

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

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Bismarck, March 29, 2019

The Senate convened at 12:30 p.m., with President Sanford presiding.

The prayer was offered by Pastor Larry Giese, Chaplain Missouri Slope Lutheran Care Center, Bismarck.

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

A quorum was declared by the President.

## MOTION

**SEN. DOTZENROD MOVED** that the Senate reconsider its action whereby HB 1190, as amended, failed to pass, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**HB 1346, as engrossed: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments on SJ pages 1141-1142 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 1190:** A BILL for an Act to amend and reenact sections 5-01-17 and 5-01-20 of the North Dakota Century Code, relating to domestic winery licenses and direct sales by licensed wineries.

## 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 25 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Burckhard; Davison; Dotzenrod; Elkin; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Krebsbach; Kreun; Larsen, O.; Marcellais; Mathern; Meyer; Oban; Patten; Roers, J.; Roers, K.; Rust; Vedaa; Wardner

**NAYS:** Bekkedahl; Clemens; Cook; Dever; Erbele; Fors; Klein; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Myrdal; Oehlke; Piepkorn; Poolman; Robinson; Schaible; Sorvaag; Unruh; Wanzek

**ABSENT AND NOT VOTING:** Dwyer

HB 1190, as amended, passed.

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## SECOND READING OF HOUSE BILL

**HB 1346:** A BILL for an Act to amend and reenact sections 15.1-06-04, 15.1-27-23, and 15.1-27-35 of the North Dakota Century Code, relating to required number of hours of instruction by school districts, average daily membership calculation, and weather emergencies.

## 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, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

Lemm; Luick; 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:** Dwyer

Engrossed HB 1346, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1546, as engrossed: SEN. MYRDAL (Judiciary Committee) MOVED** that the amendments on SJ page 1143 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 1546:** A BILL for an Act to create and enact a new section to chapter 14-02.1 of the North Dakota Century Code, relating to prohibition on human dismemberment abortion; to amend and reenact section 2 of chapter 132 of the 2007 Session Laws, relating to the implementation of the prohibition of the performance of abortions; to provide a penalty; and to provide an effective date.

#### MOTION

**SEN. HECKAMAN MOVED** that Engrossed HB 1546, as amended, be amended as follows.

In lieu of the amendments adopted by the Senate as printed on page 1143 of the Senate Journal, Engrossed House Bill No. 1546 is amended as follows:

Page 1, line 9, remove "a living unborn child"

Page 1, line 9, replace "the" with "a living"

Page 1, line 10, remove ", through use of"

Page 1, remove lines 11 through 13

Page 1, line 14, remove "if the fetal body parts are removed by the same instrument, suction, or other means"

Page 1, line 15, replace "Except in the case of a medical emergency, it is a class C felony for an individual to" with "An individual may not"

Page 1, line 16, after "abortion" insert "unless:"

- a. It is a medical emergency.
- b. The procedure is necessary to save the life or health of the pregnant woman.
- c. A physician recommends the procedure.
- d. The procedure is performed to terminate a pregnancy that resulted from gross sexual imposition, sexual imposition, sexual abuse of a ward, or incest, as those offenses are defined in chapter 12.1-20"

Page 1, line 20, remove "date the"

Page 1, remove lines 21 and 22

Page 1, line 23, replace "constitutional" with "thirtieth day after the adoption of an amendment to the United States Constitution which, in whole or in part, restores to the states the authority to prohibit abortion, or on the thirtieth day after the attorney general certifies to the legislative council:

1. The issuance of the judgment in any decision of the United States Supreme Court or the Eighth Circuit Court of Appeals which would allow enforcement of section 1 of this Act; or
2. The issuance of the judgment in any decision of the United States Supreme Court which, in whole or in part, restores to the states authority to prohibit abortion"

Renumber accordingly

#### REQUEST

**SEN. HECKAMAN REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1546, as amended, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1546, as amended, the roll was called and there were 14 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Davison; Dotzenrod; Grabinger; Heckaman; Hogan; Krebsbach; Lee, J.; Marcellais; Mathern; Oban; Oehlke; Piepkorn; Robinson

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

**ABSENT AND NOT VOTING:** Dwyer

The proposed amendments to Engrossed HB 1546, as amended, failed on a recorded roll call vote.

#### 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 39 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Bakke; Hogan; Krebsbach; Lee, J.; Oehlke; Piepkorn

**ABSENT AND NOT VOTING:** Dwyer

Engrossed HB 1546, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1125: SEN. ELKIN (Education Committee) MOVED** that the amendments on SJ pages 1139-1140 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 1125:** A BILL for an Act to amend and reenact section 15.1-27-16 of the North Dakota Century Code, relating to plans for cooperating school districts; and to declare an emergency.

#### 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, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Oehlke

**ABSENT AND NOT VOTING:** Dwyer; Lee, J.

HB 1125, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1467: SEN. LUICK (Agriculture Committee) MOVED** that the amendments on SJ pages 1142-1143 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 1467:** A BILL for an Act to provide for a legislative management study regarding agricultural issues in the state.

