

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, February 9, 2015

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

The prayer was offered by Pastor Les Wolfgram, Shepherd of the Valley Lutheran Church, Bismarck

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The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 299, replace lines 14-15 with

"and **BE REFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2207 was placed on the Sixth order on the calendar."

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

MOTION

SEN. KLEIN MOVED that a committee of two be formed to escort Chief Petty Officer Tim Preabt to the Rostrum, which motion prevailed.

The President appointed Sens. Flakoll and Marcellais.

REMARKS OF ELECTRONICS TECHNICIAN MASTER CHIEF PETTY OFFICER**TIM PREABT****CHIEF OF THE BOAT, USS NORTH DAKOTA (SSN-784)**

Mr. President and Members of the North Dakota Senate:

I bring you greetings from our Commanding Officer, Captain Douglas V. Gordon and the entire crew of the USS NORTH DAKOTA.

Presenting this report on the current status of our boat, you bestow a great honor upon me and those who serve on the USS NORTH DAKOTA, and I am deeply honored.

I was born in Minot and grew up in Williston and Mandan. As a boy, when we traveled out of state, I was always taken back a bit when people – looking at our license plate – would ask, "Where's North Dakota, what's in North Dakota?"

Well, I'm here to tell you – traveling throughout the world – people sure know about North Dakota today!

People know North Dakota is at the forefront of making our nation energy independent. They're aware of our tremendous contribution to food production – and NOW, they are aware of the awesome power North Dakota represents in our national security, with the commissioning of the USS NORTH DAKOTA – the most modern and lethal attack submarine the world has yet to see.

I am here to tell you now, the USS NORTH DAKOTA is already legendary because of all your substantial and loyal support. Captain Gordon and our entire crew very much appreciate all you have done for us.

Many Navy officers and sailors have seen warships commissioned, but I join with Captain Gordon and our entire crew in declaring we have never seen more namesake state support for any commissioning.

Your support as legislators, the tireless work of the people of North Dakota, and the excellent planning of the USS NORTH DAKOTA Committee made our October 25th commissioning an outstanding success!

We were all pleased so many North Dakotans enthusiastically and proudly came out for the commissioning. Everything was perfect, and of course the good weather you North Dakotans brought us really helped. All of us and our families and friends were honored and pleased with the wonderful party you hosted for us that evening after our commissioning.

Our crew was proud to provide a thorough tour of our boat to all those who want to see the workings of their attack sub. I know many North Dakotans spent an hour or more on their tours, and we enjoyed showing off what a great boat we have!

Your USS NORTH DAKOTA is now training and conducting exercises to work up for her first deployment. Rest assured NORTH DAKOTA will serve with distinction, and she will reap any threats from the deep. Through you and the great people of North Dakota, your boat will continue to draw strength from the soil.

May we always mutually cherish and support continuing strong links binding NORTH DAKOTA with her namesake – the people and the State of North Dakota. Your continuing support throughout NORTH DAKOTA's 33 years of expected service life will inspire every submarine sailor who will sail with her into harm's way.

In token of our appreciation for your strong and loyal support, and on behalf of Captain Gordon and his crew, I am pleased to present you with this Honorary Plank Owner plaque. This plaque carries on a great Navy tradition from the days of wooden warships in which the first crew members of every US Navy warship were said to each own a plank of the ship. You have earned the proud ownership of one of our "planks."

Again, it is a great honor for me to serve as a submarine sailor in the United States Navy, and an even greater honor to have served as the first Chief of the Boat of the second warship named for our great state – the USS NORTH DAKOTA.

Thank you.

MOTION

SEN. KLEIN MOVED that the remarks of Chief Petty Officer Tim Preabt be printed in the journal, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2046: SEN. J. LEE (Human Services Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2046 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2257: SEN. BEKKEDAH (Finance and Taxation Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2257 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2148: SEN. SINER (Transportation Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2148 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2330: SEN. DAVISON (Government and Veterans Affairs Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2235: SEN. BURCKHARD (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that SCR 4003 be placed at the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4003: SEN. FLAKOLL (Education Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2039: SEN. FLAKOLL (Education Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2198: SEN. RUST (Transportation Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, SB 2245, SB 2258, SB 2138, and SB 2233 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2245: SEN. MARCELLAIS (Government and Veterans Affairs Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2245: A BILL for an Act to provide for a legislative management study of making provisions for Indian veterans' service representatives.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2245 passed.

CONSIDERATION OF AMENDMENTS

SB 2258: SEN. POOLMAN (Government and Veterans Affairs Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2258: A BILL for an Act to amend and reenact section 54-52.4-03 and subsection 1 of section 54-52.4-05 of the North Dakota Century Code, relating to state employee leave.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2258 passed.

