SEN. FLAKOLL (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 890-891 be adopted and then be placed on the Fourteenth order with **DO PASS**.

#### REQUEST

**SEN. FLAKOLL REQUESTED** a verification vote, which request was granted.

The proposed amendments to Engrossed HB 1441 were adopted on a verification vote.

#### SECOND READING OF HOUSE BILL

**HB 1441:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to certification of delegates to a convention of the states, called pursuant to article V of the United States Constitution, to amend the United States Constitution.

#### 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 31 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Campbell

Engrossed HB 1441, as amended, passed.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3015:** A concurrent resolution making a formal application to Congress to call a convention for the sole purpose of proposing an amendment to the Constitution of the United States which requires a balanced federal budget.

**REQUEST**

**SEN. LARSEN REQUESTED** a recorded roll call vote on the adoption of HCR 3015, which request was granted.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Campbell

HCR 3015 was declared adopted on a recorded roll call vote.

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**SECOND READING OF HOUSE BILL**

**HB 1138:** A BILL for an Act providing for the adoption of an interstate compact entitled "Compact for a Balanced Budget".

**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 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Campbell

Engrossed HB 1138 passed.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3014:** A concurrent resolution applying for a convention of the states under Article V of the Constitution of the United States for the purpose of amending the Constitution of the United States.

**REQUEST**

**SEN. LARSEN REQUESTED** a recorded roll call vote on the adoption of HCR 3014, which request was granted.

**ROLL CALL**

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

**YEAS:** Anderson; Armstrong; Bowman; Burckhard; Casper; Davison; Dever; Hogue; Laffen; Larsen; Luick; Miller; Schaible; Sorvaag; Unruh

**NAYS:** Axness; Bekkedahl; Carlisle; Cook; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schneider; Sinner; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell

HCR 3014 was declared lost on a recorded roll call vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3017:** A concurrent resolution making a formal application to Congress to call a countermand amendment convention for the sole purpose of proposing an amendment to the Constitution of the United States to provide states a process to collectively countermand or repeal any law or ruling.

**REQUEST**

**SEN. LARSEN REQUESTED** a recorded roll call vote on the adoption of Engrossed HCR 3017, which request was granted.

**ROLL CALL**

The question being on the final adoption of the resolution, 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:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Casper; Davison; Dever; Erbele; Hogue; Laffen; Larsen; Luick; Miller; O'Connell; Unruh

**NAYS:** Axness; Carlisle; Cook; Dotzenrod; Flakoll; Grabinger; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell

Engrossed HCR 3017 was declared lost on a recorded roll call vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3016:** A concurrent resolution providing a method for states to appoint delegates if an amendment convention is called for the purpose of proposing an amendment to the Constitution of the United States to provide states a process to collectively countermand or repeal any law or ruling and to provide a method for the states to appoint delegates to the amendment convention.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

Engrossed HCR 3016 was declared lost on a voice vote.

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**SECOND READING OF HOUSE BILL**

**HB 1206:** A BILL for an Act to create and enact section 39-16-38 of the North Dakota Century Code, relating to special mobile equipment and liability insurance; to amend

and reenact subsection 5 of section 39-16-01 of the North Dakota Century Code, relating to motor vehicle financial responsibility; to provide a penalty; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell

Engrossed HB 1206, as amended, passed and the emergency clause was declared carried.

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#### MOTION

**SEN. KLEIN MOVED** that HB 1211, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1338:** A BILL for an Act to amend and reenact subsections 3 and 4 of section 14-07.1-20 of the North Dakota Century Code, relating to required disclosure of records to the domestic violence fatality review commission.

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

**ABSENT AND NOT VOTING:** Campbell

Engrossed HB 1338 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1347:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-31.2-01 and subsection 8 of section 27-20-02 of the North Dakota Century Code, relating to the inclusion of human trafficking in the definition of disorderly conduct and the definition of a deprived child.

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

Wardner; Warner

**ABSENT AND NOT VOTING:** Campbell

HB 1347 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1373:** A BILL for an Act to create and enact section 6-09-38.1 of the North Dakota Century Code, relating to creation of the North Dakota achieving a better life experience plan; and to provide a continuing appropriation.

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

**ABSENT AND NOT VOTING:** Campbell

Engrossed HB 1373 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1237:** A BILL for an Act to create and enact chapter 10-37 of the North Dakota Century Code, relating to North Dakota public benefit corporations.

