

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

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Bismarck, January 31, 2019

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

The prayer was offered by Pastor Bob Weiss, First Baptist Church, Bismarck.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2045: SEN. OBAN (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 342 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2195: SEN. MARCELLAIS (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 347 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2288: SEN. KANNIANEN (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 349-350 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2327: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments on SJ page 350 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2193: SEN. DOTZENROD (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 345-347 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## MOTION

**SEN. KLEIN MOVED** that SB 2195 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2195 was rereferred.

## CONSIDERATION OF AMENDMENTS

**SB 2192: SEN. DOTZENROD (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 343-345 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2290: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments on SJ page 350 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2247: SEN. HOGAN (Human Services Committee) MOVED** that the amendments on SJ pages 348-349 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2243: SEN. O. LARSEN (Human Services Committee) MOVED** that the amendments on SJ page 348 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2330: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments on SJ pages 350-351 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2170: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ page 343 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 2348:** A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to guidelines for fifty-fifty raffles.

**MOTION**

**SEN. K. ROERS MOVED** that SB 2348 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 17, remove "a."

Page 1, line 17, overstrike "Fifty-fifty raffle tickets must"

Page 1, line 17, remove "may"

Page 1, line 17, overstrike "be sold and drawings held onsite"

Page 1, line 17, remove "either"

Page 1, line 17, overstrike "at the"

Page 1, line 18, overstrike "location of and"

Page 1, line 18, remove "the event or through a link to a central computer via a"

Page 1, remove line 19

Page 1, overstrike line 20

Page 1, line 21, remove "b."

Page 1, remove line 23

Renumber accordingly

**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 20 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Davison; Dotzenrod; Dwyer; Grabinger; Heckaman; Hogan; Holmberg; Klein; Krebsbach; Marcellais; Meyer; Oban; Osland; Patten; Poolman; Roers, J.; Roers, K.; Unruh

**NAYS:** Bekkedahl; Burckhard; Clemens; Cook; Dever; Elkin; Erbele; Fors; Hogue; Kannianen; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Mathern; Myrdal; Oehlke; Piepkorn; Rust; Schaible; Sorvaag; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Robinson; Vedaa

Engrossed SB 2348 failed.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4005:** A concurrent resolution to amend and reenact section 26 of article X of the

Constitution of North Dakota, relating to use of the principal and earnings of the legacy fund to create the North Dakota first fund for the purpose of funding permanent infrastructure projects.

#### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 11 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Burckhard; Hogue; Kreun; Larsen, O.; Lee, G.; Mathern; Oban; Oehlke; Piepkorn; Roers, K.

**NAYS:** Anderson; Bakke; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Larson, D.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Osland; Patten; Poolman; Roers, J.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Robinson; Vedaa

SCR 4005 was declared lost on a recorded roll call vote.

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#### SECOND READING OF SENATE BILL

**SB 2343:** A BILL for an Act to amend and reenact sections 5-01-14 and 5-01-21 of the North Dakota Century Code, relating to licensing of microbrew pubs and brewer taproom licenses.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Robinson; Vedaa

SB 2343 passed.

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#### SECOND READING OF SENATE BILL

**SB 2302:** A BILL for an Act to create and enact a new section to Chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for contributions to the housing incentive fund; 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 11 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Dotzenrod; Grabinger; Heckaman; Hogan; Marcellais; Mathern; Oban; Piepkorn; Roers, J.; Sorvaag

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

**ABSENT AND NOT VOTING:** Robinson; Vedaa

SB 2302 failed.

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

**SB 2223:** A BILL for an Act to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to a health and human services stabilization fund; to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of moneys in the oil extraction tax development fund; and to provide a continuing appropriation.

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

**YEAS:** Bakke; Davison; Dotzenrod; Dwyer; Grabinger; Heckaman; Hogan; Hogue; Lee, J.; Marcellais; Mathern; Oban

**NAYS:** Anderson; Bekkedahl; Burckhard; Clemens; Cook; Dever; Elkin; Erbele; Fors; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Luick; Meyer; Myrdal; Oehlke; Osland; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Robinson; Vedaa

SB 2223 failed.

