

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

* * * * *

Bismarck, March 20, 2015

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

The prayer was offered by Reverend Dr. Preston VanLoon, Sanford Health Spiritual Care, Bismarck.

The roll was called and all members were present except Senators Bowman and Hogue.

A quorum was declared by the President Pro Tempore.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 847, after line 11 insert:

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

MR SPEAKER: The President has signed: SB 2118, SB 2149, SB 2183, SB 2185, SB 2195, SB 2198, SB 2245, SB 2252, SB 2291, SB 2325, SCR 4001, SCR 4004.

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

MOTION

SEN. NELSON MOVED that the Senate reconsider its action whereby Engrossed HB 1434 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1434: A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to sales of alcohol on Sunday.

MOTION

SEN. SINNER MOVED that Engrossed HB 1434 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 11, after "Day" insert "or between two a.m. and noon on Sundays"

Renumber accordingly

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 27 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Bekkedahl; Burckhard; Casper; Davison; Dotzenrod; Flakoll; Grabinger; Heckaman; Holmberg; Klein; Krebsbach; Laffen; Lee, J.; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Schneider; Sinner; Triplett; Unruh; Warner

NAYS: Anderson; Campbell; Carlisle; Cook; Dever; Erbele; Kilzer; Larsen; Lee, G.; Luick; Marcellais; Mathern; Robinson; Rust; Schaible; Sorvaag; Wanzek; Wardner

ABSENT AND NOT VOTING: Bowman; Hogue

Engrossed HB 1434, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1384, as engrossed: SEN. MURPHY (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 849 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1202, as engrossed: SEN. POOLMAN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 847 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1283, as engrossed: SEN. SCHAIBLE (Education Committee) MOVED that the amendments on SJ page 848 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

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

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed HB 1283, the roll was called and there were 32 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Axness; Bekkedahl; Burckhard; Casper; Cook; Davison; Dotzenrod; Flakoll; Grabinger; Heckaman; Holmberg; Krebsbach; Laffen; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wardner; Warner

NAYS: Anderson; Armstrong; Campbell; Carlisle; Dever; Erbele; Kilzer; Klein; Larsen; Lee, G.; Luick; Miller; Wanzek

ABSENT AND NOT VOTING: Bowman; Hogue

The proposed amendments to Engrossed HB 1283 were adopted on a recorded roll call vote.

SECOND READING OF HOUSE BILL

HB 1195: A BILL for an Act to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to carrying of a firearm concealed in a school.

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 17 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Campbell; Carlisle; Cook; Dever; Erbele; Klein; Laffen; Larsen; Luick; Miller; Oehlke; Rust; Schaible; Sorvaag; Wanzek

NAYS: Axness; Bekkedahl; Burckhard; Casper; Davison; Dotzenrod; Flakoll; Grabinger; Heckaman; Holmberg; Kilzer; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Poolman; Robinson; Schneider; Sinner; Triplett; Unruh; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Hogue

Engrossed HB 1195, as amended, failed.

SECOND READING OF HOUSE BILL

HB 1264: A BILL for an Act to create and enact a new subsection to section 44-04-18.7 of the North Dakota Century Code, relating to exempting law enforcement officer and firefighter body camera images from open records requirements.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; 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: Bowman; Hogue

HB 1264, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1256: A BILL for an Act to amend and reenact sections 50-06.4-01, 50-06.4-02, 50-06.4-04, 50-06.4-05, 50-06.4-06, 50-06.4-07, 50-06.4-08, 50-06.4-09, 50-24.1-33, and 54-38-05, and subsection 25 of section 65-01-02 of the North Dakota Century Code, relating to the definition of brain injury.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; 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: Bowman; Hogue

Engrossed HB 1256, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1141: A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to inclusion of a dispute over disposition of earnest money or other money deposit arising from a contract to purchase real property within the jurisdiction and venue of small claims court proceedings.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; 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

