

**JOURNAL OF THE SENATE**

**Sixty-sixth Legislative Assembly**

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**Bismarck, February 5, 2019**

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

The prayer was offered by Pastor Paul Herr, Century Baptist Church, Bismarck.

The roll was called and all members were present except Senator Vedaa.

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. Anderson, Chairman)** has carefully examined the Journal of the Twentieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 385, line 22, remove "two dollars" and replace it with "two dollars"

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

**MOTION**

**SEN. BEKKEDAHL MOVED** that the Senate reconsider its action whereby SB 2166 passed, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2166:** A BILL for an Act to amend and reenact subsection 2 of section 32-12.1-03 of the North Dakota Century Code, relating to increasing liability limits for political subdivisions.

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

**YEAS:** Mathern; Piepkorn

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Vedaa

SB 2166 failed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2227: SEN. DAVISON (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 396-397 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2227 was rereferred to the **Appropriations Committee**.

**CONSIDERATION OF AMENDMENTS**

**SB 2250: SEN. OBAN (Education Committee) MOVED** that the amendments on SJ pages 397-398 be adopted and then be **REREFERRED** to the **Appropriations**

**Committee with DO PASS**, which motion prevailed on a voice vote.

SB 2250 was rereferred to the **Appropriations Committee**.

#### CONSIDERATION OF AMENDMENTS

**SB 2278: SEN. DOTZENROD (Finance and Taxation Committee) MOVED** that the amendments on SJ page 398 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 2278 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2278 was rereferred.

#### MOTION

**SEN. KLEIN MOVED** that after action taken on the Sixth order, SB 2210 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2239: SEN. O. LARSEN (Agriculture Committee) MOVED** that the amendments on SJ page 397 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**SB 2216: SEN. RUST (Education Committee) MOVED** that the amendments on SJ page 396 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**SB 2092: SEN. MYRDAL (Agriculture Committee) MOVED** that the amendments on SJ pages 393-395 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**SB 2210: SEN. KLEIN (Agriculture Committee) MOVED** that the amendments on SJ pages 395-396 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 2210:** A BILL for an Act to amend and reenact sections 19-24.1-17 and 19-24.1-24 of the North Dakota Century Code, relating to medical marijuana manufacturing facilities; 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 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Fors; Grabinger; Heckaman; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Oban; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Clemens; Erbele; Hogue; Lee, G.; Myrdal; Oehlke

**ABSENT AND NOT VOTING:** Vedaa

SB 2210 passed and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2321:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to a registration fee to defray the cost of plates for volunteer emergency responders and firefighters; to amend and reenact section

39-04-10.16 of the North Dakota Century Code, relating to special vehicle license plates for volunteer emergency responders and firefighters; 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 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Osland; Patten; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Davison; Erbele; Larsen, O.; Oehlke; Piepkorn

**ABSENT AND NOT VOTING:** Vedaa

Engrossed SB 2321 passed and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2109:** A BILL for an Act to create and enact a new subsection to section 23.1-04-08 of the North Dakota Century Code, relating to the duties and responsibilities of the department of environmental quality; to amend and reenact section 23.1-01-11, subsection 6 of section 23.1-04-15, and section 23.1-08-10 of the North Dakota Century Code, relating to the duties and responsibilities of the department of environmental quality; to repeal section 23.1-06-03 and chapters 23.1-09 and 61-30 of the North Dakota Century Code, relating to the duties and responsibilities of the department of environmental quality; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Vedaa

Engrossed SB 2109 passed and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2130:** A BILL for an Act to provide for a legislative management study relating to state agency fees.

#### 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Luick; Marcellais; Meyer; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson;

Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Larsen, O.; Lee, J.; Mathern; Myrdal

**ABSENT AND NOT VOTING:** Vedaa

Engrossed SB 2130 passed.

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

**SB 2244:** A BILL for an Act to amend and reenact section 39-06-49, subsection 1 of section 39-06.2-07, subsection 2 of section 39-06.2-08, subdivision c of subsection 3 of section 39-06.2-09, sections 39-06.2-09.1, 39-06.2-13.1, and 39-06.2-19, subsections 5 and 6 of section 39-08-13, and subsection 3 of section 39-16-03 of the North Dakota Century Code, relating to driver's license fees.