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

**SB 2326:** A BILL for an Act to create and enact a new subsection to section 10-19.1-26, a new subsection to section 10-32.1-08, a new section to chapter 43-51 of the North Dakota Century Code, relating to general powers of a corporation and limited liability company and registration requirements; and to amend and reenact sections 10-06.1-17, subsection 4 of section 10-15-53.1, subsection 1 of section 10-19.1-47, subsection 3 of section 10-19.1-146, subsection 2 of section 10-31-02.2, subsections 5 and 6 of section 10-31-13, subsection 3 of section 10-32.1-89, subsection 3 of section 10-33-139, section 10-35-29, subsection 3 of section 10-36-07, section 43-54-05, subsection 3 of section 45-10.2-108, section 45-11-04.1, subsection 4 of section 45-22-03, and subsection 3 of section 45-22-21.1, and section 47-22-05 of the North Dakota Century Code, relating to registration and reports of corporations, limited liability companies, and partnerships.

### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Robinson; Vedaa

SB 2326 passed.

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**SECOND READING OF SENATE BILL**

**SB 2104:** A BILL for an Act to amend and reenact section 57-51.1-07.5 of the North Dakota Century Code, relating to the state's share of oil and gas taxes; 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 3 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Grabinger; Hogan; Mathern

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

**ABSENT AND NOT VOTING:** Robinson; Vedaa

SB 2104 failed.

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**SECOND READING OF SENATE BILL**

**SB 2222:** A BILL for an Act to amend and reenact section 12.1-36-01 of the North Dakota Century Code, relating to female genital mutilation; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Robinson; Vedaa

SB 2222 passed.

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**SECOND READING OF SENATE BILL**

**SB 2310:** A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the drug testing of school board members.

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

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

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

**ABSENT AND NOT VOTING:** Robinson; Vedaa

SB 2310 failed.

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**SECOND READING OF SENATE BILL**

**SB 2337:** A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to requiring school districts to develop a drug testing policy.

**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 8 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Clemens; Dever; Dwyer; Larsen, O.; Larson, D.; Lee, G.; Luick; Marcellais

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

**ABSENT AND NOT VOTING:** Robinson; Vedaa

SB 2337 failed.

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**SECOND READING OF SENATE BILL**

**SB 2116:** A BILL for an Act to amend and reenact section 6-09-49 of the North Dakota Century Code, relating to the infrastructure revolving loan fund.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Heckaman

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

**ABSENT AND NOT VOTING:** Robinson; Vedaa

SB 2116 failed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2177, SB 2232, SB 2323.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1201, HB 1209, HB 1227, HB 1471.

**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 12:30 p.m., Friday, February 1, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2101: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike "superintendent of public instruction" and insert immediately thereafter "statewide longitudinal data system committee"

Page 1, line 17, overstrike ", in" and insert immediately thereafter ":

a. The district has acquired and is using a student information system determined to be comparable by the statewide longitudinal data system committee; or

b. In"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2139: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2139 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2224: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2224 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2225: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2225 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "50-24.1-02.8" with "50-24.1-02"

Page 1, line 22, after "market" insert "value, including any"

Page 1, line 22, after "gain" insert an underscored comma

Page 1, line 24, after "services" insert "or application for medical assistance"

Page 2, line 2, remove "from a parent or adult child who acted in bad faith by"

Page 2, remove line 3

Page 2, line 4, replace "prevent or avoid payment for" with "by a creditor for the furnishing of"

Page 2, line 5, remove the second "and"

Page 2, line 6, replace "The bad" with "Recovery is sought from a parent or adult child who acted in bad faith by misappropriating, misusing, or diverting income or assets of the other adult to prevent or avoid payment for necessary health services;

c. Recovery being sought from the parent or adult child does not exceed the fair market value, including any gain, resulting from the disqualifying transfer; and

d. Bad"

Page 2, line 10, replace "occurs" with "becomes final"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2245: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2245 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 sections 50-11.1-02 and 50-11.1-04, subsection 10 of section 50-11.1-06.2, subsection 1 of section 50-11.1-07.2, sections 50-11.1-07.3 and 50-11.1-07.5, and subsection 3 of section 50-11.1-17 of the North Dakota Century Code, relating to early childhood services.