NAYS: Casper

ABSENT AND NOT VOTING: Bowman; Hogue

HB 1141, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1117: A BILL for an Act to create and enact section 57-39.4-33.4 of the North Dakota Century Code, relating to administration of the streamlined sales and use tax agreement; and to amend and reenact subsection 2 of section 57-39.2-04.1, sections 57-39.4-29 and 57-39.4-31, and subsection 2 of section 57-40.2-04.1 of the North Dakota Century Code, relating to the definition of prepared food for sales tax purposes, the taxability matrix to be used for administration of the sales and use tax agreement, the streamlined sales tax governing board and advisory council, and the definition of prepared food for use tax purposes.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; 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: Bowman; Hogue

HB 1117, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1101: A BILL for an Act to create and enact sections 13-04.1-18, 13-08-16, and 13-11-31 of the North Dakota Century Code, relating to the customer information of money brokers, deferred presentment service providers, and debt-settlement providers; to amend and reenact sections 13-04.1-01.1, 13-04.1-02.1, 13-04.1-04, 13-04.1-09, 13-04.1-15, 13-05-04, 13-05-05.1, subsection 13 of section 13-09-02, sections 13-09-03, 13-09-07.1, and 13-10-03 of the North Dakota Century Code, relating to money brokers, collection agencies, money transmitters, and mortgage loan originators; and to declare an emergency.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1101, as amended, be amended as follows, which motion prevailed on a voice vote.

In lieu of the amendments as printed on pages 761-764 of the Senate Journal and the amendments adopted by the Senate as printed on page 833 of the Senate Journal, Engrossed House Bill No. 1101 is amended as follows:

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

Page 1, line 4, after "sections" insert "13-04.1-01.1,"

Page 1, line 4, after the second comma insert "13-04.1-09,"

Page 1, line 4, after the fourth comma insert "and"

Page 1, line 4, after the fifth comma insert "subsection 13 of section 13-09-02, sections"

Page 1, line 4, remove the sixth comma

Page 1, line 5, replace "subsection" with "subsections"

Page 1, line 5, after "1" insert "and 2"

Page 1, line 6, replace "broker licensing requirements and fees" with "brokers"

Page 1, line 6, remove "agency licensing requirements and"

Page 1, line 7, replace "fees" with "agencies"

Page 1, line 7, replace "transmitter licensing requirements" with "transmitters"

Page 1, line 7, remove "originator license"

Page 1, line 8, replace "exemptions" with "originators; and to declare an emergency"

Page 1, after line 9, insert:

"SECTION 1. AMENDMENT. Section 13-04.1-01.1 of the North Dakota Century Code is amended and reenacted as follows:

13-04.1-01.1. Definitions.

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

1. "Borrower" means a person or entity that seeks out, or is solicited by a money broker for the purpose of money brokering.
2. "Commissioner" means the commissioner of financial institutions.
3. "Money broker" means a person or entity who, in the ordinary course of business, engages in money brokering.
4. "Money brokering" means the act of arranging or providing loans or leases as a form of financing, or advertising or soliciting either in print, by letter, in person, or otherwise, the right to find lenders or provide loans or leases for persons or businesses desirous of obtaining funds for any purposes.
5. "Net branch" means an office at which a licensed money broker allows a separate person that does not hold a valid North Dakota money brokers license to originate loans under the license of the money broker.
6. "Net branch arrangement" means an arrangement under which a licensed money broker enters an agreement whereby its designated branch manager has the appearance of ownership of the licensee by, among other things, sharing in the profits or losses, establishing, leasing, or renting the branch premises, entering other contractual relationships with vendors such as for telephones, utilities, and advertising, having control of a corporate checkbook, or exercising control of personnel through the power to hire or fire such individuals. A person may be considered to be utilizing a net branch if the net branch agreement requires the branch manager to indemnify the licensee for damages from any apparent, express, or implied agency representation by or through the branch's actions or if the agreement requires the branch manager to issue a personal check to cover operating expenses whether or not funds are available from an operating account of the licensee.
7. "Precomputed loan" means a loan that is expressed as a sum comprising the principal and the amount of the loan finance charge computed in advance."

Page 2, after line 18, insert:

"SECTION 4. AMENDMENT. Section 13-04.1-09 of the North Dakota Century Code is amended and reenacted as follows:

13-04.1-09. Prohibited acts and practices.

