

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, April 17, 2015

The Senate convened at 8:00 a.m., with President Pro Tempore Dever presiding.

The prayer was offered by Senator Mathern, District 11.

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

A quorum was declared by the President Pro Tempore.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifteenth order of business for the purpose of electing an Interim President Pro Tempore, which motion prevailed.

NOMINATIONS FOR INTERIM PRESIDENT PRO TEMPORE

SENATOR WANZEK: Mr. President, Members of the Senate, it is my privilege and honor to place the name of Senator Robert Erbele in nomination for President Pro Tem of the ND Senate. I have known Sen. Erbele for 15 years and he has become great and true friend. I have great respect for Sen. Erbele when it comes to his loyalty, his dedication and his commitment to his work in the ND Senate and in the way he conducts his life.

Senator Erbele first joined the Senate in 2001 and has served on numerous different committees, including Senate Agriculture, Human Services, Education, Natural Resources, and now on Appropriations. Senator Erbele has also served very capably on the Legislative Management for 2 interims. He has also served on numerous advisory councils and boards, two of them being the Medical School Advisory Board and Wiche Veterinarian Advisory Council.

Most of us know Senator Erbele is a rancher. He is a proud rancher who approaches his job as a responsible steward of the bountiful resources entrusted to him. He has a deep appreciation and love for the environmental beauty of the Missouri Coteau Prairie where his ranch land lies and his family roots run deep. He has received numerous Soil Conservation awards: Rangeman of the Year, Soil Conservation District Stewardship award, Established Tree Planting Award.

Senator Erbele is also known as a man of deep faith and family. Sen Erbele exuberates great pride and joy when he talks about his wife, or kids and grandkids. Sen. Erbele is also a faith leader in his community, mostly by example, but also as President of Prairie Bible camp and lay leader of United Methodist Church.

We all know Sen. Erbele as a gentle spirit with a sense of fairness and objectivity, but still possessing a firm resolve when necessary. And a strong rich voice! You know what I mean. Senator Erbele loves everything musical! He has become known as our ND Senate conductor, our own Maestro. And all of us appreciate his talent.

So, Mr. President, it is time to place Senator Erbele before us where we get a front side view as President Pro Tem, rather than the conductor's backside. I am certain Senator Erbele will serve us with dignity and integrity. So it is without hesitation and with honor to move the name of our friend and colleague, Senator Robert Erbele in nomination for President Pro Tem.

SENATOR SCHNEIDER: Mr. President, my fellow Senators, it is an honor and a privilege for me to stand and nominate my colleague and good friend, Sen. Tyler Axness, for President Pro Tempore. Senator Axness joined us in the Senate in January of 2013 and has done excellent work as a member of the Human Services and Transportation Committees. His work ethic and professionalism have been a tremendous benefit to this chamber.

Senator Axness is a fifth generation North Dakotan who grew up in the small town of Leeds. He relocated to Fargo to attend college at NDSU and soon began his love affair with Bison

football. After graduation Tyler opted to make his home in Fargo and soon became a very active member of the community. He lives in South Fargo with his significant other, Karlee Gronos, and their beagle Meadow.

Senator Axness works as the Policy and Communication Coordinator at the Freedom Resource Center, a disability rights and advocacy group based in Fargo. That work continues in his legislation to strengthen North Dakota's families and protect our communities. Whether championing better infrastructure investments or leading the effort to insure the safety of our railways, Senator Axness has been a vocal and effective fighter for every North Dakotan.

Senator Axness would make an excellent Senate President Pro Tempore, and it is truly my honor to nominate my friend Senator Tyler Axness for this position.

REMARKS OF SENATOR AXNESS

Mr. President, members of the Senate:

I never saw it coming. I dare say I'm stunned at the overwhelming defeat of this short campaign for President Pro Tempore. We received approximately thirty two percent of the vote. My only wish is that this was the first time that has happened to my candidacy over the last six months.

I want to thank the Senator from District 42 for his nomination.

Friends of the Senate, I know this was a difficult vote for many of you. I'm sure you're as happy as the candidates that the campaign for President Pro Tempore is over. I saw the angst in the eyes of the Senator from District 6 as he asked what he'd get if I earned his vote and then turn and ask my opponent the same. I thank that good Senator for his vote today and trust their friendship with weather this storm in the days ahead.

With that said, Senator Erbele has proved his ability to preside and lead. Take for example when he directed the Senate Choir making even the Senator to my right sound not like a sinner...but a saint. Mr. President, that's leadership. It is skill that is immeasurable. Some consider it a miracle but Senator Erbele got the job done.

I've had the privilege to visit with Senator Erbele and the Senator who nominated him in the place they call home for these eighty days. I've come to know he is a compassionate and kind man. A man of tall stature and a booming voice, I know Senator Erbele will preside over this body with grace and eloquence. With proven dedication to his faith, family, and the Great State of North Dakota, I have full confidence in Senator Erbele.

MOTION

SEN. AXNESS MOVED that the Senate cast a unanimous ballot for Senator Erbele as President Pro Tem, which motion prevailed.

