

**JOURNAL OF THE HOUSE****Sixty-fifth Legislative Assembly**

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**Bismarck, March 27, 2017**

The House convened at 1:15 p.m., with Speaker Bellew presiding.

The prayer was offered by Rev. John Heritage, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Representatives Kasper and Paur.

A quorum was declared by the Speaker.

**VETO MEASURE**

Dear Speaker Bellew:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed House Bill 1153 and returned it to the House.

As the chief executive of the state, the Governor is responsible for the administration of state business. Article V, § 7 ND Const. This responsibility includes the duty to fill vacant positions and supervise the conduct of executive and ministerial officers. The Legislature can neither add to nor diminish these constitutional duties.

HB 1153 seeks to restrict the authority of the Governor, and only the Governor, to pay recruitment and retention bonuses to cabinet leaders and the Governor's staff. HB 1153 places unprecedented and intentional restrictions on the Governor's ability to fulfill the constitutional duty to recruit and retain cabinet agency directors and key support personnel. These restrictions intrude upon the operations of the executive branch and violate the separation of governmental powers established by the North Dakota Constitution.

The importance of recruitment and retention bonus programs was acknowledged by the Fifty-Seventh Legislative Assembly in enacting Section 54-06-31 of the Century Code. A 2009 amendment added subsection 5, to specifically recognize the importance of recruitment and retention tools for "hard-to-fill occupation[s]", to respond to market forces and competition, or to avoid losing a highly performing incumbent with rare or special skills. Recruiting and retaining experienced and transformational cabinet leaders is an essential step in delivering more efficient government services.

Collectively our seventeen cabinet agencies employ more than 6,000 state workers. These agencies are complex, widely diverse and provide meaningful, specialized, and essential services on behalf of our state citizens. The cabinet agency leadership positions meet the "hard-to-fill" criteria described in NDCC Section 54-06-31 (5).

Further, Cabinet leaders and the Governor's staff are unclassified positions, meaning they are employed "at will." This is different from the vast majority of state employment positions which are "classified" and therefore hold more job protections. As unclassified positions, the Governor's staff and cabinet leaders serve at the pleasure of the Governor. And unlike classified positions, every four years with the election cycle there is increased risk of turnover for these key positions.

To explicitly remove a human resources tool for these specialized, hard-to-fill, and at-will employees will impair the Governor's ability to attract and retain the leadership and staff necessary to effectively execute the duties of the office now and for future governors.

The thriving private sector creates ample competition for attracting and retaining leadership, with more flexibility and higher salary levels than comparable leadership and senior staff roles in the public sector. Any movement to erode the Governor's flexibility will further reduce state government's ability to bring much-needed private sector experience into cabinet leadership positions.

The proposed restrictions upon this administration set forth in HB 1153 serve no constructive purpose. This bill violates the constitutional exercise of executive authority to manage state agencies and to carefully budget appropriated resources. For these reasons, I have vetoed HB 1153.

As Governor, I understand the importance of strong fiscal policies and have proposed more than \$1.5 billion in reduced spending for the next biennium. We are committed to partnering with the Legislature to achieve these costs reductions, even as we continue to search for new, more cost-effective solutions to delivering services and operating our state.

There are many steps we still need to take to improve the efficiency and performance of state government, but HB 1153 is a step in the wrong direction.

Sincerely,

Doug Burgum  
Governor

#### MOTION

**REP. VIGESAA MOVED** that Engrossed SB 2029, as amended, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed SB 2029, as amended, was rereferred.

#### MOTION

**REP. VIGESAA MOVED** to temporarily amend HR 329, subsection 4, to read that all Senate bills required to be rereferred to the Appropriations Committee must be rereferred not later than the "fifty-ninth legislative day" instead of the "fifty-fifth legislative day", which motion prevailed on a voice vote.

#### MOTION

**REP. VIGESAA MOVED** to temporarily amend HR 509 to read that bills introduced after the deadline for introducing bills must be reported back to the House "within twelve legislative days" instead of "within ten legislative days" after the day of introduction, which motion prevailed on a voice vote.

#### SIXTH ORDER OF BUSINESS

**SPEAKER BELLEW DEEMED** approval of the amendments to SB 2026, Engrossed SB 2027, Engrossed SB 2047, Engrossed SB 2134, Engrossed SB 2166, Engrossed SB 2186, Engrossed SB 2245, Engrossed SB 2286, and SB 2293.