It is a violation of this chapter for a person subject to this chapter to knowingly:

1. Make or cause to be made any material false statement or representation in any application or other document or statement required to be filed under any provision of this chapter, or to omit to state any material statement or fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading.
2. Directly or indirectly, employ any device, scheme, or artifice to defraud or mislead borrowers or lenders to defraud any person.
3. Directly or indirectly, make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading in connection with the procurement or promise of procurement of any lender or loan funds.
4. Engage in any unfair or deceptive practice toward any person.
5. Obtain property by fraud or misrepresentation.
6. Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting.
7. Conduct any business covered by this chapter without holding a valid license as required under this chapter, or assist or aid and abet any person in the conduct of business under this chapter without a valid license as required under this chapter.
8. Fail to make disclosures as required by this chapter and any other applicable state or federal law and regulations.
9. Fail to comply with this chapter or rules adopted under this chapter, or fail to comply with any other state or federal law, including the rules and regulations thereunder, applicable to any business authorized or conducted under this chapter.
10. Make, in any manner, any false or deceptive statement or representation, including, with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan or engage in bait and switch advertising.
11. Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the nationwide mortgage licensing system and registry or in connection with any investigation conducted by the commissioner or another governmental agency.
12. Make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a loan or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property.
13. Collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this chapter.

14. Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer.
15. Fail to truthfully account for moneys belonging to a party to a loan transaction.
16. Conduct another business within the same office, suite, room, or place of business at which the licensee engages in money broker business unless the commissioner provides written authorization after a determination the other business is not contrary to the best interests of any borrower or potential borrower.
17. Enter any agreement that constitutes a precomputed loan."

Page 3, after line 26, insert:

"SECTION 10. AMENDMENT. Subsection 13 of section 13-09-02 of the North Dakota Century Code is amended and reenacted as follows:

13. "Money transmission" means to engage in the business of the sale or issuance of payment instruments, stored value, or of receiving money or monetary value for transmission to a location within or outside the United States by any and all means, including wire, facsimile, or electronic transfer. Notwithstanding any other provision of law, "money transmission" also includes bill payment services not limited to the right to receive payment of any claim for another, but does not include payment processing activities conducted for a merchant under an agency relationship."

Page 4, line 23, replace "Subsection" with "Subsections"

Page 4, line 23, after "1" insert "and 2"

Page 4, line 24, replace "is" with "are"

Page 4, after line 30, insert:

- "2. The following are exempt from this chapter:
 - a. Registered mortgage loan originators, when acting for an entity described in subdivision a of subsection 11 of section 13-10-02 are exempt from this chapter.
 - b. Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual.
 - c. Any individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that served as the individual's residence.
 - d. A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator.
 - e. An individual who is an employee of a federal, state, or local government agency or housing finance agency and who acts as a loan originator solely pursuant to that individual's official duties as an employee of the federal, state, or local government agency or housing finance agency in compliance with title 12, Code of Federal Regulations, part 1008, section 1008.103(e)(6).

- f. An individual who is an employee of a bona fide nonprofit organization who acts as a loan originator solely with respect to that individual's work duties to the bona fide nonprofit organization, and who acts as a loan originator solely with respect to residential mortgage loans with terms that are favorable to the borrower in compliance with title 12, Code of Federal Regulations, part 1008, section 1008.103(e)(7).

Page 5, after line 5, insert:

"SECTION 15. EMERGENCY. Section 13 of this Act is declared to be an emergency measure."

Renumber accordingly

HB 1101: A BILL for an Act to create and enact sections 13-04.1-18, 13-08-16, and 13-11-31 of the North Dakota Century Code, relating to the customer information of money brokers, deferred presentment service providers, and debt-settlement providers; to amend and reenact sections 13-04.1-01.1, 13-04.1-02.1, 13-04.1-04, 13-04.1-09, 13-04.1-15, 13-05-04, and 13-05-05.1, subsection 13 of section 13-09-02, sections 13-09-03 and 13-09-07.1, and subsections 1 and 2 of section 13-10-03 of the North Dakota Century Code, relating to money brokers, collection agencies, money transmitters, and mortgage loan originators; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; 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: Bowman; Hogue

Engrossed HB 1101, as amended, passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1060: A BILL for an Act to create and enact a new subsection to section 52-01-03, a new subsection to section 57-38-57, and a new subsection to section 57-39.2-23 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.

