

## JOURNAL OF THE SENATE

## Sixty-fourth Legislative Assembly

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Bismarck, February 13, 2015

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

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

The roll was called and all members were present.

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 Twenty-seventh and Twenty-eighth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 365, replace line 8 with "Page 2, line 1, replace "ten" with "seventy-two""

Page 365, replace line 9 with "Page 2, line 3, replace "fifty-six" with "seventy-three""

Page 389, remove lines 30-48

Page 390, remove lines 2-9

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

## CONSIDERATION OF AMENDMENTS

**SB 2065: SEN. WARNER (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2331: SEN. NELSON (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2333: SEN. ARMSTRONG (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2023: SEN. G. LEE (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2081: SEN. WARNER (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2194: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2251: SEN. GRABINGER (Judiciary Committee) MOVED** that the amendments be

adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### MOTION

**SEN. KLEIN MOVED** that SB 2251 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2251 was rereferred.

#### MOTION

**SEN. KLEIN MOVED** that after action taken on the Sixth order, SB 2238 and SB 2293 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2238, as engrossed: SEN. MARCELLAIS (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2238:** A BILL for an Act to amend and reenact section 23-06-03 of the North Dakota Century Code, relating to providing military caskets for eligible deceased veterans.

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

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

**NAYS:** Lee, G.; Miller

Reengrossed SB 2238 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2293: SEN. OEHLKE (Transportation Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2293:** A BILL for an Act to provide for reports to the legislative management regarding rail safety.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2293 passed.

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**MOTION**

**SEN. KLEIN MOVED** that the Senate reconsider its action whereby Engrossed SB 2374 passed.

**MOTION**

**SEN. KLEIN MOVED** that Engrossed SB 2374 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed SB 2374 was rereferred.

The question being on the motion to reconsider the action whereby Engrossed SB 2374 passed, the motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2224:** A BILL for an Act to create and enact a new section to chapter 34-06, a new section to chapter 57-38, and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an employer tax credit for wages paid for family medical leave; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SB 2224 failed.

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**SECOND READING OF SENATE BILL**

**SB 2366:** A BILL for an Act to amend and reenact sections 38-08-01, 54-17.6-01, 54-17.6-03, 54-17.6-04, subsection 5 of section 54-17.6-05, and sections 54-17.6-06 and 54-60-03 of the North Dakota Century Code, relating to regulation of the oil industry by the industrial commission and promotion of the oil industry by the department of commerce.

**MOTION**

**SEN. TRIPLETT MOVED** that Engrossed SB 2366 be amended as follows, which motion failed on a voice vote.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 38-08-01 of the North Dakota Century Code, relating to regulation of the oil and gas industry by the industrial commission.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 38-08-01 of the North Dakota Century Code is amended and reenacted as follows:

**38-08-01. Declaration of Oil and gas policy.**

It is hereby declared to be in the public interest to foster, to encourage, and to ~~promote~~regulate the development, production, and utilization of natural resources of oil and gas in the state in such a manner as will prevent waste; to authorize and to provide for the operation and development of oil and gas properties in such a manner that a greater ultimate recovery of oil and gas be had and that the correlative

rights of all owners be fully protected; and to encourage and to authorize cycling, recycling, pressure maintenance, and secondary recovery operations in order that the greatest possible economic recovery of oil and gas be obtained within the state to the end that the landowners, the royalty owners, the producers, and the general public realize and enjoy the greatest possible good from these vital natural resources."

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 NOT PASS, the roll was called and there were 15 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2366 failed.

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#### SECOND READING OF SENATE BILL

**SB 2275:** A BILL for an Act create and enact a new section to chapter 12.1-41 of the North Dakota Century Code, as created by section 2 of Senate Bill No. 2107, as approved by the sixty-fourth legislative assembly, relating to a forced or coerced abortion performed on a victim of human trafficking; and to provide a penalty.

#### REQUEST

**SEN. J. LEE REQUESTED** that the Senate divide SB 2275, which was deemed indivisible.

#### ROLL CALL

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

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

**NAYS:** Triplett

SB 2275 passed.

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#### SECOND READING OF SENATE BILL

**SB 2281:** A BILL for an Act to create and enact a new section to chapter 15-10, a new section to chapter 57-38, and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to tuition reduction and an income tax credit for child care providers; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axness; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Murphy; Nelson;

O'Connell; Oban; Robinson; Schneider; Sinner; Warner

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

SB 2281 failed.

