

JOURNAL OF THE SENATE

Sixty-fourth Legislative Assembly

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Bismarck, March 12, 2015

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

The prayer was offered by Pastor Jake DeBoer, Trinity and Dawson Lutheran Churches, Steele and Dawson.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1086: SEN. HOGUE (Judiciary Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1370, as engrossed: SEN. DEVER (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1143, as engrossed: SEN. POOLMAN (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1231: A BILL for an Act to amend and reenact section 53-06.1-14 of the North Dakota Century Code, relating to distributors and manufacturers of games of chance.

ROLL CALL

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

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

NAYS: Dever; Marcellais; Oehlke

Engrossed HB 1231, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1364: A BILL for an Act to provide an appropriation to the department of veterans' affairs; 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 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 HB 1364 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to allocation and distribution of the highway tax distribution fund.

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 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

HB 1093 passed.

SECOND READING OF HOUSE BILL

HB 1048: A BILL for an Act to provide for behavioral health licensure boards to each develop a plan, in collaboration with the other boards, for the administration and implementation of licensing and reciprocity standards for licensees.

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 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 HB 1048 passed.

SECOND READING OF HOUSE BILL

HB 1100: A BILL for an Act to amend and reenact subsection 2 of section 43-23.3-03 and sections 43-23.3-04, 43-23.3-04.1, 43-23.3-09, 43-23.3-22, and 43-23.3-24 of the North Dakota Century Code, relating to real estate appraiser permits.

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 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

HB 1100 passed.

SECOND READING OF HOUSE BILL

HB 1076: A BILL for an Act to amend and reenact sections 27-02.1-01, 27-0.1-02, 27-02.1-03, 27-02.1-04, 27-02.1-05, 27-02.1-06, 27-02.1-07, 27-02.1-08, and 27-02.1-09 of the North Dakota Century Code, relating to the temporary court of appeals; to provide an effective date; 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 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

HB 1076 passed.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to neglect of a child; to amend and reenact subdivision a of subsection 1 of section 12.1-32-15, section 14-09-22, paragraph 1 of subdivision d of subsection 3 of section 27-20-02, and subsection 3 of section 50-25.1-02 of the North Dakota Century Code, relating to abuse of a child; and to provide a penalty.

ROLL CALL

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

HB 1029 passed.

SECOND READING OF HOUSE BILL

HB 1099: A BILL for an Act to create and enact section 43-06-17.1 of the North Dakota Century Code, relating to temporary suspension and appeal of chiropractors; and to amend and reenact subdivision a of subsection 2 of section 43-06-01, section 43-06-02, subsections 2 and 5 of section 43-06-04.1, sections 43-06-05, 43-06-08, 43-06-09, 43-06-10.1, 43-06-13, and 43-06-14.1, subdivision g of subsection 1 of section 43-06-15, and subsections 4 and 5 of section 43-06-15 of the North Dakota Century Code, relating to the practice of chiropractic.

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 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 HB 1099 passed.

SECOND READING OF HOUSE BILL

HB 1118: A BILL for an Act to amend and reenact section 12-59-20 of the North Dakota Century Code, relating to probation and parole officers as peace officers.

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 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

HB 1118 passed.

SECOND READING OF HOUSE BILL

HB 1128: A BILL for an Act to amend and reenact section 48-01.2-23 of the North Dakota Century Code, relating to bonds for construction managers at-risk.

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 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 HB 1128 passed.

SECOND READING OF HOUSE BILL

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.

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 5 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Burckhard; Dever; Laffen; O'Connell; Schneider

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

Engrossed HB 1216 failed.

SECOND READING OF HOUSE BILL

HB 1119: A BILL for an Act to amend and reenact subsection 1 of section 27-20-03, section 27-20-08, subsection 1 of section 27-20-30, and subsection 2 of section 27-20-31 of the North Dakota Century Code, relating to the disposition of a nonresident child; and to repeal sections 27-20-39, 27-20-40, 27-20-41, 27-20-42, and 27-20-43 and chapter 27-22 of the North Dakota Century Code, relating to the transfer and supervision of a child in another state or from another state and to the interstate compact on juveniles.