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

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

HB 1467, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1332, as engrossed: SEN. SCHAIBLE (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 1140-1141 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 1332:** A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the carrying of a concealed firearm on school property by qualified individuals; and to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering.

#### 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 31 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Burckhard; Clemens; Cook; Dever; Dotzenrod; Elkin; Erbele; Fors; Kannianen; Klein; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Bakke; Bekkedahl; Davison; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Krebsbach; Marcellais; Mathern; Oban; Piepkorn; Robinson

**ABSENT AND NOT VOTING:** Dwyer; Lee, J.

Engrossed HB 1332, as amended, passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1042:** A BILL for an Act to create and enact a new subsection to section 62.1-02-10 of the North Dakota Century Code, relating to possession of a loaded firearm in a vehicle; to amend and reenact subdivision 1 of subsection 2 of section 62.1-02-05 and subsection 4 of section 62.1-02-05 of the North Dakota Century Code, relating to possessing a firearm or dangerous weapon in a church; to provide a penalty; and to declare an emergency.

#### **ROLL CALL**

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

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

**NAYS:** Bakke; Hogan; Marcellais

**ABSENT AND NOT VOTING:** Dwyer; Lee, J.

HB 1042 passed and the emergency clause was declared carried.

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#### **SECOND READING OF HOUSE BILL**

**HB 1308:** A BILL for an Act to amend and reenact subsection 8 of section 62.1-01-01 relating to the definition of machine gun, submachine gun, or fully automatic rifle.

#### **ROLL CALL**

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

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

**NAYS:** Marcellais; Mathern; Piepkorn

**ABSENT AND NOT VOTING:** Dwyer; Lee, J.

HB 1308 passed.

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#### **SECOND READING OF HOUSE BILL**

**HB 1163:** A BILL for an Act to amend and reenact subsection 1 of section 62.1-02-04, subsection 1 of section 62.1-02-05, and section 62.1-02-10 of the North Dakota Century Code, relating to the possession of firearms or dangerous weapons; and to provide a penalty.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 35 YEAS, 10 NAYS,

0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Dotzenrod; Grabinger; Heckaman; Hogan; Hogue; Marcellais; Mathern; Oban; Piepkorn; Robinson

**ABSENT AND NOT VOTING:** Dwyer; Lee, J.

HB 1163 passed.

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### SECOND READING OF HOUSE BILL

**HB 1381:** A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to a restriction on firearm buyback programs; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Burckhard; Clemens; Cook; Dever; Elkin; Erbele; Fors; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lemm; Luick; Marcellais; Meyer; Myrdal; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Bekkedahl; Davison; Dotzenrod; Grabinger; Heckaman; Hogan; Lee, G.; Mathern; Oban; Oehlke; Piepkorn; Robinson

**ABSENT AND NOT VOTING:** Dwyer; Lee, J.

HB 1381 passed.

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### SECOND READING OF HOUSE BILL

**HB 1496:** A BILL for an Act to amend and reenact section 14-09-00.1 and subsection 1 of section 14-09-29 of the North Dakota Century Code, relating to shared parenting time and responsibility.

### 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 6 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Clemens; Kannianen; Larsen, O.; Luick; Meyer; Roers, K.

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

**ABSENT AND NOT VOTING:** Dwyer; Lee, J.

Engrossed HB 1496 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1219:** A BILL for an Act to create and enact chapter 26.1-26.8 and chapter 26.1-39.2 of the North Dakota Century Code, relating to public adjuster licensing and to contracts between insured homeowners and residential contractors; to amend and reenact subdivision mm of subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks; and to provide a penalty.

**ROLL CALL**

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

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

Engrossed HB 1219 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1111:** A BILL for an Act to amend and reenact section 57-38-30.5 of the North Dakota Century Code, relating to the alternative simplified method for calculating the research and experimental expenditure credit; and to provide an effective date.

**ROLL CALL**

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

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

Engrossed HB 1111 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1053:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for retired military personnel benefits; and to provide an effective date.

**MOTION**

**SEN. DAVISON MOVED** that HB 1053 be amended as follows, which motion failed on a voice vote.

Page 1, line 7, replace "Reduced" with "For taxpayers who retired from military service after December 31, 2018, reduced"

Renumber accordingly

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Dever; Dotzenrod; Elkin; Fors; Grabinger; Heckaman; Hogan; Hogue; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lemm; Marcellais; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner

**NAYS:** Davison; Holmberg; Lee, G.; Luick; Mathern; Unruh

**ABSENT AND NOT VOTING:** Dwyer; Erbele; Lee, J.

HB 1053 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1374:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the medical assistance pharmacy management program; and to provide an effective date.

**ROLL CALL**

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

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

Engrossed HB 1374, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1313:** A BILL for an Act to amend and reenact section 54-12-34 of the North Dakota Century Code, relating to the collection of data on missing persons.

**ROLL CALL**

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

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

Engrossed HB 1313 passed.



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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3018:** A concurrent resolution urging the Congress of the United States to provide veterans with medical coverage for hyperbaric oxygenation therapy.