#### **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 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Myrdal; Oban; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Wanzek; Wardner

**NAYS:** Burckhard; Hogue; Larsen, O.; Luick; Oehlke; Unruh

**ABSENT AND NOT VOTING:** Vedaa

Engrossed SB 2244 passed.

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

**SB 2180:** A BILL for an Act to amend and reenact section 39-34-06 of the North Dakota Century Code, relating to regulation of transportation network companies operating at commercial service airports.

#### **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 21 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Burckhard; Davison; Dotzenrod; Dwyer; Grabinger; Heckaman; Hogan; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Mathern; Oban; Piepkorn; Robinson; Roers, J.; Roers, K.; Sorvaag

**NAYS:** Bekkedahl; Clemens; Cook; Dever; Elkin; Erbele; Fors; Hogue; Holmberg; Kannianen; Klein; Larsen, O.; Luick; Marcellais; Meyer; Myrdal; Oehlke; Osland; Patten; Poolman; Rust; Schaible; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Vedaa

SB 2180 failed.

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

**SB 2351:** A BILL for an Act to amend and reenact paragraph 4 of subdivision b of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the farm home residence property tax exemption and an open records exemption for documents evidencing eligibility for the exemption; 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 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Vedaa

SB 2351 failed.

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**SECOND READING OF SENATE BILL**

**SB 2161:** A BILL for an Act to create and enact section 15.1-36-08.1 of the North Dakota Century Code, relating to a rapid enrollment school construction grant program; to provide an appropriation; and to provide for a transfer.

**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, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Bekkedahl; Dotzenrod; Heckaman; Hogan; Marcellais; Mathern; Oban; Patten; Piepkorn; Robinson; Roers, J.; Roers, K.; Rust

**NAYS:** Anderson; Burckhard; Clemens; Cook; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Grabinger; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Poolman; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Vedaa

SB 2161 failed.

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**SECOND READING OF SENATE BILL**

**SB 2296:** A BILL for an Act to amend and reenact sections 6-09.7-02 and 6-09.7-05 of the North Dakota Century Code, relating to the Bank of North Dakota loan guarantee program.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Clemens

**ABSENT AND NOT VOTING:** Vedaa

SB 2296 passed.

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**SECOND READING OF SENATE BILL**

**SB 2309:** A BILL for an Act to amend and reenact subsection 20 of section 57-02-08, section 57-02-08.8, and subdivision c of subsection 1 of section 57-55-10 of the North Dakota Century Code, relating to the property tax credit for veterans; 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 2 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Larsen, O.; Marcellais

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Vedaa

SB 2309 failed.

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**SECOND READING OF SENATE BILL**

**SB 2350:** A BILL for an Act to create and enact a new section to chapter 57-06 and a new section to chapter 57-33.2 of the North Dakota Century Code, relating to county auditor verification of information reported by public utility companies and electric generation, distribution, and transmission companies; to amend and reenact sections 57-06-21, 57-08-01, and 57-33.2-06 of the North Dakota Century Code, relating to the review of public utility assessments and public utility and electric generation, distribution, and transmission reports received by county auditors; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Vedaa

SB 2350 passed.

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**SECOND READING OF SENATE BILL**

**SB 2349:** A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a provider assessment for nursing facilities; and to provide an expiration 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 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Vedaa

SB 2349 failed.

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**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2090, SB 2096, SB 2101, SB 2340, SCR 4006, SCR 4008.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2325.

**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 1033, HB 1278, HB 1288, HB 1358, HB 1498.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 6, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2110: 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 2110 was placed on the Sixth order on the calendar.

Page 4, line 17, replace the first underscored comma with "and"

Page 4, line 17, remove ", and regulate"

Page 4, line 17, after "all" insert "executive branch"

Page 4, line 19, remove "and"

Page 4, line 19, replace "in the state" with ", or other political subdivision"

Page 4, line 19, after the underscored period insert "For purposes of this subsection, the department shall consult with the attorney general on cybersecurity strategy."

17. Shall advise and consult with the legislative and judicial branches regarding cybersecurity strategy."

Page 7, line 5, replace the first underscored comma with "and"

Page 7, line 5, remove ", and regulate"

Page 7, line 5, after "all" insert "executive branch"

Page 7, line 7, remove "and"

Page 7, line 7, replace "in the state" with ", or other political subdivision"

Page 7, line 7, after the underscored period insert "For purposes of this subsection, the department shall consult with the attorney general on cybersecurity strategy."

