

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

* * * * *

Bismarck, February 13, 2019

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

The prayer was offered by Rev. Fr. Raphael Obotama, Corpus Christi Catholic Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Porter, Boe, J. Nelson, Pollert, Toman and Sens. Cook, Wardner introduced:
(Approved by the Delayed Bills Committee)

HCR 3043: A concurrent resolution declaring February 14, 2019, as Giving Hearts Day in North Dakota. Was read the first time.

MOTION

SEN. KLEIN MOVED that the rules be suspended, that HCR 3043 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Porter, Boe, J. Nelson, Pollert, Toman and Sens. Cook, Wardner introduced:
(Approved by the Delayed Bills Committee)

HOUSE CONCURRENT RESOLUTION NO. 3043

A concurrent resolution declaring February 14, 2019, as Giving Hearts Day in North Dakota.

WHEREAS, Giving Hearts Day was started in 2008 by Dakota Medical Foundation and Impact Foundation as the first one-day giving event of its kind in the region; and

WHEREAS, the Alex Stern Family Foundation joined Dakota Medical Foundation and Impact Foundation as a cohost in 2014; and

WHEREAS, this 24-hour fundraising event in North Dakota and northwest Minnesota is dedicated to inspiring donations for charities at givingheartsday.org; and

WHEREAS, Dakota Medical Foundation, Impact Foundation, and Alex Stern Family Foundation jointly support givingheartsday.org to create a powerful, user-friendly website for donors to find and connect with regional charities and for nonprofits to receive donations and recruit volunteers; and

WHEREAS, last year, \$13.2 million was raised from more than 28,000 donors, directly benefiting 400 charitable causes, and since its start, nearly \$55 million has been raised; and

WHEREAS, Giving Hearts Day 2019 includes more than 450 charitable causes and spans the entire state of North Dakota and northwest Minnesota; and

WHEREAS, more than \$4 million has been committed by the co-hosts, businesses, and other generous community members to be used for matches, awards, incentives, and scholarships benefiting participating Giving Hearts Day charities; and

WHEREAS, North Dakota citizens are encouraged to experience the joy of giving and ignite others to help great causes positively impact our communities;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-sixth Legislative Assembly declares February 14, 2019, as Giving Hearts Day in North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to Dakota Medical Foundation.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3043: A concurrent resolution declaring February 14, 2019, as Giving Hearts Day in North Dakota.

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

HCR 3043 was declared adopted on a voice vote.

MOTION

SEN. KLEIN MOVED that SB 2154, which is on the Sixth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2154 was rereferred.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, SB 2359, SB 2284, SB 2137, SB 2149, SB 2332, and SCR 4002 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2312: SEN. KANNIANEN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 541-542 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion failed on a voice vote.

MOTION

SEN. KLEIN MOVED that the rules be suspended and SB 2312 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2312: A BILL for an Act to amend and reenact sections 57-51.1-02 and 57-51.2-01 and subsection 5 of section 57-51.2-02 of the North Dakota Century Code, relating to the allocation of revenue from oil and gas production and oil extraction taxes imposed on production and extraction activity on a reservation in this state; to provide for application; and to declare an emergency.

MOTION

SEN. COOK MOVED that SB 2312 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 4, replace "and" with "to suspend section 54-35-23 of the North Dakota Century Code, relating to the tribal and state relations committee; to provide for a legislative management tribal taxation issues committee;"

Page 1, line 4, replace "an effective date" with "for application; to provide an expiration date; and to declare an emergency"

Page 2, after line 16, insert:

"SECTION 3. SUSPENSION. Section 54-35-23 of the North Dakota Century Code is suspended.

SECTION 4. TRIBAL TAXATION ISSUES - LEGISLATIVE MANAGEMENT COMMITTEE.

1. During the 2019-20 interim, the tribal taxation issues committee is created and is composed of ten members as follows:
 - a. The governor;
 - b. The lieutenant governor;
 - c. The tax commissioner;
 - d. The executive director of the Indian affairs commission;
 - e. The majority leader of the house of representatives and the majority leader of the senate;
 - f. The minority leader of the house of representatives and the minority leader of the senate; and

- g. The chairmen of the finance and taxation standing committees of the house of representatives and the senate.
2. The nonlegislative members shall serve as nonvoting members of the committee.
3. The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedures governing the operation of other legislative management interim committees.
4. The committee shall study tribal taxation issues, including the tax collection agreements that exist between the tribes and the state, the interaction between tribal sovereignty and state law, consideration of how statutory changes may affect provisions in existing agreements, the amount and manner of revenue sharing under the agreements, the costs and benefits to the state and the tribes if tax compacts are implemented, implementation models used in other states for tax compacts, best practices for negotiating and ratifying tax compacts, the procedure for withdrawal from an agreement and how to handle disputed funds; and methods for sourcing revenue generated from wells located inside or outside of the external boundaries of a reservation in this state when a horizontal lateral enters a spacing unit that is located both inside and outside of the external boundaries of a reservation in this state.
5. The committee may study tribal-state issues, including government-to-government relations, human services, education, corrections, and issues related to the promotion of economic development.
6. The chairman of the committee shall invite tribal chairmen to each committee meeting.
7. At the conclusion of its meetings, the committee shall report on its findings and recommendations, together with any legislation required to implement those recommendations, to the legislative management."

Page 2, line 17, replace "**EFFECTIVE DATE**" with "**APPLICATION**"

Page 2, line 17, replace "This" with "Sections 1 and 2 of this"

Page 2, line 17, replace "is" with "are"

Page 2, after line 20, insert:

"SECTION 6. EXPIRATION DATE. Section 3 of this Act is effective through July 31, 2021, and after that date is ineffective.

SECTION 7. EMERGENCY. Sections 1 and 2 of this Act are declared to be an emergency measure."

Renumber accordingly

MOTION

SEN. KLEIN MOVED that Engrossed SB 2312 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed SB 2312 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2359: SEN. J. ROERS (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 542-543 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 2359: A BILL to provide for a legislative management study of the scope of practice and regulation of electricians.

ROLL CALL

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

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

NAYS: Dotzenrod; Larsen, O.; Piepkorn

Engrossed SB 2359 passed.

CONSIDERATION OF AMENDMENTS

SB 2284: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ pages 540-541 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 2284: A BILL for an Act to amend and reenact section 5-01-17 of the North Dakota Century Code, relating to domestic winery ingredient utilization requirements and special events.

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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Burckhard; Clemens; Dever; Dwyer; Erbele; Fors; Hogan; Holmberg; Kannianen; Klein; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Oehlke; Osland; Patten; Poolman; Robinson; Roers, J.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Anderson; Cook; Davison; Dotzenrod; Elkin; Grabinger; Heckaman; Hogue; Krebsbach; Mathern; Oban; Piepkorn; Roers, K.

Engrossed SB 2284 passed.

CONSIDERATION OF AMENDMENTS

SB 2137: SEN. VEDAA (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 537-538 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2137: A BILL for an Act to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to cigar bars and lounges.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 17 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Clemens; Cook; Elkin; Hogue; Holmberg; Kannianen; Krebsbach; Larsen, O.; Larson, D.; Lee, J.; Meyer; Myrdal; Poolman; Schaible; Unruh; Vedaa

NAYS: Bakke; Bekkedahl; Burckhard; Davison; Dever; Dotzenrod; Dwyer; Erbele; Fors; Grabinger; Heckaman; Hogan; Klein; Kreun; Lee, G.; Luick; Marcellais; Mathern; Oban; Oehlke; Osland; Patten; Piepkorn; Robinson; Roers, J.; Roers, K.; Rust; Sorvaag; Wanzek; Wardner

Engrossed SB 2137 failed.

CONSIDERATION OF AMENDMENTS

SB 2149: SEN. OBAN (Education Committee) MOVED that the amendments on SJ pages 538-539 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 2149: A BILL for an Act to amend and reenact section 15.1-07-34 of the North Dakota Century Code, relating to mandatory instruction for students in mental health awareness and suicide prevention.

ROLL CALL

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

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

NAYS: Larsen, O.; Lee, G.; Myrdal

Engrossed SB 2149 passed.

CONSIDERATION OF AMENDMENTS

SB 2332: SEN. KREUN (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 542 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to provide for a legislative management study of flaring rates and the flaring of gas.

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 15 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Dotzenrod; Grabinger; Heckaman; Hogan; Holmberg; Lee, J.; Luick; Marcellais; Mathern; Oban; Piepkorn; Poolman; Robinson; Unruh

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

Engrossed SB 2332 failed.

CONSIDERATION OF AMENDMENTS

SCR 4002: SEN. CLEMENS (Human Services Committee) MOVED that the amendments

on SJ page 543 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4002: A concurrent resolution urging Congress to address the rising costs and availability of medications and health care for individuals with diabetes and coverage of those costs.

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

Engrossed SCR 4002 was declared adopted on a voice vote.

CONSIDERATION OF AMENDMENTS

SB 2211: SEN. UNRUH (Energy and Natural Resources Committee) MOVED that the amendments on SJ pages 487-488 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 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 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; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

Engrossed SB 2005 passed.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to amend and reenact sections 54-09-05, 54-09-08, and 54-09-11 of the North Dakota Century Code, relating to the salary of the secretary of state, the general services operating fund, and fees charged by the secretary of state; to provide a report to the legislative assembly; and to provide an exemption.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2002 passed.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; and to provide for a report to the legislative assembly.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 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; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

Engrossed SB 2018 passed.

SECOND READING OF SENATE BILL

SB 2282: A BILL for an Act to provide for an economic diversification through research grant program and advisory committee and to create an economic diversification research grant fund; to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to legacy fund earnings; to provide for a report to the legislative management; and to provide an appropriation.

