

## JOURNAL OF THE SENATE

## Sixty-fourth Legislative Assembly

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Bismarck, February 25, 2015

The Senate convened at 8:30 a.m., with President Wrigley presiding.

The prayer was offered by Pastor Rich Wyatt, Living Hope Nazarene Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 602, replace lines 14-15 with:

**"HB 1374:** A BILL for an Act to provide for a legislative management study of oil and gas put options, swap agreements, or other hedging strategies."

Page 605, replace lines 25-59 with:

**"HB 1474:** A BILL for an Act to provide for a legislative management study of the consolidation of elections."

Page 606, remove lines 2-6

Page 606, line 34, replace **"Human Services Committee"** with **"Energy and Natural Resources Committee"**

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

## CONSIDERATION OF AMENDMENTS

**SB 2035: SEN. LAFFEN (Finance and Taxation 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 2035:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales tax exemption for tangible personal property used to construct a fertilizer or chemical processing facility; to amend and reenact section 40-57.1-03 and subsection 4 of section 57-40.2-03.3 of the North Dakota Century Code, relating to requirements of a city or county granting a property tax exemption and a use tax exemption for tangible personal property used to construct a fertilizer or chemical processing facility; to provide for a legislative management study; and to provide for a retroactive effective date.

## ROLL CALL

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

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

Wardner; Warner

Engrossed SB 2035 passed.

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#### MOTION

**SEN. KLEIN MOVED** that SB 2151 be placed at the top of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2151:** A BILL for an Act to create and enact four new sections to chapter 15.1-37 of the North Dakota Century Code, relating to early childhood education provider grants; to amend and reenact section 15.1-37-01 of the North Dakota Century Code, relating to early childhood education program approval; to provide an appropriation; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 33 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Axness; Burckhard; Campbell; Casper; Davison; Dotzenrod; Erbele; Flakoll; Grabinger; Heckaman; Holmberg; Lee, J.; Luick; Marcellais; Mathern; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Unruh; Wardner; Warner

**NAYS:** Bekkedahl; Bowman; Carlisle; Cook; Dever; Hogue; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Triplett; Wanzek

Engrossed SB 2151 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2254, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2254:** A BILL for an Act to amend and reenact subsection 2 of section 15.1-07-33, subsection 1 of section 15.1-09.1-10, and sections 15.1-27-03.1 and 15.1-27-15.1 of the North Dakota Century Code, relating to the provision of and payment for early childhood education programs.

#### 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; Davison; 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; Dever; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Miller; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

Reengrossed SB 2254 failed.

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#### MOTION

**SEN. UNRUH MOVED** that the Senate reconsider its action whereby Engrossed SB 2311 passed, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2311:** A BILL for an Act to amend and reenact section 23-06-27 of the North Dakota Century Code, relating to protection of human burial sites; 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 NOT PASS, the roll was called and there were 19 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Bowman; Carlisle; Cook; Dever; Dotzenrod; Erbele; Heckaman; Kilzer; Klein; Larsen; Luick; Miller; O'Connell; Robinson; Schaible; Triplett; Wanzek; Warner

**NAYS:** Anderson; Armstrong; Axness; Burckhard; Campbell; Casper; Davison; Flakoll; Grabinger; Hogue; Holmberg; Krebsbach; Laffen; Lee, G.; Lee, J.; Marcellais; Mathern; Murphy; Nelson; Oban; Oehlke; Poolman; Rust; Schneider; Sinner; Sorvaag; Unruh; Wardner

Engrossed SB 2311 failed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2240: SEN. POOLMAN (Government and Veterans Affairs Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2240:** A BILL for an Act to provide for the display of Indian nation and service flags in public corridors of the state capitol.

**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, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axness; Bekkedahl; Bowman; Carlisle; Casper; Dotzenrod; Grabinger; Heckaman; Holmberg; Larsen; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Sinner; Triplett; Warner

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

Engrossed SB 2240 failed.

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**MOTION**

**SEN. KLEIN MOVED** that SB 2360 and SB 2066 be moved to the bottom of the calendar, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2321, as engrossed: SEN. MATHERN (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 2321:** A BILL for an Act to direct the department of human services to seek federal medical assistance coverage for tribal community health representative services; to provide for a legislative management study; to provide for a report; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS,

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

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

Reengrossed SB 2321 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2017: SEN. WANZEK (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 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department; to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to governor's proclamation concerning the hunting of elk; and to provide an expiration date.

#### ROLL CALL

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

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

Engrossed SB 2017 passed.

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#### MOTION

**SEN. KLEIN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

#### REPORT OF STANDING COMMITTEE

**SB 2012: 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 2012 was placed on the Sixth order on the calendar.

Page 1, line 5, after "sections" insert "50-06-16,"

Page 1, line 6, after "to" insert "rulemaking authority,"

Page 1, line 9, after the first semicolon insert "to provide reports to the legislative management; to provide for a legislative management study;"

Page 1, line 9, after "appropriation" insert "to the legislative council"

Page 1, line 9, remove "and"

Page 1, line 9, after "date" insert "; and to declare an emergency"

Page 1, remove lines 21 through 24

Page 2, replace lines 1 through 3 with:

"Salaries and wages	\$23,949,306	\$3,829,290	\$27,778,596
Operating expenses	67,749,348	27,968,850	95,718,198
Capital assets	<u>12,000</u>	<u>14,000</u>	<u>26,000</u>
Total all funds	\$91,710,654	\$31,812,140	\$123,522,794
Less estimated income	<u>53,608,032</u>	<u>17,605,096</u>	<u>71,213,128</u>
Total general fund	\$38,102,622	\$14,207,044	\$52,309,666"

Page 2, replace lines 8 through 15 with:

