

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, April 9, 2019

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

The prayer was offered by Sister Kathleen Atkinson, Director, Ministry on the Margins, Bismarck.

The roll was called and all members were present except Senators Bakke, Bekkedahl, and Luick.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that Sen. Hogan replace Sen. O. Larsen on the Conference Committee on HB 1194, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that HB 1024, which is on the Sixth order, be laid over one legislative day, and that HB 1384, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1011, as engrossed: SEN. GRABINGER (Appropriations Committee) MOVED that the amendments on SJ pages 1353-1354 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; to create and enact section 39-03-09.1 of the North Dakota Century Code, relating to highway patrol community outreach; to provide for a transfer; to provide an exemption; and to provide for a report.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Luick

Engrossed HB 1011, as amended, passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to SB 2041 as printed on SJ page 1310, which motion prevailed on a voice vote.

SB 2041, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2041: A BILL for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to the issuance of bonds by the governing body of a park district without voter approval.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Luick

Engrossed SB 2041 passed.

CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2001 as printed on SJ pages 1306-1307, in the House amendments to Engrossed SB 2007 as printed on SJ pages 1307-1308, in the House amendments to Engrossed SB 2014 as printed on SJ pages 1308-1309, in the House amendments to Engrossed SB 2018 as printed on SJ pages 1309-1310, and in the House amendments to Engrossed SB 2094 as printed on SJ pages 1263-1269 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed SB 2001: Sens. Hogue, G. Lee, Mathern.

Engrossed SB 2007: Sens. Poolman, Sorvaag, Robinson.

Engrossed SB 2014: Sens. Sorvaag, Krebsbach, Grabinger.

Engrossed SB 2018: Sens. Erbele, Krebsbach, Mathern.

Engrossed SB 2094: Sens. J. Lee, O. Larsen, Hogan.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1174, Engrossed HB 1234, Reengrossed HB 1383, and Engrossed HB 1517, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

HB 1174: Sens. Kannianen, Cook, Dotzenrod

Engrossed HB 1234: Sens. Myrdal, Lemm, Bakke

Reengrossed HB 1383: Sens. Schaible, Kreun, Piepkorn

Engrossed HB 1517: Sens. Clemens, J. Lee, Anderson

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KREUN MOVED that the conference committee report on SB 2102 as printed on SJ page 1068 be adopted, which motion prevailed on a voice vote.

SB 2102, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2102: A BILL for an Act to create and enact chapter 26.1-53.1 of the North Dakota Century Code, relating to discount plans; and to repeal chapter 26.1-53 of the North Dakota Century Code, relating to discount medical plans.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Luick

Engrossed SB 2102 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on Engrossed SB 2258 as printed on SJ pages 1026-1027 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2258, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2258: A BILL for an Act to create and enact chapter 57-39.9 of the North Dakota Century Code, relating to state-tribal agreements for the administration and collection of sales, use, and gross receipts taxes within the boundaries of the Fort Berthold Reservation, Lake Traverse Reservation, Spirit Lake Reservation, Standing Rock Reservation, or Turtle Mountain Reservation; to repeal chapter 57-39.8 of the North Dakota Century Code, relating to a state-tribal agreement with the Standing Rock Sioux Tribe; to provide a continuing appropriation; to provide for application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Hogan; Mathern; Oban

ABSENT AND NOT VOTING: Bakke; Bekkedahl

Reengrossed SB 2258 passed and the emergency clause was declared carried.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1011.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2021, SB 2023, SB 2269, SCR 4017.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2021

Page 1, replace lines 10 through 13 with:

"Workforce safety and insurance operations	<u>\$63,473.062</u>	<u>\$5,274,780</u>	<u>\$68,747,842</u>
Total special funds	\$63,473,062	\$5,274,780	\$68,747,842
Full-time equivalent positions	260.14	0.00	260.14"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2021 - Workforce Safety and Insurance - House Action**

	Base Budget	Senate Version	House Changes	House Version
WSI operations	\$63,473,062	\$68,671,755	\$76,087	\$68,747,842
Total all funds	\$63,473,062	\$68,671,755	\$76,087	\$68,747,842
Less estimated income	63,473,062	68,671,755	76,087	68,747,842
General fund	\$0	\$0	\$0	\$0
FTE	260.14	248.14	12.00	260.14