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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Kannianen; Luick; Myrdal; Schaible

Engrossed SB 2282 passed.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans' credit; to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner; and to provide for a transfer.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh;

Vedaa; Wanzek; Wardner

Engrossed SB 2006 passed.

SECOND READING OF SENATE BILL

SB 2299: A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to patriotic society's access to students during school hours.

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 20 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Burckhard; Cook; Dever; Dwyer; Erbele; Hogue; Kannianen; Klein; Krebsbach; Larsen, O.; Lee, G.; Lee, J.; Meyer; Oehlke; Osland; Patten; Vedaa; Wanzek

NAYS: Bakke; Clemens; Davison; Dotzenrod; Elkin; Fors; Grabinger; Heckaman; Hogan; Holmberg; Kreun; Larson, D.; Luick; Marcellais; Mathern; Myrdal; Oban; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wardner

SB 2299 failed.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to provide an appropriation to the department of human services to provide grants to school districts for student behavioral health needs.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2300 passed.

SECOND READING OF SENATE BILL

SB 2229: A BILL for an Act to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to making up instructional time if school is canceled due to a no travel advisory.

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 9 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Erbele; Grabinger; Heckaman; Klein; Luick; Myrdal; Osland; Patten; Wanzek

NAYS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Fors; Hogan; Hogue; Holmberg; Kannianen; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Oban; Oehlke; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wardner

SB 2229 failed.

SECOND READING OF SENATE BILL

SB 2317: A BILL for an Act to create and enact a new subsection to section 23-16-01.1, a new section to chapter 23-16, and a new section to chapter 50-24.4 of the North Dakota Century Code, relating to long-term care bed capacity, licensure of pediatric subacute care facilities as nursing facilities and reimbursement of pediatric subacute care facilities; and to amend and reenact section 50-24.4-27 and subdivision a of subsection 24 of section 57-39.2-04 of the North Dakota Century Code, relating to licensure of pediatric subacute care facilities as nursing facilities.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2317 passed.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to amend and reenact section 15.1-06-04.1 of the North Dakota Century Code, relating to teacher professional development conferences.

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

YEAS: Bakke; Heckaman; Piepkorn

NAYS: Anderson; Bekkedahl; 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; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2228 failed.

SECOND READING OF SENATE BILL

SB 2199: A BILL for an Act to amend and reenact section 15.1-13-17 of the North Dakota Century Code, relating to teaching licensing in areas of documented shortages of teachers.

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 1 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Larsen, O.

NAYS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick;

Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

SB 2199 failed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution directing the Legislative Management to consider studying postproduction deductions from royalty payments.

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

SCR 4010 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2011, SB 2014, SB 2049, SB 2146, SB 2205, SB 2207, SB 2250, SB 2270, SB 2344, SB 2345.

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 1037, HB 1252, HB 1442.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, February 14, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2004: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 1, after "auditor" insert "; to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor; to provide for a report; and to declare an emergency"

Page 1, replace lines 8 through 16 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$11,767,312	\$988,446	\$12,755,758
Operating expenses	1,142,783	261,893	1,404,676
Capital assets	0	16,000	16,000
Information technology consultants	0	450,000	450,000
Total all funds	\$12,910,095	\$1,716,339	\$14,626,434
Less estimated income	3,411,487	800,807	4,212,294
Total general fund	\$9,498,608	\$915,532	\$10,414,140
Full-time equivalent positions	56.00	5.00	61.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.

The following amounts reflect the 2019-21 biennium one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Copier replacement	\$0	\$16,000
Total general fund	\$0	\$16,000

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The state auditor shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. AMENDMENT. Section 54-10-10 of the North Dakota Century Code is amended and reenacted as follows:

54-10-10. Salary of state auditor.

The annual salary of the state auditor is ~~one hundred two thousand six hundred eighty-nine dollars through June 30, 2016, and one hundred five thousand seven hundred seventy dollars thereafter~~ one hundred seven thousand eight hundred eighty-five dollars through June 30, 2020, and one hundred eleven thousand one hundred twenty-two dollars thereafter.

SECTION 4. EMERGENCY. The sum of \$16,000 provided from the general fund for copier replacement appropriated in section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2004 - State Auditor - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$11,767,312	\$988,446	\$12,755,758
Operating expenses	1,142,783	261,893	1,404,676
Capital assets		16,000	16,000
Information technology consultants		450,000	450,000
Total all funds	\$12,910,095	\$1,716,339	\$14,626,434
Less estimated income	3,411,487	800,807	4,212,294
General fund	\$9,498,608	\$915,532	\$10,414,140
FTE	56.00	5.00	61.00

Department 117 - State Auditor - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Removes Positions and Underfunds Salaries and Wages ³	Adds Local Government Auditors ⁴	Adds State Audit Division Auditors for NDUS Audit ⁵	Decreases Funding for Operating Expenses ⁶
Salaries and wages	(\$54,597)	\$615,258	(\$725,231)	\$665,172	\$487,844	
Operating expenses				40,000	72,856	(\$963)
Capital assets						
Information technology consultants						
Total all funds	(\$54,597)	\$615,258	(\$725,231)	\$705,172	\$560,700	(\$963)
Less estimated income	(68,186)	161,165	(2)	705,172	0	2,658
General fund	\$13,589	\$454,093	(\$725,229)	\$0	\$560,700	(\$3,621)
FTE	0.00	0.00	(2.00)	4.00	3.00	0.00

	Adds Funding for Information Technology Reviews ⁷	Adds Funding for Consulting Fees ⁸	Adds One-Time Funding for a Copier ⁹	Total Senate Changes
Salaries and wages				\$988,446
Operating expenses		\$150,000		261,893
Capital assets			\$16,000	16,000
Information technology consultants	\$450,000			450,000
Total all funds	\$450,000	\$150,000	\$16,000	\$1,716,339
Less estimated income	0	0	0	800,807
General fund	\$450,000	\$150,000	\$16,000	\$915,532
FTE	0.00	0.00	0.00	5.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$264,455	\$92,003	\$356,458
Health insurance increase	189,638	69,162	258,800
Total	\$454,093	\$161,165	\$615,258

³ One FTE local government division position and 1 FTE state audit division position are removed and salaries and wages are underfunded for anticipated savings resulting from vacant positions and employee turnover.

⁴ Four FTE local government division auditors, including related salaries and wages and operating expenses, are added with funding from audit fee revenue.

⁵ Three FTE state audit division auditors and related salaries and wages and operating expenses are added to audit the North Dakota University System.

⁶ Base budget funding for operating expenses is reduced.

⁷ Funding is added for information technology reviews of the Information Technology Department and the University System.

⁸ Funding is added for the State Auditor to contract for consulting services.

⁹ Funding is added for information technology equipment to replace a copier.

This amendment also adds sections to:

- Provide the statutory changes to increase the State Auditor's salary. The State Auditor's annual salary would increase from the current level of \$105,770 to \$107,885, effective July 1, 2019, and to \$111,122, effective July 1, 2020, to reflect the 2 percent and 3 percent salary increase; and
- Declare one-time funding from the general fund for copier replacement an emergency measure.

REPORT OF STANDING COMMITTEE

SB 2008: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2008 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact sections 49-01-05 and 57-43.2-19 of the North Dakota Century Code, relating to the salary of the commissioners and the transfer, deposit, and distribution of funds in the highway tax distribution fund; to provide for a report;"

Page 1, replace lines 10 through 23 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$9,197,284	\$866,541	\$10,063,825
Operating expenses	1,829,826	54,000	1,883,826
Capital assets	10,000	15,000	25,000
Grants	20,000	0	20,000
Abandoned mined lands contractual	6,000,000	0	6,000,000
Rail rate complaint case	900,000	0	900,000
Railroad safety program	564,668	24,642	589,310
Specialized legal services	94,000	336,000	430,000
Total all funds	\$18,615,778	\$1,296,183	\$19,911,961
Less estimated income	11,985,016	529,658	12,514,674
Total general fund	\$6,630,762	\$766,525	\$7,397,287
Full-time equivalent positions	45.00	1.00	46.00"

Page 2, line 1, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY"

Page 2, line 2, after "biennium" insert "and the 2019-21 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 4 through 7 with:

"Specialized legal services	\$436,000	\$336,000
Total all funds	\$436,000	\$336,000
Total special funds	436,000	336,000
Total general fund	\$0	\$0

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The public service commission shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 2, after line 16, insert:

"SECTION 4. AMENDMENT. Section 49-01-05 of the North Dakota Century Code is amended and reenacted as follows:

49-01-05. Salary of commissioners.

The annual salary of a commissioner is one hundred ~~fiveten~~ thousand ~~four~~eight hundred ~~ninety-one~~~~twenty-nine~~ dollars through June 30, ~~2016~~~~2020~~, and one hundred ~~eight~~~~fourteen~~ thousand ~~six~~one hundred ~~fifty-six~~~~fifty-four~~ dollars thereafter. All fees received or charged by any commissioner for any act or service rendered in any official capacity must be accounted for and paid over by the commissioner monthly to the state treasurer and must be credited to the general fund of the state.

SECTION 5. AMENDMENT. Section 57-43.2-19 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-19. Transfer, deposit, and distribution of funds. (~~Effective July 1, 2015, through June 30, 2019~~)

All taxes, license fees, penalties, and interest collected under this chapter must be transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund, except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section 57-43.2-03 of up to two hundred ~~eighty-five~~~~ninety-four~~ thousand ~~six~~ hundred ~~fifty-five~~ dollars per year must be transferred to the state treasurer who shall deposit the moneys in the rail safety fund. The highway tax distribution fund must be distributed in the manner as prescribed by section 54-27-19.