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#### SECOND READING OF SENATE BILL

**SB 2230:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to a renter's income tax credit; and to provide an effective date.

#### MOTION

**SEN. TRIPLETT MOVED** that SB 2230 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 9, remove "refundable"

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 NOT PASS, the roll was called and there were 16 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axness; Dever; Dotzenrod; Grabinger; Heckaman; Holmberg; Marcellais; Mathern; Murphy; Nelson; Oban; Robinson; Schneider; Sinner; Triplett; Warner

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

Engrossed SB 2230 failed.

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#### SECOND READING OF SENATE BILL

**SB 2302:** A BILL for an Act to amend and reenact section 57-02-08.3 of the North Dakota Century Code, relating to the homestead credit for special assessments; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SB 2302 failed.

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#### SECOND READING OF SENATE BILL

**SB 2357:** A BILL for an Act to create and enact section 12.1-17-07.2 and a new section to

chapter 32-03 of the North Dakota Century Code, relating to the distribution of graphic or intimate images of someone without consent; and to provide a penalty.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Triplett

SB 2357 passed.

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#### SECOND READING OF SENATE BILL

**SB 2305:** A BILL for an Act to create an enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax exclusion for social security benefits; to amend and reenact subsection 5 of section 57-02-08.1 and section 57-38-01.28 of the North Dakota Century Code, relating to the homestead tax credit and the marriage penalty credit; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Axness; Davison; Dotzenrod; Grabinger; Heckaman; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Sinner; Sorvaag; Warner

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

**ABSENT AND NOT VOTING:** Triplett; Wanzek

SB 2305 failed.

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#### SECOND READING OF SENATE BILL

**SB 2246:** A BILL for an Act to amend and reenact section 48-01.2-02.1 of the North Dakota Century Code, relating to the bidding threshold for plans and specifications for a public improvement contract; and to provide for a legislative management study.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Laffen

**ABSENT AND NOT VOTING:** Holmberg; Triplett; Wanzek

Engrossed SB 2246 passed.

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**SECOND READING OF SENATE BILL**

**SB 2266:** A BILL for an Act to amend and reenact sections 12.1-27.2-01, 12.1-27.2-02, 12.1-27.2-03, 12.1-27.2-04, and 12.1-27.2-05 of the North Dakota Century Code, relating to the use of minors in sexual performances; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Holmberg; Triplett; Wanzek

Engrossed SB 2266 passed.

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**SECOND READING OF SENATE BILL**

**SB 2301:** A BILL for an Act to amend and reenact section 60-02-07 of the North Dakota Century Code, relating to public warehouse licenses; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Holmberg; Triplett; Wanzek

Engrossed SB 2301 passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2030:** A BILL for an Act to amend and reenact section 19-03.4-03 of the North Dakota Century Code, relating to drug paraphernalia; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Holmberg; Triplett; Wanzek

Engrossed SB 2030 passed.

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### SECOND READING OF SENATE BILL

**SB 2259:** A BILL for an Act to create and enact chapter 23-48 of the North Dakota Century Code, relating to the use of experimental drugs.

### 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 21 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Casper; Cook; Davison; Dotzenrod; Flakoll; Grabinger; Heckaman; Hogue; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Poolman; Robinson; Schneider; Sinner; Sorvaag; Warner

**NAYS:** Anderson; Armstrong; Axness; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Dever; Erbele; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Miller; Oehlke; Rust; Schaible; Unruh; Wardner

**ABSENT AND NOT VOTING:** Holmberg; Triplett; Wanzek

Engrossed SB 2259 failed.

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### SECOND READING OF SENATE BILL

**SB 2170:** A BILL for an Act to amend and reenact sections 65-05-26 and 65-05-38 of the North Dakota Century Code, relating to workers' compensation burial expenses and benefits for a surviving spouse; and to provide for application.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Axness; Bekkedahl; Carlisle; Dotzenrod; Grabinger; Heckaman; Kilzer; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Sinner; Warner

**NAYS:** Armstrong; Bowman; Burckhard; Campbell; Casper; Cook; Davison; Dever; Erbele; Flakoll; Hogue; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Miller; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh; Wardner

**ABSENT AND NOT VOTING:** Holmberg; Triplett; Wanzek

Engrossed SB 2170 failed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2001, SB 2025, SB 2049, SB 2141, SB 2166, SB 2171, SB 2192, SB 2232, SB 2250, SB 2252, SB 2270, SB 2335, SB 2337, SB 2352.

### MOTION

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

### MOTION

**SEN. KLEIN MOVED** that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Monday, February 16, 2015, which motion prevailed.