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 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

HB 1119 passed.

SECOND READING OF HOUSE BILL

HB 1183: A BILL for an Act to amend and reenact section 14-03-20.2 of the North Dakota Century Code, relating to middle name options on a marriage license application or marriage license.

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 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

HB 1183 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3025: A concurrent resolution of commendation to the North Dakota State University Bison football team and Coach Chris Klieman for achieving an unprecedented level of dominance in NCAA Division I football.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3025 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1073, HB 1257, HB 1374, HB 1416, HB 1448.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3008.

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: HCR 3040, HCR 3045, HCR 3049, HCR 3055, HCR 3056.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2053, SB 2067, SB 2084, SB 2132, SB 2135.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2330.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SCR 4015.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2055, SB 2091, SB 2101, SB 2102, SB 2142, SB 2167, SB 2180, SB 2184, SB 2211, SB 2301, SB 2306.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1027, HB 1125, HB 1131, HB 1192, HB 1239, HB 1330, HB 1337, HB 1470, HCR 3036.

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

MR. PRESIDENT: The Speaker has signed: SB 2055, SB 2091, SB 2101, SB 2102, SB 2142, SB 2167, SB 2180, SB 2184, SB 2211, SB 2301, SB 2306.

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

MR. SPEAKER: The President has signed: SB 2024, SB 2028, SB 2036, SB 2047, SB 2062, SB 2063, SB 2064, SB 2071, SB 2089, SB 2112, SB 2115, SB 2117, SB 2152, SB 2229.

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

MR. SPEAKER: The President has signed: SB 2055, SB 2091, SB 2101, SB 2102, SB 2142, SB 2167, SB 2180, SB 2184, SB 2211, SB 2301, SB 2306.

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

MR. SPEAKER: The President has signed: HB 1027, HB 1125, HB 1131, HB 1192, HB 1239, HB 1330, HB 1337, HB 1470, HCR 3036.

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

MR. PRESIDENT: The Speaker has signed: HB 1026, HB 1028, HB 1036, HB 1037, HB 1045, HB 1074, HB 1104, HB 1105, HB 1121, HB 1127, HB 1129, HB 1156, HB 1168, HB 1208, HB 1212, HB 1220, HB 1335, HB 1346, HB 1385.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 12, 2015: SB 2024, SB 2028, SB 2036, SB 2047, SB 2062, SB 2063, SB 2064, SB 2071, SB 2089, SB 2112, SB 2115, SB 2117, SB 2152, SB 2229.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 12, 2015: SB 2055, SB 2091, SB 2101, SB 2102, SB 2142, SB 2167, SB 2180, SB 2184, SB 2211, SB 2301, SB 2306.

COMMUNICATION FROM GOVERNOR JACK DALRYMPLE

This is to inform you that on March 12, 2015, I have signed the following: SB 2024, SB 2028,

SB 2036, SB 2063, SB 2071, SB 2089, SB 2115, SB 2152, and SB 2229.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 13, 2015, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4024: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SCR 4024 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1039, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1039 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1065, as engrossed: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1065 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1097, as engrossed: Energy and Natural Resources Committee (Sen. Schaible, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1097 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1101, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1101 was placed on the Sixth order on the calendar.

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

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

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

Page 1, line 4, remove "and"

Page 1, line 5, remove "subsection 1 of section"

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

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

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

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

Page 1, line 7, remove "originator license"

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

Page 1, after line 9, insert:

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

13-04.1-01.1. Definitions.

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

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

Page 2, after line 18, insert:

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

13-04.1-09. Prohibited acts and practices.