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

	Adjusts Funding for Salary and Benefit Increases ¹	Adjusts Funding for IT Unification ²	Total House Changes
WSI operations	\$206,128	(\$130,041)	\$76,087
Total all funds	\$206,128	(\$130,041)	\$76,087
Less estimated income	206,128	(130,041)	76,087
General fund	\$0	\$0	\$0
FTE	0.00	12.00	12.00

¹ The following funding is adjusted for the 2019-21 biennium salary adjustments of 2 percent with a minimum monthly increase of \$120 and a maximum monthly increase of \$200 on July 1, 2019, and a 2.5 percent increase on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	<u>Other Funds</u>
Salary increase	\$152,584
Health insurance increase	53,544
Total	\$206,128

Funding adjusted for state employee salary increases results in total salary increases proposed by the House of \$1,435,111. The Senate proposed salary increases of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, to provide total salary increases of \$1,282,527. Funding of \$53,544 is added for increases in health insurance premiums for 12 FTE positions the Senate transferred to the Information Technology Department for the information technology unification initiative. The House has not approved the information technology unification initiative and restored the 12 FTE positions transferred by the Senate.

² The House has not approved the information technology unification initiative previously approved by the Senate, resulting in the following adjustments to funding and FTE positions:

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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2023

Page 1, replace lines 12 through 17 with:

"Salaries and wages	\$6,316,169	\$126,499	\$6,442,668
Operating expenses	2,692,221	(235,309)	2,456,912
Capital assets	0	190,000	190,000
Contingencies	250,000	0	250,000
Total special funds	\$9,258,390	\$81,190	\$9,339,580
Full-time equivalent positions	34.50	(1.00)	33.50"

Page 2, after line 11, insert:

"SECTION 4. PUBLIC EMPLOYEES RETIREMENT SYSTEM - HOSPITAL AND MEDICAL BENEFITS COVERAGE - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. During the 2019-21 interim, the public employees retirement system board shall solicit and receive bids for the 2021-23 biennium

hospital benefits coverage and medical benefits coverage for state employees under section 54-52.1-04. The request for proposal must include an option for coverage through a self-insurance plan. The board may not enter a contract for hospital benefits coverage or medical benefits coverage for the 2021-23 biennium until the board reports to and receives input from the sixty-seventh legislative assembly. The report must provide comparative information and the board's evaluation of the bids received, including information on the self-insurance option."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2023 - Public Employees Retirement System - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$6,316,169	\$6,666,052	(\$223,384)	\$6,442,668
Operating expenses	2,692,221	2,483,592	(26,680)	2,456,912
Capital assets		190,000		190,000
Contingencies	250,000	250,000		250,000
Total all funds	\$9,258,390	\$9,589,644	(\$250,064)	\$9,339,580
Less estimated income	9,258,390	9,589,644	(250,064)	9,339,580
General fund	\$0	\$0	\$0	\$0
FTE	34.50	34.50	(1.00)	33.50

Department 192 - Public Employees Retirement System - Detail of House Changes

	Reduces Funding for Temporary Employee Salaries ¹	Adjusts Funding for Salary and Benefit Increases ²	Removes Undesignated FTE Position ³	Total House Changes
Salaries and wages	(\$89,402)	\$4,814	(\$138,796)	(\$223,384)
Operating expenses			(26,680)	(26,680)
Capital assets				
Contingencies				
Total all funds	(\$89,402)	\$4,814	(\$165,476)	(\$250,064)
Less estimated income	(89,402)	4,814	(165,476)	(250,064)
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	(1.00)	(1.00)

¹ Funding for temporary employee salaries is reduced by \$89,402.

² Funding is adjusted to provide employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and 2.5 percent on July 1, 2020. The Senate provided funding for a 2 percent salary increase on July 1, 2019, and a 3 percent salary increase on July 1, 2020.

³ Funding of \$165,476, including 1 FTE undesignated position is removed, of which \$138,796 is for salaries and wages and \$26,680 is for related operating expenses. The Senate did not remove any FTE positions from the base budget.