~~**Transfer, deposit, and distribution of funds. (Effective after June 30, 2019)** All taxes, license fees, penalties, and interest collected under this chapter must be transferred to the state treasurer who shall deposit moneys in the highway tax distribution fund. The highway tax distribution fund must be distributed in the manner as prescribed by section 54-27-19."~~

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2008 - Public Service Commission - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$9,197,284	\$866,541	\$10,063,825
Operating expenses	1,829,826	54,000	1,883,826
Capital assets	10,000	15,000	25,000
Grants	20,000		20,000

Abandoned mined lands contractual	6,000,000		6,000,000
Rail rate complaint case	900,000		900,000
Railroad safety program	564,668	24,642	589,310
Specialized legal services	94,000	336,000	430,000
Total all funds	\$18,615,778	\$1,296,183	\$19,911,961
Less estimated income	11,985,016	529,658	12,514,674
General fund	\$6,630,762	\$766,525	\$7,397,287
FTE	45.00	1.00	46.00

Department 408 - Public Service Commission - Detail of Senate Changes

	Adds Funding for Salary and Benefit Increases ¹	Adds Grain Warehouse Inspector Position and Additional Funding ²	Adds Funding for an Accounting Budget Specialist Position ³	Increases Funding for Capital Assets ⁴	Adds Funding for Specialized Legal Services ⁵	Total Senate Changes
Salaries and wages	\$455,767	\$245,281	\$165,493			\$866,541
Operating expenses		49,000	5,000			54,000
Capital assets				\$15,000		15,000
Grants						
Abandoned mined lands contractual						
Rail rate complaint case						
Railroad safety program	24,642					24,642
Specialized legal services					\$336,000	336,000
Total all funds	\$480,409	\$294,281	\$170,493	\$15,000	\$336,000	\$1,296,183
Less estimated income	193,658	0	0	0	336,000	529,658
General fund	\$286,751	\$294,281	\$170,493	\$15,000	\$0	\$766,525
FTE	0.00	1.00	0.00	0.00	0.00	1.00

¹ The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$169,759	\$118,779	\$288,538
Health insurance increase	116,992	74,879	191,871
Total	\$286,751	\$193,658	\$480,409

² Funding is added from the general fund for one grain warehouse inspector position, related operating expenses, and an increase in funding for the salaries and wages line item for an existing grain warehouse inspector position underfunded during the 2017-19 biennium.

³ Funding is added for salaries and wages (\$165,493) and related operating expenses (\$5,000) for the reclassification of an existing underfunded FTE position as an accounting budget specialist position.

⁴ Funding is increased for capital assets to provide a total of \$25,000.

⁵ One-time funding from federal funds is added for specialized legal services.

This amendment also:

- Provides the statutory changes to increase the Public Service Commissioners' salaries. The Public Service Commissioners' annual salaries would increase from the current level of \$108,656 to \$110,829, effective July 1, 2019, and to \$114,154, effective July 1, 2020, to reflect the 2 percent and 3 percent salary increases.
- Amends North Dakota Century Code Section 57-43.2-19 relating to the distribution of funds in the highway tax distribution fund to continue the allocation to the rail safety fund and to increase the allocation amount from \$285,000 per year to \$294,655 per year.

REPORT OF STANDING COMMITTEE

SB 2010: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2010 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and to provide an appropriation for the distribution of funds from the insurance"

Page 1, line 3, replace "tax distribution fund" with "to create and enact chapter 23.1-16 and section 26.1-22-03.1 of the North Dakota Century Code, relating to boiler inspections and North Dakota reserve fund use of producers; to amend and reenact sections 18-04-04, 18-04-04.1, and 18-04-05, subsection 2 of section 26.1-01-07, section 26.1-01-09, subsection 1 of section 26.1-03-17, and sections 26.1-21-03, 26.1-21-17, 26.1-22-03, and 26.1-23.1-01 of the North Dakota Century Code, relating to the state fire and tornado fund, the state bonding fund, fees chargeable by the insurance commissioner, the salary of the insurance commissioner, and government self-insurance pools; to repeal chapter 26.1-22.1 of the North Dakota Century Code, relating to boiler inspections; to provide a penalty; to provide a continuing appropriation; and to provide a contingent effective date"

Page 1, replace lines 10 through 15 with:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$8,549,567	(\$415,092)	\$8,134,475
Operating expenses	2,179,777	(613,102)	1,566,675
Total special funds	\$10,729,344	(\$1,028,194)	\$9,701,150
Full-time equivalent positions	46.00	(5.00)	41.00"

Page 1, remove lines 16 through 22

Page 2, remove lines 1 through 6

Page 2, replace lines 10 through 13 with:

"SECTION 3. AMENDMENT. Section 18-04-04 of the North Dakota Century Code is amended and reenacted as follows:

18-04-04. Insurance companies to report fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, crop hail, and commercial multiple peril insurance premium collections - Form furnished by insurance commissioner.

The insurance commissioner, ~~when at the time~~ the commissioner forwards to an insurance company ~~which that~~ is issuing policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, crop hail, and commercial multiple peril insurance in this state the form to be used in submitting ~~its~~ the company's annual statement, shall forward a form containing the names of all cities and all rural fire protection districts or rural fire departments entitled to benefits under the provisions of this chapter. Every insurance company issuing policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, crop hail, and commercial multiple peril insurance within this state shall complete ~~such the~~ the form by showing ~~thereon~~ the amount of all premiums received by ~~it~~ the company upon such policies issued on property within the corporate limits of each city shown on ~~such the~~ the form and on property within the boundaries of each rural fire protection district shown on ~~such the~~ the form or property within the boundaries of each rural fire department as certified by the state fire marshal during the year ending on the preceding thirty-first day of December and shall file the ~~same form~~ as a part of its the company's annual statement.

SECTION 4. AMENDMENT. Section 18-04-04.1 of the North Dakota Century Code is amended and reenacted as follows:

18-04-04.1. Insurance tax distribution fund.

The insurance tax distribution fund is a special fund in the state treasury. The portion of revenue provided in section 26.1-03-17 must be deposited in the fund for disbursement as provided in this chapter and chapter 23-46, ~~subject to legislative appropriation.~~

SECTION 5. AMENDMENT. Section 18-04-05 of the North Dakota Century Code is amended and reenacted as follows:

18-04-05. Amount due cities, rural fire protection districts, or rural fire departments - Transfer to firefighters death benefit fund - Disbursement to North Dakota firefighter's association - Payments by insurance commissioner - Continuing appropriation.

1. The insurance commissioner shall disburse funds in the insurance tax distribution fund as provided under this section.
2. The insurance commissioner shall transfer an amount of up to fifty thousand dollars per biennium, as may be necessary, to the firefighters death benefit fund for distribution under chapter 18-05.1.
3. The insurance commissioner shall compute and disburse funds to the North Dakota firefighter's association for uses authorized under chapter 18-03; ~~subject to legislative appropriations.~~
4. The insurance commissioner shall compute and disburse the amounts due to the certified city fire departments, certified rural fire departments, or certified fire protection districts entitled to benefits under this chapter on or before December first of each year. ~~The insurance commissioner shall allocate one-half of the biennial legislative appropriation for distribution under this subsection, to each eligible city not within a certified fire protection district, each certified rural fire protection district organized under this title, and each rural fire department certified by the state fire marshal, and pay the amount allocated in December of each year. The allocation must be made in proportion to the amount of insurance company premiums received by insurance companies pursuant to section 26.1-03-17 for policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, commercial multiple peril, and crop hail insurance the lines of insurance identified under section 18-04-04 on property within the city of a certified city fire department, a certified rural fire protection district, or area served by the a certified rural fire department to the total of those premiums for those policies in the state.~~
5. Annually, the insurance commissioner shall determine the amount of insurance premium taxes collected from the insurance lines identified in section 18-04-04. Of this amount, annually the commissioner shall disburse five and one-half percent to the North Dakota firefighter's association and ninety-four and one-half percent to certified city fire departments, certified rural fire departments, and certified fire protection districts. Moneys authorized for disbursement under this section are appropriated from the insurance tax distribution fund to the insurance commissioner on a continuing basis for the purpose of this section.

SECTION 6. Chapter 23.1-16 of the North Dakota Century Code is created and enacted as follows:

23.1-16-01. Definitions.

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

1. "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use externally to the boiler by the direct application of heat from the combustion of fuels, or from electricity or nuclear energy. The term includes fired units for vaporizing liquids other than water when these units are separate from processing systems and are complete within themselves.
2. "Department" means the department of environmental quality.

23.1-16-02. Chief boiler inspector, deputy inspectors - Appointment - Jurisdiction.

The department shall employ a chief boiler inspector and deputy inspectors. The chief boiler inspector has jurisdiction over all boilers in this state except as otherwise provided.

23.1-16-03. Qualifications of chief boiler inspector - Deputy inspectors.

1. An individual is not eligible to the office of chief boiler inspector unless that individual:
 - a. Has had at the time of the appointment at least five years' experience in the construction, inspection, operation, maintenance, or repair of high-pressure boilers and pressure vessels as a mechanical engineer, boilermaker, steam operating engineer, or boiler inspector. An applicant possessing a mechanical engineering degree from an accredited school may substitute that degree for two years of the five years' experience, at the discretion of the department.
 - b. Holds a commission issued by the national board of boiler and pressure vessel inspectors or obtains the commission within one year after the date of appointment by the department.
 - c. Is not directly or indirectly interested in the manufacture or sale of boilers or steam machinery or articles used in the construction or maintenance of engines or boilers.
2. The department shall establish qualifications for a deputy inspector which are not inconsistent with the requirements of the position.