MOTION

SEN. KLEIN MOVED that a committee of two be appointed to escort the newly elected President Pro Tem Erbele to the rostrum, which motion prevailed.

The President appointed Sens. G. Lee and O'Connell.

OATH OF OFFICE

THE PRESIDENT ADMINISTERED the Oath of Office to President Pro Tempore Erbele.

REMARKS OF PRESIDENT PRO TEMPORE ERBELE

Mr. President and Senate colleagues:

Thank you for this opportunity to serve you as your President Pro Tem during the upcoming interim session. A special thank you to Senator Wanzek for your kind words of introduction and support. Thank you to Senator Axness for being a worthy opponent and for casting your motion of support. I am especially honored to have my best and dearest supporter, my wife Susan, here today to share this special moment with me. Susan and I have had the privilege of raising 4 sons which to me will always be one of the top accomplishments of my life.

Next to my family, the relationships that have been forged in this Senate body are some of the closest and most caring relationships that I have in my life.

I have often said that good government is all about good relationships and as I look over this Senate body today I can honestly say that there is something about each one of you that I admire... and I appreciate that special gift that you bring to our legislative process.

We have a rich heritage that flows through this state, from the gallant history of our Native American brothers and sisters to the diverse cultures of our immigrant ancestors. We are a state forged by an ethic of hard work, sustained by a culture of Faith in God to see us through the difficult times, and the desire to leave things better for the next generation.

We are building on the foundation of those who have gone before us and in turn we are continuing to build on that foundation for those who will come after us. A line from the song that we sang for the Memorial Service this year echoes in my mind, "May all who come behind us find us Faithful."

As I take on the duties of President Pro Tem. I pledge to uphold the honor and integrity of this Senate wherever my duties may take me during the interim.

In closing I want to thank the people of District 28 for allowing me to represent them here in the North Dakota Senate.

And a special thank you to all of you for your friendship of a lifetime. May God bless each of you, and may His hand of blessing rest on this great state that we serve.

MOTION

SEN. KLEIN MOVED that the remarks of Sens. Wanzek, Schneider, Axness, and Erbele be printed in the journal, which motion prevailed.

The Senate resumed its regular orders of business with President Pro Tem Dever presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1003 and Engrossed HB 1018, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1003: Sens. Holmberg, Krebsbach, Robinson

Engrossed HB 1018: Sens. Holmberg, Krebsbach, Robinson

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SCHAIKLE MOVED that the conference committee report on Reengrossed HB 1095 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1095, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1095: A BILL for an Act to amend and reenact section 61-16.1-53.1, subsection 4 of section 61-21-01, and section 61-32-08 of the North Dakota Century Code, relating to administrative hearings for noncomplying dams, dikes, and other devices, the definition of drain, and administrative hearings for drainage projects; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed HB 1095, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CASPER MOVED that the conference committee report on Reengrossed HB 1144 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1144, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1144: A BILL for an Act to create and enact chapters 26.1-40.1 and 39-34 of the North Dakota Century Code, relating to insurance coverage of motor vehicles participating in transportation network company networks and services, priority of coverage, and minimum limits; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed HB 1144, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BURCKHARD MOVED that the conference committee report on Reengrossed HB 1217 be adopted, which motion failed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LAFFEN MOVED that the conference committee report on Reengrossed HB 1392 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1392, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1392: A BILL for an Act to create and enact a new section to chapter 40-22 of the North Dakota Century Code, relating to adoption of municipal policy establishing special assessment determination methods for allocation of assessments among and within classes of property; to amend and reenact section 40-53.1-07 of the North Dakota Century Code, relating to the disposition of the property of a dissolved city by a county.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed HB 1392, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CASPER MOVED that the conference committee report on Reengrossed HB 1368 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LAFFEN MOVED that the conference committee report on Engrossed HB 1057 be adopted, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Wrigley presiding.

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

MR. SPEAKER: The Senate has appointed as a conference committee to act with a like committee from the House on:

HB 1003: Sens. Holmberg; Krebsbach; Robinson

HB 1018: Sens. Holmberg; Krebsbach; Robinson

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

MR. PRESIDENT: The Speaker has appointed Rep. D. Johnson to replace Rep. Looysen on the Conference Committee on SB 2178.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: HB 1217.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1057, HB 1368.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1095, HB 1392.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1144.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1282.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2046.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1113, HB 1210, HB 1229, HB 1360, HB 1406.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2035, SB 2166, SB 2377.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2070, SB 2107, SB 2113, SB 2292, SB 2295, SB 2312, SB 2326, SB 2333, SB 2356.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1067, HB 1410.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3052.

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

MR. PRESIDENT: The Speaker has signed: HB 1030, HB 1068, HB 1244, HB 1255, HB 1313, HB 1372, HB 1474.

REPORT OF CONFERENCE COMMITTEE

SB 2150, as engrossed: Your conference committee (Sens. Luick, Hogue, Nelson and Reps. K. Koppelman, M. Johnson, Delmore) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1235-1236 and place SB 2150 on the Seventh order.