"Salaries and wages	\$52,422,982	\$6,498,477	\$58,921,459
Operating expenses	107,894,413	1,353,871	109,248,284
Capital assets	0	10,000	10,000
Grants	458,913,620	12,469,860	471,383,480
Grants - Medical assistance	<u>1,910,060,462</u>	<u>524,869,406</u>	<u>2,434,929,868</u>
Total all funds	\$2,529,291,477	\$545,201,614	\$3,074,493,091
Less estimated income	<u>1,587,974,557</u>	<u>411,722,311</u>	<u>1,999,696,868</u>
Total general fund	\$941,316,920	\$133,479,303	\$1,074,796,223"

Page 2, replace lines 20 through 24 with:

"Human service centers	\$182,433,538	\$19,737,829	\$202,171,367
Institutions	<u>130,697,211</u>	<u>16,113,473</u>	<u>146,810,684</u>
Total all funds	\$313,130,749	\$35,851,302	\$348,982,051
Less estimated income	<u>126,067,783</u>	<u>5,671,429</u>	<u>131,739,212</u>
Total general fund	\$187,062,966	\$30,179,873	\$217,242,839"

Page 2, remove lines 29 and 30

Page 3, replace line 1 with:

"Grand total general fund	\$1,166,482,508	\$177,916,220	\$1,344,398,728
Grand total special funds	<u>1,767,650,372</u>	<u>434,998,836</u>	<u>2,202,649,208</u>
Grand total all funds	\$2,934,132,880	\$612,915,056	\$3,547,047,936"

Page 3, replace lines 14 through 22 with:

"Early childhood services grants	<u>400,000</u>	<u>0</u>
Total all funds	\$15,319,714	\$0
Less estimated income	<u>10,686,093</u>	<u>0</u>
Total general fund	\$4,633,621	\$0"

Page 4, after line 16, insert:

**"SECTION 6. AMENDMENT.** Section 50-06-16 of the North Dakota Century Code is amended and reenacted as follows:

**50-06-16. Rulemaking authority.**

The department may adopt rules necessary to carry out the responsibilities of the department in conformity with any statute administered or enforced by the department. All rules adopted must be published in the North Dakota Administrative Code. Rules adopted by agencies prior to January 1, 1982, which relate to functions or agencies covered by this chapter remain in effect until such time as they are specifically amended or repealed. The department is not required to adopt rules to establish the process for the administration of funds appropriated to the department in an appropriation identified by the legislative assembly as a one-time funding item."

Page 6, after line 31, insert:

**"SECTION 11. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES - MEDICALLY FRAGILE INTENSIVE CARE FACILITY.** It is the intent of

the sixty-fourth legislative assembly that the department of human services develop a plan for a medically fragile intensive care facility for certain individuals transitioning from the life skills and transition center during the 2015-16 interim. It is further the intent of the legislative assembly that the plan consider the resident's and their family's preferences regarding the location of the facility and that the department include funding for the facility in its 2017-19 biennium budget request.

Page 7, after line 11, insert:

**"SECTION 14. GRANTS - EXEMPTION - REPORTS TO LEGISLATIVE MANAGEMENT.** The grants line item in subdivision 2 of section 1 of this Act includes \$205,000 from the general fund for a grant to a statewide family-controlled parent-to-parent support organization with at least fifty percent of its board of directors consisting of members whose primary daily responsibilities include caring for a child with a mental health disorder, for the biennium beginning July 1, 2015, and ending June 30, 2017. Funds awarded must be used for providing services to children with emotional, behavioral, or mental health needs. The organization receiving a grant under this section shall provide a report to the legislative management during the 2015-16 interim on the use of grant funds. The requirements of chapter 54-44.4 do not apply to the selection of a grantee, the grant award, or payments made under this section.

**SECTION 15. GRANTS - EXEMPTION - REPORTS TO LEGISLATIVE MANAGEMENT.** The grants line item in subdivision 2 of section 1 of this Act includes \$205,000 from the general fund for a grant to a statewide family-to-family health information and education organization which provides parent-to-parent support for families and is located in a county with a population of less than 6,000 based on the 2010 decennial census, for the biennium beginning July 1, 2015, and ending June 30, 2017. Funds awarded must be used for family-related information and education services. The organization receiving a grant under this section shall provide a report to the legislative management during the 2015-16 interim on the use of grant funds. The requirements of chapter 54-44.4 do not apply to the selection of a grantee, the grant award, or payments made under this section.

**SECTION 16. GRANTS FOR MENTAL HEALTH DISORDER PREVENTION SERVICES - EXEMPTION.** The grants line item in subdivision 2 of section 1 of this Act includes \$90,000 from the general fund for a grant to an organization providing mental health disorder-related services for caregivers, and children up to age eight in the southeast human service region, for the biennium beginning July 1, 2015, and ending June 30, 2017. Funds awarded may be used to assist caregivers with providing screening, assessment, development education, relationship-based skills coaching, prevention, short-term therapy treatment, and early identification services for children up to age eight experiencing behavioral or emotional difficulties. The requirements of chapter 54-44.4 do not apply to the selection of a grantee, the grant award, or payments made under this section.

**SECTION 17. APPROPRIATION - 2013-15 BIENNIUM.** There is appropriated out of special funds derived from federal funds, not otherwise appropriated, the sum of \$87,000,000, or so much of the sum as may be necessary, to the department of human services for the purpose of defraying medical assistance grant costs, for the period beginning with the effective date of this Act and ending June 30, 2015.

**SECTION 18. LEGISLATIVE MANAGEMENT STUDY - DELIVERY SYSTEM FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS.** During the 2015-16 interim, the legislative management shall consider studying the state service delivery system for children with special health care needs and for children with a disability. The study must include consideration of the special health care needs and disability needs of children. The scope of the study must include consideration of access; availability, including number of children without services; and delivery of services, including complexity of service delivery system. The study must include input from stakeholders, including representatives of law enforcement, pediatric providers, tribal governments, and state and local agencies and institutions. The legislative council may contract for consulting services to assist the legislative management in conducting the study. The legislative management shall report its

findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly.

