

JOURNAL OF THE SENATE

Sixty-fifth Legislative Assembly

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Bismarck, February 7, 2017

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

The prayer was offered by Pastor Les Wolfgram, Shepherd of the Valley Lutheran Church, Bismarck.

The roll was called and all members were present except Senators Davison, Erbele, and Wanzek.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your **Select Committee (Sen. Krebsbach, Chairman)** appointed to consider the nomination to ND State Board of Higher Education, do advise and consent to the appointment of Don Morton.

MOTION

SEN. KREBSBACH MOVED that the report be adopted.

ROLL CALL

The question being, "will the Senate advise and consent to the appointment of Don Morton to ND State Board of Higher Education," the roll was called and there were 41 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Larsen, O.; Nelson; Roers

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

The Senate advises and consents to the appointment of Don Morton to ND State Board of Higher Education.

MOTION

SEN. KLEIN MOVED that the Confirmation Session be dissolved, which motion prevailed.

MOTION

SEN. KLEIN MOVED that Senate Rule 329 be amended, replacing "twenty-third legislative day" with "twenty-fifth legislative day", which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2343: SEN. POOLMAN (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 301-310 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2343 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

SB 2009: SEN. BOWMAN (Appropriations Committee) MOVED that the amendments on

SJ pages 283-284 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2134: SEN. UNRUH (Energy and Natural Resources Committee) MOVED that the amendments on SJ pages 299-300 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2282: SEN. KREUN (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 300 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2023: SEN. SORVAAG (Appropriations Committee) MOVED that the amendments on SJ page 299 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 2331: A BILL for an Act to amend and reenact section 38-11.1-06 of the North Dakota Century Code, relating to the protection of groundwater and other responsibilities of a mineral developer.

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, 40 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bekkedahl; Heckaman; Mathern; Wardner

NAYS: Anderson; Armstrong; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; 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; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

SB 2331 failed.

SECOND READING OF SENATE BILL

SB 2167: A BILL for an Act to create and enact a new section to chapter 1-08 of the North Dakota Century Code, relating to the adoption of central standard time; and to repeal section 40-01-20 of the North Dakota Century Code, relating to daylight saving time.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Armstrong; Bekkedahl; Burckhard; Hogue; Kannianen; Krebsbach; Larsen, O.; Oehlke; Schaible; Unruh; Vedaa

NAYS: Anderson; Bowman; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Grabinger; Heckaman; Holmberg; Kilzer; Klein; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Sorvaag; Wardner

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

SB 2167 failed.

SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to amend and reenact section 20.1-13-04 of the North Dakota Century Code, relating to annual inspections for watercraft for hire.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; 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; Wardner

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

SB 2239 passed.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to amend and reenact section 54-44.4-05 of the North Dakota Century Code, relating to state agency procurement of research services.

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, 44 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; 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; Wardner

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

SB 2339 failed.

SECOND READING OF SENATE BILL

SB 2123: A BILL for an Act to amend and reenact section 39-06-19 of the North Dakota Century Code, relating to operator's license renewal.

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, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Clemens; Cook; Dever; Dotzenrod; 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; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Vedaa; Wardner

NAYS: Casper; Oehlke; Unruh

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

Engrossed SB 2123 passed.

SECOND READING OF SENATE BILL

SB 2287: A BILL for an Act to create and enact a new section to chapter 48-05 of the North Dakota Century Code, relating to the display of Indian nation flags in the state capitol.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 23 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Campbell; Casper; Dever; Dotzenrod; Grabinger; Heckaman; Holmberg; Kannianen; Kilzer; Larsen, O.; Marcellais; Mathern; Meyer; Nelson; Oban; Oehlke; Piepkorn; Poolman; Robinson; Vedaa

NAYS: Bowman; Burckhard; Clemens; Cook; Hogue; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Myrdal; Osland; Roers; Rust; Schaible; Sorvaag; Unruh; Wardner

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

Engrossed SB 2287 failed.

SECOND READING OF SENATE BILL

SB 2292: A BILL for an Act to amend and reenact subsection 1 of section 57-14-08 of the North Dakota Century Code, relating to new assessment of devalued properties; and to provide an effective date.

ROLL CALL

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

NAYS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; 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; Wardner

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

SB 2292 failed.

SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to amend and reenact section 54-03-33 of the North Dakota Century Code, relating to certification of delegates to the United States convention of the states.

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 37 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

Vedaa; Wardner

NAYS: Grabinger; Heckaman; Mathern; Nelson; Oban; Piepkorn; Robinson

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

Engrossed SB 2145 passed.

SECOND READING OF SENATE BILL

SB 2304: A BILL for an Act to amend and reenact section 40-29-11 of the North Dakota Century Code, relating to payment of assessments.

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; 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; Wardner

NAYS: Piepkorn; Unruh

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

SB 2304 passed.

SECOND READING OF SENATE BILL

SB 2293: A BILL for an Act to create and enact sections 43-41-15, 43-41-16, 43-41-17, 43-41-18, 43-41-19, 43-41-20, 43-41-21, and 43-41-22 of the North Dakota Century Code, relating to the regulation of social work; to amend and reenact sections 43-41-01, 43-41-02, 43-41-03, 43-41-04, 43-41-07, 43-41-08, 43-41-09, 43-41-10, 43-41-12, and 43-14-14 of the North Dakota Century Code, relating to the regulation of social work; to repeal section 43-41-05 of the North Dakota Century Code, relating to private practice of social work; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; 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; Wardner

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

SB 2293 passed.

SECOND READING OF SENATE BILL

SB 2305: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate income tax credit for reimbursement of employee child care expenditures; 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 12 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Dotzenrod; Grabinger; Heckaman; Larson, D.; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson; Sorvaag

NAYS: Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Unruh; Vedaa; Wardner

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

SB 2305 failed.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota Century Code, relating to the establishment of a domestic violence court pilot project; and to amend and reenact section 12-60-23, subsection 9 of section 12.1-31.2-01, subsections 1 and 3 of section 12.1-31.2-02, section 14-07.1-02, and subsections 4 and 5 of section 14-07.1-03 of the North Dakota Century Code, relating to the issuance, transmittal, and registry of protection orders and orders prohibiting contact.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; 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; Wardner

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

SB 2309 passed.

SECOND READING OF SENATE BILL

SB 2217: A BILL for an Act to amend and reenact section 53-06.1-12 of the North Dakota Century Code, relating to gaming tax deposits and allocations.

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 10 YEAS, 34 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson

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

ABSENT AND NOT VOTING: Davison; Erbele; Wanzek

SB 2217 failed.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 8, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2162: 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** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2162 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide for a legislative management study;"

Page 1, line 8, replace "**Notes**" with "**Agreements**"

Page 1, line 13, replace "an annual note with the Bank of North Dakota in an amount equal to" with "a legally binding agreement with the state board of higher education which identifies"

Page 1, line 13, remove "by"

Page 1, remove line 14

Page 1, line 15, replace "and the board" with "of the award under the professional student exchange program"

Page 1, line 16, replace "note" with "agreement"

Page 1, line 18, after "graduation" insert "or of leaving the education program"

Page 1, line 18, remove "begin repaying the note, together with interest accruing"

Page 1, remove line 19

Page 1, line 20, replace "Dakota" with "repay the amount of the agreement in full at that time"

Page 1, line 21, replace "note" with "agreement"

Page 1, line 23, replace "Bank of North Dakota" with "state board of higher education"

Page 1, line 23, replace "note" with "agreement"

Page 1, line 23, remove "together with"

Page 1, line 24, remove "all accrued interest."

Page 2, line 1, replace "note" with "amount of the agreement"

Page 2, line 1, remove "from"

Page 2, line 2, remove "the date that individual stopped such practice"

Page 2, line 3, remove "note, together with interest accruing at the rate per annum established"

Page 2, line 4, replace "by the Bank of North Dakota" with "agreement in full from the date the individual stopped practicing in the state"

Page 2, line 5, replace "note" with "agreement"

Page 2, line 7, remove "begin repaying the note, together with interest accruing from the"

Page 2, line 8, replace "date of signing, at the rate per annum established by the Bank of North Dakota" with "repay the amount of the agreement in full"

Page 2, line 9, remove "determine the terms applicable to the time and"

Page 2, line 10, replace "manner in which a note must be repaid" with "allow an individual who is required to repay all or a portion of an agreement under this section to utilize one of the bank's student loan programs as an option for repayment, up to the amount certified by the state board of higher education. To qualify under this subsection, the individual must meet student loan credit criteria as established by the bank"

Page 2, line 11, replace "Bank of North Dakota" with "state board of higher education"

Page 2, line 11, replace "a note" with "an agreement"

Page 2, line 12, replace "note" with "agreement"

Page 2, line 14, after the underscored period insert "The repayment provisions under an agreement signed under this section must provide for cancellation of the repayment requirements if the individual dies or becomes permanently or totally disabled."