Engrossed SB 2150 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2284, as reengrossed: Your conference committee (Sens. Casper, Armstrong, Nelson and Reps. Skarphol, Vigesaa, Hogan) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1377, adopt amendments as follows, and place SB 2284 on the Seventh order:

That the House recede from its amendments as printed on page 1377 of the Senate Journal and page 1558 of the House Journal and that Reengrossed Senate Bill No. 2284 be amended as follows:

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

Page 1, line 3, replace "appropriation" with "to designate the use of oil and gas impact grants; and to provide for reports"

Page 2, replace lines 1 through 7 with:

"SECTION 2. BOARD OF UNIVERSITY AND SCHOOL LANDS - USE OF OIL AND GAS IMPACT GRANTS - REPORTS. The board of university and school lands, from funds designated in House Bill No. 1176 as approved by the sixty-fourth legislative assembly for grants to law enforcement agencies impacted by oil and gas development, shall make available \$250,000 for grants through the domestic violence and rape crisis program for community-based or hospital-based sexual assault examiner programs for the biennium beginning July 1, 2015, and ending June 30, 2017. The board of university and school lands shall award the grants as directed by the attorney general. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-fifth legislative assembly on the use of the funds received and the outcomes of its program. The attorney general shall report to the sixty-fifth legislative assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, states attorneys, and sexual assault advocates. Grant funds awarded under this section may not be used for salaries for nurses."

Renumber accordingly

Reengrossed SB 2284 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4010, as engrossed: Your conference committee (Sens. Hogue, Armstrong, Grabinger and Reps. Kasper, Louser, Amerman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1069, adopt amendments as follows,

and place SCR 4010 on the Seventh order:

That the House recede from its amendments as printed on page 1069 of the Senate Journal and pages 1233 and 1234 of the House Journal and that Engrossed Senate Concurrent Resolution No. 4010 be amended as follows:

Page 1, line 5, after "selected" insert "and would prohibit an individual from being seated in the legislative assembly if the individual does not live in the district from which selected"

Page 1, line 10, replace "primary" with "general"

Page 1, replace lines 12 through 20 with:

"SECTION 1. AMENDMENT. Section 5 of article IV of the Constitution of North Dakota is amended and reenacted as follows:

Section 5. Each ~~person~~individual elected or appointed to the legislative assembly must be, on the day of the election or appointment, a qualified elector in the district from which the member was ~~chosen~~selected and must have been a resident of the state for one year immediately prior to that election. An individual may not be seated in the legislative assembly unless the individual lives in the district from which selected."

Renumber accordingly

Engrossed SCR 4010 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1229: Your conference committee (Sens. Burckhard, Campbell, Sinner and Reps. Laning, Beadle, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1302-1303, adopt amendments as follows, and place HB 1229 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1302 and 1303 of the House Journal and pages 1039 and 1040 of the Senate Journal and that House Bill No. 1229 be amended as follows:

Page 1, line 1, after "sections" insert "43-09-09.2 and"

Page 1, line 1, remove "and 43-09-15"

Page 1, line 2, replace "bonds" with "contracting for electrical services and undertaking"

Page 1, line 2, after "installations" insert "; to repeal section 43-09-14 of the North Dakota Century Code, relating to the electricians special fund; to provide a penalty; and to provide an effective date"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 43-09-09.2 of the North Dakota Century Code is amended and reenacted as follows:

43-09-09.2. Advertising prohibited - Exceptions - Liability - Penalty.

1. Except as provided in this section, if an electrical license is required under section 43-09-09 or by local ordinance, ~~no~~a person may not advertise to contract for electrical services without being licensed as or being associated with a class B or master electrician unless that person intends to contract the electrical services with a licensed electrical contractor.
2. If a person associates with a class B or master electrician under subsection 1 and that association ends, that person is jointly and

severally liable for any electrical services contracts entered under that association.

3. a. A person violating this section is guilty of a class B misdemeanor for a first conviction, but no fine in excess of one hundred dollars and no term of imprisonment may be imposed.
- b. A person violating this section is guilty of a class A misdemeanor for a second or subsequent conviction, but the penalties are as follows:
 - (1) For a second conviction, no fine in excess of one thousand dollars and no term of imprisonment may be imposed.
 - (2) For a third or subsequent conviction, a fine not to exceed one thousand dollars, or imprisonment not to exceed thirty days, or both, may be imposed."

Page 1, line 6, remove the overstrike over "~~Undertaking--Fund~~"

Page 1, line 6, remove "~~Bond~~"

Page 1, overstrike lines 7 and 8

Page 1, line 9, overstrike "class B electrician shall execute and deposit with the board"

Page 1, line 9, remove "a bond, unless such"

Page 1, line 10, remove "a bond has already been deposited."