23.1-16-04. Powers and duties of chief boiler inspector.

1. The chief boiler inspector shall:
 - a. Keep a complete record of the type, dimensions, maximum allowable working pressure, age, condition, location, and date of the last-recorded internal and external inspection of boilers to which this chapter applies.
 - b. Cooperate and assist in loss prevention programs sponsored by the department.
2. The chief boiler inspector may delegate powers and duties to any deputy inspector or special inspector.

23.1-16-05. General requirement.

Every boiler in this state must be constructed, installed, and maintained according to rules adopted to implement this chapter.

23.1-16-06. Exempt boilers - Inspection of exempt boilers.

This chapter does not apply to:

1. Any boiler subject to federal inspection or under federal control.
2. Any boiler located on a farm and used solely for agricultural purposes.
3. Any heating boiler located in a private residence or in an apartment house of less than six family units.
4. Any hot water supply boiler not exceeding the following limitations:

- a. Input of two hundred thousand British thermal units per hour.
 - b. Pressure of one hundred sixty pounds per square inch [1103.16 kilopascals] gauge.
 - c. Temperature of two hundred fifty degrees Fahrenheit [121.11 degrees Celsius].
5. Any portable steam cleaner commonly used in a garage.
6. Any boiler of a miniature model locomotive, boat, tractor, or stationary engine design constructed as a hobby, not for commercial use, having an inside diameter not exceeding ten inches [25.4 centimeters] and a grate area not exceeding one and one-half square feet [1393.54 square centimeters] and which is properly equipped with a safety valve, water level indicator, and pressure gauge.
7. Any electric boiler used as an integral part of an espresso coffee machine, provided that the boiler does not exceed one and one-half cubic feet [.0566 cubic meter] in water capacity, does not exceed fifty pounds per square inch [344.74 kilopascals] pressure, and is constructed, approved, or certified to the American society of mechanical engineers code or to other national or international standards.

23.1-16-07. Inspection of boilers.

1. The chief boiler inspector shall inspect each boiler used or proposed to be used within this state. The inspection must be thorough as to the construction, installation, condition, and operation as provided by the rules adopted to implement this chapter. An exempt boiler may be inspected by the chief boiler inspector when the owner, the owner's agent, or the user of the boiler makes written request for inspection to the department.
2. Each boiler of one hundred thousand pounds [45359.24 kilograms] per hour or more capacity, used or proposed to be used within this state, which has internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water when the water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors, and with respect to which boiler the chief boiler inspector has determined the owner or user has complied with the prescribed recordkeeping requirements, must be inspected at least once every thirty-six months internally while not under pressure, and at least once every twelve months externally while under pressure. If a hydrostatic test is necessary to determine the safety of a boiler, the test must be conducted by the owner or user of the equipment under the supervision of the chief boiler inspector. The owner or user of a boiler of one hundred thousand pounds [45359.24 kilograms] per hour or more capacity desiring to qualify for thirty-six-month internal inspection intervals shall keep available for examination by the chief boiler inspector accurate records showing the date and actual time the boiler is out of service and the reason or reasons therefor, and the results of the chemical and physical analysis of the boiler water, whether from laboratory analysis of samples taken at regular intervals of not more than forty-eight hours or from continuous online analysers, which will adequately show the condition of the water and any other elements or characteristics of the water capable of producing corrosion or other deterioration of the boiler or its parts. If an inspection discloses deficiencies in equipment or in operating procedures, inspections may be required once every twelve months.

23.1-16-08. Special inspector.

1. Upon written request of an employer, the department may appoint as a special inspector an inspector in the employ of:
 - a. An insurance company authorized to insure boilers in this state against loss from explosion;
 - b. A company qualified by the national board of boiler and pressure vessel inspectors as an accredited owner/user inspection organization; or
 - c. A company qualified by the national board of boiler and pressure vessel inspectors as an accredited authorized inspection agency.
2. An individual may not be appointed as a special inspector unless that individual has passed the examination prescribed by the national board of boiler and pressure vessel inspectors.
3. An inspection performed by a special inspector must be performed in accordance with this chapter and a complete report of the inspection must be filed with the department in the time, manner, and form as prescribed by the department.
4. If a complete report is not filed by the special inspector's employer with the department within ninety days from the certificate due date, the chief boiler inspector may make the required inspection, unless an extension of time is granted by the chief boiler inspector. The special inspector's employer must pay the inspection fees as required by section 23.1-16-09 for a special inspection.
5. The chief boiler inspector may inspect any boiler to which a special inspection applies.
6. The department may, for cause, suspend or revoke the appointment of any special inspector.

23.1-16-09. Inspection and certificate fees.

1. Upon completion of inspection, the owner or user of a boiler shall pay to the department fees or a combination of inspection and certificate fees. The department shall determine the inspection fees. Certificate fees are determined by section 23.1-16-10. The department shall determine and annually may adjust a fee scale for the internal inspections of power boilers, internal inspections of low-pressure heating boilers, external inspections of all boilers, and inspection of boilers used exclusively for exhibition purposes.
2. Not more than two hundred dollars may be charged or collected for any one inspection of a boiler, except for special inspections made upon request. All other inspections made by the chief boiler inspector, including shop inspections and reviews and special inspections when requested by the owner or user of a boiler, must be charged at a rate not to exceed five hundred dollars per day or three hundred dollars per half day of four hours or less, plus payment for mileage, meals, and hotel expenses as allowed by sections 44-08-04 and 54-06-09, except that the mileage rate for a state-owned vehicle will be the actual amount incurred by the department.
3. The annual fee for the issuance of a reciprocal commission card for a special inspector is forty dollars and the annual fee for the issuance of a welder-qualified card is twenty dollars.

4. The fee for taking an examination for a hobby boiler operating license is twenty-five dollars and the fee for a hobby boiler operating license is twenty-five dollars.
5. A hobby boiler operating license issued under this section is valid for six years.

23.1-16-10. Certificate of inspection - Certificate to be posted.

The department shall issue a certificate of inspection for each boiler inspected upon receipt of an inspection report certifying that the boiler is in a safe condition to be operated. The department shall charge a fee of twenty dollars per year for each year that a certificate is valid, or part of a year thereof, for each certificate of inspection issued as the result of inspections authorized under sections 23.1-16-07 and 23.1-16-08. The fees are the liability of the owner or user and must be paid in accordance with rules adopted by the department. A certificate may not be issued for any boiler not in a safe condition to be operated or for a boiler for which the inspection and certificate fees have not been paid in full. A certificate is not valid for a period of more than thirty-six months for power boilers described in subsection 2 of section 23.1-16-07, and no more than twelve months for other power boilers, twelve months for steam traction engines, and thirty-six months for low-pressure boilers except that a two-month grace period may be extended for any certificate. Upon written request from a special inspector, the chief boiler inspector may issue a short-term certificate. Each certificate of inspection must be posted conspicuously under glass in the boiler room or adjacent to the boiler inspected.

23.1-16-11. Certificate of inspection required - Penalty.

A person may not operate a boiler in this state without a valid certificate of inspection. A violation of this section is a class A misdemeanor on the part of the owner, user, or operator of the boiler.

23.1-16-12. Manufacturer's data report.

The boiler manufacturer shall provide the department with a manufacturer's data report. When signed by an authorized inspector, this data sheet together with the stamp on the boiler is the record denoting the boiler has been constructed in accordance with the rules adopted to implement this chapter.

23.1-16-13. Disposition of funds.

All funds collected and received under this chapter must be paid to the state treasurer and deposited in the state fire and tornado fund to be used to defray the costs of boiler inspections.

23.1-16-14. Rules - Penalty for violation - Hearing.

1. The department shall adopt rules for the safe and proper installation, use, operation, and inspection of boilers and pressure vessels subject to this chapter.
2. The department shall adopt rules for the licensing of operators of hobby boilers used during parades, exhibitions, and threshing shows where the public is invited.
3. A fee must be charged for an operating license, for a license renewal, and for an examination conducted to determine minimum competence. Individuals operating hobby boilers within this state as of July 1, 2007, are considered acceptable for a license without additional training or examination. An individual who is not a resident of this state and who holds a boiler operator license or credential in another state or Canadian province is exempt from licensure as a hobby boiler operator in this state.
4. The department may not issue a certificate of inspection to any owner or user of a boiler who fails or refuses to comply with the rules. The

department shall revoke any certificate presently in force upon evidence that the owner or user of the boiler is failing or refusing to comply with the rules.

5. Any owner or user of a boiler may request a hearing before the department within fifteen days from service of an order refusing or revoking a certificate of inspection. It is the burden of the owner or user to show cause why the certificate of inspection should not be refused or revoked. If no hearing is requested within the required period, the order of the department becomes final and is not subject to further proceedings.

SECTION 7. AMENDMENT. Subsection 2 of section 26.1-01-07 of the North Dakota Century Code is amended and reenacted as follows:

2. Nonprofit health service corporations and health maintenance organizations are subject to the same fees as any other insurance company. County mutual insurance companies and benevolent societies are liable only for the fees mentioned in subdivisions b, f, g, and k~~h~~ of subsection 1.

SECTION 8. AMENDMENT. Section 26.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-09. Salary of commissioner.

The annual salary of the commissioner is ~~one hundred two thousand six hundred eighty-nine dollars through June 30, 2016~~one hundred seven thousand eight hundred eighty-five dollars through June 30, 2020, and one hundred five thousand seven hundred seventy-one hundred eleven thousand one hundred twenty-two dollars thereafter.

