

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, February 1, 2017

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

The prayer was offered by Pastor Daniel Havemen, Open Door Baptist Church, Bismarck.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2272: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments on SJ pages 240-241 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2272 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2335: SEN. KREUN (Human Services Committee) MOVED** that the amendments on SJ pages 242-244 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2322: SEN. PIEPKORN (Human Services Committee) MOVED** that the amendments on SJ page 242 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2190: SEN. ROERS (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 240 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2325: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments on SJ page 242 be adopted and then be placed on the Eleventh order with **DO PASS**.

## REQUEST

**SEN. O. LARSEN REQUESTED** a recorded roll call vote, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendments to SB 2325, the roll was called and there were 13 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Clemens; Cook; Hogue; Kannianen; Krebsbach; Kreun; Laffen; Lee, J.; Schaible; Vedaa; Wanzek

**NAYS:** Armstrong; Bowman; Burckhard; Campbell; Casper; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Holmberg; Kilzer; Klein; Larsen, O.; Larson, D.; Lee, G.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Sorvaag; Unruh; Wardner

**ABSENT AND NOT VOTING:** Davison

The proposed amendments to SB 2325 failed on a recorded roll call vote.

## CONSIDERATION OF AMENDMENTS

**SB 2037: SEN. VEDAA (Education Committee) MOVED** that the amendments on SJ pages 239-240 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 2280:** A BILL for an Act to amend and reenact subsection 9 of section 57-15-10 and section 57-15-48 of the North Dakota Century Code, relating to city levy authority for emergency purposes; 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 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Burckhard; Campbell; Clemens; Cook; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner

**NAYS:** Bowman; Casper; Dever; Piepkorn; Unruh

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2280 passed.

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#### SECOND READING OF SENATE BILL

**SB 2212:** A BILL for an Act to amend and reenact section 6-02-02, subsection 4 of section 6-03-02, and section 6-05-01 of the North Dakota Century Code, relating to residency requirements of bank directors.

#### 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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2212 passed.

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#### SECOND READING OF SENATE BILL

**SB 2168:** A BILL for an Act to amend and reenact section 48-01.2-01 of the North Dakota Century Code, relating to 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2168 passed.

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**SECOND READING OF SENATE BILL**

**SB 2223:** A BILL for an Act to create and enact section 10-32.1-30.1; to amend and reenact subsection 2 of section 10-32.1-15, subsection 1 of section 10-32.1-30, subsection 2 of section 10-32.1-39, sections 10-32.1-45, 10-32.1-54, 45-10.2-64, and 45-17-04 of the North Dakota Century Code, relating to limited liability company distributions and management and partnership transferable interests.

**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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2223 passed.

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**SECOND READING OF SENATE BILL**

**SB 2269:** A BILL for an Act to create and enact section 61-39-04.1 of the North Dakota Century Code, relating to authorization of a state Red River valley water supply project; and to amend and reenact sections 61-24-27, 61-24.7-05, 61-39-01, 61-39-02, 61-39-03, 61-39-04, 61-39-05, 61-39-11, and 61-39-16 of the North Dakota Century Code, relating to the powers of the Lake Agassiz water authority and funding for the Red River valley water supply project.

**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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2269 passed.

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**SECOND READING OF SENATE BILL**

**SB 2284:** A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to agent fees for distribution of hunting licenses; and to declare an emergency.

**ROLL CALL**

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

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2284 passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2205:** A BILL for an Act to amend and reenact section 58-04-05 of the North Dakota Century Code, relating to compensation of township elections workers.

### ROLL CALL

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2205 passed.

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### SECOND READING OF SENATE BILL

**SB 2184:** A BILL for an Act to create and enact a new section to chapter 23-01 and a new section to chapter 23-16 of the North Dakota Century Code, relating to phlebotomists and notification protocol in the case of exposure to an infectious organism; to amend and reenact sections 23-09.3-04 and 23-17.3-05 of the North Dakota Century Code, relating to notification protocol in the case of exposure to an infectious organism; 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:** Burckhard; Mathern

**NAYS:** Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2184 failed.

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**SECOND READING OF SENATE BILL**

**SB 2319:** A BILL for an Act to create and enact chapter 5-05 of the North Dakota Century Code, relating to a responsible alcoholic beverage server training program; to amend and reenact sections 5-01-06.1 and 5-02-10.1 of the North Dakota Century Code, relating to alcohol server training; 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 4 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Heckaman; Mathern; Piepkorn; Robinson

**NAYS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2319 failed.

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**SECOND READING OF SENATE BILL**

**SB 2300:** A BILL for an Act to amend and reenact section 12.1-17-02 of the North Dakota Century Code, relating to aggravated assault of a peace officer; and to provide a penalty.

**ROLL CALL**

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2300 passed.

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**SECOND READING OF SENATE BILL**

**SB 2219:** A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-06.1 of the North Dakota Century Code, relating to probation violations.

**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; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2219 failed.

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**SECOND READING OF SENATE BILL**

**SB 2290:** A BILL for an Act to amend and reenact section 54-12-33 of the North Dakota Century Code, relating to the authority of the human trafficking commission.

**ROLL CALL**

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2290 passed.

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**MOTION**

**SEN. KLEIN MOVED** that SB 2325 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2325 was rereferred.

**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 1303.

**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., Thursday, February 2, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2033: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2033 was placed on the Sixth order on the calendar.