CONSIDERATION OF AMENDMENTS

SB 2207: SEN. DOTZENROD (Political Subdivisions Committee) MOVED that the amendments be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2207 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2138: SEN. OEHLKE (Transportation Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2138: A BILL for an Act to create and enact section 24-01-12.4 of the North Dakota Century Code, relating to a pilot project for sponsorship agreements for litter control within rights of way; to provide for a report to the legislative management; and to provide an expiration 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 13 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Armstrong; Bekkedahl; Campbell; Casper; Dotzenrod; Flakoll; Luick; Oehlke; Poolman; Rust; Schneider; Sinner; Unruh

NAYS: Anderson; Axness; Bowman; Burckhard; Carlisle; Cook; Davison; Dever; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Robinson; Schaible; Sorvaag; Triplett; Wanzek; Wardner; Warner

Engrossed SB 2138 failed.

CONSIDERATION OF AMENDMENTS

SB 2233: SEN. CAMPBELL (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2233: A BILL for an Act to provide for a legislative management study of public improvement issues relating to use of multiple bids versus single prime bids, bidding thresholds, design services thresholds, and indemnification.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2233 passed.

SECOND READING OF SENATE BILL

SB 2209: A BILL for an Act to amend and reenact section 15.1-19-24 of the North Dakota Century Code, relating to youth suicide prevention training.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2209 passed.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to create and enact a new chapter to title 27 of the North Dakota Century Code, relating to the establishment of an interdisciplinary committee on problem-solving courts; and to provide an expiration 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2161 passed.

SECOND READING OF SENATE BILL

SB 2106: A BILL for an Act to create and enact chapter 30.1-36 of the North Dakota Century Code, relating to the Uniform Fiduciary Access to Digital Assets Act; and to provide for retroactive application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS,

46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson

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

Engrossed SB 2106 failed.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to amend and reenact section 43-15-31.4 of the North Dakota Century Code, relating to the governance of prescriptive practices for pharmacists.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2173 passed.

SECOND READING OF SENATE BILL

SB 2060: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation coverage of chronic opioid therapy; and to provide for application.

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, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Dever; Lee, J.; Murphy; Schneider

Engrossed SB 2060 passed.

SECOND READING OF SENATE BILL

SB 2364: A BILL for an Act to amend and reenact subsections 1 and 2 of section 54-59-25, subsections 1 and 2 of section 54-59-26, and section 54-59-29 of the North Dakota Century Code, relating to the health information technology loan fund and confidential health information; and to repeal section 6-09-42 of the North Dakota Century Code, relating to the health information technology loan fund.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2364 passed.

MOTION

SEN. KLEIN MOVED that Senate Rule 329 be amended replacing 25th legislative day with 26th legislative day, which motion prevailed.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2072, SB 2073, SB 2168, SB 2234, SB 2262, SB 2285, SB 2325, SCR 4005, SCR 4017.

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 1074.

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 1385.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, February 10, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2025: Agriculture Committee (Sen. Miller, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2025 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 4, after the semicolon insert "and to provide a penalty"

Page 2, line 4, replace "**required**" with "**- Application - Declaration**"

Page 2, after line 13, insert:

"4. As a condition of licensure, the applicant shall declare that:

a. An apiary will not be placed at a location without first obtaining the consent of the property owner; and

b. An apiary will be relocated at the request of the agriculture commissioner if:

(1) The commissioner, after examining documentary evidence, has determined that the health or welfare of an individual is endangered as a result of the apiary's location;

(2) The individual referenced in paragraph 1 resides on land contiguous to that on which the apiary has been placed;

- (3) The commissioner has identified another acceptable location for placement of the apiary; and
- (4) There are no other contractual or other legal impediments to the relocation."

Page 3, remove lines 18 through 30

Page 4, replace lines 1 through 3 with:

- "1. A beekeeper shall identify each apiary for which the beekeeper is responsible by:
 - a. Affixing a three-digit identification number, assigned by the agriculture commissioner, to the uppermost box of a hive that is visible upon approach to the apiary's main entrance, provided each digit is at least three inches [7.62 centimeters] high, one-half inch [1.27 centimeters] wide, and weather-resistant; and
 - b. Displaying the beekeeper's name and phone number in a location that is visible upon approach to the apiary's main entrance, provided the numbers and letters used are at least one and one-half inches [3.81 centimeters] high and weather-resistant."

Page 4, line 4, replace the second "is" with "may be"

Page 4, line 27, replace ". provided" with ". Except when conducting an inspection in accordance with section 4.1-16-13."