Page 2, line 15, remove "consult with the Bank of North Dakota and"

Page 2, line 16, replace "report" with "confirm eligibility."

Page 2, line 17, replace "on the student status and practice status" with an underscored comma

Page 2, line 17, replace "individuals" with "any individual"

Page 2, line 17, remove "signed a note"

Page 2, line 18, replace "under subsection 1" with "uses the bank's student loan program to repay any outstanding agreement amounts in full"

Page 3, after line 31, insert:

"SECTION 4. LEGISLATIVE MANAGEMENT STUDY - PROFESSIONAL STUDENT EXCHANGE PROGRAM AND WESTERN INTERSTATE COMMISSION FOR HIGHER EDUCATION. During the 2017-18 interim, the legislative management shall consider studying and evaluating the current agreements and participation with the western interstate commission for higher education and the professional student exchange program. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2177: Judiciary Committee (Sen. Armstrong, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2177 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2199: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the

Sixth order on the calendar.

Page 1, line 3, after "critical" insert "natural gas,"

Page 1, line 3, after "electrical" insert a comma

Page 2, line 25, replace "place" with "state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2202: 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 2202 was placed on the Sixth order on the calendar.

Page 2, line 10, remove "An individual who performs tests and uses methods identified by rules adopted by the"

Page 2, replace lines 11 through 18 with "Personnel performing waived tests as categorized by the food and drug administration based on the criteria established by the Clinical Laboratory Improvement Act of 1988 [42 U.S.C. 263a et seq.]."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2218: Judiciary Committee (Sen. Armstrong, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2218 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2231: 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** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2231 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "three"

Page 1, line 5, remove "and"

Page 1, line 5, after "date" insert "; and to provide a contingent effective date"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Section 26.1-47-01 of the North Dakota Century Code is amended and reenacted as follows:

26.1-47-01. Definitions.

As used in this chapter, unless the context indicates otherwise:

1. "Air ambulance" means a specially equipped aircraft licensed by the state department of health for transporting patients.
2. "Air ambulance provider" means a publicly or privately owned organization that is licensed or applies for licensure by the state department of health to provide transportation and care of patients by air ambulance.
3. "Commissioner" means the insurance commissioner of the state of North Dakota.
- 2.4. "Covered person" means any person on whose behalf the health care insurer is obligated to pay for or provide health care services.

- ~~3-5.~~ "Health benefit plan" means the health insurance policy or subscriber agreement between the covered person or the policyholder and the health care insurer which defines the services covered.
- ~~4-6.~~ "Health care insurer" includes an insurance company as defined in section 26.1-02-01, a health service corporation as defined in section 26.1-17-01, a health maintenance organization as defined in section 26.1-18.1-01, and a fraternal benefit society as defined in section 26.1-15.1-02.
- ~~5-7.~~ "Health care provider" means licensed providers of health care services in this state.
- ~~6-8.~~ "Health care services" means services rendered or products sold by a health care provider within the scope of the provider's license. The term includes hospital, medical, surgical, dental, vision, chiropractic, and pharmaceutical services or products.
9. "In-network payment" means a full and final payment for air ambulance services pursuant to a network plan.
10. "Network" means a group of preferred providers providing services under a network plan.
11. "Network plan" means a health benefit plan that requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers managed by, owned by, under contract with, or employed by the health care insurer.
12. "Out-of-network" means a provider that is not providing the service under a network plan.
- ~~7-13.~~ "Preferred provider" means a duly licensed health care provider or group of providers who have contracted with the health care insurer, under this chapter, to provide health care services to covered persons under a health benefit plan.
- ~~8-14.~~ "Preferred provider arrangement" means a contract between the health care insurer and one or more health care providers which complies with all the requirements of this chapter."