17. Shall advise and consult with the legislative and judicial branches regarding cybersecurity strategy."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2147: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2160: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2160 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2214: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2214 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subdivision c of subsection 5 of"

Page 1, line 3, remove "section 6-09.4-03 and"

Page 1, line 4, remove "public finance agency definitions,"

Page 1, line 6, replace "to provide an effective date; and to declare an emergency" with "and to provide an appropriation"

Page 1, remove lines 8 through 13

Page 2, line 15, after "lend" insert "or transfer"

Page 2, line 23, after "15.1-36-08" insert ". Bonds issued for this purpose are payable in each biennium solely from amounts the legislative assembly may appropriate for debt service for any biennium or from a reserve fund established for the bonds. This section may not be construed to require the state to appropriate funds sufficient to make debt service payments with respect to the bonds or replenish a related reserve fund. The bonds are not a debt of the Bank of North Dakota or the state, and the full faith, credit, and taxing powers of the state are not pledged to the payment of the bonds. Upon the date appropriated funds and reserves are no longer sufficient to pay debt service on the bonds, the obligation of the public finance authority terminates and the bonds are no longer outstanding. In addition to providing funds for transfers to the department of transportation, the public finance authority may use the bond proceeds to pay the costs of issuance of the bonds and establish a reserve fund for the bonds"

Page 7, line 26, replace "\$4,000,000" with "\$5,000,000"

Page 8, replace lines 4 and 5 with:

**"SECTION 7. APPROPRIATION - FOUNDATION AID STABILIZATION FUND.** There is appropriated out of any moneys in the foundation aid stabilization fund in the state treasury, not otherwise appropriated, the sum of \$25,000,000, or so much of the sum as may be necessary, to the public finance authority for the purpose of debt service repayments associated with bonds issued to support the school construction assistance revolving loan fund, for the biennium beginning July 1, 2019, and ending June 30, 2021."

Renumber accordingly



**REPORT OF STANDING COMMITTEE**

**SB 2215: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2215 was placed on the Sixth order on the calendar.

Page 1, line 15, after the first "of" insert "the center for distance education"

Page 1, line 15, overstrike "supervision" and insert immediately thereafter "authority"

Page 1, line 16, remove "state board for career and"

Page 1, line 17, remove "technical education"

Page 1, line 17, overstrike "shall" and insert immediately thereafter "director of the department of career and technical education may"

Page 1, line 17, overstrike "a state director of" and insert immediately thereafter "administration and staff for"

Page 1, line 18, overstrike "director" and insert immediately thereafter "administration"

Page 1, line 18, overstrike "the director's" and insert immediately thereafter "its"

Page 1, line 19, overstrike "the administration of" and insert immediately thereafter "administering"

Page 1, line 20, after "education" insert ", under the supervision of the director of the department of career and technical education and in compliance with requirements established by the superintendent of public instruction and the education standards and practices board. The state board for career and technical education shall administer the responsibilities of the board of a school district relating to the center for distance education"

Page 2, line 9, remove "presiding officer or executive director of the kindergarten"

Page 2, line 10, remove "through grade twelve education coordination"

Page 2, line 10, overstrike "council" and insert immediately thereafter "director of the department of career and technical education"

Page 2, line 12, overstrike "The state treasurer shall make periodic transfers upon order"

Page 2, overstrike lines 13 through 15

Page 2, line 16, overstrike "The"

Page 2, line 16, remove "kindergarten through grade twelve education coordination"

Page 2, overstrike lines 17 through 22

Page 2, line 23, remove "kindergarten through grade twelve education coordination"

Page 2, overstrike lines 24 through 30

Page 3, line 1, overstrike "3."

Page 3, line 1, remove "kindergarten through grade twelve education coordination"

Page 3, line 2, overstrike "council" and insert immediately thereafter "state board for career and technical education"

Page 3, line 7, overstrike the first "council" and insert immediately thereafter "board"

Page 3, line 7, overstrike the second "council" and insert immediately thereafter "board"

Page 3, line 9, overstrike "state director of the"

Page 3, line 11, remove "kindergarten through grade twelve"

Page 3, line 12, remove "education coordination"

Page 3, line 12, overstrike "council" and insert immediately thereafter "state board for career and technical education"

Page 3, line 19, remove "The kindergarten through grade twelve education coordination council shall coordinate"

Page 3, remove lines 20 and 21

Page 3, line 22, remove "3."