Page 1, line 10, overstrike "in the sum of"

Page 1, line 10, remove "thirty-five"

Page 1, line 10, overstrike "thousand dollars"

Page 1, line 11, overstrike "conditioned on the faithful"

Page 1, overstrike line 12

Page 1, line 13, overstrike "provisions of this chapter, and on the requirements of the board."

Page 1, line 16, after "in" insert "The board shall administer"

Page 1, line 16, remove the overstrike over "~~a special fund to be used for the completion of installations~~"

Page 1, line 17, remove the overstrike over "~~abandoned by~~" and insert immediately thereafter "master"

Page 1, line 17, remove the overstrike over "~~electricians~~"

Page 1, line 17, after "section" insert "and class B electricians"

Page 1, line 17, remove the overstrike over "~~, not to exceed the amount of~~"

Page 1, line 17, after "five" insert "twenty-five"

Page 1, line 17, remove the overstrike over "~~thousand~~"

Page 1, line 18, remove the overstrike over "~~dollars for a master electrician and four thousand dollars for a class B electrician.~~"

Page 1, line 22, after the first "of" insert "Effective July 1, 2016."

Page 1, line 22, remove the overstrike over "~~the board~~" and insert immediately thereafter "shall use any money remaining in the special fund"

Page 1, line 22, remove the overstrike over "~~to inform and educate electricians~~"

Page 1, line 23, remove the overstrike over the overstruck period

Page 1, line 23, overstrike "for the"

Page 1, line 23, remove "bond"

Page 2, replace lines 1 through 29 with:

"SECTION 3. REPEAL. Section 43-09-14 of the North Dakota Century Code is repealed.

SECTION 4. EFFECTIVE DATE. Section 4 of this Act becomes effective on August 1, 2017."

Renumber accordingly

HB 1229 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1210, as engrossed: Your conference committee (Sens. Luick, Casper, Nelson and Reps. Karls, K. Koppelman, P. Anderson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1297, adopt amendments as follows, and place HB 1210 on the Seventh order:

That the Senate recede from its amendments as printed on page 1297 of the House Journal and page 1072 of the Senate Journal and that Engrossed House Bill No. 1210 be amended as follows:

Page 1, line 3, remove "; and to amend and reenact"

Page 1, remove lines 4 and 5

Page 1, line 6, remove "custodian of a deprived child"

Page 1, line 10, replace "Unless a child is in immediate danger" with "Without a compelling reason to the contrary"

Page 1, remove lines 13 through 19

Page 1, line 23, replace "shall" with "must"

Renumber accordingly

Engrossed HB 1210 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1406, as engrossed: Your conference committee (Sens. Cook, Oehlke, Triplett and Reps. Toman, Froseth, Mitskog) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1532-1533, adopt further amendments as follows, and place HB 1406 on the Seventh order:

That the House accede to the Senate amendments as printed on pages 1532 and 1533 of the House Journal and pages 1326 and 1327 of the Senate Journal and that Engrossed House Bill No. 1406 be further amended as follows:

Page 1, line 1, after "enact" insert "section 57-39.4-33.4 and"

Page 1, line 2, after "to" insert "administration of the streamlined sales and use tax agreement and to"

Page 1, line 4, after "state" insert "; 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"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 57-39.2-04.1 of the North Dakota Century Code is amended and reenacted as follows:

2. For purposes of this section:
 - a. "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume.
 - b. "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavoring in the form of bars, drops, or pieces. Candy does not include any preparation containing flour and does not require refrigeration.
 - c. "Dietary supplement" means any product, other than tobacco, intended to supplement the diet which contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; an oral concentrate, metabolite, constitute, extract, or combination of any dietary ingredients described in this sentence and which is intended for ingestion in tablet, capsule, powder, soft gel, gel cap, or liquid form, or if not represented for use as a sole item of a meal or of a diet; and is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 CFR section 101.36.
 - d. "Prepared food" means:
 - (1) Food sold in a heated state or heated by the seller;
 - (2) Two or more food ingredients mixed or combined by the seller for sale as a single item; or
 - (3) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food.
 - e. "Prepared food" does not mean:
 - (1) Food that is only cut, repackaged, or pasteurized by the seller.
 - (2) Eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the food and drug administration in chapter 3, part 401.11, of its food code so as to prevent foodborne illness.
 - (3) If sold without eating utensils provided by the seller:
 - (a) Food sold by a seller whose proper primary North American industry classification system classification is manufacturing in sector 311, except subsector 3118, bakeries.

- (b) Food sold in an unheated state by weight or volume as a single item.
- (c) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas.
- (d) Food sold that ordinarily requires additional cooking, as opposed to just reheating, by the consumer prior to consumption.
- f. "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume.
- g. "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.

SECTION 2. AMENDMENT. Section 57-39.4-29 of the North Dakota Century Code is amended and reenacted as follows:

57-39.4-29. (328) Taxability matrix.