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

1. Make or cause to be made any material false statement or representation in any application or other document or statement required to be filed under any provision of this chapter, or to omit to state any material statement or fact necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading.
2. Directly or indirectly, employ any device, scheme, or artifice to defraud or mislead borrowers or lenders to defraud any person.
3. Directly or indirectly, make any untrue statement of a material fact or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading in connection with the procurement or promise of procurement of any lender or loan funds.
4. Engage in any unfair or deceptive practice toward any person.
5. Obtain property by fraud or misrepresentation.

6. Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting.
7. Conduct any business covered by this chapter without holding a valid license as required under this chapter, or assist or aid and abet any person in the conduct of business under this chapter without a valid license as required under this chapter.
8. Fail to make disclosures as required by this chapter and any other applicable state or federal law and regulations.
9. Fail to comply with this chapter or rules adopted under this chapter, or fail to comply with any other state or federal law, including the rules and regulations thereunder, applicable to any business authorized or conducted under this chapter.
10. Make, in any manner, any false or deceptive statement or representation, including, with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan or engage in bait and switch advertising.
11. Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any information or reports filed with a governmental agency or the nationwide mortgage licensing system and registry or in connection with any investigation conducted by the commissioner or another governmental agency.
12. Make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a loan or make any payment, threat, or promise, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property.
13. Collect, charge, attempt to collect or charge, or use or propose any agreement purporting to collect or charge any fee prohibited by this chapter.
14. Cause or require a borrower to obtain property insurance coverage in an amount that exceeds the replacement cost of the improvements as established by the property insurer.
15. Fail to truthfully account for moneys belonging to a party to a loan transaction.
16. Conduct another business within the same office, suite, room, or place of business at which the licensee engages in money broker business unless the commissioner provides written authorization after a determination the other business is not contrary to the best interests of any borrower or potential borrower.
17. Enter any agreement that constitutes a precomputed loan."

Page 3, after line 26, insert:

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

13. "Money transmission" means to engage in the business of the sale or issuance of payment instruments, stored value, or of receiving money or monetary value for transmission to a location within or outside the United States by any and all means, including wire, facsimile, or electronic transfer. Notwithstanding any other provision of law, "money transmission" also includes bill payment services not limited to the right

to receive payment of any claim for another, but does not include payment processing activities conducted for a merchant under an agency relationship."

Page 4, line 23, replace "Subsection 1 of section" with "Section"

Page 4, after line 30, insert:

- "2. The following are exempt from this chapter:
- a. Registered mortgage loan originators, when acting for an entity described in subdivision a of subsection 11 of section 13-10-02 are exempt from this chapter.
 - b. Any individual who offers or negotiates terms of a residential mortgage loan with or on behalf of an immediate family member of the individual.
 - c. Any individual who offers or negotiates terms of a residential mortgage loan secured by a dwelling that served as the individual's residence.
 - d. A licensed attorney who negotiates the terms of a residential mortgage loan on behalf of a client as an ancillary matter to the attorney's representation of the client, unless the attorney is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such lender, mortgage broker, or other mortgage loan originator.
 - e. An individual who is an employee of a federal, state, or local government agency or housing finance agency and who acts as a loan originator solely pursuant to that individual's official duties as an employee of the federal, state, or local government agency or housing finance agency in compliance with title 12, Code of Federal Regulations, part 1008, section 1008.103(e)(6).
 - f. An individual who is an employee of a bona fide nonprofit organization who acts as a loan originator solely with respect to that individual's work duties to the bona fide nonprofit organization, and who acts as a loan originator solely with respect to residential mortgage loans with terms that are favorable to the borrower in compliance with title 12, Code of Federal Regulations, part 1008, section 1008.103(e)(7).
3. A loan processor or underwriter who is an independent contractor may not engage in the activities of a loan processor or underwriter unless such independent contractor loan processor or underwriter obtains and maintains a license under subsection 1. Each independent contractor loan processor or underwriter licensed as a mortgage loan originator must have and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry.
4. To implement an orderly and efficient licensing process, the commissioner may establish licensing rules or regulations and interim procedures for licensing and acceptance of applications. For previously registered or licensed individuals, the commissioner may establish expedited review and licensing procedures."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1132, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1132 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1142, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1142 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1146: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1146 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1151, as reengrossed: Education Committee (Sen. Flakoll, 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). Reengrossed HB 1151 was placed on the Sixth order on the calendar.