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

HCR 3018 was declared adopted on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3027:** A concurrent resolution directing the Legislative Management to consider studying the expansion of the Public Employees Retirement System's uniform group insurance health benefits for long-term state employees who separate from employment due to reduction in force or retirement.

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

HCR 3027 was declared adopted on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3023:** A concurrent resolution honoring the service and devotion our fallen armed forces veterans have made to this great nation.

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

HCR 3023 was declared adopted on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3033:** A concurrent resolution requiring the flag of the United States of America to be flown in Memorial Hall at all times in honor of veterans and members of the armed forces.

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

Engrossed HCR 3033 was declared adopted on a voice vote.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1053, HB 1111, HB 1163, HB 1219, HB 1308, HB 1313, HB 1381, HCR 3018, HCR 3023, HCR 3027, HCR 3033.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HCR 3004, HCR 3025.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1042.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1040, HB 1171, HB 1205, HB 1382, HB 1395, HB 1502.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1190, HB 1332, HB 1346, HB 1374, HB 1467.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1125.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1501.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1278.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1546.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1496.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2138, SB 2197, SCR 4003, SCR 4013.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2072, SB 2073, SB 2162, SB 2181, SB 2195, SB 2215, SB 2216, SB 2217, SB 2221, SB 2256, SB 2268, SB 2328, SB 2344, SB 2347, SB 2358.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2072**

Page 3, line 10, replace "an attorney promptly to act as" with "a"

Page 3, line 10, after the first "litem" insert "promptly"

Page 3, line 21, remove "attorney serving as"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2073**

Page 4, line 13, replace "an attorney" with "a"

Page 4, line 14, remove "subsection 1 of"

Page 5, line 1, remove "attorney"

Page 5, line 2, replace "a lay" with "an alternative"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2162**

Page 1, line 1, replace "subdivision a" with "subsection 16 of section 53-06.1-01, subdivisions a and d"

Page 1, line 1, after "53-06.1-03" insert ", subsection 2 of section 53-06.1-11.1, and subsection 3 of section 53-06.1-14"

Page 1, line 2, replace "permit" with "permits and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 16 of section 53-06.1-01 of the North Dakota Century Code is amended and reenacted as follows:

16. "Permit" means a local permit or ~~charity local~~restricted event permit issued by a governing body of a city or county to a nonprofit organization or group of people domiciled in North Dakota."

Page 1, line 7, overstrike "a local permit" and insert immediately thereafter "permits. A local permit may allow the organization"

Page 1, line 8, overstrike ", or a charity local" and insert immediately thereafter ". A restricted event"

Page 1, line 8, after "permit" insert "may allow the organization"

Page 1, after line 17, insert:

**"SECTION 3. AMENDMENT.** Subdivision d of subsection 1 of section 53-06.1-03 of the North Dakota Century Code is amended and reenacted as follows:

- d. An organization that has a ~~charity local~~restricted event permit is restricted to one event per year and:
- (1) May not pay remuneration to employees for personal services;
  - (2) Shall use chips as wagers;
  - (3) Shall redeem a player's chips for merchandise prizes or cash;
  - (4) Shall disburse net income to eligible uses referenced by subsection 2 of section 53-06.1-11.1; and
  - (5) Shall file a report prescribed by the attorney general with the governing body and attorney general.

**SECTION 4. AMENDMENT.** Subsection 2 of section 53-06.1-11.1 of the North Dakota Century Code is amended and reenacted as follows:

2. A licensed organization or an organization that has a ~~charity local~~restricted event permit shall disburse net proceeds within the period prescribed by rule and for only these educational, charitable, patriotic, fraternal, religious, or public-spirited uses:
- a. Uses for stimulating and promoting state and community-based economic development programs within the state which improve the quality of life of community residents.
  - b. Uses for developing, promoting, and supporting tourism within a city, county, or the state.
  - c. Uses benefiting an indefinite number of persons by bringing them under the influence of education, cultural programs, or religion which include disbursements to provide:
    - (1) Scholarships for students, if the disbursement is deposited in a scholarship fund for defraying the cost of education to students and the scholarships are awarded through an open and fair selection process.
    - (2) Supplementary assistance to a public or private nonprofit educational institution registered with or accredited by any state.
    - (3) Assistance to libraries and museums.

- (4) Assistance for the performing arts and humanities.
- (5) Preservation of cultural heritage.
- (6) Youth community, social welfare, and athletic activities.
- (7) Adult amateur athletic activities within the state, including team uniforms and equipment.
- (8) Maintenance of places of public worship or support of a body of communicants, gathered in common membership for mutual support and edification in piety, worship, or religious observances.
- (9) Scientific research.
- d. Uses benefiting an indefinite number of persons by relieving them of disease, suffering, or constraint which include disbursements to provide:
  - (1) Assistance to an individual or family suffering from poverty or homelessness.
  - (2) Encouragement and enhancement of the active participation of the elderly in our society.
  - (3) Services to the abused.
  - (4) Services to persons with an addicted behavior toward alcohol, gambling, or drugs.
  - (5) Funds to combat juvenile delinquency and rehabilitate ex-offenders.
  - (6) Relief for the sick, diseased, and terminally ill and their physical well-being.
  - (7) Funds for emergency relief and volunteer services.
  - (8) Funds to nonprofit nursing homes, nonprofit day care centers, and nonprofit medical facilities.
  - (9) Social services and education programs aimed at aiding emotionally and physically distressed, handicapped, elderly, and underprivileged persons.
  - (10) Funds for crime prevention, fire protection and prevention, and public safety.
  - (11) Funds to relieve, improve, and advance the physical and mental conditions, care and medical treatment, and health and welfare of injured or disabled veterans.
- e. Uses that perpetuate the memory and history of the dead.
- f. Uses increasing comprehension of and devotion to the principles upon which the nation was founded, including disbursements to aid in teaching the principles of liberty, truth, justice, and equality. However, beauty pageants do not qualify.
- g. The erection or maintenance of public buildings, facilities, utilities, or waterworks.
- h. Uses lessening the burden of government which include disbursements to an entity that is normally funded by a city, county,