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

**SECTION 1. AMENDMENT.** Section 50-11.1-02 of the North Dakota Century Code is amended and reenacted as follows:

##### **50-11.1-02. Definitions.**

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

1. "Authorized agent" means the county social service board, unless another entity is designated by the department.
2. "Child care center" means an early childhood program licensed to provide early childhood services to nineteen or more children.
3. "County agency" means the county social service board in each of the counties of the state.
4. "Department" means the department of human services.
5. "Drop-in care" means the care of children on a one-time, occasional, or unscheduled basis to meet the short-term needs of families.
6. "Early childhood program" means any program licensed under this chapter where early childhood services are provided for at least two hours a day for three or more days a week.
7. "Early childhood services" means the care, supervision, education, or guidance of a child or children, which is provided in exchange for money, goods, or other services. Early childhood services does not include:
  - a. Substitute parental child care provided pursuant to chapter 50-11.
  - b. Child care provided in any educational facility, ~~whether public or private~~, in grade one or above.
  - c. Child care provided in a kindergarten which has been established pursuant to chapter 15.1-22 or a nonpublic elementary school program approved pursuant to ~~subsection 1 of section 15.1-06-06~~ 15.1-06-06.1.
  - d. ~~Child care, preschool, and prekindergarten services~~ Early childhood education program provided to ~~children under six years of age~~ in any educational facility through a program approved by the ~~superintendent of public instruction~~ pursuant to chapter 15.1-37.
  - e. Child care provided in facilities operated in connection with a church, business, or organization where children are cared for during periods



of time not exceeding four continuous hours while the child's parent is attending church services or is engaged in other activities, on the premises.

- f. Schools or classes for religious instruction conducted by religious orders during the summer months for not more than two weeks, Sunday schools, weekly catechism, or other classes for religious instruction.
  - g. Summer resident or day camps for children which serve no children under six years of age for more than two weeks.
  - h. Sporting events, practices for sporting events, or sporting or physical activities conducted under the supervision of an adult.
  - i. Head start and early head start programs that are federally funded and meet federal head start performance standards.
  - j. Child care provided in a medical facility by medical personnel to children who are ill.
8. "Educational facility" means a public or nonpublic school.
9. "Family child care" means a private residence licensed to provide early childhood services for no more than seven children at any one time, except that the term includes a residence licensed to provide early childhood services to two additional school-age children.
- ~~9-10.~~ "Group child care" means a child care program licensed to provide early childhood services for thirty or fewer children.
- ~~10-11.~~ "Household member" means an adult living in the private residence out of which a program is operated, regardless of whether the adult is living there permanently or temporarily.
- ~~11-12.~~ "In-home provider" means any person who provides early childhood services to children in the children's home.
- ~~12-13.~~ "Licensed" means an early childhood program has the rights, authority, or permission granted by the department to operate and provide early childhood services.
- ~~13-14.~~ "Multiple licensed program" means an early childhood program licensed to provide more than one type of early childhood services.
- ~~14-15.~~ "Owner" or "operator" means the person who has legal responsibility for the early childhood program and premises.
- ~~15-16.~~ "Parent" means an individual with the legal relationship of father or mother to a child or an individual who legally stands in place of a father or mother, including a legal guardian or custodian.
- ~~16-17.~~ "Premises" means the indoor and outdoor areas approved for providing early childhood services.
- ~~17-18.~~ "Preschool" means a program licensed to offer early childhood services, which follows a preschool curriculum and course of study designed primarily to enhance the educational development of the children enrolled and which serves no child for more than three hours per day.
- ~~18-19.~~ "Public approval" means a nonlicensed early childhood program operated by a government entity that has self-certified that the program complies with this chapter.