Page 4, line 27, after "commissioner" insert "shall"

Page 4, line 27, replace "makes" with "make"

Page 4, line 31, after the underscored period insert "The commissioner may charge a fee to cover the costs of inspecting an apiary under this section."

Page 6, line 4, after "chapter" insert "or rules adopted under this chapter"

Page 6, after line 9, insert:

- "4. The violation of any condition of licensure, as set forth in section 4.1-16-02, is deemed to be a violation of this chapter."

Page 6, line 10, replace "**Relocation of apiary - Petition - Hearing**" with "**Beekeeping - Agricultural practice**"

Page 6, remove lines 11 through 31

Page 7, replace lines 1 through 12 with "Beekeeping is deemed to be an agricultural practice."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2038: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2038 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2141: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2141 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "improve and"

Page 1, line 5, after "fee" insert "on surface right only documents"

Page 1, line 6, remove "regardless of number"

Page 1, line 7, remove "of pages"

Page 1, line 7, remove "also"

Page 1, line 7, remove "for"

Page 1, line 8, replace "other recorded instruments" with "while limiting the study to the specific documents included in this study and shall identify an average fee for each type of document inclusive of an increase for the cost of county recorders offices since 2001"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2166: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 was placed on the Sixth order on the calendar.

Page 2, line 1, overstrike "specialty equipment marketing"

Page 2, line 2, overstrike "association standards" and insert immediately thereafter "the director's requirements"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2203: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2203 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2252: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2252 was placed on the Sixth order on the calendar.

Page 2, remove lines 9 through 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2271: Agriculture Committee (Sen. Miller, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

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

Page 1, line 24, replace "\$1,000,000" with "\$660,000"

Page 2, after line 3, insert:

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2287: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2287 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2290: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2290 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "**Offer of full-time employment after two years**" with "**Eligibility for full-time employment benefits - Agency budget requests**"

Page 1, after line 6 insert:

"1."

Page 1, line 9, replace "offer" with "provide"

Page 1, line 9, replace "a" with "salary and benefits equivalent to that which is provided to"

Page 1, line 9, remove "position and eligibility for all benefits"

Page 1, line 10, remove "available to permanent full-time"

Page 1, line 10, after "employees" insert "in a comparable position"

Page 1, line 10, remove "Within fourteen days of the offer of full-time"

Page 1, replace lines 11 and 12 with "An individual who has been employed with a state agency or department on a full-time basis as a temporary or contract employee for a period of twenty-four consecutive months is eligible for annual compensation adjustments in the same percentages as provided by the legislative assembly for regular classified employees."

2. Notwithstanding any other provision of law, an individual who has been employed with a state agency or department on a full-time basis as a temporary or contract employee for a period of twenty-four consecutive months is entitled to participate in the public employees retirement system and receive credit for service for the time employed as a temporary or contract employee.

3. In preparing draft appropriations acts as required by section 54-44.1-06, the director of the budget shall include in the draft appropriations act for any state agency or department that employs any individual as a temporary or contract employee on a full-time basis for a period of twenty-four consecutive months, funding and authorization for an additional full-time equivalent position for each temporary or contract employee who has been employed by the agency or department for at least twenty-four consecutive months."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2303: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "acquisition of" with "removal or protection of rural"

Page 1, line 2, replace "properties" with "structures"

Page 1, line 6, replace "**FLOOD-PRONE PROPERTY ACQUISITION**" with "**RURAL FLOOD-PRONE STRUCTURE REMOVAL OR PROTECTION**"

Page 1, line 9, replace "acquisition of" with "removal or protection of rural"

Page 1, line 9, replace "properties" with "structures"

Page 1, line 13, remove "**FLOOD-PRONE**"

Page 1, line 14, replace "**PROPERTY ACQUISITION**" with "**RURAL FLOOD-PRONE STRUCTURE REMOVAL OR PROTECTION**"

Page 1, line 15, replace "acquisition of" with "removal or protection of rural"

Page 1, line 15, replace "properties" with "structures"

Page 1, line 19, replace "acquisition of" with "removal or protection of rural"

Page 1, line 19, replace "properties" with "structures"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2316: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2316 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a grant program to political subdivisions for the settlement of claims; to provide an appropriation; and to provide retroactive application.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. GRANTS FOR THE SETTLEMENT OF CLAIMS. During the 2015-17 biennium, the office of management and budget shall administer a grant program to political subdivisions that apply for funding for the settlement of claims that are a result of this Act. Under section 32-12.1-03, the liability limit of five hundred thousand dollars for injury to three or more persons during any single occurrence does not apply to a political subdivision for an occurrence on January 5, 2015, to the extent the political subdivision settles the claims within the grant awarded under this Act. If asserted claims exceed the grant award, the political subdivision may reduce the settlement of the claims on a pro rata basis. To qualify for a grant under this section, after receiving claims, a political subdivision shall submit an application with the office of management and budget. Any claim against a political subdivision under this Act must be paid by June 30, 2017. This section does not expand a political subdivision's liability beyond the amount of a grant awarded to the political subdivision under this section.