state, or United States government and disbursements directly to a government entity or its agency.

- i. Uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the loss is not covered by insurance.
- j. Uses benefiting a definite number of persons suffering from a seriously disabling disease or injury causing severe loss of income or incurring extraordinary medical expense which is not covered by insurance.
- k. Uses, for community service projects, by chambers of commerce exempt from federal income tax under section 501(c)(6) of the Internal Revenue Code. A project qualifies if it develops or promotes public services, including education, housing, transportation, recreation, crime prevention, fire protection and prevention, safety, tourism, and health. Uses that directly benefit a chamber of commerce do not qualify.
- l. Uses for or of benefit to efforts in support of the health, comfort, or well-being of the community which include disbursements to provide:
  - (1) Funds for adult bands, including drum and bugle corps.
  - (2) Funds for trade shows and conventions conducted in this state.
  - (3) Funds for nonprofit organizations that operate a humane society, zoo, or fish or wildlife reproduction and habitat enhancement program.
  - (4) Funds for public transportation, community celebration, and recreation.
  - (5) Funds for preservation and cleanup of the environment.
- m. To the extent net proceeds are used toward the primary purpose of a charitable, educational, religious, public safety, or public-spirited organization, or are used for a veterans or public cemetery by a veterans organization, that has obtained a final determination from the internal revenue service as qualifying for exemption from federal income tax under section 501(c)(3) or 501(c)(19) of the Internal Revenue Code, the organization may establish a special trust fund or foundation as a contingency for funding or maintaining the organization's future program services should the organization discontinue conducting games or dissolve.
- n. Uses for a fundraising activity unrelated to an organization's primary purpose provided that the gross revenue from the activity is disbursed to uses prescribed by this subsection.

**SECTION 5. AMENDMENT.** Subsection 3 of section 53-06.1-14 of the North Dakota Century Code is amended and reenacted as follows:

- 3. A licensed distributor shall affix a North Dakota gaming stamp to each deal of pull tabs, raffle board, punchboard, sports pool board, calcutta board, and series of paddlewheel ticket cards sold or otherwise provided to a licensed organization ~~or organization that has a permit~~ and shall purchase the stamps from the attorney general for thirty-five cents each. Ten cents of each stamp sold by the attorney general, up to thirty-six thousand dollars per biennium, must be credited to the attorney general's operating fund to defray the costs of issuing and administering the gaming stamps."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2181**

Page 2, line 17, remove the overstrike over "while"

Page 2, remove the overstrike over lines 18 and 19

Page 2, line 20, remove the overstrike over "activity or event,"

Page 3, line 10, overstrike "an investigation by"

Page 3, line 11, overstrike "results in" and insert immediately thereafter "have"

Page 3, line 12, after "occurred" insert "on or off school district property"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2195**

Page 1, line 5, replace "\$250,000" with "\$125,000"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2215**

Page 1, line 3, replace "sections 15-19-02 and 15-19-06, subsection 1" with "subsections 1 and 2"

Page 1, line 5, remove "the center for distance education,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, replace "Three" with "Four"

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party, selected by the legislative management" with "majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party from each chamber of the legislative assembly, selected by the respective minority leader of the chamber"

Page 4, line 12, remove "and"

Page 4, line 13, after "association" insert: "; and

(8) A behavioral health representative from the department of human services"

Page 5, line 26, overstrike "acquire PowerSchool"

Page 5, line 27, overstrike "through" and insert immediately thereafter "implement the state student information system administered by"

Page 5, line 29, overstrike "PowerSchool" and insert immediately thereafter "the state student information system"

Page 5, after line 29, insert:

**"SECTION 3. AMENDMENT.** Subsection 2 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

2. ~~The superintendent of public instruction statewide longitudinal data system committee~~ may exempt a school district from having to ~~acquire~~implement and utilize ~~PowerSchool~~the state student information system if the school district demonstrates that, in:
  - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
  - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent."