- 19-20. "Registrant" means the holder of an in-home provider registration document issued by the department in accordance with this chapter.
- 20-21. "Registration" means the process whereby the department maintains a record of all in-home providers who have stated that they have complied or will comply with the prescribed standards and adopted rules.
- 21-22. "Registration document" means a written instrument issued by the department to publicly document that the registrant has complied with this chapter and the applicable rules and standards as prescribed by the department.
- 22-23. "School-age child care" means a child care program licensed to provide early childhood services on a regular basis for nineteen or more children aged five years through eleven years.
- 23-24. "School-age children" means children served under this chapter who are at least five years but less than twelve years of age.
- 24-25. "Self-declaration" means voluntary documentation of an individual providing early childhood services in a private residence for up to five children through the age of eleven, of which no more than three may be under the age of twenty-four months.
- 25-26. "Staff member" means an individual:
- a. Who is an employee of an early childhood program or of an early childhood services provider under a self-declaration; ~~or~~
  - b. Whose activities involve the care, supervision, or guidance of children ~~for~~ of an early childhood program; or
  - c. Who may have unsupervised access to children under the care, supervision, or guidance of an early childhood program or early childhood services provider under a self-declaration.

**SECTION 2. AMENDMENT.** Section 50-11.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**50-11.1-04. Application for license - Prerequisites for issuance - License granted - Term.**

1. An application for operation of an early childhood program must be made on forms provided, in the manner prescribed, by the department. The department or the department's authorized agent shall investigate the applicant's activities and proposed standards of care and shall make an inspection of all premises to be used by the early childhood program applying for a license. The applicant for a license and the staff members, and, if the application is for a program that will be located in a private residence, every individual living in that residence must be investigated in accordance with the rules adopted by the department to determine whether any of them has a criminal record or has had a finding of services required for child abuse or neglect filed against them. The department may use the findings of the investigation to determine licensure. Except as otherwise provided, the department shall grant a license for the operation of an early childhood program within thirty days of receipt of a completed application and all supporting documents by the department and upon a showing:
  - a. The premises to be used are in fit and sanitary condition, are properly equipped to provide for the health and safety for all children, and are maintained according to rules adopted by the department;

- b. Staff members are qualified to fulfill the duties required of them according to the provisions of this chapter and standards prescribed for their qualifications by the rules of the department;
  - c. The application and supporting documents do not include any fraudulent or untrue representations;
  - d. The owner, operator, or applicant has not had a previous license or self-declaration denied or revoked within the twelve months before the date of the current application, unless waived by the department after the department considers the health and safety of children and the licensing history of the owner, operator, or applicant;
  - e. The owner, operator, or applicant has not had three or more previous licenses or self-declarations denied or revoked. The most recent revocation or denial may not have occurred within the five~~three~~ years immediately preceding the application date;
  - f. The program paid its license fees and any penalties and sanctions assessed against the program as required by sections 50-11.1-03 and 50-11.1-07.4;
  - g. The family child care owner or operator and staff members have received training and are currently certified in infant and pediatric cardiopulmonary resuscitation ~~and the use of an automated external defibrillator~~ by the American heart association, American red cross, or other similar cardiopulmonary resuscitation ~~and automated external defibrillator~~ training programs that are approved by the department, and are currently certified in first aid by a program approved by the department; and
  - h. The group child care, preschool, school-age child care, or child care center, at all times during which early childhood services are provided, staff members have received training and are currently certified in infant and pediatric cardiopulmonary resuscitation ~~and the use of an automated external defibrillator~~ by the American heart association, American red cross, or other similar cardiopulmonary resuscitation ~~and automated external defibrillator~~ training programs that are approved by the department, and currently certified in first aid by a program approved by the department.
2. The license issued to the owner or operator of an early childhood program may not be effective for longer than two years.
3. The department may consider the applicant's past licensing, self-declaration, and registration history in determining whether to issue a license.
4. The department may issue a provisional or restricted license in accordance with the rules of the department. The department shall consider issuing a provisional or restricted license before revoking a license. The department may require the owner or operator of an early childhood program to provide a compliance plan to address compliance issues with this chapter and rules of the department. The department shall review the compliance plan before issuing a provisional or restricted license. The department shall approve the provisional license if the department approves the compliance plan. The department may revoke a license if the owner and operator fail to comply with the department approved compliance plan or for any additional violations of this chapter or rules of the department.
5. The department shall notify the owner or operator that the owner or operator is required to post a notice of late application at the early childhood program premises if the department has not received a completed application and all supporting documents for licensure or