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 39 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Heckaman; Laffen; Oban; Oehlke; Schneider; Triplett

ABSENT AND NOT VOTING: Bowman; Hogue

HB 1060, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1245: A BILL for an Act to amend and reenact sections 40-08-24, 40-08-26, and 40-11-05 of the North Dakota Century Code, relating to the enforcement of city ordinances and the power of a city council to override the veto of a mayor.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; 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: Bowman; Hogue

Engrossed HB 1245 passed.

SECOND READING OF HOUSE BILL

HB 1251: A BILL for an Act to create and enact a new section to chapter 15.1-16 of the North Dakota Century Code, relating to school district negotiations; and to amend and reenact sections 15.1-15-04 and 15.1-16-13 of the North Dakota Century Code, relating to school district contract renewals and negotiations.

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 28 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bowman; Hogue

Engrossed HB 1251 passed.

SECOND READING OF HOUSE BILL

HB 1303: A BILL for an Act to amend and reenact section 15-10-17 of the North Dakota Century Code, relating to legislative authority to set tuition and fees at institutions of higher education.

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 6 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Cook; Erbele; Laffen; Larsen; Rust; Schaible

NAYS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper; Davison; Dever; Dotzenrod; Flakoll; Grabinger; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Schneider; Sinner; Sorvaag; Triplett;

Unruh; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Hogue

Engrossed HB 1303 failed.

SECOND READING OF HOUSE BILL

HB 1258: A BILL for an Act to provide for a legislative management study of extraterritorial zoning.

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 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Davison; Dever; Erbele; Flakoll; Holmberg; Klein; Laffen; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Rust; Sinner; Sorvaag; Triplett; Unruh; Wanzek

NAYS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper; Cook; Dotzenrod; Grabinger; Heckaman; Kilzer; Krebsbach; Larsen; Lee, G.; Lee, J.; Miller; Oban; Oehlke; Poolman; Robinson; Schaible; Schneider; Wardner; Warner

ABSENT AND NOT VOTING: Bowman; Hogue

Engrossed HB 1258 failed.

SECOND READING OF HOUSE BILL

HB 1312: A BILL for an Act to amend and reenact section 26.1-20-04 of the North Dakota Century Code, relating to title insurance limitation on risks.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; 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: Bowman; Hogue

Engrossed HB 1312 passed.

SECOND READING OF HOUSE BILL

HB 1465: A BILL for an Act to create and enact a new subsection to section 44-04-18 of the North Dakota Century Code, relating to public records held by entities or agents located outside the state.

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

YEAS: Laffen

NAYS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper;

Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; 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: Bowman; Hogue

HB 1465 failed.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to amend and reenact section 26.1-13-15 of the North Dakota Century Code, relating to the territorial limits of a county mutual company's operations.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Axness; Bekkedahl; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; 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: Bowman; Hogue

Engrossed HB 1310 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3041: A concurrent resolution to provide for a Legislative Management study consisting of a comprehensive review and analysis of the investment practices by the state and the State Investment Board.

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

HCR 3041 was declared lost on a voice vote.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1098, HB 1130, HB 1166, HB 1180, HB 1307, HB 1316, HB 1363, HB 1426.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1304.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1107.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1466.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2029, SB 2049, SB 2061, SB 2073, SB 2156, SB 2168, SB 2192, SB 2204, SB 2217, SB 2234, SB 2262, SB 2315, SB 2372, SCR 4020.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2187, SB 2237.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2120, SB 2326, SB 2371.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2120

Page 2, line 4, remove the overstrike over "five"

Page 2, line 4, remove "twenty-five"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2326

Page 1, line 1, after "enact" insert "three new sections to chapter 15.1-02 and"

Page 1, line 2, after the first "to" insert "the collection and maintenance of student data and"

Page 3, after line 18, insert:

"SECTION 2. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Superintendent of public instruction - Identification of data - Rules.