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2216

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to definitions;"

Page 1, line 1, remove "15-19-04,"

Page 1, line 2, remove the first "and"

Page 1, line 2, after "15-19-08" insert ", and 15-20.1-03"

Page 1, line 3, replace "section" with "sections"

Page 1, line 3, after "15-19-03" insert "and 15-19-04"

Page 1, line 4, after "school" insert "and advertising"

Page 1, line 8, overstrike "**Distance**" and insert immediately thereafter "**North Dakota center for distance**"

Page 1, line 18, replace "deemed" with "determined to be"

Page 1, line 19, remove "and proper"

Page 2, line 12, overstrike "state"

Page 2, line 12, after "director" insert "in consultation with the administration of the center"

Page 2, after line 21, insert:

**"SECTION 2.** A new section to chapter 15-19 of the North Dakota Century Code is created and enacted as follows:

#### **Definitions.**

In this chapter, unless the context otherwise requires:

1. "Administration" includes the leadership of the center for distance education.
2. "Board" means the state board for career and technical education.
3. "Center" means the North Dakota center for distance education.
4. "Director" means the director and executive officer of the department of career and technical education."

Page 2, line 24, overstrike "- **Director of**" and insert immediately thereafter "**for the**"

Page 2, line 29, remove "executive"

Page 2, line 30, replace "may" with "shall"

Page 2, line 31, after "administration" insert "of the center"

Page 2, line 32, remove "administration's"

Page 2, line 32, replace "administering" with "operating"

Page 3, line 2, remove "executive"

Page 3, line 11, after "the" insert "administration of the"

Page 3, remove lines 18 through 25

Page 4, line 5, remove "executive"

Page 4, line 5, remove "for the department of career and"

Page 4, line 6, remove "technical education"

Page 4, line 27, overstrike "a" and insert immediately thereafter "an endowment and"

Page 4, line 28, after "The" insert "endowment and"

Page 5, line 2, after the first "the" insert "endowment and"

Page 5, line 3, after the period insert:

"a. The center for distance education may draw on the endowment and scholarship fund for the award of scholarships within the limits and rules adopted by the state board for career and technical education.

b."

Page 5, line 4, after the second "the" insert "endowment and"

Page 5, line 5, overstrike "scholarships" and insert immediately thereafter "endowments"

Page 5, line 6, overstrike "The interest earned"

Page 5, overstrike line 7

Page 5, line 10, overstrike "**work**" and insert immediately thereafter "**support and services**"

Page 5, line 11, overstrike "work" and insert immediately thereafter "**support and services**"

Page 5, line 12, after "work" insert "provided"

Page 5, after line 14, insert:

**"SECTION 7. AMENDMENT.** Section 15-20.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-20.1-03. Powers and duties of state board relating to career and technical education.**

The state board shall have all authority necessary to cooperate with the United States department of education or other department or agency of the United States of America in the administration of acts of Congress relating to career and technical education, including the following powers and duties:

1. To administer any legislation enacted by the legislative assembly of this state pursuant to or in conformity with acts of Congress relating to career and technical education.



2. To administer the funds provided by the federal government and by this state for the promotion of career and technical education and to contract with:
  - a. Any public or private institution or agency, board of trustees of any agricultural and training school, or school district of this state; or
  - b. Any public or private institution or agency, or political subdivision, of another state.
3. To formulate plans for the promotion of career and technical education in such subjects as are an essential and integral part of the public school system of education in this state.
4. To provide for the preparation of teachers.
5. To fix the compensation of such officers and assistants as may be necessary to administer the federal acts and the provisions of this chapter relating to career and technical education and to pay the same and other necessary expenses of administration from any funds appropriated for such purpose.
6. To make studies and investigations relating to career and technical education.
7. To promote and aid in the establishment of schools, departments, or classes, and to cooperate with local communities in the maintenance of career and technical education schools, departments, or classes.
8. To prescribe the qualifications and provide for the certification of teachers, directors, and supervisors.
9. To cooperate with governing bodies of school districts and with organizations and communities in the maintenance of classes for the preparation of teachers, directors, and supervisors of career and technical education, to maintain classes for such purposes under its own direction and control, and to establish and control, by general regulations, the qualifications to be possessed by persons engaged in the training of career and technical education teachers.
10. To coordinate new and existing farm management programs offered by any state agency or entity.
11. To create and expand marketing clubs as adjuncts to new and existing farm management programs.
12. To administer and supervise the program and all activities of the center for distance education."

Page 5, line 15, replace "Section" with "Sections"

Page 5, line 15, after "15-19-03" insert "and 15-19-04"

Page 5, line 15, replace "is" with "are"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2217

Page 1, line 13, after "program" insert "; the correlation and effectiveness of the program in relation to other teacher development programs; and how the program operates in relation to the statewide education strategic vision"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2221**

Page 1, line 20, remove the underscored colon

Page 1, line 21, replace "a. A" with "a"

Page 1, line 21, remove the underscored semicolon

Page 1, line 22, replace "b. Any" with "by any"

Page 1, line 22, remove "if the record concerns litigation, legislation,"

Page 1, line 23, remove "or liability involving the public employee or a public entity"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2256**

Page 1, line 17, after "case" insert "the election board at each polling place shall provide"

Page 1, line 18, remove "must be provided to each voter with the"

Page 1, line 19, replace the first "ballot" with "to any voter upon request"