self-declaration renewal at least thirty days before the expiration date of the early childhood program's license.

**SECTION 3. AMENDMENT.** Subsection 10 of section 50-11.1-06.2 of the North Dakota Century Code is amended and reenacted as follows:

10. ~~A~~Unless an individual was separated from child care employment for more than one hundred eighty days, a criminal history record check conducted under this section and subsection 3 of section 50-06-01.9 is valid for five years, after which the department shall require another criminal history record check.

**SECTION 4. AMENDMENT.** Subsection 1 of section 50-11.1-07.2 of the North Dakota Century Code is amended and reenacted as follows:

1. If the department or the department's authorized agent finds, upon inspection, ~~that~~ the program, self-declaration, or premises is not in compliance with this chapter or the rules adopted under this chapter, the department or the department's authorized agent ~~shall~~may issue a correction order to the program or self-declaration, provided the department does not revoke the license or self-declaration as a result of the noncompliance. The correction order must cite the specific statute or rule violated, state the factual basis of the violation, state the suggested method of correction, and specify the time allowed for correction. The correction order must also specify the amount of any fiscal sanction to be assessed if the program or self-declaration fails to comply with the correction order in a timely fashion. This section does not apply to an applicant's failure to comply with subsection 8 of section 50-11.1-03 or subdivision c of subsection 1 of section 50-11.1-16.

**SECTION 5. AMENDMENT.** Section 50-11.1-07.3 of the North Dakota Century Code is amended and reenacted as follows:

**50-11.1-07.3. Reinspections.**

The department or the department's authorized agent shall reinspect or review an early childhood program or holder of a self-declaration ~~that was~~ issued a correction order under section 50-11.1-07.2, at the end of the period allowed for correction. If, upon reinspection or review, the department determines ~~that~~ the program or holder of a self-declaration has not corrected a violation identified in the correction order, the department shall mail to the program or the holder of a self-declaration, by certified mail, a notice of noncompliance with the correction order. The notice must specify the violations not corrected and the penalties assessed in accordance with section 50-11.1-07.5.

**SECTION 6. AMENDMENT.** Section 50-11.1-07.5 of the North Dakota Century Code is amended and reenacted as follows:

**50-11.1-07.5. Accumulation of fiscal sanctions.**

An early childhood program or holder of a self-declaration promptly shall ~~promptly~~ notify the department or the department's authorized agent in writing ~~when~~if a violation noted in a notice of noncompliance is corrected. Upon receipt of written notice by the department or the department's authorized agent, the daily fiscal sanction assessed for the violation must stop accruing. The department or the department's authorized agent shall reinspect or review the early childhood program or premises out of which the holder of the self-declaration is operating within three working days after receipt of the notification. If, upon reinspection or review, the department determines ~~that~~ a violation has not been corrected, the department shall resume the daily assessment of fiscal sanction and shall add the amount of fiscal sanction which otherwise would have accrued during the period ~~prior to~~before resumption to the total assessment due from the program or holder of the self-declaration. The department or the department's authorized agent shall notify the facility of the resumption by certified mail. Recovery of the resumed fiscal sanction must be stayed if the operator of the facility makes a written request for an

administrative hearing in the manner provided in chapter 28-32; ~~provided, that, if~~ written request for the hearing is made to the department within ten days of the notice of resumption.