**SECTION 19. APPROPRIATION - LEGISLATIVE COUNCIL.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the legislative council for the purpose of contracting for consulting services to assist the legislative management in conducting a study of the delivery system for children with special health care needs, for the biennium beginning July 1, 2015, and ending June 30, 2017."

Page 7, line 12, replace "9" with "10"

Page 7, line 14, replace "10" with "12"

Page 7, line 14, replace "11" with "13"

Page 7, after line 17, insert:

**"SECTION 22. EMERGENCY.** Section 17 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2012 - Summary of Senate Action

	Base Budget	Senate Changes	Senate Version
Legislative Council			
Total all funds	\$0	\$50,000	\$50,000
Less estimated income	0	0	0
General fund	\$0	\$50,000	\$50,000
DHS - Management			
Total all funds	\$91,710,654	\$31,812,140	\$123,522,794
Less estimated income	53,608,032	17,605,096	71,213,128
General fund	\$38,102,622	\$14,207,044	\$52,309,666
DHS - Program/Policy			
Total all funds	\$2,529,291,477	\$545,201,614	\$3,074,493,091
Less estimated income	1,587,974,557	411,722,311	1,999,696,868
General fund	\$941,316,920	\$133,479,303	\$1,074,796,223
DHS - Field Services			
Total all funds	\$313,130,749	\$35,851,302	\$348,982,051
Less estimated income	126,067,783	5,671,429	131,739,212
General fund	\$187,062,966	\$30,179,873	\$217,242,839
Bill total			
Total all funds	\$2,934,132,880	\$612,915,056	\$3,547,047,936
Less estimated income	1,767,650,372	434,998,836	2,202,649,208
General fund	\$1,166,482,508	\$177,916,220	\$1,344,398,728

#### Senate Bill No. 2012 - Legislative Council - Senate Action

	Base Budget	Senate Changes	Senate Version
Operating expenses		\$50,000	\$50,000
Total all funds	\$0	\$50,000	\$50,000
Less estimated income	0	0	0
General fund	\$0	\$50,000	\$50,000
FTE	0.00	0.00	0.00

#### Department No. 160 - Legislative Council - Detail of Senate Changes

	Adds Funding for Study <sup>1</sup>	Total Senate Changes
Operating expenses	\$50,000	\$50,000
	\$50,000	\$50,000

Total all funds		
Less estimated income	0	0
General fund	\$50,000	\$50,000
FTE	0.00	0.00

<sup>1</sup> Funding is added to hire a consultant to assist with a study of the delivery system for children with special health care needs.

### Senate Bill No. 2012 - DHS - Management - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$23,949,306	\$3,829,290	\$27,778,596
Operating expenses	67,749,348	27,968,850	95,718,198
Capital assets	12,000	14,000	26,000
Total all funds	\$91,710,654	\$31,812,140	\$123,522,794
Less estimated income	53,608,032	17,605,096	71,213,128
General fund	\$38,102,622	\$14,207,044	\$52,309,666
FTE	147.10	0.00	147.10

### Department No. 326 - DHS - Management - Detail of Senate Changes

	Senate Changes <sup>1</sup>	Total Senate Changes
Salaries and wages	\$3,829,290	\$3,829,290
Operating expenses	27,968,850	27,968,850
Capital assets	14,000	14,000
Total all funds	\$31,812,140	\$31,812,140
Less estimated income	17,605,096	17,605,096
General fund	\$14,207,044	\$14,207,044
FTE	0.00	0.00

<sup>1</sup>

#### Management - Senate Changes:

	FTE Positions	General Fund	Other Funds	Total
Transfers for division adjustments		\$451,393	\$739,337	\$1,190,730
Adds funding for base payroll changes		554,239	43,839	598,078
Adds funding for annual performance salary increases of 2 to 4 percent		658,695	328,656	987,351
Adds funding for health insurance increases--proposed monthly premium of \$1,162		456,989	229,552	686,541
Adjusts funding for continued program changes		(133,885)	53,990	(79,895)
Continues 2013-15 energy impact pool funds		1,033,645	186,838	1,220,483
<b>Informational Technology</b>				
Adjusts funding for continued program changes, which includes funding of \$23,325,383 for the postproduction support of the MMIS system		9,868,563	17,340,289	27,208,852
Changes funding source for the state to provide property tax relief for counties (SB 2206)		1,317,405	(1,317,405)	0
Total ongoing funding changes	0.00	\$14,207,044	\$17,605,096	\$31,812,140
Total one-time funding changes	0.00	\$0	\$0	\$0
Total changes - Management	0.00	\$14,207,044	\$17,605,096	\$31,812,140

### Senate Bill No. 2012 - DHS - Program/Policy - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$52,422,982	\$6,498,477	\$58,921,459
Operating expenses	107,894,413	1,353,871	109,248,284
Capital assets		10,000	10,000
Grants	458,913,620	12,469,860	471,383,480
Grants - medical assistance	1,910,060,462	524,869,406	2,434,929,868
Total all funds	\$2,529,291,477	\$545,201,614	\$3,074,493,091
Less estimated income	1,587,974,557	411,722,311	1,999,696,868
General fund	\$941,316,920	\$133,479,303	\$1,074,796,223



FTE

347.50

4.50

352.00

**Department No. 328 - DHS - Program/Policy - Detail of Senate Changes**

	Senate Changes <sup>1</sup>	Total Senate Changes
Salaries and wages	\$6,498,477	\$6,498,477
Operating expenses	1,353,871	1,353,871
Capital assets	10,000	10,000
Grants	12,469,860	12,469,860
Grants - medical assistance	524,869,406	524,869,406
Total all funds	\$545,201,614	\$545,201,614
Less estimated income	411,722,311	411,722,311
General fund	\$133,479,303	\$133,479,303
FTE	4.50	4.50