## REPORT OF STANDING COMMITTEE

**SB 2007: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2007 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 18 with:

"Salaries and wages	\$1,922,048	\$581,783	\$2,503,831
Accrued leave payments	39,609	(39,609)	0
Operating expenses	<u>323,694</u>	<u>159,359</u>	<u>483,053</u>
Total all funds	\$2,285,351	\$701,533	\$2,986,884
Less estimated income	<u>437,926</u>	<u>(94)</u>	<u>437,832</u>
Total general fund	\$1,847,425	\$701,627	\$2,549,052
Full-time equivalent positions	13.00	2.00	15.00"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## Senate Bill No. 2007 - Labor Commissioner - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$1,922,048	\$581,783	\$2,503,831
Operating expenses	323,694	159,359	483,053
Accrued leave payments	<u>39,609</u>	<u>(39,609)</u>	
Total all funds	\$2,285,351	\$701,533	\$2,986,884
Less estimated income	<u>437,926</u>	<u>(94)</u>	<u>437,832</u>
General fund	\$1,847,425	\$701,627	\$2,549,052
FTE	13.00	2.00	15.00

## Department No. 406 - Labor Commissioner - Detail of Senate Changes

	Adds Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adds Funding for 2 FTE Investigator Positions <sup>3</sup>	Adds Funding for Desktop Support Services <sup>4</sup>	Adds One-Time Funding for IT System <sup>5</sup>	Adds One-Time Funding for Accrued Leave and Overtime <sup>6</sup>
Salaries and wages	\$75,589	\$153,191	\$307,003			\$46,000
Operating expenses			57,106	46,118	56,135	
Accrued leave payments	<u>(39,609)</u>					
Total all funds	\$35,980	\$153,191	\$364,109	\$46,118	\$56,135	\$46,000
Less estimated income	<u>(94)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$36,074	\$153,191	\$364,109	\$46,118	\$56,135	\$46,000
FTE	0.00	0.00	2.00	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	\$581,783
Operating expenses	159,359
Accrued leave payments	<u>(39,609)</u>
Total all funds	\$701,533
Less estimated income	<u>(94)</u>
General fund	\$701,627
FTE	2.00

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

	General Fund	Other Funds	Total
Salary increase - Performance	\$88,426		\$88,426
Health insurance increase	64,765		64,765

Total

\$153,191

\$153,191

<sup>3</sup> Funding is added from the general fund for two new full-time equivalent (FTE) investigator positions (\$307,003) and related operating expenses (\$57,106).

<sup>4</sup> Funding is added for obtaining desktop support services from the Information Technology Department.

<sup>5</sup> One-time funding is added for an information technology system to eliminate paper file storage and increase department efficiency.

<sup>6</sup> One-time funding is added for accrued leave payouts (\$26,000) and overtime (\$20,000).

#### REPORT OF STANDING COMMITTEE

**SB 2009: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2009 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 22 with:

"Salaries and wages	\$10,861,195	\$1,962,467	\$12,823,662
Operating expenses	5,885,262	1,041,807	6,927,069
Capital assets	12,000	(4,000)	8,000
Grants	4,675,828	5,964,946	10,640,774
State board of animal health	2,109,828	(1,296,163)	813,665
Wildlife services	1,417,400	0	1,417,400
Crop harmonization board	75,000	0	75,000
Accrued leave payments	237,295	(237,295)	0
Total all funds	\$25,273,808	\$7,431,762	\$32,705,570
Less estimated income	15,754,591	5,282,679	21,037,270
Total general fund	\$9,519,217	\$2,149,083	\$11,668,300"

Page 2, replace lines 5 through 7 with:

"National genomics center	\$0	\$800,000
Information technology analysis	0	150,222
Department web redesign	0	150,000
Total general fund	\$0	\$1,100,222"

Page 2, line 17, replace "\$6,464,295" with "\$6,414,476"

Page 3, line 4, replace "six thousand five hundred fifteen" with "five thousand four hundred ninety-one"

Page 3, line 5, replace "ten thousand seven hundred seventy-five" with "eight thousand six hundred fifty-six"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2009 - Department of Agriculture - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$10,861,195	\$1,962,467	\$12,823,662
Operating expenses	5,885,262	1,041,807	6,927,069
Capital assets	12,000	(4,000)	8,000
Grants	4,675,828	5,964,946	10,640,774
State board of animal health	2,109,828	(1,296,163)	813,665
Wildlife services	1,417,400		1,417,400
Crop harmonization board	75,000		75,000
Accrued leave payments	237,295	(237,295)	
Total all funds	\$25,273,808	\$7,431,762	\$32,705,570
Less estimated income	15,754,591	5,282,679	21,037,270