1.
 - a. To ensure uniform application of terms defined in part II and part III(B) of the library of definitions as adopted by the governing board under section 57-39.4-28, each member state shall complete a, to the best of its ability, section 1 of the taxability matrix adopted by the governing board.
 - b. To inform the general public of its practices regarding certain products, procedures, services, or transactions adopted by the governing board under section 57-39.4-33.4, each member state shall complete, to the best of its ability, section 2 of the taxability matrix.
2. The member state's entries in the matrix shall be provided and maintained in a database that is in a downloadable format approved by the governing board. A member state shall provide notice of changes in the taxability of the products or services listed in the taxability matrix as required by the governing board.
- ~~2-3.~~ A member state shall relieve sellers and certified service providers from liability to the member state and its local jurisdictions for having charged and collected the incorrect amount of sales or use tax resulting from the seller or certified service provider relying on erroneous data provided by the member state in the taxability matrix. If a member state amends an existing provision of its taxability matrix, the member state shall, to the extent possible, relieve sellers and certified service providers from liability to the member state and its local jurisdictions until the first day of the calendar month that is at least thirty days after notice of change to a member state's taxability matrix is submitted to the governing board, provided the seller or certified service provider relied on the prior version of the taxability matrix.
- ~~3-4.~~ If a state levies sales and use tax on a specified digital product and provides an exemption for an item within the definition of such specified digital product under subsection 8 of section 57-39.4-33.1, such exemption must be noted in the taxability matrix.
- ~~4-5.~~ Each state that provides for a sales tax holiday under section 57-39.4-23 shall, in a format approved by the governing board, give notice in the taxability matrix of the products for which a tax exemption is provided.

SECTION 3. AMENDMENT. Section 57-39.4-31 of the North Dakota Century Code is amended and reenacted as follows:

57-39.4-31. Membership of streamlined sales tax governing board and ~~state and local advisory council.~~

1. Two members of the house of representatives and two members of the senate, to be appointed by the chairman of the legislative management, shall represent ~~the~~this state of North Dakota on the streamlined sales tax governing board.
2. ~~One member of the house of representatives and one member of the senate, to be appointed by the chairman of the legislative management, shall represent the state of North Dakota on the streamlined sales tax state and local advisory council.~~
3. The tax commissioner shall designate a member of the tax commissioner's staff to accompany and advise the members appointed under this section with regard to multistate discussions to review or revise the agreement or to conduct such other business as comes before the board ~~or council.~~

SECTION 4. Section 57-39.4-33.4 of the North Dakota Century Code is created and enacted as follows:

57-39.4-33.4. Best practices.

1. For purpose of this section, "best practices" means those practices adopted by the governing board as the best practices in administration of the sales and use taxes in the member states regarding certain identified products, procedures, services, or transactions.
2. A majority vote of the entire governing board is required to approve a motion to adopt a best practices standard. The governing board shall provide public notice and opportunity for comment prior to voting on a motion to adopt a best practice.
3. Best practices adopted by the governing board must be maintained in an appendix to the agreement.
4. Conformance by a member state to best practices adopted by the governing board is voluntary and a state may not be found to be out of compliance with the agreement because the effect of the state's laws, rules, regulations, and policies do not follow each of the best practices adopted by the governing board.
5. A state shall complete the best practice matrix by the first day of the calendar month that is at least thirty days after the date the governing board approves a best practice and submits it to the executive director for posting on the governing board's website. For subsequent best practices approved by the governing board, a state shall update its best practice matrix by the first day of the calendar month that is at least thirty days after the date the governing board approves a new best practice and submits it to the executive director for posting on the governing board's website."

Page 3, after line 10, insert:

"SECTION 6. AMENDMENT. Subsection 2 of section 57-40.2-04.1 of the North Dakota Century Code is amended and reenacted as follows:

2. For purposes of this section:

- a. "Alcoholic beverages" means beverages that are suitable for human consumption and contain one-half of one percent or more of alcohol by volume.
- b. "Candy" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, or other ingredients or flavoring in the form of bars, drops, or pieces. Candy does not include any preparation containing flour and that does not require refrigeration.
- c. "Dietary supplement" means any product, other than tobacco, intended to supplement the diet which contains one or more of the following dietary ingredients: a vitamin; a mineral; an herb or other botanical; an amino acid; a dietary substance for use by humans to supplement the diet by increasing the total dietary intake; an oral concentrate, metabolite, constitute, extract, or combination of any dietary ingredients described in this subdivision and which is intended for ingestion in tablet, capsule, powder, soft gel cap, or liquid form, or if not represented for use as a sole item of a meal or of a diet; and is required to be labeled as a dietary supplement, identifiable by the supplemental facts box found on the label and as required pursuant to 21 CFR 101.36.
- d. "Prepared food" means:
 - (1) Food sold in a heated state or heated by the seller;
 - (2) Two or more food ingredients mixed or combined by the seller for sale as a single item; or
 - (3) Food sold with eating utensils provided by the seller, including plates, knives, forks, spoons, glasses, cups, napkins, or straws. A plate does not include a container or packaging used to transport the food.
- e. "Prepared food" does not mean:
 - (1) Food that is only cut, repackaged, or pasteurized by the seller.
 - (2) Eggs, fish, meat, poultry, and foods containing these raw animal foods requiring cooking by the consumer as recommended by the food and drug administration in chapter 3, part 401.11, of its food code so as to prevent foodborne illness.
 - (3) If sold without eating utensils provided by the seller:
 - (a) Food sold by a seller whose proper primary North American industry classification system classification is manufacturing in sector 311, except subsector 3118, bakeries.
 - (b) Food sold in an unheated state by weight or volume as a single item.
 - (c) Bakery items, including bread, rolls, buns, biscuits, bagels, croissants, pastries, donuts, Danish, cakes, tortes, pies, tarts, muffins, bars, cookies, and tortillas.
 - (d) Food sold that ordinarily requires additional cooking, as opposed to just reheating, by the consumer prior to consumption.
- f. "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that