Page 1, line 19, replace "complying with subsection 2" with "up to five hundred words in length which is as detailed as possible and fairly represents the substance of the amendment"

Page 1, line 20, remove "If a copy of the amendment must be provided to"

Page 1, remove lines 21 and 22

Renumber accordingly

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2268**

Page 1, line 1, remove "a new subdivision to subsection 5 of section 6-09.4-03, a"

Page 1, line 2, remove "new section to chapter 6-09.4, and"

Page 1, line 3, remove "public finance authority definitions, debt service repayments, and"

Page 1, line 4, remove "; to amend and reenact sections 6-09.4-06 and 6-09.4-10 of the"

Page 1, remove line 5

Page 1, line 6, remove "provide a bond issuance limitation; to provide an exemption; and to provide an appropriation"

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 30

Page 6, line 8, remove ", including bond"

Page 6, line 9, remove "proceeds issued by the public finance authority for purposes of the fund"

Page 7, remove lines 10 through 26

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes provisions relating to bonding authority for the corridors of commerce program.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2328**

Page 1, line 11, replace "governor" with "agriculture commissioner"

Page 1, line 12, replace "Three" with "Four"

Page 1, line 13, replace "governor" with "agriculture commissioner"

Page 1, line 13, replace "two members" with "one member"

Page 1, line 14, replace "governor" with "agriculture commissioner"

Page 1, line 14, remove "agriculture"

Page 1, line 15, replace "commissioner" with "governor"

Page 1, line 16, replace "commissioner" with "governor"

Page 1, line 16, replace "farming" with "business"

Page 2, line 18, replace "commission may secure" with "commissioner shall provide"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2344**

Page 1, line 2, after "space" insert "and contract obligations"

Page 2, line 6, after "interest" insert "for"

Page 2, line 19, replace the underscored comma with an underscored semicolon

Page 2, line 20, replace the underscored comma with an underscored semicolon

Page 2, line 21, replace the third underscored comma with "; disposal operations;"

Page 3, line 2, remove "for, and development of, oil and gas reserves in"

Page 3, remove line 3

Page 3, line 4, remove "including"

Page 3, after line 11, insert:

"4. This chapter may not be construed to alter, amend, repeal, or modify the law concerning title to pore space under section 47-31-03."

Page 4, line 10, after "minerals" insert "- Contracts"

Page 4, line 15, after the underscored period insert "This section and chapter 38-08 may not be construed to impair the obligations in a contract between parties who have entered an agreement for the use of the surface estate for disposal operations."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2347**

Page 1, line 7, remove ""Abuse" means conduct by a provider or other person involving disregard of and an

Page 1, remove lines 8 through 11

Page 1, line 12, remove "2."

Page 1, line 14, replace "3." with "2."

Page 1, line 14, replace "any" with ":

a. Any"

Page 1, line 17, replace "a." with "(1)"

Page 1, line 18, replace "b." with "(2)"

Page 1, line 21, replace "(1)" with "(a)"

Page 1, line 23, replace "(2)" with "(b)"

Page 1, line 24, replace ": and does" with ":

b. A claim does"

Page 2, line 4, replace "4." with "3."

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

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

Page 2, line 10, replace "7." with "6."

Page 2, line 10, remove "or "knowing" requires no proof of specific intent to defraud and means a"

Page 2, remove lines 11 and 12

Page 2, line 13, replace "the information" with "means "knowingly" as defined in section 12.1-02-02"

Page 2, line 14, replace "8." with "7."

Page 2, line 16, replace "9." with "8."

Page 2, line 20, replace "10." with "9."

Page 2, line 25, replace "11." with "10."

Page 2, remove lines 29 through 31

Page 3, remove lines 1 and 2

Page 3, line 3, replace "13." with "11."

Page 3, line 8, replace "14." with "12."

Page 3, remove lines 14 and 15

Page 3, line 16, replace "16." with "13."

Page 3, line 18, replace "17." with "14."

Page 3, line 26, replace "subsection" with "subsections"

Page 3, line 26, after "2" insert "and 3"

Page 3, line 27, replace "ten" with "one"

Page 3, line 27, remove "nine hundred fifty-seven"

Page 3, line 28, replace "twenty-one" with "ten"

Page 3, line 28, remove "nine hundred fifty-six"

Page 4, line 30, remove "Annually, the attorney general shall review the civil penalty rates and by administrative"

Page 4, remove line 31

Page 5, remove line 1

Page 5, line 2, replace "890; 28 U.S.C. 2461]" with "If the total claim made or presented by a person under subsection 1 is less than one hundred thousand dollars, the civil penalty for which the person is liable may not be more than fifteen percent of the total claim submitted"

Page 5, line 14, remove "enforce this Act and may"

Page 5, line 15, after "and" insert "may"

Page 5, remove lines 17 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 27

Page 8, remove lines 1 through 18

Page 8, remove lines 23 through 31

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 6

Page 10, line 19, remove "A plaintiff is"

Page 10, remove lines 20 and 21

Page 10, line 22, remove "or the state prevails in the action."