Engrossed SB 2134, as amended, was rereferred to the **Appropriations Committee**.

SB 2026, Engrossed SB 2027, Engrossed SB 2047, Engrossed SB 2166, Engrossed SB 2186, Engrossed SB 2245, Engrossed SB 2286, and SB 2293, as amended, were placed on the Fourteenth order of business on today's calendar.

#### SECOND READING OF SENATE BILL

**SB 2291:** A BILL for an Act to create and enact a new section to chapter 25-03.1, a new subsection to section 30.1-28-04, and a new subsection to section 30.1-28-12 of the North Dakota Century Code, relating to powers, duties, and authority of a guardian regarding medical decisions; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 92 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier;

Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Paur

Engrossed SB 2291 failed.

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

**SB 2151:** A BILL for an Act to amend and reenact section 23-06.5-17 of the North Dakota Century Code, relating to health care directives.

#### **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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Paur

Engrossed SB 2151, as amended, passed.

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

**SB 2041:** A BILL for an Act to amend and reenact subsection 1 of section 25-01.2-01 of the North Dakota Century Code, relating to the definition of developmental disability; and to provide for a report.

#### **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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Paur

SB 2041, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2248:** A BILL for an Act to create and enact a new subsection to section 14-15-19 of the North Dakota Century Code, relating to relinquishment and termination of parent and child relationship.

### 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 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boehning; Bosch; Boschee; Brandenburg; Carlson; Delmore; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rick C.; Boe; Brabandt; Damschen; Delzer; Ertelt; Monson; Schatz; Weisz

**ABSENT AND NOT VOTING:** Kasper; Paur

SB 2248, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2202:** A BILL for an Act to amend and reenact section 43-48-03 and subsection 2 of section 43-48-05 of the North Dakota Century Code, relating to clinical laboratory practice exemptions and board membership.

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

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Paur

Engrossed SB 2202, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2311:** A BILL for an Act to provide for a Bank of North Dakota letter of credit.

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

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Paur

Engrossed SB 2311, as amended, passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2195:** A BILL for an Act to amend and reenact section 44-04-18.15 of the North Dakota Century Code, relating to exempting donor records from public disclosure under open records laws.

**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 76 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dobervich; Dockter; Grueneich; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Owens; Pollert; Porter; Pyle; Roers Jones; Sanford; Satrom; Schmidt; Schneider; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rick C.; Devlin; Ertelt; Guggisberg; Johnston; Koppelman, B.; Magrum; Marschall; Nelson, M.; Olson; Rohr; Ruby, D.; Ruby, M.; Schatz; Schobinger; Simons

**ABSENT AND NOT VOTING:** Kasper; Paur

SB 2195, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2033:** A BILL for an Act to amend and reenact subsection 4 of section 43-41-04, section 43-47-06, and subsection 7 of section 43-53-01 of the North Dakota Century Code, relating to licensure requirements for behavioral health professionals; and to provide for a report to the legislative management.

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

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Boschee

**ABSENT AND NOT VOTING:** Kasper; Paur

Engrossed SB 2033, as amended, passed.

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#### **MOTION**

**REP. VIGESAA MOVED** that SB 2038, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed on a voice vote.

#### **MOTION**

**REP. VIGESAA MOVED** that Engrossed SB 2088, as amended, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Vigasaa's motion, Engrossed SB 2088, as amended, was rereferred.

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

**SB 2039:** A BILL for an Act to create and enact section 50-06-06.14 of the North Dakota Century Code, relating to the placement of children in the least restrictive environment; to amend and reenact sections 50-06-01, 50-06-01.4, 50-06-05.2, 50-06-05.3, 50-06-05.4, 50-06-06.2, and 50-06-06.5, and subsection 1 of section 50-06-20 of the North Dakota Century Code, relating to the structure and duties of the department of human services with respect to behavioral health; to repeal chapter 25-10 and sections 25-02-02, 50-06-01.2, and 50-06-23 of the North Dakota Century Code, relating to mental health services, the additional location for a hospital for the mentally ill, and the assumption of duties by the department of human services; to provide for transition; to provide a statement of legislative intent; 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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** Kasper; Paur

Engrossed SB 2039, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2342:** A BILL for an Act to provide for the creation of a task force on the prevention of sexual abuse of children; and to provide a report to the legislative management.