General fund	\$9,519,217	\$2,149,083	\$11,668,300
FTE	77.00	0.00	77.00

**Department No. 602 - Department of Agriculture - Detail of Senate Changes**

	Adjusts Base Payroll <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adds Funding for Japanese Beetle, Emerald Ash Borer, and Other Issues <sup>3</sup>	Increases Funding for Information Technology Expenses <sup>4</sup>	Increases Funding for Pride of Dakota <sup>5</sup>	Adjusts Base Level Funding <sup>6</sup>
Salaries and wages	\$1,155,647	\$764,923	\$41,897			
Operating expenses			40,400	353,093	50,000	298,092
Capital assets						(4,000)
Grants					30,000	3,692,946
State board of animal health	(1,296,163)			(21,699)		21,699
Wildlife services						
Crop harmonization board						
Accrued leave payments	(237,295)					
Total all funds	(\$377,811)	\$764,923	\$82,297	\$331,394	\$80,000	\$4,008,737
Less estimated income	(416,531)	311,200	0	181	30,000	3,915,829
General fund	\$38,720	\$453,723	\$82,297	\$331,213	\$50,000	\$92,908
FTE	0.00	0.00	0.00	0.00	0.00	0.00

  

	Adds Funding for Waterbank Program <sup>7</sup>	Adds Funding for Agriculture Industry Economic Impact Study <sup>8</sup>	Adds One-Time Funding for an Information Technology Department Analysis <sup>9</sup>	Adds One-Time Funding for a Website Redesign <sup>10</sup>	Adds One-Time Funding for the National Genomics Center <sup>11</sup>	Total Senate Changes
Salaries and wages						\$1,962,467
Operating expenses			150,222	150,000		1,041,807
Capital assets						(4,000)
Grants	1,200,000	242,000			800,000	5,964,946
State board of animal health						(1,296,163)
Wildlife services						
Crop harmonization board						
Accrued leave payments						(237,295)
Total all funds	\$1,200,000	\$242,000	\$150,222	\$150,000	\$800,000	\$7,431,762
Less estimated income	1,200,000	242,000	0	0	0	5,282,679
General fund	\$0	\$0	\$150,222	\$150,000	\$800,000	\$2,149,083
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

	General Fund	Other Funds	Total
Salary increase - Performance	\$263,043	\$178,047	\$441,090
Health insurance increase	190,680	133,153	323,833
Total	\$453,723	\$311,200	\$764,923

<sup>3</sup> Funding of \$82,297 from the general fund is provided for monitoring, surveying, and inspecting for Japanese beetle and emerald ash borer and for the workload increase relating to potential changes in apiary law.

<sup>4</sup> Ongoing funding of \$352,912 from the general fund is provided for Information Technology Department desktop support services and funding information technology operating costs is reduced by \$21,518.

<sup>5</sup> Funding of \$50,000 from the general fund is provided for the costs of the changes in venues in Grand Forks and Fargo for Pride of Dakota showcases. Also an increase of \$30,000 from other funds is provided to assist Pride of Dakota members market and promote North Dakota-made products.

<sup>6</sup> Base level funding is adjusted as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Base budget capital adjustment	\$0	(\$4,000)	(\$4,000)
Increase operating expenses relating to contracted mediation services and the specialty crop block grant	92,908	226,883	319,791
Agriculture in the classroom grant increase	0	5,000	5,000
Specialty crop block grant increase	0	3,827,946	3,827,946
Organic certification grant reduction	0	(150,000)	(150,000)
Local foods grant increase	0	10,000	10,000
Total	\$92,908	\$3,915,829	\$4,008,737

<sup>7</sup> Funding of \$1,200,000 in grant funding from the outdoor heritage fund is added for the waterbank program.

<sup>8</sup> Funding of \$242,000 of other funds is added for a study of the impact of the agriculture industry on the North Dakota economy.

<sup>9</sup> One-time funding of \$150,222 from the general fund is added for an Information Technology Department analysis of the department's information technology data and application structure.

<sup>10</sup> One-time funding of \$150,000 from the general fund is provided to redesign the department website.

<sup>11</sup> One-time funding of \$800,000 from the general fund is added to assist with operating costs of the National Genomics Center.