Page 3, line 22, remove "kindergarten through grade twelve education coordination"

Page 3, line 23, replace "Two" with "Three"

Page 3, line 23, after "assembly" insert ", one of whom must be a member of the minority party."

Page 3, line 27, replace "director" with "president"

Page 3, line 27, replace "department of" with "state board for"

Page 3, line 27, replace "director's" with "president's"

Page 3, line 29, replace "executive director" with "president of the board"

Page 3, line 30, replace "director's" with "president's"

Page 4, line 1, remove "The executive director of the education standards and practices board or the"

Page 4, remove line 2

Page 4, line 3, remove "g."

Page 4, line 3, replace "director" with "president of the board"

Page 4, line 3, replace "director's" with "president's"

Page 4, line 4, replace "h." with "g."

Page 4, line 4, replace "director" with "president of the board"

Page 4, line 4, replace "director's" with "president's"

Page 4, line 6, replace "i." with "h."

Page 4, line 6, replace "director" with "president of the board"

Page 4, line 6, replace "director's" with "president's"

Page 4, line 8, replace "j." with "i."

Page 4, line 8, replace "based upon recommendations made by" with an underscored colon

Page 4, replace lines 9 through 21 with:

"(1) An individual representing the statewide longitudinal data system committee:

- (2) An individual representing a tribal school;
- (3) An individual employed as a public school administrator;
- (4) An individual employed as a public school principal;
- (5) An individual employed as a public school teacher;
- (6) A director of a special education unit; and
- (7) A director of a regional education association."

Page 4, line 22, replace "4." with "3."

Page 4, line 25, replace "5." with "4."

Page 4, line 26, replace "6." with "5."

Page 5, line 5, replace "7." with "6."

Page 5, line 5, remove the underscored colon

Page 5, line 6, replace "a. Hire" with "hire"

Page 5, replace lines 7 through 13 with:

- "7. The council shall:
- a. Assist in the implementation, dissemination, and communication of the statewide strategic vision and evaluate progress toward meeting the identified goals and strategies.
  - b. Perform a continuous review of the effectiveness and efficiency of access and delivery of education services and programs in the state.
  - c. Identify opportunities for increased collaboration among state education entities and stakeholders.
  - d. Identify gaps or duplications in education services and programs and provide recommendations for addressing those gaps or duplications.
  - e. Study and evaluate new and emerging educational initiatives and trends and provide recommendations for policy changes to state entities or the legislative assembly if necessary.
  - f. Support the implementation, dissemination, and communication of local or regional educational initiatives and practices, including innovative education programs, on a statewide level.
  - g. Establish a one-stop communication and information hub to provide the public and interested parties with seamless access to state entities that deliver education services and programs.
  - h. Develop and utilize subcommittees as needed.
  - i. Seek advice and input from interested parties not appointed to the council as needed."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2265: Education Committee (Sen. Schaible, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2265 was placed on the Sixth order on the calendar.**

Page 1, line 1, replace "section" with "sections 15.1-27-03.1 and"

Page 1, line 2, after "of" insert "weighted average daily membership and"

Page 1, line 3, remove "and"

Page 1, line 3, after "appropriation" insert "; and to provide an effective date"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-03.1. Weighted average daily membership - Determination.**

1. For each school district, the superintendent of public instruction shall multiply by:
  - a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
  - b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
  - c. 0.40 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
    - (2) Are enrolled in a program of instruction for English language learners;
  - d. 0.28 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and
    - (2) Are enrolled in a program of instruction for English language learners;
  - e. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
  - f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
  - g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
  - h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
  - i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than

two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;

- j. 0.082 the number of students enrolled in average daily membership, in order to support the provision of special education services;
  - k. 0.07 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
    - (2) Are enrolled in a program of instruction for English language learners; and
    - (3) Have not been in the third of six categories of proficiency for more than three years;
  - l. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.]; and
  - m. 0.002 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1-;
  - n. 1.00 the number of students by which the district's September tenth enrollment report exceeds the number of students in the prior year's average daily membership; and
  - o. For districts paid based on September tenth enrollment in the prior year, 1.00 the number of students determined by deducting the number of students in the prior year's September tenth enrollment from the prior year's average daily membership. If the prior year's September tenth enrollment exceeds the prior year's average daily membership, then a deduction of 1.00 the number of excess students.
2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership."