SECTION 9. AMENDMENT. Subsection 1 of section 26.1-03-17 of the North Dakota Century Code is amended and reenacted as follows:

1. Before issuing the annual certificate required by law, the commissioner shall collect from every stock and mutual insurance company, nonprofit health service corporation, health maintenance organization, and prepaid legal service organization, except fraternal benefit and benevolent societies, doing business in this state, a tax on the gross amount of premiums, assessments, membership fees, subscriber fees, policy fees, service fees collected by any third-party administrator providing administrative services to a group that is self-insured for health care benefits, and finance and service charges received in this state during the preceding calendar year, at the rate of two percent with respect to life insurance, one and three-fourths percent with respect to accident and health insurance, and one and three-fourths percent with respect to all other lines of insurance. This tax does not apply to considerations for annuities. The total tax is payable on or before March first following the year for which the tax is assessable. If the due date falls on a Saturday or legal holiday, the tax is payable on the next succeeding business day. Collections from this tax must be deposited in the insurance tax distribution fund under section 18-04-04.1 but not in an amount exceeding the amount computed under section 18-04-05 and one-half of the biennial amount appropriated for distribution under section 18-04-05 and chapter 23-46 in any fiscal year. Collections from this tax exceeding the sum of the amount deposited in the insurance tax distribution fund must be deposited in the general fund in the state treasury.

SECTION 10. AMENDMENT. Section 26.1-21-03 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-21-03. Commissioner may employ or contract for assistants -
Continuing appropriation.**

~~The commissioner may employ assistants or contract for the services of assistants from the North Dakota insurance reserve fund as may be necessary to operate the state bonding fund. The salaries of all employees together with all other expenditures for the operation of the fund must remain within the appropriations made by the legislative assembly for these purposes and must be paid by warrant check drawn on the state treasury prepared by the office of management and budget after the approval of expense vouchers by the office of the budget. Moneys in the reserve fund of the state bonding fund are appropriated to the commissioner on a continuing basis for the purpose of employing or contracting for services as provided under this section.~~

SECTION 11. AMENDMENT. Section 26.1-21-17 of the North Dakota Century Code is amended and reenacted as follows:

26.1-21-17. Allowed liability claims payable from fund - Administrative expenses - Methods of payment.

A claim allowed against the fund must be paid upon warrants drawn upon the state treasurer against the fund. The warrant must be prepared by the office of management and budget pursuant to the directions of the commissioner. Payments for administrative expenses of the state bonding fund must be made from the reserve fund of the state bonding fund or must be made within the limitations of legislative appropriations upon warrant-checks prepared by the office of management and budget after the approval of vouchers by the commissioner.

SECTION 12. AMENDMENT. Section 26.1-22-03 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-22-03. Employment of assistants - Expenditures from fund -
Continuing appropriation.**

To carry out this chapter, the commissioner may utilize any information on file in the state fire marshal's department and any of the employees of the commissioner and the commissioner may employ necessary assistants or contract for services of assistants from the North Dakota insurance reserve fund and may incur necessary expenses. All expenditures made for these purposes, other than services contracted and paid for by moneys from the fund and any necessary expenses paid from moneys from the reserve balance within the fund, must remain within the limits of legislative appropriations and must be paid out of the fund upon warrants prepared by the office of management and budget drawn upon the state treasurer after the approval of vouchers by the office of the budget. Moneys from the reserve balance within the fund are appropriated to the commissioner on a continuing basis for the purposes of this section.

SECTION 13. Section 26.1-22-03.1 of the North Dakota Century Code is created and enacted as follows:

**26.1-22-03.1. North Dakota insurance reserve fund - Producers -
Commission.**

The North Dakota insurance reserve fund may use the services of producers licensed under this title to assist policyholders. Any commission paid to a producer under this section must be paid out of the premium income of the fund and must be assessed against the policyholders that benefit from the producer.

SECTION 14. AMENDMENT. Section 26.1-23.1-01 of the North Dakota Century Code is amended and reenacted as follows:

26.1-23.1-01. Government self-insurance pools - Regulation - Reinsurance.

1. Any two or more entities that have united to self-insure against their legal liability under chapter 32-12.1 or any state agency that unites with another state agency or political subdivision, or both, to self-insure against their legal liabilities are subject to the provisions of this chapter with the exception of a city and its park district established pursuant to chapter 40-49. Government self-insurance pools may only provide coverage of the following types for pool members, their officers, employees, and agents:
 - a. Casualty insurance, including general, public officials, and professional liability coverages.
 - b. Automobile insurance, including motor vehicle liability insurance coverage, security for motor vehicles owned or operated as required by chapter 26.1-41, and protection against other liability and laws associated with the ownership of motor vehicles and automobile physical damage coverages.
 - c. Property insurance, including inland marine coverage, money and securities coverage, and extra expense coverage. However, this subdivision does not authorize government self-insurance pools to write those types of insurance coverages offered by the state fire and tornado fund under the provisions of chapter 26.1-22 as they existed on December 31, 1988, unless a government self-insurance pool enters a contract with the commissioner to provide services for the state fire and tornado fund under section 26.1-22-03.
 - d. Other coverages authorized by the commissioner and necessary to a pool's membership.
2. A government self-insurance pool may not expose itself to loss on any single risk or hazard in an amount exceeding ten percent of the amount of its admitted assets unless the pool obtains excess insurance or reinsurance with insurance companies approved for such business by the insurance commissioner.

SECTION 15. REPEAL. Chapter 26.1-22.1 of the North Dakota Century Code is repealed.

SECTION 16. CONTINGENT EFFECTIVE DATE. Sections 6 and 15 of this Act become effective on July 1, 2019, if the legislative council has received certification from the chief of the environmental health section of the state department of health that all authority, powers, and duties from the environmental health section of the state department of health have been transferred to the department of environmental quality. If the certification is not received by July 1, 2019, sections 6 and 15 of this Act become effective on the date certification is received."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2010 - Insurance Department - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$8,549,567	(\$415,092)	\$8,134,475
Operating expenses	2,179,777	(613,102)	1,566,675
Insurance tax payments	15,064,086	(15,064,086)	
Total all funds	\$25,793,430	(\$16,092,280)	\$9,701,150
Less estimated income	25,793,430	(16,092,280)	9,701,150
General fund	\$0	\$0	\$0
FTE	46.00	(5.00)	41.00

Department 401 - Insurance Department - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds FTE Positions ³	Transfers Fund Administration ⁴	Transfers the Boiler Inspection Program ⁵	Reduces Funding for Operating Expenses ⁶
Salaries and wages	\$165,007	\$401,116	\$382,502	(\$610,352)	(\$753,365)	
Operating expenses						(\$637,255)
Insurance tax payments						
Total all funds	\$165,007	\$401,116	\$382,502	(\$610,352)	(\$753,365)	(\$637,255)
Less estimated income	165,007	401,116	382,502	(610,352)	(753,365)	(637,255)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	2.00	(3.00)	(4.00)	0.00

	Adds Funding for Microsoft Office 365 Licensing ⁷	Adjusts Funding for Fire District Payments ⁸	Total Senate Changes
Salaries and wages			(\$415,092)
Operating expenses	\$24,153		(613,102)
Insurance tax payments		(\$15,064,086)	(15,064,086)
Total all funds	\$24,153	(\$15,064,086)	(\$16,092,280)
Less estimated income	24,153	(15,064,086)	(16,092,280)
General fund	\$0	\$0	\$0
FTE	0.00	0.00	(5.00)

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	Other Funds
Salary increase	\$218,170
Health insurance increase	182,946
Total	\$401,116

³ The following FTE positions and related funding are added:

	FTE	Other Funds
Consumer assistance outreach coordinator	1.00	\$179,711
High risk pool and health care reform coordinator	1.00	202,791
Total	2.00	\$382,502

⁴ Funding is reduced by \$610,352 and 3 FTE positions are removed to transfer administration of the state bonding fund and the state fire and tornado fund to the North Dakota insurance reserve fund. This amendment also provides continuing appropriation authority from the state bonding fund and the state fire and tornado fund to pay contract expenses to the North Dakota insurance reserve fund.

⁵ Funding is reduced by \$753,365 and 4 FTE positions are removed to transfer the boiler inspection program to the Department of Environmental Quality.

⁶ Funding for operating expenses, including travel, professional services, and information technology expenses, is reduced by \$637,255. This amount includes operating reductions for the removal of the boiler inspection program and administration of the state bonding fund, state fire and tornado fund, and petroleum release compensation fund.

⁷ Funding of \$24,153 is added for Microsoft Office 365 licensing expenses.

⁸ Funding for payments to fire districts and the North Dakota Firefighter's Association is removed to reflect continuing appropriation authority provided in this amendment. The Insurance Commissioner estimates \$18,818,030 will be deposited in the insurance tax distribution fund pursuant to this amendment, of which \$17,783,038 (94.5 percent) will be distributed to fire districts and \$1,034,992 (5.5 percent) will be distributed to the North Dakota Firefighter's Association during the 2019-21 biennium, an increase of \$3,753,944 from the base level. This results in a general fund revenue reduction of \$3,753,944.