### 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 85 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Ertelt; Johnston; Magrum; McWilliams; Ruby, M.; Schatz; Simons

**ABSENT AND NOT VOTING:** Kasper; Paur

Engrossed SB 2342, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2210:** A BILL for an Act to amend and reenact section 53-01-07 of the North Dakota Century Code, relating to the commissioner of combative sports.

### 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 87 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rich S.; Becker, Rick C.; Kading; Pollert; Skroch

**ABSENT AND NOT VOTING:** Kasper; Paur

SB 2210, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2034:** A BILL for an Act to amend and reenact sections 43-12.3-01, 43-12.3-05, and 43-12.3-06 of the North Dakota Century Code, relating to a nursing faculty student

loan repayment program.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 80 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Becker, Rich S.; Blum; Boschee; Dobervich; Hanson; Hogan; Mitskog; Mock; O'Brien; Rohr; Schneider

**NAYS:** Anderson, B.; Anderson, D.; Beadle; Becker, Rick C.; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Ertelt; Grueneich; Guggisberg; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, J.; Nelson, M.; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Paur

SB 2034, as amended, failed.

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#### SECOND READING OF SENATE BILL

**SB 2201:** A BILL for an Act to amend and reenact sections 15-10-55 and 15.1-19-25 of the North Dakota Century Code, relating to the freedom of expression of student journalists.

#### 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 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Johnston; Magrum; Simons

**ABSENT AND NOT VOTING:** Kasper; Paur

Engrossed SB 2201, as amended, passed.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4003:** A concurrent resolution requesting the Legislative Management to study the current juvenile justice process, levels of collaboration among various service systems, implementation of dispositional alternatives, and methods for improving outcomes for juveniles involved in the process.

#### ROLL CALL

The question being on the final adoption of the amended resolution, which has been read,



and has committee recommendation of DO PASS. The roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Paur

Engrossed SCR 4003, as amended, was declared adopted on a recorded roll call vote.

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

**SB 2090:** A BILL for an Act create and enact a new subsection to section 50-11.1-06.2 of the North Dakota Century Code, relating to criminal history record checks; to amend and reenact section 50-06-01.9, subsection 25 of section 50-11.1-02, sections 50-11.1-03, 50-11.1-04, and 50-11.1-06, subsection 1 of section 50-11.1-06.2, subsection 1 of section 50-11.1-07.2, and sections 50-11.1-12, 50-11.1-16, and 50-11.1-17 of the North Dakota Century Code, relating to early childhood services criminal record checks, licensing, definitions, registration, applications, and fees; 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 73 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Laning; Lefor; Longmuir; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Roers Jones; Rohr; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Steiner; Streyle; Sukut; Trottier; Vigesaa; Weisz; Westlind; Zubke

**NAYS:** Becker, Rick C.; Brabandt; Ertelt; Johnston; Kading; Koppelman, B.; Koppelman, K.; Louser; Magrum; Marschall; McWilliams; Pyle; Ruby, D.; Ruby, M.; Simons; Skroch; Toman; Vetter; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Paur

SB 2090, as amended, passed.

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

**SB 2307:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 15.1-29-14 of the North Dakota Century Code, relating to student placement for noneducational purposes.

#### **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 92 YEAS, 0 NAYS,

0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Paur

Engrossed SB 2307 passed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, unchanged: SB 2060, SB 2169, SB 2170.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2053, SB 2253, SB 2264, SB 2330.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2193.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2162, SB 2190, SB 2215.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, unchanged: HB 1254, HB 1402, HB 1428, HB 1431, HCR 3006, HCR 3024.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1037, HB 1194, HB 1247.

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1037**

Page 1, line 2, after "reenact" insert "subsection 1 of section 15.1-06-06 and"

Page 1, line 3, after the second "the" insert "approval of public schools and the"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Subsection 1 of section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

1. ~~In order to~~To obtain certification that a public school is approved, the superintendent of the district in which the school is located shall submit to the superintendent of public instruction a compliance report verifying that:
  - a. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
  - b. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;

- c. The school meets all curricular requirements set forth in chapter 15.1-21;
- d. The school participates in and meets the requirements of a review process that is:
  - (1) Designed to improve student achievement through a continuous cycle of improvement; and
  - (2) Approved by the superintendent of public instruction;
- e. The school has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:
  - (1) Has no unremedied deficiency; or
  - (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee; ~~and~~
- f. All individuals hired after June 30, 2011, and having unsupervised contact with students at the school, have:
  - (1) Undergone a criminal history background check requested by the employing school district; or
  - (2) Undergone a criminal history background check in order to be licensed by the education standards and practices board or by any other state licensing board-; and
- g. The school uses North Dakota eTranscripts, or an alternative information system designated by the information technology department in collaboration with the superintendent of public instruction, to generate official transcripts."