Page 2, line 1, replace "~~5.~~" with "4."

Page 2, line 4, replace "~~6.~~" with "5."

Page 2, line 5, replace "~~7.~~" with "6."

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

Page 2, line 9, replace "~~9.~~" with "8."

Page 2, line 12, replace "~~10.~~" with "9."

Page 2, line 16, replace "~~11.~~" with "10."

Page 2, line 17, replace "~~12.~~" with "11."

Page 2, line 20, replace "~~13.~~" with "12."

Page 2, line 22, replace "~~14.~~" with "13."

Page 2, after line 25, insert:

- "14. "Out-of-network" means a provider that is not providing the service under a network plan."

Page 3, after line 15, insert:

"**SECTION 5.** A new section to chapter 26.1-47 of the North Dakota Century Code is created and enacted as follows:

Air ambulances.

1. A health benefit plan may not be issued in this state unless the plan provides the reimbursement rate for out-of-network air ambulance providers is two hundred percent of the medical assistance reimbursement rate allowed for air ambulance services. For purposes of billing the insured for air ambulance services, a payment made under this provision of the plan is deemed to be the same as an in-network payment.
2. This section does not apply to a policy or certificate of insurance, whether written on a group or individual basis, which provides coverage limited to:
 - a. A specified disease, a specified accident, or accident-only coverage;
 - b. Credit;
 - c. Dental;
 - d. Disability;
 - e. Hospital;
 - f. Long-term care insurance as defined by chapter 26.1-45;
 - g. Vision care or any other limited supplemental benefit;
 - h. A medicare supplement policy of insurance, as defined by the commissioner by rule or coverage under a plan through medicare;
 - i. Medicaid;
 - j. The federal employees health benefits program and any coverage issued as a supplement to that coverage;
 - k. Coverage issued as supplemental to liability insurance, workers' compensation, or similar insurance; or
 - l. Automobile medical payment insurance."

Page 3, line 23, replace "Before" with "Except as otherwise provided under this section, before"

Page 3, line 27, after "to" insert "request or"

Page 4, line 29, after "to" insert "provide the written disclosure or"

Page 4, line 30, after "which" insert "may include the health and safety of the patient. The health care provider documentation"

Page 6, line 27, replace "and" with "or"

Page 7, replace line 5 with:

"**SECTION 8. EFFECTIVE DATE - CONTINGENT EFFECTIVE DATE.** Sections 1, 3, 4, and 5 of this Act become effective January 1, 2018. If section 5 of this Act is declared invalid, sections 2, 6, and 7 of this Act become effective on the date the insurance commissioner certifies the invalidity of section 5 to the secretary of state and the legislative council."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2256: 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 2256 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding the regulation of midwifery.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY OF MIDWIFERY.

During the 2017-18 interim, the legislative management shall consider studying the feasibility and desirability of regulating the practice of midwifery by individuals who are not nurse midwives. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2264: 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 2264 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "is" and insert immediately thereafter "becomes"

Page 1, line 9, overstrike "subject to disclosure under section 44-04-18."

Page 1, line 9, remove "However, the"

Page 1, remove lines 10 through 16

Page 1, line 17, replace "death may be disclosed as permitted by law" with "after the deceased's next of kin is notified, or fourteen days have elapsed since the time the report of death was completed, whichever occurs first. The next of kin is responsible for providing to the state forensic examiner or the examiner's designee satisfactory proof of relationship to the deceased and contact information for notification of the autopsy results. The state forensic examiner or the examiner's designee shall make a good faith effort to notify the next of kin using the provided contact information within seventy-two hours after the report of death is completed"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2279: 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** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 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 a new subdivision to subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to mandatory addiction screening for temporary assistance for needy families program individual employment plan participants; to provide for a report to the legislative management; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 1 of section 50-09-29 of the North Dakota Century Code is created and enacted as follows:

Require each individual employment plan participant to undergo an addiction screening to identify whether the participant is at risk for addiction. The department shall establish a screening tool. The department shall provide training on the use of this screening tool to any person contracting to provide individual employment plan services under this subsection. If a contractor identifies an individual employment plan participant as at risk for addiction, that contractor shall refer that participant to appropriate treatment services, which may include a drug test. A contractor may seek assistance from the department to identify appropriate treatment services for a participant identified as at risk for addiction. A participant who fails to comply with the referred treatment services under this subdivision is subject to sanction under this subsection.