1

**Program and Policy - Senate Changes:**

	FTE Positions	General Fund	Other Funds	Total
<b>2015-17 Ongoing Funding Changes</b>				
Transfers for division adjustments		\$178,487	(\$318,781)	(\$140,294)
Adds funding for base payroll changes		308,090	1,762,536	2,070,626
Adds funding for annual performance salary increases of 2 to 4 percent		999,766	1,045,319	2,045,085
Adds funding for health insurance increases--proposed monthly premium of \$1,162		729,583	780,577	1,510,160
<b>Economic Assist Policy - Grants</b>				
Adjusts funding for continued program changes		352,082	(4,890,596)	(4,538,514)
Adjusts funding for grant cost and caseload changes		9,787,284	(25,554,104)	(15,766,820)
Changes funding source for the state to provide property tax relief for counties (SB 2206)		209,304	(209,304)	0
Adds funding to increase child care provider rates for centers and groups to the 75th percentile of the market		2,022,099		2,022,099
<b>Child Support Enforcement</b>				
Adjusts funding for continued program changes including additional passthrough funds for court fees, and the increased costs of office rent		104,500	156,082	260,582
<b>Medical Services</b>				
Adjusts funding for continued program changes		987,987	2,844,238	3,832,225
Adjusts funding for grant cost and caseload changes		6,256,705	391,662,352	397,919,057
Adds funding for provider inflationary increases of 3 percent each year		9,433,914	9,882,683	19,316,597
Reflects the additional state matching funds required due to changes in the state's federal medical assistance percentage (FMAP)		9,319,904	(9,319,904)	0
Changes funding source for the state to provide property tax relief for counties (SB 2206)		1,374,020	(1,374,020)	0
Adds funding for ambulance rate increases		500,000	500,000	1,000,000
Adds funding for an assisted living position to help with the increased number of complaints regarding assisted living facilities	1.00	146,234		146,234
Adds funding for physical, occupational, and speech therapy service provider rate increases (SB 2272)		1,364,539	2,775,371	4,139,910
<b>Long-Term Care</b>				
Adjusts funding for grant cost and caseload changes		9,744,115	12,854,613	22,598,728
Adds funding for provider inflationary increases of 3 percent each year		8,258,171	7,261,687	15,519,858
Reflects the additional state matching funds required due to changes in the state's FMAP		1,118,948	(1,118,948)	0
Reflects a funding source change		546,786	(546,786)	0
Changes funding source for the state to provide property tax relief for counties (SB 2206)		577,952	(577,952)	0
Adds funding to rebase the spousal impoverishment allowance to the SSI spousal impoverishment standards beginning January 1, 2016		617,544	617,544	1,235,088
Adds funding for changing nursing facility asset limits		300,000	300,000	600,000
Adds funding for basic care provider payment changes and to adjust nursing facility per bed asset limits		500,000	123,735	623,735
<b>DD Council</b>				
Adjusts funding for continued program changes			(122,641)	(122,641)
<b>Aging Services</b>				
Adjusts funding for continued program changes and for grant cost and caseload changes		51,476	75,701	127,177
Adds funding for provider inflationary increases of 3 percent each year		574,270		574,270
Adds funding for vulnerable adult protective services to increase resources for the implementation of mandatory reporting requirements to provide total funding of \$1.7 million		1,080,073		1,080,073

Adds funding for guardianship establishments to support additional requests to provide total funding of \$940,500		130,000		130,000
Adds funding to increase provider rates for the senior meals program		402,300		402,300
<b>Children and Family Services</b>				
Adjusts funding for continued program changes		(248,821)	3,746,403	3,497,582
Adjusts funding for grant cost and caseload changes		7,111,035	7,590,592	14,701,627
Adds funding for provider inflationary increases of 3 percent each year		3,764,822	2,236,823	6,001,645
Reflects the additional state matching funds required due to changes in the state's FMAP		119,140	(119,140)	0
Adds funding for the state to provide property tax relief for counties for the cost of the child welfare programs, the service payments for elderly and disabled (SPED) program, and technology costs beginning January 1, 2016 (SB 2206)		15,564,517	(15,089,530)	474,987
Adds funding from the general fund to establish a grant program for counties which use the emergency human services levy to cover the costs of county social services programs (SB 2206)		3,900,000		3,900,000
Adds funding for new program specialist positions and related operating expense for changes in federal child care laws	1.50	172,459	118,681	291,140
Adds funding for post adoption services		84,570	45,598	130,168
Adds funding for early childhood service grants		400,000		400,000
Adds funding for child care provider incentive grants to provide a total of \$500,000		100,000		100,000
Adds funding for early childhood services specialists grants to provide a total of \$400,000		100,000		100,000
Adds funding for a contract rate increase for Chafee Independent Living		89,180		89,180
<b>Mental Health - Substance Abuse</b>				
Adjusts funding for continued program changes		673,359	(4,691,871)	(4,018,512)
Adds funding for provider inflationary increases of 3 percent each year		155,619	6,363	161,982
Changes funding source for the state to provide property tax relief for counties (SB 2206)		128,145	(128,145)	0
Adds funding of \$454,800 for severely mentally ill extended services to increase the number of slots from 164 to 214, and \$100,189 for the administrative costs of additional slots and the maintenance of the extended service data system		554,989		554,989
Adds funding for TBI prevocational skills services to increase the number of slots from 24 to 50 and to increase hours of service to adequately prepare individuals to work from 2 hours to 8 hours per month		422,000		422,000
Adds funding for trauma-informed system of care to support ongoing statewide implementation		229,130	58,500	287,630
Adds funding for the ND Cares Task Force which provides support for service members, veterans, families, and survivors		130,000		130,000
Transfers to the Department of Corrections and Rehabilitation (\$1,865,810) for the high-risk sex offender treatment program and reduces advocacy funding (\$424,487) provided for the victims		(2,290,297)		(2,290,297)
Adds funding for statewide family-controlled parent-to-parent support (\$205,000) and for a family-to-family health information and education grant (\$205,000)		410,000		410,000
Adds funding for indigent care services and acute hospitalization and recovery services relating to substance abuse		1,000,000		1,000,000
Adds funding to increase the contract with the Robinson Recovery Center to provide a total of \$2,303,920		237,500		237,500
<b>Vocational Rehabilitation</b>				
Adjusts funding for continued program changes		187,825	(286,372)	(98,547)
Adds funding for provider inflationary increases of 3 percent each year		18,752		18,752
Adds funding for 35 additional traumatic brain injury slots for extended services		180,783		180,783
Adds funding to increase grants provided for the centers for independent living		500,000		500,000
<b>Developmental Disabilities</b>				
Adjusts funding for continued program changes		27,971	(1,078,211)	(1,050,240)
Adjusts funding for grant cost and caseload changes		14,691,101	16,982,757	31,673,858
Adds funding for provider inflationary increases of 3 percent each year		12,031,138	11,965,765	23,996,903
Reflects the additional state matching funds required due to changes in the state's FMAP		989,247	(989,247)	0
Adds funding for a developmental disabilities nurse	1.00	91,454	91,455	182,909
Adds funding for a benefit allowance increase for developmental disabilities services providers		1,000,000	1,000,000	2,000,000
Adds funding for guardianship services for individuals with intellectual disabilities		193,358		193,358
<b>Autism Services</b>				
Adjusts funding for continued program changes		20,532	(22,334)	(1,802)
Adjusts funding for grant cost and caseload changes		827,175	303,633	1,130,808
Adds funding for provider inflationary increases of 3 percent each year		78,678	78,678	157,356
Reflects the additional state matching funds required due to changes in the state's FMAP		9,858	(9,858)	0
Adds funding for an autism administrative staff officer position	1.00	114,829	59,249	174,078
Adds funding to provide 30 additional autism waiver slots		880,800	880,800	1,761,600
Adds funding to increase the age limit for autism waivers from 7 to 9 years old and adds 12 additional autism waiver slots. Total autism waiver slots are 89.		352,320	352,320	704,640