The superintendent of public instruction shall by rule identify:

1. All data fields that the superintendent collects or maintains about students;
2. The purpose for collecting or maintaining the data; and
3. Persons with whom the data are shared.

SECTION 3. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Student data - Collection - School district responsibility.

1. The board of each school district shall publish on the district's website a list of all data fields that the district collects or maintains about an individual student and indicate for each field:
 - a. Whether the field is classified as:
 - (1) Directory information;
 - (2) Personally identifiable information; or
 - (3) Non-personally identifiable information;
 - b. The purpose for which the data is collected or maintained; and
 - c. Any person, other than a school district employee, with whom the data is shared.
2. The board of each school district shall establish a policy and identify therein, by name or title, which school district employee has access to the data.

3. The board of each school district shall establish a policy addressing the manner in which a parent may opt-out of any disclosure involving directory information or personally identifiable information of that parent's child, except as required in order to administer the state finance formula.
4. The board of each school district shall review the requirements of this section at least annually and modify the district's website and policies to ensure accuracy.

SECTION 4. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Application of chapter.

Nothing in this chapter prohibits or limits the release of school district records to or the administrative use of school district records by:

1. A court;
2. A governmental entity, if there is a reasonable belief that an individual is or may be in imminent danger; or
3. A vendor that provides to a school district a specific educational or administrative service or product, provided that prior to the release of any records the vendor contractually agrees to:
 - a. Limit the use of any student data that is collected and maintained to the authorized purpose set forth in the contract;
 - b. Protect the data from unauthorized access or use; and
 - c. Return or destroy any data that was collected and maintained by the vendor upon fulfillment of the authorized purpose set forth in the contract."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2371

Page 1, line 9, replace "The" with "An"

Page 1, line 11, replace "the" with "an"

Page 1, line 12, replace "as provided by ordinance" with "to the governing body of the municipality"

Renumber accordingly

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2179, SB 2191.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2351.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1108, HB 1109, HB 1134, HB 1135, HB 1169, HB 1182, HB 1193, HB 1277, HB 1281, HB 1323, HB 1343, HCR 3002.

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

MR. PRESIDENT: The Speaker has signed: SB 2179, SB 2191.

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

MR. PRESIDENT: The Speaker has signed: SB 2351.

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

MR. SPEAKER: The President has signed: SB 2179, SB 2191.

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

MR. SPEAKER: The President has signed: SB 2351.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 20, 2015: SB 2179, SB 2191.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on March 20, 2015: SB 2351.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on March 19, 2015, I have signed the following: SB 2053, SB 2069, SB 2084, SB 2094, SB 2098, SB 2100, SB 2124, SB 2125, SB 2128, SB 2132, SB 2135, SB 2136, SB 2200, and SB 2236.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on March 20, 2015, I have signed the following: SB 2118, SB 2149, SB 2183, SB 2185, SB 2195, SB 2198, SB 2245, SB 2252, SB 2291, SB 2325, and SB 2351.

MOTION

SEN. KLEIN MOVED that the absent members 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 1:00 p.m., Monday, March 23, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1032, as engrossed: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1032 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1081: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1081 was placed on the Sixth order on the calendar.

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

Page 5, after line 5, insert:

"SECTION 5. LEGISLATIVE MANAGEMENT STUDY. During the 2015-16 interim, the legislative management shall study game and fish department licenses provided to entities for the purpose of fundraising. The study must include a review of the present law in this and other states and the desirability and feasibility of allowing the game and fish department to issue these licenses through certain procedures and with certain limits created by the legislative assembly. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1096, as engrossed: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1096 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1114, as engrossed: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1114 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1158: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1158 was placed on the Sixth order on the calendar.

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

Page 1, line 2, after "20.1-03-20" insert ", and 26.1-21-09.1"

Page 3, after line 30, insert:

"SECTION 5. AMENDMENT. Section 26.1-21-09.1 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-09.1. Bonds of agents appointed to distribute hunting and fishing licenses or stamps - Premiums - Determination of eligibility.