contain milk or milk products, soy, rice, or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume.

- g. "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco."

Renumber accordingly

Engrossed HB 1406 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1360, as engrossed: Your conference committee (Sens. Rust, Oehlke, Axness and Reps. Meier, Ruby, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1418-1419, adopt amendments as follows, and place HB 1360 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1418 and 1419 of the House Journal and pages 1172 and 1173 of the Senate Journal and that Engrossed House Bill No. 1360 be amended as follows:

Page 1, line 4, replace "a contingent" with "an"

Page 1, line 15, replace "ten" with "twenty-five"

Page 1, line 15, after "dollars" insert "of"

Page 1, line 15, after "which" insert "ten dollars"

Page 1, line 15, after "the" insert "highway tax distribution fund and fifteen dollars is deposited in the"

Page 1, line 23, replace "boony" with "boonie"

Page 2, replace lines 17 through 20 with:

"SECTION 3. EFFECTIVE DATE. This Act becomes effective for the issuance of United States flag and bald eagle plates on July 1, 2017, and for the issuance of boonie stomper plates on August 1, 2016."

Renumber accordingly

Engrossed HB 1360 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1282, as reengrossed: Your conference committee (Sens. Anderson, Larsen, Axness and Reps. Porter, Seibel, Muscha) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1608 and place HB 1282 on the Seventh order.

Reengrossed HB 1282 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1113: Your conference committee (Sens. Laffen, Hogue, Murphy and Reps. Laning, Dockter, Mooney) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1551-1552, adopt amendments as follows, and place HB 1113 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1551 and 1552 of the House Journal and pages 1344 and 1345 of the Senate Journal and that House Bill No. 1113 be amended as follows:

Page 1, line 1, remove "a new"

Page 1, line 1, after "subsection" inset "3"

Page 2, line 12, remove the overstrike over "~~and regulation of the processing, generation, or disposal~~"

Page 2, line 14, remove the overstrike over the overstruck colon

Page 2, remove the overstrike over lines 15 through 17

Page 2, line 18, remove the overstrike over "b."

Page 2, line 19, remove the overstrike over "~~A written determination of the action to be taken which is based upon findings~~"

Page 2, remove the overstrike over lines 20 and 21

Page 2, line 22, after "d." insert "c."

Page 2, line 22, remove the overstrike over "~~For each licensed activity which has a significant impact on the human~~"

Page 2, remove the overstrike over lines 23 through 30

Page 3, line 1, after "e." insert "d."

Page 3, line 1, remove the overstrike over "~~A prohibition of any major construction with respect to the activities to be~~"

Page 3, remove the overstrike over line 2

Page 3, line 3, after "f." insert "e."

Page 3, line 3, remove the overstrike over "~~An assurance that management of source material, byproduct material, or other~~"

Page 3, remove the overstrike over lines 4 through 9

Page 3, line 10, remove the overstrike over "b. ~~An opportunity for judicial review~~"

Page 3, line 10, remove "by rules a procedure for the handling of"

Page 3, remove line 11

Page 3, line 12, remove "opportunity, after public notice, for written comments and a public hearing"

Page 4, line 23, remove "For multiple violations, penalties may"

Page 4, remove lines 24 and 25

Page 4, line 26, replace "knowingly" with "willfully"

Page 4, line 30, replace "knowingly" with "willfully"

Page 5, line 3, remove "For multiple violations, penalties may be assessed up to the maximum"

Page 5, remove line 4

Renumber accordingly

HB 1113 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. CASPER MOVED that the Senate do concur in the House amendments to Engrossed SB 2368 as printed on SJ pages 1090-1091, which motion prevailed on a voice vote.

Engrossed SB 2368 as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to create and enact chapters 26.1-40.1 and 39-34 of the North Dakota Century Code, relating to transportation network company services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 6 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Armstrong; Axness; Larsen; Mathern; O'Connell; Sinner

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

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed SB 2368 failed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CASPER MOVED that the conference committee report on Reengrossed SB 2284 as printed on SJ pages 1516-1518 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2284, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2284: A BILL for an Act to create and enact section 23-16-16 of the North Dakota Century Code, relating to hospital treatment of victims of sexual assault; to provide a penalty; to designate the use of oil and gas impact grants; and to provide for reports.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed SB 2284 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LUICK MOVED that the conference committee report on Engrossed SB 2150 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2150, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to student and student organization disciplinary proceedings at institutions under the control of the state board of higher education; to provide for the development of a uniform policy; and to provide for a report to the legislative management.