SECTION 2. DEPARTMENT OF HUMAN SERVICES - REPORT TO LEGISLATIVE MANAGEMENT. During the 2017-18 interim, the department of human services, through its third-party contractors, shall collect data regarding whether implementation of section 1 of this Act has an impact on children in households receiving temporary assistance to needy families. Before August 1, 2018, the department shall report to the legislative management on the implementation of section 1 of this Act and any impact implementation has on children in these households.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on April 1, 2018."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2295: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2295 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2315: Judiciary Committee (Sen. Armstrong, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2315 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2321: Education Committee (Sen. Schaible, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2321 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2325: 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** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2325 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "governor's maintenance of statewide system of early intervention"

Page 1, line 3, replace "services" with "collaboration between agencies to coordinate early intervention services"

Page 1, line 7, replace "maintain a statewide system of" with "collaborate with other agencies to coordinate"

Page 1, line 13, after "mechanisms" insert ", including medicaid"

Page 1, line 14, after the comma insert "and"

Page 1, line 15, remove "school districts to locate and evaluate"

Page 1, remove lines 16 and 17

Page 1, line 18, replace "program under" with "states participating in"

Page 1, line 18, after "Act" insert "to locate and evaluate children from birth to age three"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2330: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2330 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 amend and reenact subsection 2 of section 57-39.5-01 of the North Dakota Century Code, relating to the definition of farm machinery; to provide for a study by the agriculture commissioner; to provide for a report to the legislative management; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 57-39.5-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Farm machinery" means all vehicular implements and attachment units, designed and sold for direct use in planting, cultivating, or harvesting farm products or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, which are operated, drawn, or propelled by motor or animal power. "Farm machinery" also includes machinery, equipment, and structural materials used directly and exclusively in, or incorporated into the structure of, a facility for the collection, handling, storage, heating, and cooling related to a milking operation of a dairy farm. "Farm machinery" does not include vehicular implements operated wholly by hand or a motor vehicle required to be registered under chapter 57-40.3. "Farm machinery" does not include machinery that may be used for other than agricultural purposes, including tires, farm machinery repair parts, tools, shop equipment, grain bins, feed bunks, fencing materials, and other farm supplies and equipment.

SECTION 2. STUDY - AGRICULTURE COMMISSIONER - REPORT TO LEGISLATIVE MANAGEMENT. During the 2017-18 interim, the agriculture commissioner shall study state dairy operations, with the intent of identifying ways by which to increase the number of dairy operations in the state. The study must include a review of current dairy industry practices, general dairy industry best practices, and tax policy related to dairy operations. The study must also comparatively analyze the differences between North Dakota and South Dakota dairy operations, including analysis of land type, land use, geography, climate, dairy commodity pricing mechanisms, dairy farm property tax assessments, and the sales and use taxes related to milking equipment and materials purchased for use on a licensed dairy farm. The agriculture commissioner shall provide a report with recommendations to the legislative management regarding the results of the study by June 30, 2018.

SECTION 3. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 2017."

Renumber accordingly

FIRST READING OF HOUSE BILLS

HB 1193: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to prohibiting economic harm; to amend and reenact subsection 1 of section 12.1-31-01 of the North Dakota Century Code, relating to disorderly conduct; to provide a penalty; and to declare an emergency.

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

HB 1293: A BILL for an Act to amend and reenact section 12.1-22-03 of the North Dakota Century Code, relating to trespassing on posted property; and to provide a penalty.
Was read the first time and referred to the **Judiciary Committee**.

HB 1304: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to prohibiting the wearing of masks, hoods, and face coverings during the commission of a criminal offense; to provide a penalty; and to declare an emergency.
Was read the first time and referred to the **Judiciary Committee**.

HB 1426: A BILL for an Act to amend and reenact subsection 4 of section 12.1-25-01, subsection 1 of section 12.1-25-02, subsection 1 of section 12.1-25-03, and section 12.1-25-04 of the North Dakota Century Code, relating to riot offenses; and to declare an emergency.
Was read the first time and referred to the **Judiciary Committee**.

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

Shanda Morgan, Secretary