The annual premium for a bond of an agent appointed by ~~a county auditor~~ the director of the game and fish department to distribute hunting and fishing licenses or stamps pursuant to section 20.1-03-17 is ten dollars. The premium must be paid to the fund pursuant to rules adopted by the commissioner. The commissioner shall deposit the premiums with the state treasurer to the credit of the fund. The commissioner may reduce or waive the premium if it is determined that funds received pursuant to this section are sufficient to cover potential claims on the bonds of agents appointed to distribute hunting and fishing licenses or stamps. The commissioner shall determine the conditions and qualifications of agents bonded under this section. The amount of coverage afforded under this section is fifteen thousand dollars per agent per year."

Page 3, line 31, after "effective" insert "on"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1184, as engrossed: Agriculture Committee (Sen. Miller, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1184 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1206, as engrossed: 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). Engrossed HB 1206 was placed on the Sixth order on the calendar.

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

Page 1, line 13, after "**insurance**" insert "**- Report - Penalty**"

Page 1, line 14, replace "defined in" with "required under"

Page 1, line 15, after the underscored period insert "Failure to provide satisfactory evidence of liability coverage required under this section within ten days after a police officer has requested evidence of such liability coverage is an infraction for a first offense and a class B misdemeanor for a second or subsequent offense. A municipal court or district court shall make a report of a violation of this section to the secretary of state for any special mobile equipment owned or operated by a contractor licensed under chapter 43-07."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1254, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1254 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "A qualifying child must be"

Page 1, replace lines 21 and 22 with:

- (3) "Taxpayer" means the parent or legal guardian of a qualifying child."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1284: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1284 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1318, as engrossed: Agriculture Committee (Sen. Miller, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1318 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1356: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1356 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1360, as engrossed: Transportation Committee (Sen. Oehlke, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1360 was placed on the Sixth order on the calendar.

Page 1, line 22, remove "Patriotic plates must include a flag of the United States decal plate, bald eagle decal"

Page 1, replace line 23 with "A patriotic plate issued under this section must bear a logo of a United States flag, bald eagle, or boony stomper. The logo must be placed on the left side of the patriotic plate. The director shall coordinate with the commissioner of veterans' affairs to design the three logos."

Page 2, line 20, replace "January 1, 2016" with "July 1, 2016"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1389, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1389 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1391: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1391 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1462, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1462

was placed on the Sixth order on the calendar.

Page 1, line 16, remove the overstrike over "The amount allowable as a credit under"

Page 1, remove the overstrike over line 17

Page 1, line 18, after "corporation's" insert "taxpayer's"

Page 1, line 18, remove the overstrike over "total income tax under this chapter for the year,
or two thousand five"

Page 1, remove the overstrike over line 19

Page 2, line 2, remove the overstrike over "The amount allowable as a credit under this
subsection for any taxable year"

Page 2, line 3, remove the overstrike over "may not exceed twenty percent of the"

Page 2, line 3, after "corporation's" insert "taxpayer's"

Page 2, line 3, remove the overstrike over "total income tax under this chapter"

Page 2, remove the overstrike over line 4

Page 2, line 5, after "3." insert: "At the election of the taxpayer, there must be allowed,
subject to the applicable limitations provided in this subsection, as a
nonrefundable credit against the income tax liability under section
57-38-30 or, in the case of contributions by a passthrough entity, under
section 57-38-30.3 for the taxable year, an amount equal to fifty percent
of the aggregate amount of charitable contributions made by the taxpayer
during the year directly to nonprofit private institutions of primary
education, located within the state.

4."

Page 2, line 10, replace "4." with "5."

Page 2, line 20, after the period insert "The term "nonprofit private institution of primary
education" means only a nonprofit private educational institution located in North
Dakota which normally maintains a regular faculty and curriculum approved by the
state department of public instruction, which normally has a regularly organized body
of students in attendance at the place where its educational activities are carried on,
and which regularly offers education to students in kindergarten through eighth
grade."

Page 2, line 21, replace "5." with "6."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3009, as engrossed: Agriculture Committee (Sen. Miller, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3009 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3031, as engrossed: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3031 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3032: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3032 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3034, as engrossed: Transportation Committee (Sen. Oehlke, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HCR 3034 was placed on the Fourteenth order on the calendar.

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

Jane Schaible, Secretary