Page 1, line 23, after "department" insert "in collaboration with the department of public instruction"

Page 1, line 23, replace "applications" with "official transcripts"

Renumber accordingly

#### SENATE AMENDMENTS TO HOUSE BILL NO. 1194

Page 1, line 3, after "12.1-34-01" insert a comma

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

Page 1, line 3, after "12.1-34-02" insert ", and subsection 1 of section 12.1-34-06"

Page 2, after line 22, insert:

**"SECTION 3. AMENDMENT.** Subsection 1 of section 12.1-34-06 of the North Dakota Century Code is amended and reenacted as follows:

- 1. ~~The information technology department may establish~~attorney general shall maintain a statewide automated victim information and notification system that must:
  - a. Permit a victim to register or update the victim's registration information for the system by calling a toll-free telephone number or accessing a public website.
  - b. Notify a registered victim by telephone, ~~mail~~text message, or electronic mail in accordance with this chapter.

- c. Notify a registered victim by telephone, ~~mail~~text message, or electronic mail when the offender has a scheduled court proceeding, a parole review, or a change in the status of the offender's parole or probation status, including a change in the offender's address.
- d. Notify a registered victim by telephone, ~~mail~~text message, or electronic mail when a protective order requested by the victim has been served upon the respondent.
- e. Permit a victim to receive a status report for an offender under the supervision or in the custody of the department of corrections and rehabilitation or other correctional facility by calling the system on a toll-free telephone number or by accessing the system through a public website."

Page 2, line 27, replace "26" with "25"

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1247

Page 1, line 1, remove "create and enact a new section to chapter 26.1-40 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to duplicate motor vehicle insurance coverage; and to"

Page 1, line 3, remove "and"

Page 1, line 4, after "26.1-40-01" insert ", and section 26.1-40-09"

Page 1, line 20, after "**coverage**" insert "**- Termination of coverage when another policy in force - Notice**"

Page 1, line 21, overstrike "If" and insert immediately thereafter "Notwithstanding the failure of an insurer to comply with sections 26.1-39-13 through 26.1-39-16, if"

Page 2, line 2, after "premium" insert "and written notice must be mailed or delivered to the named insured"

Page 2, replace lines 11 through 18 with:

**"SECTION 4. AMENDMENT.** Section 26.1-40-09 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-40-09. Duplicate coverage - Termination of coverage when another policy in force - Notice.**

Notwithstanding the failure of an insurer to comply with sections 26.1-40-01 through 26.1-40-12, ~~termination of any coverage under the policy either by cancellation or nonrenewal is effective on the effective date of any other policy providing similar coverage on the same motor vehicle or any replacement of the motor vehicle~~if an insured obtains a replacement policy providing equal or more extensive coverage for a motor vehicle covered in both policies, the first insurer's coverage of that motor vehicle may be terminated either by cancellation or nonrenewal. The termination is effective on the effective date of the second policy providing duplicate replacement coverage. Upon termination, the insured is entitled to a refund of the premium and written notice must be mailed or delivered to the named insured.

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1279.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1279**

Page 1, remove lines 7 through 9

Page 1, line 10, replace "weapon in a residential dwelling that is a government building" with "An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:

- (1) The individual resides in the building;
- (2) The storage is inside the individual's assigned residential unit;  
and
- (3) The storage has been consented to by the state, the governing board, or a designee"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1435.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1165, HB 1246, HB 1397.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1423.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2094, SB 2110, SB 2152, SB 2168, SB 2212, SB 2230, SB 2308, SB 2334.

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

**MR. SPEAKER:** The President has signed: HB 1423.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1273, HB 1322.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2094, SB 2110, SB 2152, SB 2168, SB 2212, SB 2230, SB 2308, SB 2334.

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

**MR. SPEAKER:** The President has signed: SB 2094, SB 2110, SB 2152, SB 2168, SB 2212, SB 2230, SB 2308, SB 2334.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 27, 2017: HB 1029, HB 1030, HB 1055, HB 1057, HB 1273, HB 1322, HB 1336.