Page 3, line 9, overstrike (1)

Page 3, line 11, overstrike (a) and insert immediately thereafter (1)

Page 3, line 14, overstrike (b) and insert immediately thereafter (2)

Page 3, overstrike line 16

Page 3, line 17, overstrike "not exceed one hundred"

Page 3, line 17, remove "forty-five"

Page 3, line 17, overstrike "percent of the district's baseline"

Page 3, overstrike lines 18 and 19

Page 3, line 21, overstrike "multiply the" and insert immediately thereafter "calculate state aid as the greater of:

(1) The"

Page 3, line 21, after "units" insert "multiplied"

Page 3, line 22, overstrike the period

Page 3, overstrike line 23

Page 3, overstrike line 24 and insert immediately thereafter ";or

(2) The amount in paragraph 1 plus the greater of:"

Page 3, line 27, remove "greater of the"

Page 3, line 28, remove "or the current school year, with the product of this"

Page 3, line 29, replace "calculation" with "less the amount in paragraph 1, with the difference"

Page 4, line 2, after "1" insert "less the amount in paragraph 1"

Page 4, line 2, after the underscored comma insert "with the difference"

Page 4, line 3, after "thereafter" insert " .

c. The superintendent also shall adjust state aid determined in this subsection:

(1) In 2019-20, to ensure the amount does not exceed one hundred forty-five percent of the district's baseline funding per weighted student unit, as established in subsection 2, multiplied by the district's weighted student units from the previous school year"

Page 4, line 4, overstrike "The superintendent also shall adjust the product" and insert immediately thereafter "In 2020-21,"

Page 4, line 4, overstrike "product" and insert immediately thereafter "amount"

Page 4, line 7, remove "greater of the"

Page 4, line 8, remove "or the current school year"

Page 4, line 15, overstrike "revenues" and insert immediately thereafter "revenue types"

Page 4, line 16, overstrike "subdivision f of subsection 1 and one hundred"

Page 4, line 17, overstrike "percent of all revenues listed in"

Page 4, line 17, overstrike "subdivision"

Page 4, line 17, after "f" insert "subdivisions f and"

Page 4, line 24, remove "The superintendent of public instruction shall recalculate the actual"

Page 4, remove lines 25 through 28

Page 5, after line 24, insert:

**"SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the department of commerce for the purpose of providing funding to an organization providing research-based literacy intervention services to students below grade four who score below proficient in reading as matching funds for AmeriCorps funding, for the biennium beginning July 1, 2019, and ending June 30, 2021. The department may spend the appropriated funds only as authorized in this section."

Page 5, after line 31, insert:

**"SECTION 6. EFFECTIVE DATE.** Section 1 of this Act is effective July 1, 2020."

Renumber accordingly

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

**SB 2300: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2300 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 an appropriation to the department of human services to provide grants to school districts for student behavioral health needs.

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

**SECTION 1. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,300,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing grants to school districts to address student behavioral health needs, for the biennium beginning July 1, 2019, and ending June 30, 2021. To be eligible to receive a grant, a school district must submit a plan to the department detailing the school district's collaboration with other school districts in the region regarding student behavioral health needs and the use of grant funding to develop student behavioral health interventions. A grant to an eligible school district is limited to an amount equal to the nonfederal portion of Medicaid reimbursement received by the school during the preceding school year."

Renumber accordingly

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

**SB 2301: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2301 was placed on the Eleventh order on the calendar.

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

**SB 2317: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2317 was placed on the Sixth order on the calendar.

Page 1, line 1, after "new" insert "subsection to section 23-16-01.1, a new"

Page 1, line 1, after "23-16" insert ", and a new section to chapter 50-24.4"

Page 1, line 2, after "to" insert "long-term care bed capacity,"

Page 1, line 2, after the second "facilities" insert "and reimbursement of pediatric subacute care facilities"

Page 1, line 3, replace "sections 23-09.3-02, 23-09.3-10, 25-18-15, 50-06-06.4, and 50-06-38," with "section 50-24.4-27"

Page 1, replace lines 7 through 24 with:

**"SECTION 1.** A new subsection to section 23-16-01.1 of the North Dakota Century Code is created and enacted as follows:

Notwithstanding the prohibition on adding nursing facility beds under subsection 1, an additional twenty-two nursing facility beds are authorized for use as pediatric subacute care facility beds. Beds authorized under this subsection may not be sold, converted, or transferred."