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

**YEAS:** Nelson; Schneider

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

**ABSENT AND NOT VOTING:** Campbell

Engrossed HB 1237 failed.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3045:** A concurrent resolution directing the Legislative Management to study the automation of State Library data to track items owned, orders made, bills paid, patrons who have borrowed, and options for transferring materials between libraries.

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

HCR 3045 was declared adopted on a voice vote.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1032, HB 1096, HB 1114, HB 1184, HB 1356, HB 1389, HB 1391, HCR 3009, HCR 3031, HCR 3032, HCR 3034.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1202, HB 1283, HB 1384.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1318.

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

**MR. PRESIDENT:** The House has passed, unchanged: SCR 4007, SCR 4012, SCR 4013, SCR 4014, SCR 4018.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2123, SB 2130, SB 2285, SB 2367, SCR 4011.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2123**

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

Page 1, line 18, replace "fifty" with "ten"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2130**

Page 1, line 2, after "insurers" insert "; and to provide an effective date"

Page 14, after line 15, insert:

"c. Credit for reinsurance ceded to a certified reinsurer is limited to reinsurance contracts entered or renewed on or after the effective date of the commissioner's certification of the assuming insurer."

Page 16, after line 14, insert:

"**SECTION 5. EFFECTIVE DATE.** This Act becomes effective on January 1, 2016."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2285**

Page 1, line 12, remove "may"

Page 1, line 13, replace "be" with "is also"

Page 1, line 13, after "used" insert "by the employee"

Page 1, line 13, after "the" insert "scope of"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2367**

Page 2, line 1, replace "A representative from each of the following tribes" with "Three enrolled tribal members representing tribes located in the state"

Page 2, line 2, remove the colon

Page 2, remove lines 3 through 8

Page 2, line 9, remove "affairs commission"

Page 2, line 10, replace "m." with "l."

Page 2, line 13, replace "n." with "m."

Page 2, line 14, replace "o." with "n."

Page 2, line 15, remove "and"

Page 2, line 16, replace "p." with "o."

Page 2, line 16, after "director" insert: ", appointed by the executive director of the department of human services;

- p. A neonatologist, appointed by the North Dakota academy of pediatrics; and
- q. A neonatal intensive care unit nurse, appointed by the state board of nursing"

Page 3, line 10, after "syndrome" insert "and evaluate those programs and services to determine if gaps in programs or ineffective policies exist"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO.  
4011**

Page 1, line 1, remove "more"

Page 1, line 1, remove "recognize"

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

Page 1, line 2, remove "encourage greater flexibility and"

Page 1, line 3, replace "cooperation between" with "eliminate"

Page 1, line 3, remove "and the states"

Page 1, line 13, after "decades" insert "has convinced many that the United States Department of Education is a costly, inefficient, and ineffective federal bureaucracy"

Page 1, line 15, replace "interfere with" with "threaten"

Page 1, line 15, after "our" insert "very future as a nation and to return the"

Page 1, line 15, replace "by" with "to"

Page 1, line 20, remove "more"

Page 1, line 20, replace "recognize states' rights in the role of" with "extricate the federal government from any role it has unconstitutionally usurped with respect to"

Page 1, line 21, replace "encourage greater flexibility and cooperation between" with "eliminate"

Page 1, line 22, remove "and the states"

Renumber accordingly

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2129, SB 2131, SB 2172, SB 2215, SB 2335, SB 2364.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1245, HB 1251, HB 1310, HB 1312.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2029, SB 2049, SB 2061, SB 2073, SB 2156, SB 2168, SB 2187, SB 2192, SB 2204, SB 2217, SB 2234, SB 2237, SB 2262, SB 2315, SB 2372, SCR 4020.

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

**MR. SPEAKER:** The President has signed: SB 2029, SB 2049, SB 2061, SB 2073, SB 2156, SB 2168, SB 2187, SB 2192, SB 2204, SB 2217, SB 2234, SB 2237, SB 2262, SB 2315, SB 2372, SCR 4020.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1098, HB 1108, HB 1109, HB 1130, HB 1134, HB 1135, HB 1166, HB 1169, HB 1180, HB 1182, HB 1193, HB 1277, HB 1281, HB 1307, HB 1316, HB 1323, HB 1343, HB 1363, HB 1426.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3002.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 24, 2015: SB 2029, SB 2049, SB 2061, SB 2073, SB 2156, SB 2168, SB 2187, SB 2192, SB 2204, SB 2217, SB 2234, SB 2237, SB 2262, SB 2315, SB 2372.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on March 24, 2015: SCR 4020.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:35 p.m., Wednesday, March 25, 2015, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1040, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1040 was placed on the Sixth order on the calendar.