**MOTION**

**REP. VIGESAA MOVED** that the absent members be excused, which motion prevailed on a voice vote.

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 28, 2017, which motion prevailed on a voice vote.

**REPORT OF STANDING COMMITTEE**

**SB 2135, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2135 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "appropriation" with "expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, after "b." insert "One individual appointed by the secretary of state;

c."

Page 2, line 1, remove "legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "house of representatives, two of whom must be appointed by the majority leader of the house of representatives and one of whom must be appointed by the minority leader of the house of representatives"

Page 2, remove lines 3 and 4

Page 2, line 5, after "Three" insert "members of the senate, two of whom must be appointed by the majority leader of the senate and one of whom must be appointed by the minority leader of the senate;

e. Seven"

Page 2, line 5, after "governor" insert ", two of whom must be past or current members of a sponsoring committee for an initiated or referred measure. The governor shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications"

Page 2, line 5, after the semicolon insert "and"

Page 2, line 6, replace "e." with "f. Nonvoting members consisting of:

(1)"

Page 2, line 7, replace "f." with "(2)"

Page 2, line 8, replace "g." with "(3)"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, replace "h." with "(4)"

Page 2, line 9, remove "; and"

Page 2, line 10, remove "i. One individual appointed by North Dakota United"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a member of an organization listed in subdivision f of subsection 3, or an employee of the governor's office.

5. After the closing of the application period for citizen members under subdivision e of subsection 3 has concluded, there must be allotted forty-five days for public review and comment on the applications before the governor appoints the citizen members.

6."

Page 2, line 11, replace "chairman of the legislative management committee" with "appointing authority"

Page 2, line 13, replace "5." with "7."

Page 2, line 14, replace "6." with "8."

Page 2, replace lines 19 through 23 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2145, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **DO NOT PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2145 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2163, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2163 was placed on the Sixth order on the calendar.

Page 1, line 20, after "guardian" insert "or conservator"

Page 2, line 3, replace the first "and" with an underscored comma

Page 2, line 3, replace "including" with "and"

Page 2, line 4, remove "conservator devoted to the litigation of a claim"

Page 2, line 5, replace "brought under this section" with "guardian ad litem if appointed by the court"

Page 2, line 8, remove "subsection 5 of"

Page 2, line 10, replace "four" with "six"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2258, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2258 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2261, as engrossed: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2261 was placed on the Sixth order on the calendar.

Page 2, remove the overstrike over lines 17 through 21

Page 2, line 22, remove the overstrike over "3."

Page 2, line 22, remove "2."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2271, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2271 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "twenty-one" with "fifteen business"

Page 1, line 9, remove "Each proposal must be reviewed by, approved."

Page 1, remove line 10

Page 1, line 11, remove "submitted to a governmental unit."

Page 1, line 12, remove the overstrike over "~~which~~"

Page 1, line 12, remove "and make a"

Page 1, remove lines 13 and 14

Page 1, line 15, replace "qualified provider shall prepare an energy conservation measure report, including" with "include"

Page 2, line 11, after the second "the" insert "project, including costs of the"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2301, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2301 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "A" with "If requested by a plan sponsor contracted payer, a"

Page 1, line 20, replace the second "a" with "the"

Page 2, line 2, remove "fair competition, no self-dealing, and no interference"

Page 2, remove line 3

Page 2, line 4, replace "administrative functions and the mail order pharmacy" with "not participate in a transaction that benefits the pharmacy benefits manager, affiliate, or subsidiary instead of another person owed a fiduciary duty"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2322, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2322 was placed on the Sixth order on the calendar.

Page 2, line 15, after the second "a" insert "transaction or"

Page 2, line 18, after "requested" insert "transaction or"

Page 2, line 20, after "requested" insert "transaction or"

Page 2, line 27, after "requested" insert "transaction or"

Page 2, line 29, after "requested" insert "transaction or"

Page 3, line 1, after "a" insert "transaction or"

Page 3, line 3, after the second "the" insert "transaction or"

Page 3, line 6, after "delayed" insert "the transaction or"

Page 3, line 10, after "delayed" insert "the transaction or"

Page 3, line 13, after "jurisdiction" insert "or the commissioner"

Page 3, line 13, after the second "the" insert "transaction or"