Page 1, line 1 remove "sections 43-45-05.1"

Page 1, line 2 replace "and" with "section"

Page 1, line 14, replace "At least" with "The initial"

Page 1, line 16, replace "have been" with "be"

Page 1, line 16, after "other" insert "qualified mental health"

Page 1, line 17, remove "designated by a supervising licensed independent clinical social"

Page 1, line 18, replace "worker" with "approved by the board if barriers due to the geographical location, disability, or other factors determined by the board to create a hardship exist for the applicant. The qualified professional must be registered or otherwise qualified as a clinical supervisor by the board that licenses the other professional"

Page 2, remove lines 1 through 27

Page 3, line 17, after "other" insert "qualified"

Page 3, line 18, replace "supervising licensed professional counselor." with "board"

Page 3, line 19, after "supervised" insert ". if barriers due to geographical location, disability, or other factors determined by the board to create a hardship exist for the applicant. The qualified professional must be registered or otherwise qualified as a clinical supervisor by the board that licenses the other professional"

Page 4, line 29, after "supervisor" insert "and acting under the approved supervisor. The other professional must be approved by the board, approved by that individual's licensing authority to supervise interns if appropriate."

Page 4, line 30, after the underscored period insert "The marriage and family therapist approved supervisor remains the applicant's supervisor of record."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2038, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2038 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2111: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2141: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2141 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2206: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2206 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2221: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2233: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2233 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2243: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 2, line 8, after "5." insert: "An eligible individual may receive a maximum of twenty-five thousand dollars of loan forgiveness under the program."

6."

Page 2, line 10, replace "6." with "7."

Page 2, line 18, replace "7." with "8."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2248: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2248 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2276: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2276 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 7 of section 10-33-21, section 10-33-100, subsection 4 of section 10-33-108, and"

Page 1, line 2, after "to" insert "the prohibition of the diversion of restricted assets, the priority of those assets in a dissolution, and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 7 of section 10-33-21 of the North Dakota Century Code is amended and reenacted as follows:

7. A corporation may make contracts and incur liabilities, borrow money, issue its securities, and secure any of its obligations by mortgage of or creation of a security interest in all or any of its property, franchises, and income. A corporation may not pledge as collateral, grant a security interest in, or borrow from assets received and held for a special use or purpose expressed or intended by the original donor.

**SECTION 2. AMENDMENT.** Section 10-33-100 of the North Dakota Century Code is amended and reenacted as follows:

**10-33-100. Procedure in dissolution.**

1. When a notice of intent to dissolve has been filed with the secretary of state, the board, or the officers acting under the direction of the board, shall proceed as soon as possible to collect or make provision for the collection of debts owing to the corporation and to pay or make provision for the payment of debts, obligations, and liabilities of the corporation according to their priorities.
2. Notwithstanding section 10-33-94, when a notice of intent to dissolve has been filed with the secretary of state, the directors may sell, lease, transfer, or otherwise dispose of all or substantially all of the property and assets of a dissolving corporation without a vote of the members, subject to sections 10-33-95 and 10-33-122.
3. ~~Property, including money, remaining after the discharge of the debts, obligations, and liabilities of the corporation~~ must be distributed under section 10-33-105.

**SECTION 3. AMENDMENT.** Subsection 4 of section 10-33-108 of the North Dakota Century Code is amended and reenacted as follows:

4. The assets of the corporation or the proceeds resulting from a sale, lease, transfer, or other disposition must be applied in the following order of priority to the payment and discharge of:
  - a. Assets received and held for a special use or purpose must be distributed pursuant to subsection 2 of section 10-33-105.



- b. The costs and expenses of the proceedings, including attorney's fees and disbursements;
- b-c. Debts, taxes, and assessments due the United States, this state and its subdivisions, and other states and their subdivisions, in that order;
- e-d. Claims duly proved and allowed to employees under title 65. Claims under this subdivision may not be allowed if the corporation carried workforce safety and insurance coverage, as provided by law, at the time the injury was sustained;
- d-e. Claims, including the value of all compensation paid in any medium other than money, duly proved and allowed to employees for services performed within three months preceding the appointment of the receiver, if any; and
- e-f. Other claims duly proved and allowed."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2302: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "12-60-05 and"

Page 1, line 1, after the first comma insert "subsection 1 of section 29-06-05.2, and sections"

Page 1, line 1, remove the second comma

Page 1, line 2, after "to" insert "appointment of ad hoc special agents,"

Page 1, line 2, after "program" insert ", authority for federal law enforcement officers to make arrests"

Page 1, line 3, remove the third "and"

Page 1, line 5, after "report" insert "; and to provide a penalty"

Page 1, after line 6, insert:

**"SECTION 1. AMENDMENT.** Section 12-60-05 of the North Dakota Century Code is amended and reenacted as follows:

#### **12-60-05. Attorney general - Duties - Appointment of personnel.**

The attorney general shall act as superintendent of the bureau and shall have the responsibility of and shall exercise absolute control and management of the bureau. The attorney general shall appoint and fix the salary of a chief of the bureau, such special agents, and such other employees as the attorney general deems necessary to carry out the provisions of this chapter within the limits of legislative appropriations therefor. The attorney general may appoint ad hoc special agents. Ad hoc special agents are law enforcement officers from other jurisdictions appointed for a specific law enforcement purpose and do not become full-time or part-time employees of the attorney general."

Page 1, line 11, after "12.1-29-06" insert "or chapter 12.1-41"

Page 1, after line 15, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 29-06-05.2 of the North Dakota Century Code is amended and reenacted as follows:

1. "Federal agent" means an employee of the federal bureau of investigation; the federal drug enforcement administration; the bureau of alcohol, tobacco, firearms and explosives; the homeland security investigations unit of the department of homeland security; or the United States customs and border protection who is authorized to arrest, with or without a warrant, any individual for a violation of the United States Code and carry a firearm in the performance of the employee's duties as a federal law enforcement officer."

Renumber accordingly

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

**Shanda Morgan, Secretary**