This amendment also:

- Adds a section requiring the Public Employees Retirement System Board to solicit and receive bids for hospital benefits coverage and medical benefits coverage for state employees. An option for coverage through a self-insurance plan must be requested in the proposal. The board may not enter into a contract until it receives input from the 67th Legislative Assembly.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2269

Page 1, line 23, remove "The term does"

Page 1, line 24, remove "not include whole, uncut fresh fruits and vegetables"

Page 2, line 8, after the underscored period insert: "Food" means an article used for food or drink for human consumption.

9."

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

Page 2, line 12, replace "10." with "11."

Page 2, line 14, replace "11." with "12."

Page 2, line 17, replace "12." with "13."

Page 2, line 23, replace "13." with "14."

Page 2, line 26, replace "14." with "15."

Page 2, line 30, replace "15." with "16."

Page 3, line 1, replace "16." with "17."

Page 3, after line 4, insert:

"18. "Whole, uncut fresh fruits and vegetables" means a fruit or vegetable in its raw or natural state, including all fruits and vegetables that are washed, colored, or otherwise treated in an unpeeled natural form before marketing."

Page 4, after line 29, insert:

"7. Except for whole, uncut fresh fruits and vegetables, food prepared by a cottage food operator may not be sold or used for commercial consumption."

Page 5, line 14, remove "or"

Page 5, line 15, after "products" insert "are dehydrated or are freeze dried and the products"

Page 5, line 15, after "level" insert: ";

c. The products are blanched and frozen; or

d. The products are low-acid foods processed using a pressure canner"

Page 5, line 19, after "chapter" insert "must be labeled in accordance with the requirements of this chapter and"

Page 5, line 20, replace "If" with "Except as provided under subdivision b, if"

Page 5, line 20, after "transported" insert "by the cottage food operator"

Page 5, line 20, replace "frozen" with "at a temperature of forty degrees Fahrenheit [4.4 degrees Celsius] or less"

Page 5, line 22, replace "and" with "or"

Page 5, line 23, replace "Must be labeled in accordance with the requirements of this chapter" with "Except for washed shell eggs, if a period of four hours or more occurs between transportation by the cottage food operator and delivery, must be maintained frozen by the cottage food operator"

Page 5, line 25, remove "in a baked good"

Page 5, line 26, remove "Garlic in oil."

Page 5, remove lines 27 through 31

Page 6, remove lines 1 and 2

Page 6, line 3, remove "9."

Page 6, line 4, replace "10." with "6."

Page 6, line 5, replace "11." with "7."

Page 6, line 24, after "Handled" insert "Refrigerated or"

Page 7, line 1, after the underscored period insert: "If the cottage food is a low-acid food, the label required under this section must:

- a. Be printed on a high visibility color background;
- b. Include the phrase "low-acid food" in bold capital letters; and
- c. Contain the following language: "Improperly canned low-acid food increases your risk of developing foodborne illnesses including botulism or death".

5."

Page 7, after line 4, insert:

- "6. The state department of health shall publish a list of high-acid foods that do not require special labeling under this section as a low-acid food."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4017

Page 1, line 1, replace "directing" with "urging"

Page 1, line 1, replace "Legislative Management" with "Indian Affairs Commission"

Page 1, line 1, replace "consider studying" with "study"

Page 1, line 2, remove "dichotomy between the"

Page 1, line 2, replace "on" with a comma

Page 1, line 2, after "resources" insert a comma

Page 1, line 4, remove the semicolon

Page 1, line 4, replace "the facilitation of" with "to facilitate"

Page 1, line 5, remove "and registration"

Page 1, line 14, after "regional" insert "and"

Page 1, line 14, after "private" insert "industry"

Page 1, line 18, remove "eligibility of"

Page 1, remove line 19

Page 1, line 20, remove "to the National Register of Historic Places"

Page 1, line 21, remove "state agencies, including the Department of Transportation,"

Page 1, line 22, remove ", the State Historic Preservation Office, and the Public Service Commission, should"

Page 1, line 23, replace "coordinate and consult" with "is urged to consider coordinating with state agencies including the Department of Transportation, State Historical Society, and Public Service Commission and to consult"

Page 2, line 3, replace "Legislative Management" with "Indian Affairs Commission is urged to"