Page 3, line 19, after the first "in" insert "the transaction or"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2327, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2327 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "subsection 1 of section 19-01-01,"

Page 1, line 14, replace "subsection 6 of section" with "sections 43-62-01 and"

Page 1, line 14, after the first comma insert "subsection 1 of section 43-62-15,"

Page 1, line 18, remove "sections 61-28-03 and 61-28-05,"

Page 1, line 21, after "quality" insert "and the regulation of x-ray operators"

Page 1, line 23, replace "and" with a comma

Page 1, line 24, after "39-26" insert ", and sections 61-28-03 and 61-28-05"

Page 2, after line 30, insert:

"All orders, determinations, permits, grants, contracts, agreements, certificates, licenses, waivers, bonds, authorizations, and privileges relating to the functions transferred which have been lawfully issued or made before the date of the transition of functions, continue to be effective until revised, amended, repealed, or rescinded. The transition of functions does not abate any suit, action, or other proceeding lawfully commenced by, against, or before an entity affected by the transition of functions. A suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of an entity affected by the transition of functions."

Page 4, line 26, replace "23.1-04-03" with "23.1-04-04"

Page 8, remove lines 28 through 31

Page 9, line 8, replace "environmental review advisory council" with "department of environmental quality"

Page 13, line 24, after the underscored period insert "The director must have a bachelor of science degree or higher from an accredited college in a natural or physical science area of study or be a registered professional engineer. The governor shall seek to appoint a director with at least seven years of environmental health or relevant engineering work experience. Three years of the work experience must include administrative and management responsibilities. Direct work experience in North Dakota is preferred. The director may not engage in any other occupation or business that may conflict with the statutory duties of the director."

Page 13, line 29, replace "eleven" with "the state engineer, state geologist, and director of the game and fish department, who serve as ex officio members, and ten"

Page 13, line 30, replace ", and the" with ". The"

Page 14, line 2, after "The" insert "appointed"

Page 14, line 4, replace "and" with "or agricultural"

Page 14, line 7, after "of" insert "crop"

Page 14, line 8, remove "solid"

Page 14, line 8, after "waste" insert "management"

Page 14, line 9, replace "of the hazardous waste industry" with "with an agronomy or soil sciences degree"

Page 14, line 11, after the underscored semicolon insert "and"

Page 14, line 12, remove "The state engineer; and"

Page 14, line 13, replace "k. The state geologist" with "A representative of the livestock industry"

Page 14, line 15, replace "a" with "an appointed"

Page 14, line 27, after "title" insert "and chapters 61-28, 61-28.1, and 61-28.2"

Page 14, line 29, after "title" insert "and chapters 61-28, 61-28.1, and 61-28.2"

Page 15, line 14, after "title" insert "and chapters 61-28, 61-28.1, and 61-28.2"

Page 17, line 3, after "sections" insert "23.1-08-19 and"

Page 17, line 4, remove "and 23.1-08-21"

Page 18, line 28, replace "23.1-01-02" with "23.1-01-12"

Page 18, after line 31, insert:

**"23.1-01-13. Contracts for inspections.**

The department may contract with public health units and other appropriate entities to conduct inspections on behalf of the department or provide other services."

Page 22, line 6, replace "rule" with "rules"

Page 25, line 21, replace "subdivision c" with "this subsection"

Page 26, overstrike lines 14 through 17

Page 26, line 18, replace "23.1-03-11." with "23.1-03-10."

Page 26, line 28, replace "23.1-03-12." with "23.1-03-11."

Page 27, line 9, replace "23.1-03-13." with "23.1-03-12."

Page 27, line 17, replace "23.1-03-14." with "23.1-03-13."

Page 27, line 21, replace "23.1-03-15." with "23.1-03-14."

Page 27, line 25, replace "23.1-03-16." with "23.1-03-15."

Page 29, line 6, after "the" insert "solid waste or hazardous"

Page 29, line 13, remove "producing hazardous waste or acting to cause"

Page 29, line 14, replace "a hazardous waste" with "through act or process produces hazardous waste or first causes a hazardous waste"

Page 30, line 1, remove ", any person that owns or"

Page 30, replace lines 2 and 3 with ":

- a. In use after November 7, 1984, any person that owns or operates an underground storage tank used for the storage, use, or dispensing of regulated substances.
- b. In use before November 8, 1984, but no longer in use after that date, any person that owned or operated such a tank immediately before the discontinuation of the tank's use."