Adds funding to provide 20 additional autism voucher slots. Total autism voucher slots are 63.		500,002		500,002
Total ongoing funding changes	4.50	\$133,479,303	\$411,712,311	\$545,191,614
<b>Developmental Disabilities</b>				
Adds one-time funding for equipment over \$5,000		\$0	\$10,000	\$10,000
Total one-time funding changes	0.00	\$0	\$10,000	\$10,000
Total changes - Program and policy	4.50	\$133,479,303	\$411,722,311	\$545,201,614

**Senate Bill No. 2012 - DHS - Field Services - Senate Action**

	Base Budget	Senate Changes	Senate Version
Human service centers	\$182,433,538	\$19,737,829	\$202,171,367
Institutions	130,697,211	16,113,473	146,810,684
Total all funds	\$313,130,749	\$35,851,302	\$348,982,051
Less estimated income	126,067,783	5,671,429	131,739,212
General fund	\$187,062,966	\$30,179,873	\$217,242,839
FTE	1706.48	19.00	1725.48

**Department No. 349 - DHS - Field Services - Detail of Senate Changes**

	Senate Changes <sup>1</sup>	Total Senate Changes
Human service centers	\$19,737,829	\$19,737,829
Institutions	16,113,473	16,113,473
Total all funds	\$35,851,302	\$35,851,302
Less estimated income	5,671,429	5,671,429
General fund	\$30,179,873	\$30,179,873
FTE	19.00	19.00

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**Field Services - Senate Changes:**

	FTE Positions	General Fund	Other Funds	Total
<b>2015-17 Ongoing Funding Changes</b>				
Transfers for division adjustments		(\$629,880)	(\$420,556)	(\$1,050,436)
Adds funding for base payroll changes		8,305,246	4,780,177	13,085,423
Adds funding for annual performance salary increases of 2 to 4 percent		8,945,364	400,900	9,346,264
Adds funding for health insurance increases--proposed monthly premium of \$1,162		7,064,077	328,051	7,392,128
Reduces funds for anticipated vacant positions and employee turnover savings for institutions		(2,435,679)		(2,435,679)
Reduces funds for anticipated vacant positions and employee turnover savings for human service centers		(2,146,091)		(2,146,091)
<b>Institutions</b>				
Adjusts funding for continued program changes		(2,228,498)	1,194,197	(1,034,301)
Reflects the additional state matching funds required due to changes in the state's FMAP		113,728	(113,728)	0
Adds funding for a 15-bed unit for the Tompkins program at the State Hospital	11.00	1,520,369		1,520,369
Transfers a central receiving position to Department of Corrections and Rehabilitation	(1.00)			0
Adds funding for extraordinary repairs at the State Hospital and the Life Skills and Transition Center		2,502,452		2,502,452
Reduces funding for equipment over \$5,000 at the State Hospital and the Life Skills and Transition Center		(737,711)		(737,711)
<b>Human Service Centers</b>				
Adjusts funding for continued program changes		2,821,174	(714,709)	2,106,465
Adjusts funding for grant cost and caseload changes		1,394,302		1,394,302
Adds funding for provider inflationary increases of 3 percent each year		1,694,967		1,694,967
Changes funding source for the state to provide property tax relief for counties (SB 2206)		140,822	(140,822)	0
Reflects the additional state matching funds required due to changes in the state's FMAP		100,791	(100,791)	0
Adds funding for child welfare regional supervisor positions in the north central, southeast, and west central regions	3.00	437,771	52,273	490,044
Adds funding for a 10-bed crisis residential and transitional living facility in the badlands region		685,895	218,088	903,983
Adds funding for developmental disability case manager positions in the	3.00	249,669	188,349	438,018

lake region, north central, and northeast regions

Adds funding for a 4-bed unit of alternative care services facility in the west central region		283,500		283,500
Adds funding for an integrated dual disorder treatment program in the west central region	3.00	393,295		393,295
Adds funding for a 10-bed unit short-term residential facility in the badlands region		601,699		601,699
Adds funding for extraordinary repairs for human service centers		12,956		12,956
Adjusts funding for equipment over \$5,000 for human service centers		(345)		(345)
Adds funding for mental health disorder prevention services		90,000		90,000
Adds funding for increasing payment rates for behavioral health care provider service		1,000,000		1,000,000
Total ongoing funding changes	19.00	\$30,179,873	\$5,671,429	\$35,851,302
Total changes - Field services	19.00	\$30,179,873	\$5,671,429	\$35,851,302