Page 2, line 3, remove "dichotomy between the"

Page 2, line 4, replace "on" with a comma

Page 2, line 4, after "resources" insert a comma

Page 2, line 6, remove the semicolon

Page 2, line 6, replace "the facilitation of" with "to facilitate"

Page 2, line 7, remove "and registration"

Page 2, line 8, after "that" insert "if studied,"

Page 2, line 8, replace "Legislative Management" with "Indian Affairs Commission is urged to"

Renumber accordingly

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2041.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2001, SB 2007, SB 2014, SB 2018, and SB 2094, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2001: Sens. Hogue; G. Lee; Mathern

SB 2007: Sens. Poolman; Sorvaag; Robinson

SB 2014: Sens. Sorvaag; Krebsbach; Grabinger

SB 2018: Sens. Erbele; Krebsbach; Mathern

SB 2094: Sens. J. Lee; O. Larsen; Hogan

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

MR. PRESIDENT: The House has appointed as a conference committee to act with a like committee from the Senate on:

SB 2033: Reps. C. Johnson; Karls; P. Anderson

SB 2146: Reps. Schobinger; Meier; Holman

SB 2195: Reps. Schauer; Karls; Johnston

SB 2221: Reps. Steiner; Rohr; Laning

SB 2256: Reps. B. Koppelman; Vetter; Hoverson

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1435, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1435: Reps. Kasper; B. Koppelman; Brandenburg

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

MR. SPEAKER: The Senate has appointed as a conference committee to act with a like committee from the House on:

HB 1174: Sens. Kannianen; Cook; Dotzenrod

HB 1234: Sens. Myrdal; Lemm; Bakke

HB 1383: Sens. Schaible; Kreun; Piepkorn

HB 1517: Sens. Clemens; J. Lee; Anderson

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

MR. SPEAKER: The President has appointed Sen. Hogan to replace Sen. O. Larsen on the Conference Committee on HB 1194.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2102.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2258.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2011, SCR 4016.

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

MR. PRESIDENT: The Speaker has signed: SB 2011, SCR 4016.

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

MR. PRESIDENT: The Speaker has signed: HB 1005, HB 1246, HB 1256, HCR 3048.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 8, 2019, I have signed the following: SB 2024, SB 2025, SB 2043, SB 2070, SB 2072, SB 2076, SB 2088, SB 2089, SB 2101, SB 2109, SB 2115, SB 2138, SB 2149, SB 2152, SB 2173, SB 2179, SB 2196, SB 2197, SB 2203, SB 2209, SB 2230, SB 2232, SB 2239, SB 2240, SB 2243, SB 2313, and SB 2347.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, April 10, 2019, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2035: Your conference committee (Sens. Anderson, D. Larson, Kannianen and Reps. Pyle, Hatlestad, Toman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 894 and place SB 2035 on the Seventh order.

SB 2035 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2078: Your conference committee (Sens. Kannianen, D. Larson, Dotzenrod and Reps. Hatlestad, Magrum, Guggisberg) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 894 and place SB 2078 on the Seventh order.

SB 2078 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2245, as engrossed: Your conference committee (Sens. Anderson, K. Roers, Hogan and Reps. Damschen, Skroch, Fegley) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1135-1137, adopt amendments as follows, and place SB 2245 on the Seventh order:

That the House recede from its amendments as printed on pages 1135-1137 of the Senate Journal and pages 1259-1261 of the House Journal and that Engrossed Senate Bill No.

2245 be amended as follows:

Page 1, line 3, remove "and"

Page 1, line 3, after "50-11.1-17" insert ", and subsection 13 of section 50-25.1-02"

Page 1, line 4, after "services" insert "and the definition of a neglected child; and to declare an emergency"

Page 2, line 2, remove the overstrike over "~~whether public or private,~~"

Page 2, line 7, remove the overstrike over "~~Child care, preschool, and prekindergarten services~~"

Page 2, line 7, remove "Early childhood education"

Page 2, line 8, remove "program"

Page 2, line 8, remove the overstrike over "~~to children under six years of age~~"

Page 2, line 9, remove the overstrike over "~~by the superintendent of public instruction~~"

Page 2, line 9, remove "pursuant"

Page 2, line 10, remove "to chapter 15.1-37"

Page 2, line 26, remove "\"Educational facility\" means a public or nonpublic school."