Page 10, line 23, remove "If the attorney general does not intervene in a civil action and the person bringing"

Page 10, remove lines 24 and 25

Page 10, line 26, remove "defendant is entitled to reasonable costs and attorney's fees."

Page 11, remove lines 17 through 23

Renumber accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2358**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subdivision b of subsection 2 of section 61-32-03.1 of the North Dakota Century Code, relating to notice of proposed subsurface water management systems."

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

**SECTION 1. AMENDMENT.** Subdivision b of subsection 2 of section 61-32-03.1 of the North Dakota Century Code is amended and reenacted as follows:

- b. Upon submission of a completed application for a permit, the water resource district board immediately shall give notice and a copy of the submission via certified mail to each owner of land within one mile [1.61 kilometers] downstream of the proposed subsurface water management system outlet unless the distance to the nearest waterway depicted as a perennial or intermittent stream or river on a United States geological survey topography map, assessment drain, natural watercourse, slough, or lake is less than one mile [1.61 kilometers], in which case notice and a copy of the submission must be given immediately to each owner of land between the outlet and the nearest assessment drain, natural watercourse, slough, or lake. The notice requirement in this section must be waived if the applicant presents signed, notarized letters of approval from all downstream landowners entitled to notice in this subsection."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2239.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2239**

Page 1, line 2, remove the first "and"

Page 1, line 4, after "databases" insert "; and to declare an emergency"

Page 2, after line 12, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SCR 4015.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2107, SB 2108, SB 2109, SB 2122, SB 2254, SB 2343, SCR 4008.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1054, HB 1101, HB 1124, HB 1175, HB 1203, HB 1354, HB 1401, HB 1415, HB 1422, HB 1507, HB 1515, HCR 3031, HCR 3041, HCR 3052, HCR 3054, HCR 3056.

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

**MR. SPEAKER:** The President has signed: HB 1054, HB 1101, HB 1124, HB 1175, HB 1203, HB 1354, HB 1401, HB 1415, HB 1422, HB 1507, HB 1515, HCR 3031, HCR 3041, HCR 3052, HCR 3054, HCR 3056.

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

**MR. SPEAKER:** The Senate has overridden the Governor's veto on SB 2244. The vote was 41 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING, and your favorable consideration is requested.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:15 p.m., Monday, April 1, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2362, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2362 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1005, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1005 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 13 with:

"Salaries and wages	\$848,407	\$21,284	\$869,691
Operating expenses	<u>263,704</u>	<u>(35,144)</u>	<u>228,560</u>
Total general fund	\$1,112,111	(\$13,860)	\$1,098,251"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1005 - Indian Affairs Commission - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$848,407	\$866,218	\$3,473	\$869,691
Operating expenses	<u>263,704</u>	<u>228,560</u>		<u>228,560</u>
Total all funds	\$1,112,111	\$1,094,778	\$3,473	\$1,098,251
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$1,112,111	\$1,094,778	\$3,473	\$1,098,251
FTE	4.00	4.00	0.00	4.00

**Department 316 - Indian Affairs Commission - Detail of Senate Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Senate Changes
Salaries and wages	\$3,473	\$3,473
Operating expenses		
Total all funds	\$3,473	\$3,473
Less estimated income	<u>0</u>	<u>0</u>
General fund	\$3,473	\$3,473
FTE	0.00	0.00

<sup>1</sup> Funding is added to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$80, and an increase of 3 percent on July 1, 2020. The House provided funding for a salary increase of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

**REPORT OF STANDING COMMITTEE**

**HB 1206, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1206 was placed on the Sixth order on the calendar.

Page 3, line 8, after "62.1-04-03.2" insert "and who is at an athletic or sporting event, or in a publicly owned or operated building. For purposes of this subdivision:

- (1) A "publicly owned or operated building" does not include a public school or an institution of higher education; and

- (2) An "athletic or sporting event" does not include a school-sponsored athletic or sporting event"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1246, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1246 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact subdivision g of subsection 12 of section 20.1-02-05 and a"

Page 1, remove line 2

Page 1, line 3, remove "resident hunting licenses for active military members who are former residents; to"

Page 1, remove lines 7 through 10

Page 9, remove lines 17 through 29

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1286, as engrossed: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1286 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second comma insert "and"

Page 1, line 3, remove ", 29-27-02.1, and subsection 1 of"

Page 1, line 4, remove "section 54-12-14"

Page 1, line 5, remove "disposition of statutory fees,"

Page 1, line 6, replace "fines," with "and"

Page 1, line 6, remove ", and the attorney general assets forfeiture fund"

Page 1, line 17, remove the third "or"

Page 1, line 18, after the first "property" insert ", or it can be established beyond a reasonable doubt the property was used in the commission of a crime or constituted the proceeds of criminal activity"

Page 1, remove lines 22 and 23

Page 2, line 6, remove "clear and convincing"

Page 2, line 7, remove "evidence"

Page 2, line 7, overstrike "for instituting the forfeiture action following which" and insert immediately thereafter "the forfeited property meets the requirements of subsection 2 of section 19-03.1-36.2. Following the state's case,"

Page 2, line 15, remove "order the proper costs and"

Page 2, remove lines 16 and 17

Page 2, line 18, replace "remaining proceeds to be deposited as provided in subsection 2 of section 29-27-02.1" with "order only the forfeited property or proceeds from the sale"



of forfeited property to be deposited with a political subdivision if the political subdivision has created a civil asset forfeiture fund. If the political subdivision does not have a civil asset forfeiture fund, any forfeited property and proceeds from the sale of forfeited property must be deposited in the attorney general's asset forfeiture fund.