**This amendment also adds:**

- A section of legislative intent providing that the Department of Human Services develop a plan for the establishment of a medically fragile intensive care facility considering the resident's and their family's preferences for the location of the facility and that funding to implement the plan be included in the department's 2017-19 biennium budget request.
- A section appropriating an additional \$87 million of federal funds to the Department of Human Services for medical assistance grants for the 2013-15 biennium.
- A section amending North Dakota Century Code Section 50-06-16 providing an exception from the requirement that the department adopt rules for one-time funding items.
- A section providing for a Legislative Management study of the delivery system for children with special health care needs during the 2015-16 interim. A section is also added appropriating \$50,000 from the general fund to the Legislative Council for contracting for consulting services to assist with the study.
- A section providing grants for mental health disorder prevention services.
- Sections providing for grants for a parent-to-parent support organization and for a statewide family-to-family health information and education organization.

**REPORT OF STANDING COMMITTEE**

**SB 2375: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2375 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the formation of community facilities districts for public improvements.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY.** During the 2015-16 interim, the legislative management shall consider studying the formation of community facilities districts for public improvements. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2377: Energy and Natural Resources Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2377 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact section 57-61-01.9 of the North Dakota Century Code, relating to severance tax for leonardite; and to"

Page 1, line 1, after "reenact" insert "section 1-01-40, subsection 7 of section 38-12-01,"

Page 1, line 7, remove the first "and"

Page 1, line 8, after "38-14.1-37" insert ", and section 47-10-24"

Page 1, after line 10, insert:

**"SECTION 1. AMENDMENT.** Section 1-01-40 of the North Dakota Century Code is amended and reenacted as follows:

**1-01-40. Coal - Definition.**

Wherever the word "coal" appears in the laws of this state, or in the resolutions of the legislative assembly, it means all kinds of coal, and includes what is known as lignite coal and leonardite, unless a contrary intention plainly appears or is otherwise defined."

**SECTION 2. AMENDMENT.** Subsection 7 of section 38-12-01 of the North Dakota Century Code is amended and reenacted as follows:

7. "Subsurface minerals" means all naturally occurring elements and their compounds, leonardite, volcanic ash, precious metals, carbonates, and natural mineral salts of boron, bromine, calcium, fluorine, iodine, lithium, magnesium, phosphorus, potassium, sodium, thorium, uranium, and sulfur, and their compounds, but does not include sand and gravel and rocks crushed for sand and gravel."

Page 2, line 6, remove "or leonardite"

Page 2, line 8, remove "or leonardite"

Page 2, line 23, remove "or leonardite"

Page 2, line 29, remove "or leonardite"

Page 3, line 12, remove "or leonardite"

Page 4, line 5, remove "or leonardite"

Page 4, line 8, remove "or"

Page 4, line 9, remove "leonardite"

Page 4, line 18, remove "or leonardite"

Page 4, line 26, remove "leonardite"

Page 5, line 7, remove the second "or"

Page 5, line 8, remove "leonardite"

Page 5, line 12, remove "or leonardite"

Page 6, line 3, remove "or leonardite"

Page 7, line 5, after "coal" insert "or leonardite"

Page 13, after line 21, insert:

**"SECTION 17. AMENDMENT.** Section 47-10-24 of the North Dakota Century Code is amended and reenacted as follows:

**47-10-24. Description and definition of minerals in leases and conveyances.**

1. All conveyances of mineral rights or royalties in real property in this state, excluding leases, shall be construed to grant or convey to the grantee thereof all minerals of any nature whatsoever except those minerals specifically excluded by name in the deed, grant, or conveyance, and their compounds and byproducts, but shall not be construed to grant or convey to the grantee any interest in any gravel, clay, or scoria unless specifically included by name in the deed, grant, or conveyance.

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2. Except as provided in subsection 3, a lease of mineral rights in this state shall may not be construed as passing any interest to any minerals except those minerals specifically included and set forth by name in the lease. For the purposes of this paragraph subsection, the naming of either a specific metalliferous element, or nonmetalliferous element, and if so stated in lease, shall be deemed to include all of its compounds and byproducts, and in the case of oil and gas, all associated hydrocarbons produced in a liquid or gaseous form so named shall be deemed to be included in the mineral named. The use of the words "all other minerals" or similar words of an all-inclusive nature in any lease shall not be construed as leasing any minerals except those minerals specifically named in the lease and their compounds and byproducts.
3. Any conveyance or lease of coal in this state grants, conveys, or leases to the grantee any leonardite in the same real property, unless leonardite is excluded by name. This subsection applies to every conveyance or lease of coal in this state, regardless of when the conveyance or lease was or is made.

**SECTION 18.** Section 57-61-01.9 of the North Dakota Century Code is created and enacted as follows:

**57-61-01.9. Severance tax on leonardite in lieu of sales and use taxes.**

A tax of twenty-five cents per ton of two thousand pounds [907.18 kilograms] is imposed on all leonardite severed for sale or for industrial purposes within this state. A mine operator shall remit the tax for each month within twenty-five days after the end of each month to the state tax commissioner. The mine operator shall submit the tax with any report or any form required by the state tax commissioner."