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This amendment also:

- Changes the statutory salary for the Agriculture Commissioner to provide for a 3 percent annual increase.
- Changes estimated income from the environment and rangeland protection fund relating to the salary increase adjustment.

#### REPORT OF STANDING COMMITTEE

**SB 2010: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2010 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 17 with:

"Salaries and wages	\$8,019,514	\$961,224	\$8,980,738
Accrued leave payments	163,182	(163,182)	0
Operating expenses	2,858,008	(345,966)	2,512,042
Capital assets	0	90,000	90,000
Total special funds	\$11,040,704	\$542,076	\$11,582,780
Full-time equivalent positions	49.50	0.00	49.50"

Page 2, line 1, replace "\$43,451" with "\$50,813"

Page 2, line 4, replace "\$1,469,026" with "\$1,660,748"

Page 2, line 7, replace "\$30,048" with "\$29,062"

Page 2, line 11, replace "\$104,269" with "\$116,881"

Page 2, line 18, remove "one hundred"

Page 2, line 19, replace "three thousand six hundred eighty-six" with "one hundred two thousand six hundred eighty-nine"

Page 2, line 19, remove "one hundred seven"

Page 2, line 20, replace "thousand eight hundred thirty-three" with "one hundred five thousand seven hundred seventy"

ReNUMBER accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## Senate Bill No. 2010 - Insurance Department - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$8,019,514	\$961,224	\$8,980,738
Operating expenses	2,858,008	(345,966)	2,512,042
Capital assets		90,000	90,000
Fire department grants	15,336,386	1,364,821	16,701,207
Accrued leave payments	163,182	(163,182)	
Total all funds	\$26,377,090	\$1,906,897	\$28,283,987
Less estimated income	26,377,090	1,906,897	28,283,987
General fund	\$0	\$0	\$0
FTE	49.50	0.00	49.50

## Department No. 401 - Insurance Department - Detail of Senate Changes

	Adjusts Base Payroll <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adjusts Funding for Operating Expenses <sup>3</sup>	Increases Grant to the Firefighter's Association <sup>4</sup>	Increases Grants to Fire Districts <sup>5</sup>	Adds One-Time Funding for IT Software <sup>6</sup>
Salaries and wages	\$419,148	\$542,076				
Operating expenses			(345,966)			
Capital assets						90,000
Fire department grants				90,000	1,144,821	
Accrued leave payments	(163,182)					
Total all funds	\$255,966	\$542,076	(\$345,966)	\$90,000	\$1,144,821	\$90,000
Less estimated income	255,966	542,076	(345,966)	90,000	1,144,821	90,000
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for Firefighter's Association <sup>7</sup>	Total Senate Changes
Salaries and wages		\$961,224
Operating expenses		(345,966)
Capital assets		90,000
Fire department grants	130,000	1,364,821
Accrued leave payments		(163,182)
Total all funds	\$130,000	\$1,906,897
Less estimated income	130,000	1,906,897
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

	General Fund	Other Funds	Total
Salary increase - Performance	\$0	\$326,187	\$326,187
Health insurance increase	0	215,889	215,889
Total	\$0	\$542,076	\$542,076

<sup>3</sup> Funding for operating expenses is reduced by \$692,031 from federal funds relating primarily to actuarial services for the rate review grant and increased by \$346,065 from special funds relating primarily to travel and office rental costs.

<sup>4</sup> The grant to the North Dakota Firefighter's Association is increased by \$90,000 to provide a total of \$890,000 of ongoing funding from the insurance tax distribution fund.

<sup>5</sup> Grants to fire districts are increased by \$1,144,821 to provide a total of \$15,681,207 from the insurance tax distribution fund.

<sup>6</sup> One-time funding of \$90,000 from the state fire and tornado fund is added to purchase a new boiler inspection software program.

<sup>7</sup> One-time funding of \$130,000 from the insurance tax distribution fund is provided for a grant to the North Dakota Firefighter's Association to create a computerized database for all data pertaining to firefighters.

This amendment also:

- Increases funding from the state bonding fund for administrative expenses from \$43,451 to \$50,813.
- Increases funding from the state fire and tornado fund for administrative expenses from \$1,469,026 to \$1,660,748.
- Decreases funding from the state unsatisfied judgment fund for administrative expenses from \$30,048 to \$29,062.
- Increases funding from the state petroleum release compensation fund for administrative expenses from \$104,269 to \$116,881.
- Changes the statutory salary for the Insurance Commissioner to provide for a 3 percent annual increase.