Page 2, line 3, replace "**Subacute**" with "**Pediatric subacute**"

Page 2, line 4, replace "department" with "health council"

Page 2, after line 7, insert:

- "3. The rules applicable to a pediatric subacute care facility must allow for aging in place for an individual over the age of twenty-one and for a pediatric subacute care facility to be located in a facility or structure that offers other appropriate levels of services."
4. Rules under this section must provide for a consistent implementation of specialized training, treatment, health services, and related care which are developmentally appropriate for the population."

Page 2, remove lines 8 through 30

Page 3, replace lines 1 and 2 with:

**"SECTION 3. AMENDMENT.** Section 50-24.4-27 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.4-27. Medicare certification.**

~~All~~Except for pediatric subacute care facilities, all nursing facilities certified under the medical assistance program shall participate in Medicare part A and part B with respect to at least thirty percent of the beds in the facility unless, after submitting an application, Medicare certification is denied by the federal health care financing administration. The facility shall file on behalf of each patient or assist each patient in the filing of requests for any third-party benefits to which the patient may be entitled. Charges for Medicare-covered services provided to residents who are simultaneously eligible for medical assistance and medicare must be billed to Medicare part A or part B before billing medical assistance. Medical assistance may be billed only for charges not reimbursed by Medicare.

**SECTION 4.** A new section to chapter 50-24.4 of the North Dakota Century Code is created and enacted as follows:

**Pediatric subacute care facilities.**

If reimbursing a pediatric subacute care facility licensed under chapter 23-16, the department shall consider the unique level of care and the additional cost required to provide services to medically fragile clients."

Page 3, line 5, remove the overstrike over "skilled"

Page 3, line 5, after the second comma insert "nursing facility."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2318: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2318 was placed on the



Sixth order on the calendar.

Page 1, line 1, replace "broadband" with "internal local area network"

Page 1, line 2, after "services" insert a semicolon

Page 1, line 2, after "and" insert "to provide for"

Page 1, line 4, replace "**BROADBAND**" with "**INTERNAL LOCAL AREA NETWORK**"

Page 1, line 6, remove "broadband"

Page 1, line 7, replace "capabilities" with "a solution to improve wired or wireless internal local area network service infrastructure"

Page 1, line 11, replace "broadband" with "internal local area network"

Page 1, line 12, replace "broadband" with "internal local area network"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2331: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2331 was placed on the Sixth order on the calendar.

Page 1, line 2, after "revenue" insert "; and to provide an effective date"

Page 1, after line 6, insert:

"1."

Page 1, line 7, after "transfer" insert "to the state treasurer, for deposit in the general fund."

Page 1, line 8, replace "begin" with ":

a. Begin"

Page 1, line 9, remove ". and thirty-three percent of the revenue collected under subsection 1 of"

Page 1, remove line 10

Page 1, line 11, remove "December 31, 2020, to the state treasurer for deposit in the general fund"

Page 1, line 11, after the underscored period insert:

"b. Have been in operation for twenty years or more from the date of first assessment, whether initially taxed under section 57-06-14.1 or 57-33.2-04.

2."

Page 1, after line 15, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act is effective for taxable years beginning after December 31, 2019."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2352: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT**

**PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2352 was placed on the Sixth order on the calendar.

Page 1, line 24, after "that" insert "the ending balance of the North Dakota health care trust fund, as of December thirty-first of any year, exceeds"

Page 1, line 24, remove "has been deposited in the North Dakota health care"

Page 2, line 1, remove "trust fund from the long-term care surtax imposed in section 57-38-30.3"

Renumber accordingly

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

**SB 2355: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2355 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 taxation of liquid nicotine and electronic smoking devices."

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TAXATION OF LIQUID NICOTINE AND ELECTRONIC SMOKING DEVICES.** During the 2019-20 interim, the legislative management shall consider studying the feasibility and desirability of applying an alternative or additional tax on liquid nicotine and electronic smoking devices. The study must include consideration of the current method of taxation applied to these products, the methods of taxation applied in other states, and the fiscal impact of applying an alternative or additional method of taxation. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

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

**Shanda Morgan, Secretary**