ROLL CALL

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

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

NAYS: Hogue

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed SB 2150 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HOGUE MOVED that the conference committee report on Engrossed SCR 4010 as printed on SJ pages 1518-1519 be adopted, which motion prevailed on a voice vote.

Engrossed SCR 4010, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution to amend and reenact section 5 of article IV of the Constitution of North Dakota, relating to residency requirements of members of the legislative assembly.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Triplett

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed SCR 4010 was declared adopted on a recorded roll call vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. RUST MOVED that the conference committee report on Reengrossed HB 1360 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1360, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to patriotic number plates; to amend and reenact subdivision j of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to disabled veteran motor vehicle registration; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed HB 1360, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LUICK MOVED that the conference committee report on Reengrossed HB 1210 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1210, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1210: A BILL for an Act to create and enact subsection 4 of section 27-20-13 and subdivision g of subsection 1 of section 27-20-30 of the North Dakota Century Code, relating to time for beneficial transition of a child to or from temporary legal custody.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Armstrong; Oehlke; Triplett

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed HB 1210, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BURCKHARD MOVED that the conference committee report on Engrossed HB 1229 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1229, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1229: A BILL for an Act to amend and reenact sections 43-09-09.2 and 43-09-14 of the North Dakota Century Code, relating to contracting for electrical services and undertaking for electricians contracting for electrical installations; to repeal section 43-09-14 of the North Dakota Century Code, relating to the electricians special fund; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 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; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner

NAYS: Murphy

ABSENT AND NOT VOTING: Miller; Warner

Engrossed HB 1229, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on Reengrossed HB 1406 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1406, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1406: A BILL for an Act to create and enact section 57-39.4-33.4 and chapter 57-39.8 of the North Dakota Century Code, relating to administration of the streamlined sales and use tax agreement and to authorizing entry of state-tribal agreements for administration and collection of state and tribal sales, use, and gross receipts taxes imposed and collected within the exterior boundaries of the Standing Rock Reservation within this state; 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, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed HB 1406, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LAFFEN MOVED that the conference committee report on Engrossed HB 1113 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1113, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to create and enact subsection 3 to section 23-20.1-04.1 of the North Dakota Century Code, relating to custody of land used for disposal of radioactive material; to amend and reenact sections 23-01-36, 23-20.1-04.3, 23-20.1-04.4, 23-20.1-06, and 23-20.1-10 of the North Dakota Century Code, relating to the licensing and regulation of radioactive material; to repeal section 23-20.1-09.1 of the North Dakota Century Code, relating to the confidentiality of radioactive material records; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Miller; Warner

Engrossed HB 1113, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ANDERSON MOVED that the conference committee report on Reengrossed HB 1282 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1282 was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1282: A BILL for an Act to provide an appropriation to the department of commerce to address health care workforce needs in rural areas of the state.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 38 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Carlisle; Cook; Kilzer; Laffen; Larsen; Lee, G.; Oehlke

ABSENT AND NOT VOTING: Miller; Warner

Reengrossed HB 1282 passed.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1377.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2349.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently failed to pass: SB 2368.

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

MR. PRESIDENT: The House has appointed as a conference committee to act with a like committee from the Senate on:

SB 2013: Reps. Monson; Sanford; Guggisberg

SB 2018: Reps. Monson; Martinson; Boe

SB 2019: Reps. Streyle; Dosch; Guggisberg

SB 2020: Reps. Schmidt; Streyle; Boe

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2150, SB 2284, SCR 4010.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1113, HB 1210, HB 1229, HB 1282, HB 1360, HB 1406.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1057, HB 1095, HB 1144, HB 1368, HB 1392.

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

MR. PRESIDENT: The Speaker has signed: SB 2070, SB 2107, SB 2113, SB 2292, SB 2295, SB 2312, SB 2326, SB 2333, SB 2356.

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

MR. SPEAKER: The President has signed: HB 1067, HB 1410, HCR 3052.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on April 17, 2015, I have signed the following: SB 2151.

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, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Monday, April 20, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1475, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1475 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "to"

Page 1, line 6, remove "provide a statement of legislative intent;"

Page 1, line 6, remove "declare an"

Page 1, line 6, replace "emergency" with "provide for application"

Page 2, line 18, replace "legislative management" with "employee benefits programs committee"

Page 2, line 18, remove "the legislative"

Page 2, line 19, replace "management" with "this committee"

Page 2, line 26, replace "legislative management" with "employee benefits programs committee"

Page 3, line 4, remove "A provision that a determination by the board that the carrier breached a material"

Page 3, replace lines 5 through 13 with "In the case of health insurance benefits coverage, other than self-insurance under section 54-52.1-04.2 or health insurance benefits coverage for retired employees eligible for medicare, a provision requiring performance guarantees and liquidated damages, as necessary, as determined by the board."