#### REPORT OF STANDING COMMITTEE

**SB 2011: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 16 with:

"Salaries and wages	\$1,673,763	\$187,543	\$1,861,306
Operating expenses	<u>559,242</u>	<u>46,805</u>	<u>606,047</u>
Total all funds	\$2,233,005	\$234,348	\$2,467,353
Less estimated income	<u>170,000</u>	<u>0</u>	<u>170,000</u>
Total general fund	\$2,063,005	\$234,348	\$2,297,353
Full-time equivalent positions	9.00	0.00	9.00"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2011 - Securities Department - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$1,673,763	\$187,543	\$1,861,306
Operating expenses	<u>559,242</u>	<u>46,805</u>	<u>606,047</u>
Total all funds	\$2,233,005	\$234,348	\$2,467,353
Less estimated income	<u>170,000</u>	<u>0</u>	<u>170,000</u>
General fund	\$2,063,005	\$234,348	\$2,297,353
FTE	9.00	0.00	9.00

#### Department No. 414 - Securities Department - Detail of Senate Changes

	Adds Funding for Base Payroll <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adds Funding for Desktop Support <sup>3</sup>	Adds One-Time Funding for Accrued Leave Payout <sup>4</sup>	Total Senate Changes
Salaries and wages	\$27,901	\$106,390		\$53,252	\$187,543

Operating expenses			46,805		46,805
Total all funds	\$27,901	\$106,390	\$46,805	\$53,252	\$234,348
Less estimated income	0	0	0	0	0
General fund	\$27,901	\$106,390	\$46,805	\$53,252	\$234,348
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added for cost-to-continue 2013-15 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> The following funding is added for 2015-17 biennium performance salary adjustments of 2 to 4 percent per year and increases in monthly health insurance premiums:

	General Fund	Other Funds	Total
Salary increase - Performance	\$67,530		\$67,530
Health insurance increase	38,860		38,860
Total	\$106,390	\$0	\$106,390

<sup>3</sup> Funding is added for desktop support services from the Information Technology Department.

<sup>4</sup> One-time funding is added for accrued leave payouts.

#### REPORT OF STANDING COMMITTEE

**SB 2074: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2074 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2206, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2206 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2260: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2260 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2271, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2271 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2304: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2304 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "providing an appropriation to the office of management and budget for" with "to provide for a legislative management study of"

Page 1, line 4, replace "**APPROPRIATION**" with "**LEGISLATIVE MANAGEMENT STUDY**"

Page 1, remove lines 5 and 6

Page 1, line 7, replace "the office of management and budget for the purpose of" with "During the 2015-16 interim, the legislative management shall study the options for"

Page 1, line 7, remove ", for"

Page 1, line 8, remove "the biennium beginning July 1, 2015, and ending June 30, 2017"

Page 1, line 8, remove "office of management and"

Page 1, line 9, replace "budget shall use the funds appropriated in this section for" with "study must consider"

Page 1, line 10, remove "for"

Page 1, line 11, remove "The office of management and budget may not expend any funds"

Page 1, line 12, replace "appropriated under this section for demolition or construction until after January 1, 2017" with "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

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes a \$5 million appropriation for the construction of a new Governor's residence and provides for a legislative management study of the options for constructing a new Governor's residence.

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

**SB 2339: Agriculture Committee (Sen. Miller, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2339 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "However, the" with "The"

Page 1, line 16, remove "is not required to"

Page 1, line 17, replace "register" with "must be registered with the division of tourism"

Renumber accordingly

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

**SB 2343: 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** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2343 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to a report on the fiscal impact of certain orders by the industrial commission to the legislative assembly or budget section; and to provide for retroactive application.

#### **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 54-17 of the North Dakota Century Code is created and enacted as follows:

#### **Report to legislative assembly or budget section on the fiscal impact of certain orders of the industrial commission.**

If the industrial commission makes an order that has a fiscal effect or estimated fiscal effect on the state in excess of five million dollars in a biennium, the industrial commission shall report to the legislative assembly when in session and otherwise to the budget section of the legislative management on the fiscal impact of the effect of the order on state revenues and expenditures, including any effect on the funds of the industrial commission.

**SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to orders of the industrial commission made after July 31, 2013, and applies specifically to the orders of the industrial commission on flaring. The industrial



commission shall report on the fiscal impacts of past orders within ninety days of the effective date of this Act."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4020: Agriculture Committee (Sen. Miller, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the Eleventh order on the calendar.

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

**Jane Schaible, Secretary**