SECTION 2. APPROPRIATION. 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 office of management and budget for the purpose of making grants to political subdivisions under section 1 of this Act, for the biennium beginning July 1, 2015, and ending June 30, 2017.

SECTION 3. RETROACTIVE APPLICATION. This Act applies retroactively to an event occurring on January 5, 2015."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2323: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was placed

on the Sixth order on the calendar.

Page 1, line 13, replace "for use in and the publishing of the book of veterans" with "to the public"

Renumber accordingly

REPORT OF STANDING COMMITTEE

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

REPORT OF STANDING COMMITTEE

SB 2344: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2344 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2347: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2347 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 49-23-01 and subsection 3 of section 49-23-05 of the North Dakota Century Code, relating to the removal of marking materials at excavation sites.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-23-01 of the North Dakota Century Code is amended and reenacted as follows:

49-23-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Abandoned" means no longer in service and physically disconnected from a portion of the facility or from any other facility that is in use or still carries services.
2. "Board" means the board of directors of the nonprofit corporation governing the notification center under section 49-23-03.
3. "Careful and prudent manner" means excavating within twenty-four inches [60.96 centimeters] of the outer edges of an underground facility located manually and marked by the owner or operator by stakes, paint, or other customary manner, and supporting and protecting the uncovered facility.
4. "Damage" means:
 - a. Substantial weakening of structural or lateral support of an underground facility;
 - b. Penetration, impairment, or destruction of any underground protective coating, housing, or other protective device; or
 - c. Impact with or the partial or complete severance of an underground facility to the extent that the facility operator determines that repairs are required.
5. "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, and demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

6. "Emergency responder" means a fire department, a law enforcement officer, or other emergency rescue service.
7. "Excavation" means any operation in which earth, rock, or other materials in or below the ground is moved or otherwise displaced by means of hand or power tools, power equipment, or explosives and includes grading, trenching, digging, ditching, drilling, augering, tunneling, boring, scraping, and cable or pipe plowing and driving. The term does not include:
 - a. Opening a grave in a cemetery.
 - b. Plowing, cultivating, planting, harvesting, and similar operations in connection with agricultural activities, unless any of these activities disturbs the soil to a depth of eighteen inches [45.72 centimeters] or more.
 - c. Gardening and landscaping unless it disturbs the soil to a depth of twelve inches [30.48 centimeters] or more.
 - d. Normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch.
 - e. Normal repair and maintenance of track and track bed by a railroad on its own right of way.
8. "Excavator" means a person who conducts excavation.
9. "Holiday" means New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. When a holiday falls on a Saturday, it is observed on the preceding Friday as if the Friday were the holiday, and when a holiday falls on a Sunday, it is observed on the following Monday as if the Monday were the actual holiday.
10. "Local governmental unit" means a county, township, or city.
11. "Locate" means an operator's markings of an underground facility showing the approximate horizontal location, including all lines, line direction, intersections, tees, and lateral facilities.
12. "Nonprofit corporation" means a corporation established under chapter 10-33.
13. "Notification center" means a center that receives notice from an excavator of planned excavation or any other request for location and transmits this notice to a participating operator.
14. "Tangible marking materials" means any material perceptible by touch used to mark the location of an underground facility, including flags, stakes, poles, or other materials inserted into or affixed to the ground. The term does not include paint, chalk, or other liquid ink-based materials applied to the ground.
15. "Operator" means a person who owns or operates an underground facility, including a master meter operator with underground facilities, or a state or local governmental entity. The department of transportation is considered an operator for the department's facilities buried on the department's rights of way. A person is not considered an operator solely because the person is an owner or tenant of real property where underground facilities are located if the underground facilities are used exclusively to furnish services or commodities on that property.

- ~~45-16.~~ "Underground facility" means an underground line, pipeline, cable, facility, system, and its appurtenances used to produce, store, convey, gather, transmit, or distribute communications, data, electricity, power, television signals, heat, gas, oil, petroleum products, carbon dioxide, water, steam, sewage, hazardous liquids, and other similar substances. Privately owned and operated underground facilities which do not extend beyond the boundary of the private property are excluded.
- ~~46-17.~~ "Unexpected occurrence" includes a fire, flood, earthquake or other soil or geologic movement, riot, accident, damage to a subsurface installation requiring immediate repair, or sabotage.
- ~~47-18.~~ "Water" includes potable water, wastewater, and storm water.