Page 2, line 27, remove "9."

Page 3, line 1, remove the overstrike over "~~9.~~"

Page 3, line 1, remove "10."

Page 3, line 3, remove the overstrike over " ~~10.~~"

Page 3, line 3, remove "11."

Page 3, line 6, remove the overstrike over " ~~11.~~"

Page 3, line 6, remove "12."

Page 3, line 8, remove the overstrike over " ~~12.~~"

Page 3, line 8, remove "13."

Page 3, line 10, remove the overstrike over " ~~13.~~"

Page 3, line 10, remove "14."

Page 3, line 12, remove the overstrike over " ~~14.~~"

Page 3, line 12, remove "15."

Page 3, line 14, remove the overstrike over " ~~15.~~"

Page 3, line 14, remove "16."

Page 3, line 17, remove the overstrike over " ~~16.~~"

Page 3, line 17, remove "17."

Page 3, line 19, remove the overstrike over " ~~17.~~"

Page 3, line 19, remove "18."

Page 3, line 21, remove the overstrike over "~~and which serves no child for more~~"

Page 3, line 22, remove the overstrike over "~~than three hours per day~~"

Page 3, line 23, remove the overstrike over "18."

Page 3, line 23, remove "19."

Page 3, line 25, remove the overstrike over " 19."

Page 3, line 25, remove "20."

Page 3, line 27, remove the overstrike over " 20."

Page 3, line 27, remove "21."

Page 4, line 1, remove the overstrike over "21."

Page 4, line 1, remove "22."

Page 4, line 4, remove the overstrike over " 22."

Page 4, line 4, remove "23."

Page 4, line 7, remove the overstrike over " 23."

Page 4, line 7, remove "24."

Page 4, line 9, remove the overstrike over " 24."

Page 4, line 9, remove "25."

Page 4, line 12, remove the overstrike over " 25."

Page 4, line 12, remove "26."

Page 5, line 27, after "and" insert ", including"

Page 5, line 27, remove the overstrike over "~~the use of an automated external defibrillator~~"

Page 5, line 29, remove the overstrike over "~~and automated external defibrillator~~"

Page 6, line 4, after "and" insert ", including"

Page 6, line 4, remove the overstrike over "~~the use of an automated external defibrillator~~"

Page 6, line 6, remove the overstrike over "~~and automated external defibrillator~~"

Page 8, line 21, replace "license" with "self-declaration document"

Page 8, line 24, replace "license" with "self-declaration document"

Page 8, line 26, replace "license" with "self-declaration document"

Page 8, after line 28, insert:

"SECTION 8. AMENDMENT. Subsection 13 of section 50-25.1-02 of the North Dakota Century Code is amended and reenacted as follows:

13. "~~Neglected child~~" means a ~~deprived child as defined in chapter 27-20~~who, due to the action or inaction of a person responsible for the child's welfare:
 - a. Is without proper care or control, subsistence, education as required by law, or other care or control necessary for the child's physical,

mental, or emotional health, or morals, and is not due primarily to the lack of financial means of a person responsible for the child's welfare;

- b. Has been placed for care or adoption in violation of law;
- c. Has been abandoned;
- d. Is without proper care, control, or education as required by law, or other care and control necessary for the child's well-being because of the physical, mental, emotional, or other illness or disability of a person responsible for the child's welfare, and that such lack of care is not due to a willful act of commission or act of omission, and care is requested by a person responsible for the child's welfare;
- e. Is in need of treatment and a person responsible for the child's welfare has refused to participate in treatment as ordered by the juvenile court;
- f. Was subject to prenatal exposure to chronic or severe use of alcohol or any controlled substance as defined in chapter 19-03.1 in a manner not lawfully prescribed by a practitioner;
- g. Is present in an environment subjecting the child to exposure of a controlled substance, chemical substance, or drug paraphernalia as prohibited by section 19-03.1-22.2; or
- h. Is a victim of human trafficking as defined in title 12.1.

SECTION 9. EMERGENCY. Section 8 of this Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2245 was placed on the Seventh order of business on the calendar.

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

Shanda Morgan, Secretary