3. This section does not prohibit the state and a political subdivision from entering an agreement to divide forfeited property and the proceeds from the sale of forfeited property"

Page 3, line 3, remove "Currency with the value of seven hundred and fifty United States dollars or less"

Page 3, remove line 4

Page 3, line 5, remove "c."

Page 3, line 6, replace "d." with "c."

Page 3, line 9, remove "sentence imposed for committing the offense"

Page 3, line 10, replace "subject to forfeiture" with "possible penalty that could be imposed for the alleged or committed offense subject to forfeiture"

Page 3, line 11, replace "e." with "d."

Page 3, line 24, after the underscored semicolon insert "and"

Page 3, line 25, remove "; and"

Page 3, remove line 26

Page 3, line 27 remove "the proceedings for forfeiture and sale under section 19-03.1-36.6"

Page 4, remove lines 13 through 31

Page 5, remove lines 1 through 29

Renumber accordingly

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

**HB 1287, as engrossed: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1287 was placed on the Sixth order on the calendar.

Page 1, line 3, after "program" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 2, after line 31, insert:

**"SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT.** The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1290, as engrossed: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1290 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 search and seizure procedures."

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - SEARCH AND SEIZURE PROCEDURES.** During the 2019-20 interim, the legislative management shall consider studying the fourth amendment to the Constitution of the United States, including the investigation, search, and seizure of private land, livestock, and buildings. The study must include options for protecting property from unreasonable interference by law enforcement. 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**

**HB 1345: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1345 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1394: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (3 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1394 was placed on the Sixth order on the calendar.

Page 1, line 21, remove "fifty"

Page 2, line 1, replace "seventy-five" with "fifty"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1435, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1435, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1444, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1444 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1520, as engrossed: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1520 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "For purposes of assessing mental fitness and capacity under this chapter, a defendant"

Page 1, line 17, replace "includes any individual ten years of age or older" with "An individual ten years of age or older may be assessed for mental fitness or capacity under this chapter"

Page 2, line 16, replace "articulate in detail" with "make findings and include"

Page 2, line 20, replace "Justice for" with "Accountability to"

Page 3, line 23, after the underscored period insert "For purposes of this subdivision, only records pertaining to the specific offense between the victim and the delinquent child may be inspected."

Page 3, line 26, replace "A person" with "An individual"

Page 3, line 26, after "records" insert "under this section"

Page 3, line 28, after the underscored period insert "An individual who violates this subsection is guilty of a class B misdemeanor."

Page 4, line 15, remove "In addition to the provisions of section 50-25.1-05, if a report alleges a violation of a"

Page 4, replace lines 16 through 21 with "If law enforcement determines a minor committed an act in violation of sections 12.1-20-01 through 12.1-20-04, section 12.1-20-07, sections 12.1-20-11 through 12.1-20-12.2, or chapter 12.1-27.2 against another minor, law enforcement shall provide the report to the department. Law enforcement shall conduct a criminal investigation and shall coordinate with the department for the provision of services to the minors, parents, custodians, or other persons serving in loco parentis with respect to the minors."

3. The department shall provide risk assessment, safety planning, and any appropriate evidence-based screening for the minors and any other minors under the same care. The department shall refer the minors, parents, custodians, or other persons serving in loco parentis with respect to the minors, for appropriate services.

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1531, as engrossed: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1531 was placed on the Sixth order on the calendar.

Page 1, line 3, after "criteria" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 1, line 21, after "education" insert ", special education"

Page 2, line 1, replace "two thousand hours" with "five years"

Page 2, line 1, remove "in the"

Page 2, line 2, remove "preceding five years"

Page 2, after line 13, insert:

**"SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT.** The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3019, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3019 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3035: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3035 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3037, as reengrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HCR 3037 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "4077" with "4007"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3045: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3045 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3047: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3047 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3048: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3048 was placed on the Sixth order on the calendar.

Page 1, line 2, after "fund" insert "and whether the statutorily required minimum wind turbine setback distances provide adequate protections to nonparticipating landowners and their property"

Page 1, line 20, after the semicolon insert "and

**WHEREAS**, minimum wind turbine setback distance requirements are codified safety measures enacted to protect the land, property, and health of nonparticipating landowners; and

**WHEREAS**, noise, shadow flickering, ice fall, and turbine failure, produce risks to a nonparticipating landowner's land, property, and health which can be reasonably mitigated, minimized, or eliminated by requiring effective and feasible setback distances;"

Page 1, line 24, after "fund" insert "and whether the statutorily required minimum wind turbine setback distances provide adequate protections to nonparticipating landowners and their property"

Renumber accordingly

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

**Shanda Morgan, Secretary**