SECTION 2. AMENDMENT. Subsection 3 of section 49-23-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Assume ownership of materials used to mark the facility, use reasonable efforts to maintain markings during excavation, and ~~when possible-~~ remove all tangible marking materials used to mark the facility upon completion of the excavation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2352: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2352 was placed on the Sixth order on the calendar.

Page 1, line 17, overstrike "This" and insert immediately thereafter "Unless the vehicle is blocking the highway or is otherwise endangering public safety, this"

Page 2, line 3, replace "A" with "If reasonable care is used in the removal process, a"

Page 2, line 5, remove ", and"

Page 2, line 6, remove "any tow truck operator or towing company authorized by a police officer"

Page 3, line 16, remove ", and"

Page 3, line 17, remove "any tow truck operator or towing company authorized by a police officer"

Page 3, line 19, after "section" insert ", so long as reasonable care is used in the removal process"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2366: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2366 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "promotion and "

Page 1, line 9, remove "1."

Page 1, line 9, overstrike "foster, to encourage, and to promote" and insert immediately thereafter "regulate"

Page 1, remove lines 19 through 24

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2370: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2370 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2373: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2373 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2374: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2374 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two"

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

Page 1, line 2, after "reenact" insert "subdivision d of subsection 1 of section 38-08-04 and"

Page 1, replace lines 6 through 19 with:

"SECTION 1. AMENDMENT. Subdivision d of subsection 1 of section 38-08-04 of the North Dakota Century Code is amended and reenacted as follows:

- d. The furnishing of a reasonable bond with good and sufficient surety, conditioned upon the full compliance with this chapter, and the rules and orders of the industrial commission, including and without limitation a bond covering the operation of an underground gathering pipeline carrying crude oil or produced water, except that if the commission requires a bond to be furnished, the person required to furnish the bond may elect to deposit under such terms and conditions as the industrial commission may prescribe a collateral bond, self-bond, cash, or any alternative form of security approved by the commission, or combination thereof, by which an operator assures faithful performance of all requirements of this chapter and the rules and orders of the industrial commission."

Page 2, line 3, replace "salt" with "produced"

Page 2, after line 4, insert:

"SECTION 3. A new section to chapter 38-08 of the North Dakota Century Code is created and enacted as follows:

Controls, inspections, and engineering design on crude oil and produced water underground gathering pipelines.

The operator of any underground gathering pipeline designed for or intended to transfer oil or produced water from a production facility for disposal, storage, or sale purposes and placed into service after April 1, 2016, shall file with the commission engineering design drawings of the underground gathering pipeline and a certificate of an independent inspection of the pipeline. The commission shall set standards for the certificate of inspections. The commission shall designate flow meters, overpressure protection devices, or alternative leak detection and monitoring technologies that an operator of the pipeline shall install on these pipelines.

SECTION 4. A new section to chapter 38-08 of the North Dakota Century Code is created and enacted as follows:

Inspection of pipelines.

Any person engaged in the construction, operation, or servicing of an underground gathering pipeline, including a produced water pipeline, shall allow the commission, the division of oil and gas of the industrial commission, and any representative of the same to enter any lease, property, and pipeline right of way operated or controlled by that person and to review any record and the operation of the pipeline. The person shall file any requested records with the commission. If the commissioner receives data under this section which is confidential under section 38-08-26, that data retains its confidential status."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2376: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2376 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a game and fish department study and a report to the legislative management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. GAME AND FISH DEPARTMENT STUDY OF LIFETIME HUNTING AND FISHING LICENSES - LEGISLATIVE MANAGEMENT REPORT.**

The game and fish department shall study the feasibility and desirability of lifetime hunting and fishing licenses. The study must address other states' laws, appropriate pricing, the affect on federal funding, which licenses should be lifetime, and which licensees should qualify for lifetime licenses. Before September 1, 2016, the department shall report its findings and recommendations, together with any proposed legislation necessary to implement the recommendations, to the legislative management."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4018: Education Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4018 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1074: A BILL for an Act to amend and reenact sections 43-23-13.1 and 43-23-17 of the North Dakota Century Code, relating to the application deadline for renewal of a real estate license and practicing as a real estate broker or salesperson without a license; and to provide a penalty.

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

HB 1385: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to voice over internet protocol service and internet protocol-enabled service; and to amend and reenact section 49-21-01 of the North Dakota Century Code, relating to definitions.

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