Renumber accordingly

**CONSIDERATION OF AMENDMENTS**

**SB 2012: SEN. KILZER (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 2012:** A BILL for an Act providing an appropriation for defraying the expenses of the department of human services; to create and enact subdivision aa of subsection 1 of section 50-09-29 and a new section to chapter 50-24.1 of the North Dakota Century Code, relating to temporary assistance for needy families benefits and to the monthly maintenance needs allowance; to amend and reenact sections 50-06-16, 50-06-32.1, 50-06-37, and subsection 1 of section 50-09-29, of the North Dakota Century Code, relating to rulemaking authority, the expiration date on the autism spectrum disorder voucher program pilot project, and the assessment used for the developmental disabilities system reimbursement project; to provide an exemption; to provide payments to counties out of enhanced federal payment; to provide reports to the legislative management; to provide for a legislative management study; to provide an appropriation to the legislative council; to provide an effective date; 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 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 2012 passed and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**SB 2360: SEN. FLAKOLL (Education Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2360:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the disclosure of directory information by institutions of higher education.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 23 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axness; Dotzenrod; Flakoll; Grabinger; Heckaman; Kilzer; Krebsbach; Laffen; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Robinson; Schneider; Sinner; Sorvaag; Triplett; Warner

**NAYS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Erbele; Hogue; Holmberg; Klein; Larsen; Miller; Oehlke; Poolman; Rust; Schaible; Unruh; Wanzek; Wardner

Engrossed SB 2360 failed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2066: SEN. ANDERSON (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.

**SECOND READING OF SENATE BILL**

**SB 2066:** A BILL for an Act to create and enact sections 43-28-02.1 and 43-28-25.1 of the North Dakota Century Code, relating to tribal sovereignty and the ownership of a dental office or clinic; to amend and reenact sections 43-20-01.3, 43-20-03, 43-20-12.3, 43-20-13.2, 43-28-03, 43-28-04, 43-28-15, 43-28-18.1, 43-28-18.2, and 43-28-25 of the North Dakota Century Code, relating to the practice and licensing of dental assistants and hygienists and dentists; 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 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; Oban; Oehlke; Poolman; Robinson;

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

**NAYS:** O'Connell

Engrossed SB 2066 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2375: SEN. BEKKEDAH** (Political Subdivisions 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 2375:** A BILL for an Act to provide for a legislative management study of the formation of community facilities districts for public improvements.

#### 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 2375 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2377: SEN. ARMSTRONG** (Energy and Natural Resources 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 2377:** A BILL for an Act to create and enact section 57-61-01.9 of the North Dakota Century Code, relating to severance tax for leonardite; and to amend and reenact section 1-01-40, subsection 7 of section 38-12-01, subsection 1 of section 38-12.1-03, section 38-14.1-02, subsection 3 of section 38-14.1-05, subsection 3 of section 38-14.1-13, subdivisions r and s of subsection 1 of section 38-14.1-14, subdivision c of subsection 2 of section 38-14.1-14, paragraph 2 of subdivision e of subsection 3 of section 38-14.1-21, subdivision b of subsection 4 of section 38-14.1-21, subsections 1 and 1.1 of section 38-14.1-24, subdivision b of subsection 3 of section 38-14.1-24, subsections 5, 10, and 18 of section 38-14.1-24, section 38-14.1-25, subdivision b of subsection 1 of section 38-14.1-27, subsections 1, 3, and 4 of section 38-14.1-37, and section 47-10-24 of the North Dakota Century Code, relating to the definition of coal and leonardite.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 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; Triplett; Wanzek; Wardner; Warner



**NAYS:** Unruh

Engrossed SB 2377 passed.

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#### **CONSIDERATION OF AMENDMENTS**

**SB 2257, as engrossed: SEN. BEKKEDAHL (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 2257:** A BILL for an Act to amend and reenact sections 54-17-40, 54-17-41, and 57-38-01.32 of the North Dakota Century Code, relating to extending the housing incentive fund program and tax credit; to provide an appropriation; to provide a continuing appropriation; to provide an effective date; to provide an expiration date; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Axness; Casper; Erbele; Grabinger; Marcellais; Murphy; Nelson; Oban; Oehlke; Poolman; Rust; Schaible; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Warner

Reengrossed SB 2257 passed and the emergency clause was declared carried.

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#### **SECOND READING OF SENATE BILL**

**SB 2220:** A BILL for an Act to amend and reenact sections 54-17-40, 54-17-41, and 57-38-01.32 of the North Dakota Century Code, relating to the housing incentive fund; to provide a transfer; to provide an appropriation; and to declare an emergency.

#### **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, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SB 2220 failed.

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#### **MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 2:15 p.m., which motion prevailed.

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

#### **SECOND READING OF SENATE BILL**

**SB 2353:** A BILL for an Act to amend and reenact section 16.1-05-07 of the North Dakota Century Code, relating to casting of provisional ballots; 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 NOT PASS, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axness; Dotzenrod; Grabinger; Heckaman; Holmberg; Krebsbach; Larsen; 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; Kilzer; Klein; Laffen; Lee, G.; Lee, J.; Luick; Miller; Oehlke; Poolman; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

SB 2353 failed.

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**SECOND READING OF SENATE BILL**

**SB 2313:** A BILL for an Act amend and reenact subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to an individual income tax rate reduction; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO 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; Hogue; Larsen; Marcellais; Mathern; Murphy; Nelson; O'Connell; Oban; Schneider; Sinner; Warner

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

Engrossed SB 2313 failed.

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**SECOND READING OF SENATE BILL**

**SB 2341:** A BILL for an Act to amend and reenact section 38-11.1-08.1 of the North Dakota Century Code, relating to loss of production payments for surface owners.

**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 11 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Axness; Bekkedahl; Bowman; Dotzenrod; Grabinger; Heckaman; Mathern; O'Connell; Rust; Wardner; Warner

**NAYS:** Anderson; Armstrong; Burckhard; Campbell; Carlisle; Casper; Cook; Davison; Dever; Erbele; Flakoll; Hogue; Holmberg; Kilzer; Klein; Krebsbach; Laffen; Larsen; Lee, G.; Lee, J.; Luick; Marcellais; Miller; Murphy; Nelson; Oban; Oehlke; Poolman; Robinson; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek

SB 2341 failed.