Page 3, line 14, overstrike "suffer from a mental illness" and insert immediately thereafter "be a person who is mentally ill"

Page 5, line 21, overstrike "suffering from a"

Page 5, line 22, overstrike "mental disorder or chemical dependency" and insert immediately thereafter "who are mentally ill or chemically dependent"

Page 10, line 3, overstrike "suffering"

Page 10, line 4, overstrike "from mental illness" and insert immediately thereafter "a person who is mentally ill"

Page 10, line 4, overstrike "combination of mental illness and chemical dependency" and insert immediately thereafter "person who is both mentally ill and chemically dependent"

Page 10, line 17, after "physician" insert ". a physician assistant, or an advanced practice registered nurse"

Page 10, line 22, overstrike "prescribing physician" and insert immediately thereafter prescriber"

Page 10, line 27, after "be" insert "a"

Page 10, line 28, after "ill" insert "person"

Page 10, line 28, overstrike "suffering from a combination of chemical dependency and mental illness" and insert immediately thereafter "a person who is both mentally ill and chemically dependent"

Page 17, line 21, overstrike "suffering"

Page 17, line 22, overstrike "from mental illness" and insert immediately thereafter "a person who is mentally ill"

Page 17, line 22, overstrike "from a combination of mental illness and chemical dependency" and insert immediately thereafter "a person who is both mentally ill and chemically dependent"

Page 17, line 23, overstrike "suffering from chemical"

Page 17, line 24, overstrike "dependency" and insert immediately thereafter "a person who is chemically dependent"

Page 18, line 11, overstrike "suffering from mental illness" and insert immediately thereafter "a person who is mentally ill"

Page 18, line 11, overstrike "from a combination of mental illness and"

Page 18, line 12, overstrike "chemical dependency" and insert immediately thereafter "a person who is both mentally ill and chemically dependent"

Page 19, line 21, overstrike "suffering from mental illness or chemical dependency" and insert immediately thereafter "a person who is both mentally ill and chemically dependent"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1082: 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). HB 1082 was placed on the Sixth order on the calendar.

Page 1, line 1, after "57-02-08" insert "and subsection 1 of 57-02-26"

Page 1, line 7, overstrike "The leasehold interest in property" and insert immediately thereafter "Property"

Page 1, after line 9, insert:

**"SECTION 2. AMENDMENT.** Subsection 1 of section 57-02-26 of the North Dakota Century Code is amended and reenacted as follows:

1. Property held under a lease for a term of years, or under a contract for the purchase thereof, belonging to the United States or to the state or a political subdivision thereof, except such lands ~~as have been leased for pasture or grazing purposes or upon~~ which the state makes payments in lieu of property taxes, or to any religious, scientific, or benevolent society or institution, whether incorporated or unincorporated, or to any railroad corporation whose property is not taxed in the

same manner as other property, must be considered, for all purposes of taxation, as the property of the person so holding the same."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1116, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1116 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1133, as reengrossed: 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). Reengrossed HB 1133 was placed on the Sixth order on the calendar.

Page 1, line 7, after "5-03-05" insert ", 40-57.1-04.4,"

Page 1, line 7, after the first comma insert "subsection 4 of section 57-02-27.2,"

Page 1, line 9, after the first comma insert "the tax lien of record clearance requirement for the new and expanding business income tax exemption,"

Page 1, line 10, after the comma insert "removal of obsolete language from provisions relating to the valuation and assessment of agricultural lands,"

Page 1, after line 21, insert:

**"SECTION 2. AMENDMENT.** Section 40-57.1-04.4 of the North Dakota Century Code is amended and reenacted as follows:

**40-57.1-04.4. Tax lien of record clearance ~~Clearance of tax obligations and tax liens of record.~~**

1. A project operator is not eligible for the income tax exemption under section 40-57.1-04 until a showing is made that the project operator has satisfied all state ~~and/or~~ local tax obligations and tax liens of record for delinquent property, income, income withholding, sales, or use taxes owed to the state or a political subdivision.
2. A certificate from the tax commissioner to the state board of equalization satisfies the requirement of subsection 1.
3. If the project operator is a corporation or a ~~limited liability company~~ passthrough entity defined in section 57-38-01, any of its officers, governors, or managers charged with the responsibility for making either property, income, income withholding, sales, or use tax returns and payments are subject to the provisions of subsections 1 and 2 with respect to all state or local tax obligations and tax liens of record for delinquent property, income, income withholding, sales, or use taxes for which the individual is personally liable. If the project operator is a partnership, each general partner is subject to the provisions of subsections 1 and 2 with respect to all state or local tax obligations or tax liens of record for delinquent property, income, income withholding, sales, or use taxes for which the individual is personally liable."

Page 3, after line 7, insert:

**"SECTION 6. AMENDMENT.** Subsection 4 of section 57-02-27.2 of the North Dakota Century Code is amended and reenacted as follows:

4. To find the "capitalized average annual gross return", the average annual gross return must be capitalized by a rate that is a ten-year average of the gross agribank mortgage rate of interest for North Dakota, ~~but the rate used for capitalization under this section may not be less than eight~~

~~percent for taxable year 2009, seven and seven-tenths percent for taxable year 2010, and seven and four-tenths percent for taxable year 2011. The ten-year average must be computed from the twelve years ending with the most recent year used under subdivision a of subsection 3, discarding the highest and lowest years, and the gross agribank mortgage rate of interest for each year must be determined in the manner provided in section 20.2032A-4(e)(1) of the United States treasury department regulations for valuing farm real property for federal estate tax purposes, except that the interest rate may not be adjusted as provided in section 20.2032A-4(e)(2).~~"

Page 4, line 27, after the second boldfaced period insert "Section 2 of this Act is effective for applications filed after June 30, 2015."

Page 4, line 27, replace "5" with "7"

Page 4, line 27, replace "6" with "8"

Page 4, line 28, replace "7" with "9"

Page 4, line 28, replace "8" with "10"

Page 4, line 29, remove "2,"

Page 4, line 29, after the fifth comma insert "5,"

Page 4, line 29, replace "9" with "11"

Page 4, line 29, replace "are" with "become"

Renumber accordingly

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

**HB 1203, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1203 was placed on the Fourteenth order on the calendar.

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

**HB 1228, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1228 was placed on the Fourteenth order on the calendar.

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

**HB 1297: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1297 was placed on the Fourteenth order on the calendar.

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

**HB 1309, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1309 was placed on the Fourteenth order on the calendar.

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

**HB 1319: 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). HB 1319 was placed on the Sixth order on the calendar.

Page 1, line 23, after the second underscored comma insert "hosted."

Renumber accordingly

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

**HB 1322, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).

Engrossed HB 1322 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1359, as reengrossed: 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). Reengrossed HB 1359 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "50-24.5-02" with "50-24.5-02.3"

Page 1, line 4, replace "50-24.5-02" with "50-24.5-02.3"

Page 1, line 6, replace "**50-24.5-02**" with "**50-24.5-02.3**"

Page 1, line 18, remove "The department shall establish the direct"

Page 1, remove lines, 19 through 23

Page 1, line 24, replace "percent" with "The department shall work with stakeholders to determine the methodology to be used to establish the annual limits required under this subsection within the limits of legislative appropriation"

Page 2, line 1, after the second underscored comma insert "within the limits of legislative appropriation."

Page 2, line 2, replace "twenty" with "thirty"

Page 2, after line 4, insert:

- "5. Within the limits of legislative appropriation, the department shall establish an uncompensated care expense of one hundred eighty days.
6. The department shall abolish the annual compensation cap for top management of basic care facilities."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1376: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1376 was placed on the Sixth order on the calendar.

Page 1, line 7, after "donation" insert "for a capital improvement project"

Page 1, line 11, after "donation" insert "for a capital improvement project"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1417, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1417 was placed on the Sixth order on the calendar.

Page 1, line 7, after "maintain" insert "an"

Page 1, line 7, overstrike "rooms" and insert immediately thereafter "room"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1463, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT

VOTING). Engrossed HB 1463 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1467: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1467 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3012: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3012 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3037: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3037 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3049: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3049 was placed on the Fourteenth order on the calendar.

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

**Jane Schaible, Secretary**