Senate Bill No. 2010 - Other Changes - Senate Action

This amendment also:

- Removes the section identifying the appropriation from the insurance tax distribution fund for payments to fire districts and the North Dakota Firefighter's Association.
- Adds sections to provide continuing appropriation authority from the insurance tax distribution fund for payments to fire districts and the North Dakota Firefighter's Association. These sections also provide for the Insurance Commissioner to calculate the amounts to be deposited in and distributed from the insurance tax distribution fund for payments to fire districts and the North Dakota Firefighter's Association.
- Removes sections identifying the amounts appropriated from the state bonding fund, state fire and tornado fund, and the petroleum release compensation fund.
- Adds sections to allow the Insurance Commissioner to contract for the administration of the state bonding fund and the state fire and tornado fund.
- Adds sections to provide continuing appropriation authority from the state bonding fund and the state fire and tornado fund to the Insurance Commissioner to pay the contractual administration costs for the funds.
- Adds sections to transfer the boiler inspection program from the Insurance Commissioner to the Department of Environmental Quality.
- Adds a section to increase the Insurance Commissioner's salary by 2 percent beginning July 1, 2019, and 3 percent beginning July 1, 2020.

REPORT OF STANDING COMMITTEE

SB 2017: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2017 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert "; and to amend and reenact section 20.1-02-16.1 of the North Dakota Century Code, relating to the game and fish fund"

Page 1, remove lines 10 through 23

Page 2, replace lines 1 and 2 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$29,854,874	\$1,071,380	\$30,926,254
Operating expenses	15,338,130	1,166,727	16,504,857
Capital assets	6,080,956	(163,065)	5,917,891
Grants - Game and fish	9,650,184	(1,103,019)	8,547,165
Land habitat and deer depredation	17,824,177	(165,196)	17,658,981
Noxious weed control	725,000	0	725,000
Missouri River enforcement	283,857	4,143	288,000
Grants, gifts, and donations	802,201	(268,581)	533,620
Nongame wildlife conservation	120,000	(20,000)	100,000
Lonetree reservoir	1,798,119	36,248	1,834,367
Wildlife services	500,000	0	500,000
Shooting sports grant program	250,000	0	250,000
Total special funds	\$83,227,498	\$558,637	\$83,786,135
Full-time equivalent positions	163.00	(3.00)	160.00"

Page 2, after line 13, insert:

SECTION 4. AMENDMENT. Section 20.1-02-16.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-02-16.1. Game and fish fund - Use - Required balance - Budget section approval.

All income of the state game and fish department deposited by the director with the state treasurer must be credited to the state game and fish fund and the fund may be used only by the department. All money derived from the investment of the fund, special accounts, or portions of the fund must be credited to the game and fish department private land habitat and access improvement fund. The department shall spend moneys in the game and fish fund within the limits of legislative appropriations, only to the extent the balance of the fund is not reduced below fifteen million dollars, unless otherwise authorized by the budget section. Investment of up to fifteen million dollars of the balance of the game and fish fund may be made under the supervision of the state investment board and the moneys must be invested by the investing authority according to the laws relating to state investments. The department shall notify the state investment board of the amount available for investment."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2017 - Game and Fish Department - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$29,854,874	\$1,071,380	\$30,926,254
Operating expenses	15,338,130	1,166,727	16,504,857
Capital assets	6,080,956	(163,065)	5,917,891
Grants - Game and fish	9,650,184	(1,103,019)	8,547,165
Land habitat and deer depredation	17,824,177	(165,196)	17,658,981
Noxious weed control	725,000		725,000
Missouri River enforcement	283,857	4,143	288,000
Grants - Gifts - Donations	802,201	(268,581)	533,620
Nongame wildlife conservation	120,000	(20,000)	100,000
Lonetree reservoir	1,798,119	36,248	1,834,367
Wildlife services	500,000		500,000
Shooting sports grant program	250,000		250,000
Total all funds	\$83,227,498	\$558,637	\$83,786,135
Less estimated income	83,227,498	558,637	83,786,135
General fund	\$0	\$0	\$0
FTE	163.00	(3.00)	160.00

Department 720 - Game and Fish Department - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Transfers 3 FTE Positions for IT Unification ³	Underfunds Salaries and Wages ⁴	Reduces Funding for Temporary Employees ⁵	Reduces Funding for Grants ⁶
Salaries and wages	\$478,818	\$1,463,409	(\$519,904)	(\$302,943)	(\$48,000)	
Operating expenses			555,688			
Capital assets						
Grants - Game and fish						(\$1,603,019)
Land habitat and deer depredation	(561,331)	73,937		(39,134)		(530)
Noxious weed control	(111,678)					
Missouri River enforcement	10,603	4,145				
Grants - Gifts - Donations	33,508	8,620			(25,000)	(80,000)
Nongame wildlife conservation						(20,000)
Lonetree reservoir	717	36,248				
Wildlife services						
Shooting sports grant program						
Total all funds	(\$149,363)	\$1,586,359	\$35,784	(\$342,077)	(\$73,000)	(\$1,703,549)
Less estimated income	(149,363)	1,586,359	35,784	(342,077)	(73,000)	(1,703,549)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	(3.00)	0.00	0.00	0.00

	Increases Funding for Federal Shooting Range Grants ⁷	Adjusts Base Level Funding ⁸	Adds Funding for Microsoft Office 365 ⁹	Total Senate Changes
Salaries and wages				\$1,071,380
Operating expenses		\$488,405	\$122,634	1,166,727
Capital assets		(163,065)		(163,065)
Grants - Game and fish	\$500,000			(1,103,019)
Land habitat and deer depredation		361,862		(165,196)
Noxious weed control		111,678		
Missouri River enforcement		(10,605)		4,143
Grants - Gifts - Donations		(205,709)		(268,581)
Nongame wildlife conservation				(20,000)
Lonetree reservoir		(717)		36,248
Wildlife services				
Shooting sports grant program				
Total all funds	\$500,000	\$581,849	\$122,634	\$558,637
Less estimated income	500,000	581,849	122,634	558,637
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	(3.00)

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

<u>Other Funds</u>	
Salary increase	\$890,275
Health insurance increase	696,084
Total	\$1,586,359

³ Three FTE positions are transferred to the Information Technology Department for the IT unification project, resulting in reduced salaries and wages of \$519,904 and increased operating expenses of \$555,688.

⁴ The salaries and wages (\$302,943) and the land habitat and deer depredation (\$39,134) line items are underfunded in anticipation of savings resulting from vacant positions and employee turnover.

⁵ Funding for temporary employees is reduced.

⁶ Funding for grants is reduced.

⁷ Federal fund spending authority is increased for federal shooting range grants.

⁸ Base level funding is adjusted as follows:

<u>Other Funds</u>	
Increase funding for operating expenses	\$1,074,294
Reduce funding for motor vehicles	(179,859)
Reduce capital asset funding	(246,685)
Reduce other information technology funding	(207,000)
Increase funding for equipment over \$5,000	108,344
Increase building, grounds, and equipment repairs funding	80,627
Reduce extraordinary repairs funding	(27,665)
Reduce land and buildings funding	(20,207)
Total	\$581,849

⁹ Funding is added for Microsoft Office 365 licensing.

Amends Section 20.1-02-16.1 relating to the game and fish fund to authorize the investment of up to \$15 million of the balance of the game and fish fund.

REPORT OF STANDING COMMITTEE

SB 2021: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 2, after "insurance" insert "; and to provide for a report to the legislative assembly"

Page 1, replace lines 8 through 13 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Workforce safety and insurance operations	\$63,473,062	\$5,198,693	\$68,671,755
Total special funds	\$63,473,062	\$5,198,693	\$68,671,755
Full-time equivalent positions	260.14	(12.00)	248.14"

Page 1, line 14, after "**FUNDING**" insert "- **EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY**"

Page 1, line 15, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 1, replace lines 16 through 21 with:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Claims and policy system replacement project	\$8,120,097	\$7,010,000
MyWSI extranet enhancement project	538,500	850,000
Internal reporting system	275,000	0
Electronic payment processing system	75,000	0
Total other funds	\$9,008,597	\$7,860,000

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. Workforce safety and insurance shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2021 - Workforce Safety and Insurance - Senate Action

	<u>Base Budget</u>	<u>Senate Changes</u>	<u>Senate Version</u>
WSI operations	\$63,473,062	\$5,198,693	\$68,671,755
Total all funds	\$63,473,062	\$5,198,693	\$68,671,755
Less estimated income	63,473,062	5,198,693	68,671,755
General fund	\$0	\$0	\$0
FTE	260.14	(12.00)	248.14

Department 485 - Workforce Safety and Insurance - Detail of Senate Changes

	<u>Adjusts Funding for Base Payroll Changes¹</u>	<u>Adds Funding for Salary and Benefit Increases²</u>	<u>Unfunds 6 FTE Positions³</u>	<u>Adjusts Funding for IT Unification⁴</u>	<u>Reduces Funding for Operating Expenses⁵</u>	<u>Adds Funding for Microsoft Office 365 Licenses⁶</u>
WSI operations	(\$1,821,876)	\$2,359,968	(\$1,012,252)	\$130,041	(\$2,332,176)	\$14,988
Total all funds	(\$1,821,876)	\$2,359,968	(\$1,012,252)	\$130,041	(\$2,332,176)	\$14,988
Less estimated income	(1,821,876)	2,359,968	(1,012,252)	130,041	(2,332,176)	14,988
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	(12.00)	0.00	0.00

	Adds One-Time Funding for the CAPS Replacement Project ⁷	Adds One-Time Funding for the MyWSI Enhancement Project ⁸	Total Senate Changes
WSI operations	\$7,010,000	\$850,000	\$5,198,693
Total all funds	\$7,010,000	\$850,000	\$5,198,693
Less estimated income	7,010,000	850,000	5,198,693
General fund	\$0	\$0	\$0
FTE	0.00	0.00	(12.00)

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	<u>Other Funds</u>
Salary increase	\$1,282,527
Health insurance increase	<u>1,077,441</u>
Total	\$2,359,968

³ Funding for 6 FTE positions is removed.