Page 30, line 10, after "at" insert "standard conditions of temperature and pressure ("

Page 30, line 12, after "absolute" insert an underscored closing parenthesis

Page 37, line 24, replace "23.1-09" with "23.1-12"

Page 40, line 26, after "of" insert "new"

Page 140, replace lines 22 through 26 with:

**"SECTION 51. AMENDMENT.** Section 43-62-01 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-01. Definitions.**

1. "Board" means the North Dakota medical imaging and radiation therapy board ~~of examiners~~.
2. "Certification organization" means a national certification organization that specializes in the certification and registration of ~~certification of~~ medical imaging and radiation therapy technical personnel and which has programs accredited by the national commission for certifying agencies, American national standards institute or the international organization for standardization, or other accreditation organization recognized by the board.
3. "Licensed practitioner" means a licensed physician, advanced practice registered nurse, surgeon, chiropractor, dentist, or podiatrist.
4. "Licensee" means an individual licensed by the board to perform medical imaging or radiation therapy procedures and operate medical imaging or radiation therapy equipment, including a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, x-ray operator, or sonographer.
5. "Medical imaging" means the performance of any diagnostic or interventional procedure or operation of medical imaging equipment intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including fluoroscopy, nuclear medicine, sonography, or x-rays.
6. "Medical physicist" means an individual who is certified by the American board of radiology, American board of medical physics, American board of science in nuclear medicine, or Canadian college of physics in medicine in radiological physics or one of the subspecialties of radiological physics.
7. "Radiation therapy" means the performance of any procedure or operation of radiation therapy equipment intended for use in the treatment of disease or other medical conditions in human beings.
8. "Radiation therapist" means a nonphysician licensed by the board to perform radiation therapy procedures and operate radiation therapy equipment.

**SECTION 52. AMENDMENT.** Section 43-62-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-03. Exemptions.**

This chapter does not apply to the following:

1. A licensed practitioner performing medical imaging or radiation therapy.
2. A dental assistant or dental hygienist licensed under chapter 43-20.
3. A student enrolled in and attending a school or college of medicine, medical imaging, or radiation therapy who performs medical imaging or radiation therapy procedures on humans while under the supervision of a licensed practitioner or a radiographer, radiation therapist, nuclear medicine technologist, radiologist assistant, or sonographer holding a license in the medical imaging or radiation therapy modality which the student is enrolled or attending under this chapter.
4. An individual administering medical imaging or radiation procedures and who is employed by the United States government when performing duties associated with that employment.
5. A nurse licensed under chapter 43-12.1 who performs sonography on a focused imaging target to assess specific and limited information about a patient's immediate medical condition or to provide real-time visual guidance for another procedure.
6. ~~A limited x-ray machine operator who meets the requirements of rules adopted by the state department of health under section 23-20.1-04.~~
7. Medical imaging performed as a part of a post-mortem examination or on other nonliving remains.
- 8-7. Medical imaging performed by emergency medical services personnel certified or licensed under section 23-27-04.3.

**SECTION 53. AMENDMENT.** Subsection 1 of section 43-62-15 of the North Dakota Century Code is amended and reenacted as follows:

1. The board shall establish licensure standards for the following medical imaging and radiation therapy modalities:
  - a. Nuclear medicine technologist.
  - b. Radiation therapist.
  - c. Radiographer.
  - d. Radiologist assistant.
  - e. Sonographer.
  - f. X-ray operator."

Page 141, line 23, after the second comma insert "and"

Page 141, line 23, overstrike ", and 61-28-03"

Page 148, remove lines 17 through 31

Page 149, overstrike lines 1 through 28

Page 150, overstrike lines 1 through 4

Page 152, line 30, replace the second "and" with a comma

Page 152, line 31, replace the second "and" with a comma

Page 153, line 1, after "39-26" insert ", and sections 61-28-03 and 61-28-05"

Page 153, line 3, replace "75" with "74"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2335, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (12 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2335  
was placed on the Sixth order on the calendar.

Page 2, line 11, replace "sixty" with "sixty-five"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4006: Government and Veterans Affairs Committee (Rep. Kasper, Chairman)**  
recommends **DO NOT PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING).  
SCR 4006 was placed on the Fourteenth order on the calendar.

The House stood adjourned pursuant to Representative Vigesaa's motion.

**Buell J. Reich, Chief Clerk**