**SECTION 7. AMENDMENT.** Subsection 3 of section 50-11.1-17 of the North Dakota Century Code is amended and reenacted as follows:

3. The department may issue a provisional self-declaration document in accordance with the rules of the department. The department shall consider issuing a provisional or restricted license before revoking a self-declaration document. The department may require the holder of a self-declaration to provide a compliance plan to address compliance issues with this chapter and rules of the department. The department shall review the compliance plan before issuing a provisional or restricted license. The department shall approve the provisional self-declaration document if the department approves the compliance plan. The department may revoke a license if the holder of a self-declaration fails to comply with the department-approved compliance plan or for any additional violations of this chapter or rules of the department."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2248: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2248 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2251: Transportation Committee (Sen. Rust, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2251 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2254: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2281: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2340: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2340 was placed on the Sixth order on the calendar.

Page 10, line 16, remove "preparation."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2347: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2347 was placed on the Sixth order on the calendar.

Page 5, line 14, after "shall" insert "enforce this Act and may"

Page 5, line 15, remove "may"

Page 10, line 20, replace "A defendant in a civil action brought pursuant to this Act which prevails in an action" with "If the attorney general does not intervene in a civil action"

and the person bringing the civil action conducts the action and the defendant prevails in the action"

Page 10, line 22, after "purposes" insert ", the defendant"

Page 10, line 22, remove ", which must be equitably"

Page 10, remove line 23

Page 10, line 24, remove "were co-plaintiffs"

Page 10, line 24, after the underscored period insert "The state is not liable for costs, attorney's fees, or other expenses incurred by a person in bringing or defending an action under this Act."

Page 15, line 16, after "**demands**" insert "**and subpoenas - Failure to comply - Confidentiality**"

Page 15, line 21, after "demand" insert "or subpoena"

Page 15, line 21, after the second "to" insert ", under oath"

Page 15, line 25, after "the" insert "subject matter of the investigation, including any"

Page 15, line 27, after the first "demand" insert "or subpoena"

Page 15, line 30, after the underscored period insert:

"3. If a person objects to or otherwise fails to comply with a civil investigative demand or subpoena served upon that person under subsection 1, the attorney general may file in the district court a petition for an order to enforce the demand or subpoena. If the court finds the demand or subpoena is proper, the court shall order the person to comply with the demand or subpoena and may grant such injunctive or other relief as may be required until the person complies with the demand or subpoena. Notice of hearing on the petition and a copy of the petition must be served upon the person that may appear in opposition to the petition. If the attorney general prevails in an action brought under this subsection, the court shall award to the attorney general reasonable attorney's fees, costs, and expenses incurred in bringing the action.

4. Any testimony taken or material produced under this section must be kept confidential by the attorney general before bringing an action against a person under this chapter for the violation under investigation, unless confidentiality is waived by the person being investigated and the person that testified, answered interrogatories, or produced material, or disclosure is authorized by the court.

5."

Page 16, line 2, after "Act" insert "and the person agrees to comply with the confidentiality provisions provided in subsection 4, and unless otherwise provided by state or federal law"

Renumber accordingly

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

**SCR 4006: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4006 was placed on the Eleventh order on the calendar.

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

**SCR 4008: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4008 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Hogan, J. Lee, Mathern and Reps. Devlin, Weisz introduced:

**SCR 4014:** A concurrent resolution directing the Legislative Management to consider studying the implementation of the recommendations of the Human Services Research Institute's study of North Dakota's behavioral health system.

Was read the first time and referred to the **Human Services Committee**.

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

**Shanda Morgan, Secretary**