⁴ Funding is adjusted for the information technology unification initiative, including the transfer of 12 FTE positions and 1 temporary position to the Information Technology Department, as shown below:

	<u>FTE</u>	<u>Other Funds</u>
Transfers 12 FTE positions	(12.00)	(\$2,532,319)
Transfers 1 temporary position	0.00	(99,840)
Adds funding for IT operating expenses	<u>0.00</u>	<u>2,762,200</u>
Total	(12.00)	\$130,041

⁵ Funding for operating expenses, primarily related to professional service fees, is reduced.

⁶ Funding is added for Microsoft Office 365 licensing expenses.

⁷ One-time funding of \$7,010,000 is added from the workmens compensation fund for the claims and policy system replacement project for releases 7 through 10 of the 20 release project. The total project is estimated to cost \$29.5 million and has an estimated completion date of June 2026.

⁸ One-time funding of \$850,000 is added from the workmens compensation fund for the MyWSI extranet enhancement project. The 2017 Legislative Assembly appropriated \$538,500 for the project for the 2017-19 biennium.

REPORT OF STANDING COMMITTEE

SB 2055: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2055 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "and section 10 of"

Page 1, line 8, remove "chapter 19 of the 2017 Session Laws"

Page 1, line 9, remove "and the authority of the state water"

Page 1, line 10, remove "commission to provide payment for western area water supply loans"

Page 17, line 12, remove "and section 10"

Page 17, line 13, replace "of chapter 19 of the 2017 Session Laws are" with "is"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the repeal of a section of 2017 Session Laws providing for Budget Section approval of a request for the Water Commission to repay the outstanding debt of the Western Area Water Supply Authority to the Bank of North Dakota if the authority defaults on its payments.

REPORT OF STANDING COMMITTEE

SB 2124, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2124 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2181: 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 2181 was placed on the Sixth order on the calendar.

Page 2, line 7, remove "Is so severe, pervasive, or objectively offensive that it substantially"

Page 2, remove line 8

Page 2, line 9, remove "(2)"

Page 2, line 9, remove "harm;"

Page 2, replace lines 10 through 12 with ":

(a) Harm; or

(b) Damage to property of the student; and

(2) Is so severe, pervasive, or objectively offensive the conduct substantially interferes with the student's educational opportunities or substantially disrupts the orderly operation of the public school."

Page 2, line 17, overstrike "while"

Page 2, overstrike lines 18 and 19

Page 2, line 20, overstrike "activity or event,"

Page 2, line 20 remove "; or outside a public school, off school district premises, and off"

Page 2, line 21, remove "school district owned or leased property if using an electronic device."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2186: 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 2186 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "requiring" with "providing"

Page 1, line 2, after "schools" insert "with information regarding school safety and awareness issues"

Page 1, line 2, remove "post information regarding child abuse and"

Page 1, line 3, replace "neglect" with "be posted in school common areas"

Page 1, line 7, replace "Child abuse and neglect" with "School safety and awareness"

Page 1, line 8, after "instruction" insert ", in coordination with other relevant state agencies."

Page 1, line 8, remove "require each school to post, at an average"

Page 1, line 9, replace "student's eye level, in school common areas" with "create"

Page 1, line 10, remove "child abuse and neglect. The helpline number must be easily discernible from a"

Page 1, line 11, replace "distance of ten feet [3.05 meters]" with "appropriate school safety and awareness issues. The superintendent shall disseminate the information, resources, and helplines to schools to be posted in school common areas"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2217: 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 2217 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 of a teacher incentive for leadership program."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TEACHER INCENTIVE FOR LEADERSHIP PROGRAM. During the 2019-20 interim, the legislative management shall consider studying the feasibility and desirability of creating a teacher incentive for leadership program. The study must include an evaluation of whether a program would improve student learning through improved instruction; reward effective teachers by providing increased leadership opportunities; attract new teachers to the state by offering competitive starting salaries and professional development; promote collaboration and new career pathways for teachers through mentoring, coaching, and project-based learning; and retain effective teachers through new career opportunities and advancement. The study also must include a review of the types of data to be tracked to determine the success of the program. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2233: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2233 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 section to chapter 54-52.1 of the North Dakota Century Code, relating to public employees retirement system uniform group insurance coverage of infertility benefits; to provide for a report to the legislative assembly; and to provide an effective date."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-52.1 of the North Dakota Century Code is created and enacted as follows:

Infertility treatment coverage.

1. As used in this section:

- a. "Iatrogenic infertility" means an impairment of fertility due to surgery, radiation, chemotherapy, or other medical treatment.
 - b. "Infertility" means a disease or condition that results in impaired function of the reproductive system as a result of which an individual is unable to procreate or to carry a pregnancy to live birth, including:
 - (1) Absent or incompetent uterus.
 - (2) Damaged, blocked, or absent fallopian tubes.
 - (3) Damaged, blocked, or absent male reproductive tract.
 - (4) Damaged, diminished, or absent sperm.
 - (5) Damaged, diminished, or absent oocytes.
 - (6) Damaged, diminished, or absent ovarian function.
 - (7) Endometriosis.
 - (8) Hereditary genetic disease or condition that would be passed to offspring.
 - (9) Adhesions.
 - (10) Uterine fibroids.
 - (11) Sexual dysfunction impeding intercourse.
 - (12) Teratogens or idiopathic causes.
 - (13) Polycystic ovarian syndrome.
 - (14) Inability to become pregnant or cause pregnancy of unknown etiology.
 - (15) Two or more pregnancy losses, including ectopic pregnancies.
 - (16) Uterine congenital anomalies, including those caused by diethylstilbestrol.
 - (17) Surgical sterilization if no living children have been conceived with the current partner.
 - c. "Policy" means health benefits coverage under a contract for insurance pursuant to section 54-52.1-04 or under a self-insurance plan pursuant to section 54-52.1-04.2.
 - d. "Standard fertility preservation services" means fertility preservation procedures consistent with established medical practices and professional guidelines published by professional medical organizations, such as the American society for clinical oncology and the American society for reproductive medicine.
2. For all policies that become effective after June 30, 2019, and which do not extend past June 30, 2021, the board shall provide health benefits coverage for fertility care services, including in vitro fertilization services for individuals who suffer from a disease or condition that results in the inability to procreate or to carry a pregnancy to live birth and standard fertility preservation services for individuals who must undergo medically necessary treatment that may cause iatrogenic infertility. The benefits must be provided to insureds to the same extent as other pregnancy-related benefits and as medically appropriate must include coverage for:

- a. Intrauterine insemination.
 - b. Assisted hatching.
 - c. Cryopreservation and thawing of eggs, sperm, and embryos.
 - d. Cryopreservation of ovarian tissue.
 - e. Cryopreservation of testicular tissue.
 - f. Embryo biopsy.
 - g. Consultation and diagnostic testing.
 - h. Fresh and frozen embryo transfers.
 - i. Four completed egg retrievals per lifetime, with unlimited embryo transfers in accordance with best practices for reproductive medicine, using single embryo transfer.
 - j. In vitro fertilization, including in vitro fertilization using donor eggs, sperm, or embryos, and in vitro fertilization through which the embryo is transferred to a gestational carrier or surrogate.
 - k. Intracytoplasmic sperm injection.
 - l. Medications.
 - m. Ovulation induction.
 - n. Storage of oocytes, sperm, embryos, and tissue.
 - o. Surgery, including microsurgical sperm aspiration.
 - p. Medical and laboratory services, including use of preimplantation genetic testing, which reduce excess embryo creation through egg cryopreservation and thawing in accordance with an individual's religious or ethical beliefs.
3. An insured qualifies for coverage under this section if all of the following requirements are met:
- a. A board-certified or board-eligible obstetrician-gynecologist, subspecialist in reproductive endocrinology, oncologist, urologist, or andrologist verifies the insured is diagnosed with infertility or is at risk of iatrogenic infertility.
 - b. If the insured is diagnosed with infertility, the insured has not been able to obtain a successful pregnancy through reasonable effort with less costly infertility treatments covered by the policy, except as follows:
 - (1) No more than three treatment cycles of ovulation induction or intrauterine inseminations may be required before in vitro fertilization services are covered.
 - (2) If in vitro fertilization is medically necessary, cycles of ovulation induction or intrauterine inseminations may not be required before in vitro fertilization services are covered.
 - (3) In vitro fertilization procedure must be performed at a practice that conforms to American society for reproductive medicine and American congress of obstetricians and gynecologists guidelines.

- c. For in vitro fertilization services, retrievals are completed before the insured is forty-five years old and transfers are completed before the insured is fifty years old.
- 4. A policy may not impose any exclusions, limitations, or other restrictions on coverage of fertility medications different from those imposed on any other prescription medications, and may not impose deductibles, copayments, coinsurance, benefit maximums, waiting periods, or any other limitations on coverage for required fertility care services, which are different from those imposed upon benefits for services not related to infertility.
- 5. A policy is not required to cover experimental fertility care services, monetary payments to gestational carriers or surrogates, or the reversal of voluntary sterilization undergone after the insured successfully procreated with the insured's partner at the time the reversal is desired.

SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - COVERAGE OF FERTILITY BENEFITS - REPORT TO LEGISLATIVE ASSEMBLY. Pursuant to section 54-03-28, the public employees retirement system shall prepare and submit for introduction a bill to the sixty-seventh legislative assembly to repeal the expiration date for section 1 of this Act and to extend the coverage of fertility benefits to apply to all group and individual health insurance policies. The public employees retirement system shall append to the bill a report regarding the effect of the fertility benefits coverage requirement on the system's health insurance programs, information on the utilization and costs relating to the coverage, and a recommendation regarding whether the coverage should continue.

SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through July 31, 2021, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2257: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2257 was placed on the Sixth order on the calendar.

Page 3, line 15, remove "and"

Page 3, line 16, after the second "parties" insert ":

- (4) A taxpayer may not be required to pay both the state tax and the tribal tax but shall pay only one tax to one government in an amount established by the agreement; and
- (5) The state and tribal government shall cooperate to collect only one tax and share or refund the revenue as specified in the agreement"

Page 3, line 18, after "the" insert "exterior"

Page 3, line 24, after the first "the" insert "exterior"

Page 4, line 23, after the first "the" insert "exterior"

Page 5, line 27, after the first "the" insert "exterior"

Page 6, line 19, replace "**Agreement**" with "**Alcoholic beverages gross receipts tax agreement**"

Page 6, line 20, replace "alcohol" with "alcoholic"

Page 6, line 22, replace "sales, use, and" with "alcoholic beverages"

Page 6, line 23, replace "taxes" with "tax"

Page 6, line 29, after "2." insert "A tribe or tribes shall impose a tax equal to the state's alcoholic beverages gross receipts tax on all sales at retail of alcoholic beverages within the exterior boundaries of the reservation in this state.

3."

Page 7, line 1, replace "3." with "4."

Page 7, remove lines 4 through 9

Page 8, line 4, after "the" insert "exterior"

Page 9, line 29, replace "3." with "4."

Page 10, line 2, after "refund" insert "paid under this section"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2258: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2258 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "and"

Page 1, line 7, after "application" insert "; and to declare an emergency"

Page 2, line 15, after "3." insert "A tribe or tribes shall impose taxes equal to the state's taxes which conform in all respects with regard to the taxable or exempt status of transactions and activities under chapters 57-39.2, 57-39.5, 57-39.6, and 57-40.2, but must be applied only to those taxable transactions and activities occurring within the exterior boundaries of a reservation which are exempt from state taxes because the transactions or activities occur within the tribe's or tribes' jurisdiction.

4."

Page 2, line 18, replace "4." with "5."

Page 2, line 18, replace "5" with "6"

Page 2, line 21, replace "5." with "6."

Page 2, line 27, replace "6." with "7."

Page 2, line 30, replace "7." with "8."

Page 3, line 3, replace "8." with "9."

Page 3, line 8, replace "9." with "10."

Page 3, line 15, replace "10." with "11."

Page 3, line 18, replace "11." with "12."

Page 4, line 6, replace "12." with "13."

Page 4, line 18, replace "13." with "14."

Page 4, line 21, replace "14." with "15."

Page 4, line 28, replace "9" with "10"

Page 5, line 15, replace "July 31, 2019" with "the effective date of this Act"

Page 5, after line 15, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2265, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2265 was placed on the Sixth order on the calendar.

Page 5, line 26, after "six" insert "one"

Page 5, line 27, remove the overstrike over "hundred"

Page 5, line 27, replace "thirty-six" with "thirty-four"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2313: 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 2313 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a new section" with "two new sections"

Page 1, line 3, replace the first "and" with a comma

Page 1, line 3, replace "commission" with "cabinet, and creation of a commission on juvenile justice"

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

Page 1, line 4, after "force" insert "; to provide a report to the legislative management; and to provide an expiration date"

Page 1, line 15, replace "commission" with "cabinet"

Page 1, line 16, replace "commission" with "cabinet"

Page 1, line 18, replace "commission" with "cabinet"

Page 2, remove lines 1 through 7

Page 2, line 8, replace "j." with "f."

Page 2, line 10, replace "k." with "g."

Page 2, line 12, replace "l." with "h."

Page 2, line 18, replace the first "commission" with "cabinet"

Page 2, line 18, replace the second "commission" with "cabinet"

Page 2, line 20, replace "commission" with "cabinet"

Page 3, line 5, replace "commission" with "cabinet"

Page 3, after line 6, insert:

"SECTION 3. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Commission on juvenile justice - Reports.

1. The commission on juvenile justice is composed of:
 - a. Three members of the house of representatives, two of whom must be selected by the majority leader of the house of representatives and one of whom must be selected by the minority leader of the house of representatives;
 - b. Three members of the senate, two of whom must be selected by the majority leader of the senate and one of whom must be selected by the minority leader of the senate;
 - c. The governor, or the governor's designee;
 - d. The superintendent of public instruction, or the superintendent's designee;
 - e. The executive director of the department of human services, or the executive director's designee;
 - f. The director of the department of corrections and rehabilitation's division of juvenile services, or the director's designee;
 - g. The executive director of the Indian affairs commission, or the executive director's designee;
 - h. A director of juvenile court services, appointed by the chief justice of the supreme court;
 - i. A representative from the commission on legal counsel for indigents; and
 - j. The following members appointed by the governor:
 - (1) A state's attorney;
 - (2) A representative of a children's advocacy center; and
 - (3) A representative of a city police department.
2. The governor shall designate one of the members of the commission to serve as the presiding officer. The governor's appointees serve at the pleasure of the governor. Excluding ex officio members, the term of a commission member is two years.
3. The commission shall meet at least four times per year at the times and locations designated by the presiding officer. The office of the governor shall provide staffing for the commission.
4. The commission shall:
 - a. Review chapter 27-20;
 - b. Gather information concerning issues of child welfare, including education, abuse, and neglect;
 - c. Receive reports and testimony from individuals, state and local agencies, community-based organizations, and other public and private organizations, in furtherance of the commission's duties;
 - d. Advise effective intervention, resources, and services for children;

- e. Report to and be subject to the oversight of the children's cabinet; and
 - f. Annually submit to the governor and the legislative management a report with the commission's findings and recommendations which may include a legislative strategy to implement the recommendations.
5. A member of the commission who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees to be paid by the department of corrections and rehabilitation. A state employee who is a member of the commission is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency. A member of the commission who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the commission. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the commission who is a member of the legislative assembly."

Page 3, after line 7, insert:

"SECTION 5. EXPIRATION DATE. Section 3 of this Act is effective through July 31, 2025, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2320: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the semicolon

Page 1, line 3, remove "and to provide a penalty"

Page 1, line 13, remove "ample"

Page 1, line 14, remove "to its intended audience"

Page 1, line 15, remove "or 'faculty member'"

Page 1, line 20, replace "individuals" with "an individual"

Page 1, line 20, after "managerial" insert ", unless the individual also teaches at least one credit-hour"

Page 2, line 2, after "service" insert ", unless the promotion, sale, or distribution of the product or service is incidental to the exercise of free speech"

Page 2, line 5, remove "'Materially and substantially disrupts' means when a person knowingly or intentionally"

Page 2, remove lines 6 through 17

Page 2, line 18, remove "6."

Page 2, line 18, replace "a course of study at the institution" with "at least one course offered by an institution"

Page 2, remove lines 19 through 22

Page 2, line 23, replace "8." with "6."

Page 2, line 27, remove "1."

Page 2, line 27, remove "and enforce a"

Page 2, remove lines 28 and 29

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 30

Page 5, remove lines 1 through 30

Page 6, replace lines 1 through 11 with "a policy that:

1. Protects students' rights to free speech, assembly, and expression;
2. Permits institutions to establish and enforce reasonable and constitutional time, place, and manner restrictions on free speech, assembly, and expression;
3. Permits students, faculty, or student organizations to invite guest speakers or groups to present regardless of the viewpoint or content of the anticipated speech of the guest speaker or group; and
4. Protects the academic freedom and free speech rights of faculty while adhering to guidelines established by the American association of university professors."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2341: 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 2341 was placed on the Sixth order on the calendar.

Page 2, line 24, replace "superintendent" with "director"

Page 2, line 25, replace "public instruction" with "career and technical education"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2361: 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 2361 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "sections" with "subsections 9 and 10 of section 25-01-01, section"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Subsections 9 and 10 of section 25-01-01 of the North Dakota Century Code are amended and reenacted as follows:

9. "Tier 2 mental health professional" means a tier 2a or a tier 2b mental health professional.
 - a. A tier 2a mental health professional is an independent clinician who is a licensed independent clinical social worker licensed under chapter 43-41, a licensed professional clinical counselor licensed under chapter 43-47, or a licensed marriage and family therapist licensed under chapter 43-53.

- b. A tier 2b mental health professional is an addiction counselor licensed under chapter 43-45 or a registered nurse licensed under chapter 43-12.
- 10. "Tier 3 mental health professional" means a licensed associate professional counselor licensed under chapter 43-47, a licensed ~~certified master~~ social worker or licensed baccalaureate social worker licensed under chapter 43-41, a licensed professional counselor licensed under chapter 43-47, an associate marriage and family therapist licensed under chapter 43-53, an occupational therapist licensed under chapter 43-40, a licensed practical nurse licensed under chapter 43-12, a behavior analyst licensed or registered under chapter 43-32, a vocational rehabilitation counselor practicing under chapter 50-06.1, a school psychologist, or a human relations counselor."

Page 8, line 5, replace "the" with "a"

Page 8, line 5, replace "of two hundred dollars" with "not to exceed the daily compensation of members of the legislative assembly"

Page 9, after line 29 insert:

- "4. Until the board proceeds with disciplinary action, the complaint, the response, and any record received by the board during an investigation of a complaint under this section are exempt records, as defined in section 44-04-17.1."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4007: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4007 was placed on the Eleventh order on the calendar.

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

Shanda Morgan, Secretary