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

Page 2, line 8, replace "forward" with "retain up to"

Page 2, line 9, remove "the office of the governor, to"

Page 3, line 8, replace "forward" with "retain up to"

Page 3, line 9, remove "the office of the governor, to"

Page 5, after line 3, insert:

"SECTION 7. LEGISLATIVE MANAGEMENT STUDY. During the 2015-16 interim, the legislative management shall consider studying the provision of matching grants to institutions of higher education, as set forth in sections 15-10-48 through 15-10-53 of the North Dakota Century Code, for the purposes of ensuring that the statutory parameters provide sufficient direction, provide flexibility to accommodate changing circumstances and needs, and ultimately enable the delivery of the greatest possible benefits to the students attending institutions of higher education in this state. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-fifth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1188, as engrossed: Education Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1188 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create a task force for the purpose of studying school district boundaries.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. TASK FORCE - SCHOOL DISTRICT BOUNDARIES.**

1. The legislative management shall consider creating a task force to study issues related to school district boundaries, including the feasibility and desirability of maintaining existing boundaries; the parameters currently governing annexation, reorganization, and dissolution processes; and options for instituting boundary changes in the case of significant educational or financial impacts.
2. A task force created under this section is governed by Senate Bill No. 2300, as approved by the sixty-fourth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1234, as reengrossed: 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). Reengrossed HB 1234 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide an effective date"

Page 2, line 2, remove "one"

Page 2, line 3, replace "hundred thirty-one thousand six hundred ninety-seven" with "one hundred sixty-three thousand four hundred thirty dollars"

Page 2, line 4, replace "one hundred ninety-seven thousand five hundred forty-eight" with "two hundred forty-five thousand one hundred forty-eight dollars"

Page 2, remove lines 19 and 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1274, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1274 was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "a psychologist"

Page 1, line 18, after "chapter" insert "for at least five years"

Page 1, overstrike lines 19 through 22

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1282, as reengrossed: 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** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1282 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "\$200,000" with "\$600,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1334, as engrossed: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1334 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1382, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1382 was placed on the Sixth order on the calendar.

Page 1, line 23, remove "municipal utility or municipal power agency and by a rural electric cooperative or"

Page 1, line 24, replace "by an" with "rural electric cooperative and facilities owned, leased, or operated by a municipal utility, a municipal power agency, or an"

Page 2, line 1, after "The" insert "rural electric cooperative and"

Page 2, line 1, replace "or" with an underscored comma

Page 2, line 1, replace "and the rural electric cooperative" with an underscored comma

Page 2, line 9, remove "This section must be construed and applied to the maximum extent possible in a"

Page 2, replace line 10 with "For purposes of this section, a "municipal utility" means anything a municipality is allowed to possess under section 40-33-01 and a "municipal power agency" has the meaning provided in section 40-33.2-02."

Page 3, line 2, after "and" insert "facilities owned, leased, or operated"

Page 3, line 3, remove "by"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1396, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1396 was placed on the Sixth order on the calendar.

Page 1, line 2, after "to" insert "student"

Page 1, line 3, remove "nurse practitioners, physician assistants, certified nurse midwives, and"

Page 1, line 4, replace "physicians" with "health care professionals"

Page 1, line 9, replace "cities" with "areas of this state"

Page 1, line 13, replace "cities" with "public and private entities"

Page 1, line 14, after "services" insert ", including providing medical behavioral health services via telecommunication and information technologies."