Page 3, line 14, replace "a. A" with "In the case of a"

Page 3, line 15, after "coverage" insert ":

a. The contract"

Page 3, line 16, after the underscored period insert:

"b."

Page 3, line 17, replace "legislative management" with "employee benefits programs committee"

Page 3, line 18, replace "the legislative management" with "that committee"

Page 3, line 21, replace "b." with "c."

Page 3, line 21, replace "legislative management" with "employee benefits programs committee"

Page 3, line 22, after "confidential" insert "or closed"

Page 3, line 22, replace "the legislative management" with "that committee"

Page 3, line 23, after "confidential" insert "or closed"

Page 3, line 23, after "record" insert "and the records retain this confidential or closed status in the hands of the committee"

Page 3, line 24, replace "c." with "d."

Page 3, line 24, replace "legislative management" with "employee benefits programs committee"

Page 3, line 24, after "confidential" insert "or closed"

Page 3, line 26, after the underscored period insert "The board shall notify the employee benefits programs committee if the board opens to the public a previously closed record the board provided to the committee and upon receipt of such notice the record is no longer a closed record in the hands of the committee."

Page 3, remove line 27

Page 4, line 4, remove "The contract must require the carrier process in-house its claims under the"

Page 4, remove line 5

Page 4, line 6, remove "b."

Page 4, line 6, remove the underscored colon

Page 4, remove lines 7 through 9

Page 4, line 10, replace "(2) The" with "the"

Page 4, line 11, replace "or" with an underscored comma

Page 4, line 11, after "provider" insert ", or any other identified provider of services, unless the board has preapproved such marketing"

Page 4, line 11, remove "This paragraph limits a"

Page 4, remove line 12

Page 4, line 13, replace "market services" with "In determining whether to approve a marketing request under this subdivision, the board shall ensure the carrier is not unfairly favoring one provider over another. This subdivision does not prevent a carrier from marketing that is directly related to the health plan design or coverage"

Page 4, line 14, replace "c." with "b."

Page 4, line 15, after "coverage" insert ", as determined by the board"

Page 4, line 16, replace "If the" with "The"

Page 4, line 16, remove "enters a"

Page 4, line 17, replace "with a carrier that has common ownership with a health care delivery entity." with "must provide:"

a. That"

Page 4, line 18, replace "negotiated" with "preferred"

Page 4, line 18, replace "discount rates" with "arrangements"

Page 4, line 18, remove the underscored colon

Page 4, remove lines 19 through 25

Page 4, line 26, replace "related health care delivery entity that is not a critical access hospital" with ", the carrier shall comply with chapter 26.1-47, regarding preferred provider organizations; and"

b. That for purposes of the carrier's preauthorization and prior approval processes, the carrier shall comply with section 26.1-36-03.1"

Page 4, line 27, replace "applies to all policies that become effective after June 30, 2015" with "does not prevent the board from implementing managed care options, such as an exclusive provider organization, health maintenance organization, or other closed system, provided the insured's participation in the system is voluntary."

4. This section does not apply to a contract for a self-insurance plan under section 54-52.1-04.2 or health insurance benefits coverage for retired employees eligible for medicare"

Page 5, line 1, remove "**legislative**"

Page 5, line 2, replace "**management**" with "**employee benefits programs committee**"

Page 5, line 8, remove the underscored period

Page 5, remove lines 9 through 19

Page 5, line 20, replace "(a) A" with ", including a"

Page 5, line 22, replace "(b) An" with "an"

Page 5, remove lines 24 through 26

Page 5, line 28, replace "preauthorization" with "covered services from an in-network provider"

Page 5, line 30, after "out-of-state" insert an underscored comma

Page 5, line 31, replace the second "a" with "an in-network"

Page 6, line 1, remove "May not have a process for prior approval or preauthorization before benefits are"

Page 6, remove lines 2 and 3

Page 6, line 4, remove "f."

Page 6, line 6, after "2." insert "Notwithstanding subsection 1, a carrier may advise an insured of a provider's network status and of a provider's center of excellence status."

3."

Page 6, line 10, replace "legislative management" with "employee benefits programs committee"

Page 6, line 12, replace "3." with "4."

Page 6, line 12, replace "applies to all policies that become effective after June 30, 2015" with "does not prevent the board from implementing managed care options, such as an exclusive provider organization, health maintenance organization, or other closed system, provided the insured's participation in the system is voluntary."

5. This section does not apply to a contract for a self-insurance plan under section 54-52.1-04.2 or health insurance benefits coverage for retired employees eligible for medicare"

Page 6, remove lines 13 through 21

Page 6, line 22, replace "This" with "During the 2015 legislative session, this"

Page 6, after line 23, insert:

"SECTION 6. APPLICATION. Sections 1 through 4 of this Act apply to all contracts entered on or after the effective date of this Act."

Page 6, remove line 24

ReNUMBER accordingly

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

Jane Schaible, Secretary