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**SECOND READING OF SENATE BILL**

**SB 2033:** A BILL for an Act to create and enact a new section to chapter 54-44.1 of the North Dakota Century Code, relating to appropriation of a portion of state oil and gas tax revenue exceeding forecasted amounts for distribution in the second year of the state biennium to supplement oil and gas gross production tax funding to political

subdivisions; and to provide a contingent appropriation.

#### 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 7 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Bekkedahl; Burckhard; Heckaman; Mathern; O'Connell; Warner

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

SB 2033 failed.

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#### SECOND READING OF SENATE BILL

**SB 2196:** A BILL for an Act to amend and reenact subsection 8 of section 54-01.1-02, sections 57-02-04 and 57-02-08, subsection 4 of section 57-02-08.1, and sections 57-12-09, 57-20-07, 57-23-09, and 57-55-10 of the North Dakota Century Code, relating to exclusion of intangible personal property from assessments of real property, notice of assessments to property owners, exclusion of de minimus property tax from collection, and refunds on overpayment of property taxes; 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 1 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Mathern

**NAYS:** 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; Miller; Murphy; Nelson; O'Connell; Oban; Oehlke; Poolman; Robinson; Rust; Schaible; Schneider; Sinner; Sorvaag; Triplett; Unruh; Wanzek; Wardner; Warner

SB 2196 failed.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4009:** A concurrent resolution directing the Legislative Management to study the Industrial Commission membership as it relates to decisions regarding the oil and gas industry.

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

SCR 4009 was declared lost on a voice vote.

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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 2013, SB 2022, SB 2272.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2015, SB 2042, SB 2056, SB 2300, SB 2368, SB 2372, SCR 4014.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2031, SB 2178.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2312.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1051, HB 1059, HB 1126, HB 1216, HB 1223, HB 1282, HB 1328, HB 1390, HB 1416, HB 1432.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1053, HB 1113, HB 1393.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1358, HB 1431.

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

**MR. SPEAKER:** The President has signed: SB 2159, SB 2177.

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

**MR. PRESIDENT:** The Speaker has signed: HCR 3023.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on February 25, 2015: SB 2159, SB 2177.

**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 8:00 a.m., Thursday, February 26, 2015, which motion prevailed.

**FIRST READING OF HOUSE BILLS**

**HB 1051:** A BILL for an Act to create and enact two new subdivisions to subsection 1 of section 15-10-44 of the North Dakota Century Code, relating to electronic mail services and retention for institutions of higher education; to amend and reenact subsection 1 of section 54-46-02 of the North Dakota Century Code, relating to records management; and to provide an appropriation.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1053:** A BILL for an Act to create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to centralized desktop support services; and to amend and reenact section 54-59-05 of the North Dakota Century Code, relating to the powers and duties of the information technology department.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1059:** A BILL for an Act to amend and reenact sections 57-06-17.3, 57-20-07.2, and 57-33.2-02 of the North Dakota Century Code, relating to a new transmission line property tax exemption, a state-paid property tax relief credit, and the transmission line mile tax rate; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

**HB 1113:** A BILL for an Act to create and enact a new subsection 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.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1126:** A BILL for an Act to create and enact section 26.1-26.6-07.1 of the North Dakota Century Code, relating to registered recovery agents; to amend and reenact sections 26.1-26.6-01, 26.1-26.6-04, 26.1-26.6-05, and 26.1-26.6-07 of the North Dakota Century Code, relating to bail bond agents, recovery agents, and defendant retrieval; and to provide a penalty.

Was read the first time and referred to the **Judiciary Committee**.

**HB 1216:** A BILL for an Act to provide for a legislative management study of school district enrollment determinations for purposes of the elementary and secondary education funding formula.

Was read the first time and referred to the **Education Committee**.

**HB 1223:** A BILL for an Act to amend and reenact section 57-38-30 and subsection 1 of section 57-38-30.3 of the North Dakota Century Code, relating to corporate and individual income tax rate reductions; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

**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.

Was read the first time and referred to the **Human Services Committee**.

**HB 1328:** A BILL for an Act to provide for limitations on the use of unmanned aerial vehicle for surveillance.

Was read the first time and referred to the **Judiciary Committee**.

**HB 1358:** A BILL for an Act to create and enact a new section to chapter 38-08 and a new subsection to section 38-08-26 of the North Dakota Century Code, relating to the operation of underground gathering pipelines and the sharing of information by a surface owner; to amend and reenact subdivisions d and l of subsection 1 of section 38-08-04, subsection 6 of section 38-08-04, and section 38-08-04.5 of the North Dakota Century Code, relating to an exception to confidentiality of well data, to underground gathering pipeline bonds, to temporarily abandoned status, and the uses of the abandoned oil and gas well plugging and site reclamation fund; to provide a report to the legislative management; to provide a transfer; to provide an appropriation; and to declare an emergency.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

**HB 1390:** A BILL for an Act to create and enact section 23-29-04.2 of the North Dakota Century Code, relating to licensing of commercial oilfield special waste recyclers of oilfield special waste from oil and gas drilling and production operations.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

**HB 1393:** A BILL for an Act to provide an appropriation for a science, technology, engineering, and mathematics advancement initiative.

Was read the first time and referred to the **Education Committee**.

**HB 1416:** A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to violations of alcohol retail licenses; to amend and reenact section 5-01-06.1 of the North Dakota Century Code, relating to liability for injuries related to intoxication; and to provide for a report to legislative management.

Was read the first time and referred to the **Judiciary Committee**.

**HB 1431:** A BILL for an Act to authorize the Langdon research extension center to purchase certain land in Cavalier County; to provide an appropriation; and to declare an emergency.

Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1432:** A BILL for an Act to create and enact two new sections to chapter 4-01 of the North Dakota Century Code, relating to the environmental impact litigation fund; to provide for a transfer; and to provide an appropriation.

Was read the first time and referred to the **Agriculture Committee**.

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

**Jane Schaible, Secretary**