Page 1, line 17, replace "**Cities**" with "**Public and private entities**"

Page 1, line 18, replace "cities" with "public and private entities"

Page 1, line 21, replace "city" with "area"

Page 1, line 22, remove "city and the surrounding"

Page 1, line 23, remove "city and the surrounding"

Page 2, line 1, replace "public and private sector entities" with "health care and social service providers, advocacy groups, governmental entities, and others."

Page 2, line 3, replace "A city" with "An entity"

Page 2, line 7, replace "**Cities**" with "**Public and private entities**"

Page 2, line 8, replace "cities" with "public and private entities"

Page 2, line 8, remove ", in"

Page 2, replace lines 9 through 15 with: "to entities that:

1. Meet the selection criteria; and
2. Are located in or able to provide telemedicine services to areas that are:

- a. Statistically underserved; and
- b. Located outside of a metropolitan statistical area"

Page 2, line 22, replace "a city" with "an area"

Page 2, replace lines 28 and 29 with:

- "2. In selecting health care professionals for participation in a program, the health council may consider an individual's:
- a. Length of residency in this state; and
- b. Attendance at an in-state or an out-of-state institution of higher education."

Page 3, line 14, replace "a nurse practitioner," with "an advanced practice registered nurse or a"

Page 3, line 14, remove ", or certified nurse midwife"

Page 3, remove line 25

Page 3 line 26, replace "(b)" with "(a)"

Page 3, line 26, replace "addition" with "addiction"

Page 3, remove line 27

Page 3, line 28, replace "(d)" with "(b)"

Page 3, line 29, replace "(e)" with "(c)"

Page 3, line 30, replace "(f)" with "(d)"

Page 3, line 31, replace "(g)" with "(e)"

Page 4, line 31, remove "nurse practitioner, physician assistant, or certified nurse midwife"

Page 5, line 1, after the second comma insert "in accordance with chapter 43-12.2,"

Page 5, line 2, remove "physician"

Page 5, line 3, after the first comma insert "in accordance with chapter 43-17.2,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1464, as engrossed: Judiciary Committee (Sen. Hogue, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1464 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 5-01-22 of the North Dakota Century Code, relating to the prohibition of powdered alcohol products.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 5-01-22 of the North Dakota Century Code is created and enacted as follows:

5-01-22. Powdered alcohol products prohibited - Penalty - Exceptions.

1. As used in this section, "powdered alcohol product" means any alcohol prepared or sold in a powder form for either direct use or reconstitution in a liquid beverage or food.
2. A person may not sell, offer to sell, purchase, offer to purchase, possess, or consume a powdered alcohol product.
3. A violation of this section is a class B misdemeanor.
4. This section does not apply to the use of powdered alcohol products for research by a:
 - a. Health care provider that operates primarily for the purpose of conducting scientific research;
 - b. State institution;
 - c. Private college or university; or
 - d. Pharmaceutical or biotechnology company."

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3040: A concurrent resolution directing the Legislative Management to study the Airport Authorities Act, with particular attention to airport finances.

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

HCR 3045: A concurrent resolution directing the Legislative Management to study the automation of State Library data to track items owned, orders made, bills paid, patrons who have borrowed, and options for transferring materials between libraries.

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

HCR 3049: A concurrent resolution directing the Legislative Management to study issues related to employment restrictions in public assistance programs.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HCR 3055: A concurrent resolution directing the Legislative Management to study the feasibility and possible benefits of allowing members of the Legislative Assembly and other state employees to receive by electronic means all information regarding pay and benefits and other information shared by the employer and to study the availability of recycling options in all state buildings.

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

HCR 3056: A concurrent resolution directing the Legislative Management to study projections on the number of low-income individuals in the state over the next 10 years and the desirability and feasibility of developing and expanding asset-building opportunities for those individuals.

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

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

Jane Schaible, Secretary

