

**JOURNAL OF THE HOUSE****Sixty-fifth Legislative Assembly**

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**Bismarck, March 29, 2017**

The House convened at 1:00 p.m., with Speaker Bellew presiding.

The prayer was offered by Rev. Randal Upgren, God's Child Project, Bismarck.

The roll was called and all members were present except Representatives Boe, Kasper, and Olson.

A quorum was declared by the Speaker.

**POINT OF PERSONAL PRIVILEGE**

**REP. TROTTIER** rose on a point of personal privilege.

**REMARKS OF REPRESENTATIVE TROTTIER**

**MR. SPEAKER:** Mr. Speaker and Members of the Assembly,

Today, March 29th has been proclaimed "Vietnam Veteran's Day", as a tribute, marking this day, as the 42nd anniversary of the end of American involvement in the Vietnam conflict.

It is also with this announcement, I was asked to offer a big "thank you" to the legislature and the State of North Dakota from the North Dakota Vietnam Veterans ASSN.

For those of you that were serving in the 2013 & 2015 legislative sessions, you may recall the legislature appropriated 50,000 dollars in each session to help the North Dakota Vietnam veterans in making their omrades aware of the problems of Agent Orange exposure. Agent Orange was a chemical used to defoliate the foliage, in Vietnam, and was approved by the department of defense, after being warned by the chemical companies, that this combination should never be used near any living being. As we learned, approximately 58,000 American soldiers lost their lives in the Vietnam conflict, and since then, over 350,000 have died from afflictions due to agent orange exposure, and that these afflictions and symptoms may be passed on for up to 5-7 generations. We heard in committee, actual testimonials from veteran's, that have children and grandchildren diagnosed with the afflictions.

The Vietnam veterans used the appropriations to travel to areas across the state, to reach out to afflicted veterans that did not trust the VA, because of VA's denial of Agent Orange health issues for over 25 years after the Vietnam conflict.

They held educational & informational meetings around the state, 27 counties to be exact, and put up billboards on the interstates, making the veterans aware of where to go to get medical help and information.

The groups commander, Dan Stenvold, contacted me, and said they had nearly accomplished their mission. They have \$5,200 left from the 2015 session appropriation, and their plans are to complete some of the remaining counties.

Finally, a few months ago, the North Dakota Vietnam Veterans group was nationally named "The Council of the Year" for all the work they had accomplished with Agent Orange education. Their commander, Dan Stenvold, Park River, ND, was also awarded the "Commendation Medal" for his leadership for this very project. Their billboard idea, has spread throughout many other states.

Again, the North Dakota Vietnam Veterans group thanks you all, Commander Dan Stenvold says, you all should be commended, as patriots, for your support of this project, for without your help, many veterans and their families would be left in the dark, about Agent Orange!!!!

Thank you Mr. Speaker

**REQUEST**

**REP. VIGESAA REQUESTED** that the remarks of Rep. Trottier be printed in the Journal, which request was granted on a voice vote.

**SIXTH ORDER OF BUSINESS**

**SPEAKER BELLEW DEEMED** approval of the amendments to HB 1436, SB 2099, SB 2141, Engrossed SB 2189, and SB 2196.

HB 1436, as amended, was rereferred to the **Appropriations Committee**.

SB 2099, SB 2141, Engrossed SB 2189, and SB 2196, as amended, were placed on the Fourteenth order of business on today's calendar.

**MOTION**

**REP. VIGESAA MOVED** that HB 1436, which had amendments passed on the previous Sixth order, not be rereferred to the Appropriations committee and be placed on the Eleventh order of today's calendar, in accordance with HR 329, which motion prevailed on a voice vote.

**CONSIDERATION OF VETOED MEASURE**

**HB 1153:** AN ACT to amend and reenact section 54-06-31 of the North Dakota Century Code, relating to state employee recruitment and retention bonus programs.

**ROLL CALL**

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 84 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Anderson, P.; Hogan; Johnson, M.; Johnston; Maragos; O'Brien; Schreiber-Beck

**ABSENT AND NOT VOTING:** Boe; Kasper; Olson

The House overrode the Governor's veto of HB 1153, as enrolled.

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**SECOND READING OF HOUSE BILL**

**HB 1436:** A BILL for an Act to amend and reenact sections 54-35-02.4, 54-52.1-04, 54-52.1-04.2, and 54-52.1-04.3 of the North Dakota Century Code, relating to the employee benefits program committee, public employee uniform group insurance health benefits coverage, and to provide for a retirement board line of credit; to provide a continuing appropriation; to provide for application; and to provide statements of legislative intent.

**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 71 YEAS, 19 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos;

Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, J.; Oliver; Owens; Paur; Pollert; Porter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Anderson, P.; Beadle; Boe; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Hogan; Holman; Johnson, M.; Mitskog; Mock; Nelson, M.; O'Brien; Pyle; Roers Jones; Schneider; Schreiber-Beck

**ABSENT AND NOT VOTING:** Ertelt; Kasper; Kempenich; Olson

Engrossed HB 1436 passed.

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#### **SECOND READING OF HOUSE RESOLUTION ON CONSENT CALENDAR**

**SCR 4004:** A concurrent resolution to urge Congress to allow and support the use of thorium reactors in this state for the creation of energy and medical isotopes.

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

SCR 4004 was declared lost on a voice vote.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4006:** A concurrent resolution making a formal application to Congress to call a countermand amendment convention for the sole purpose of proposing an amendment to the United States Constitution to provide states a process to collectively countermand or repeal any federal law or ruling.

#### **ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 12 YEAS, 79 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Becker, Rick C.; Brandenburg; Damschen; Johnson, C.; Kading; Louser; McWilliams; Owens; Ruby, D.; Simons; Toman; Speaker Bellew

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Carlson; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, D.; Johnson, M.; Johnston; Jones; Karls; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Maragos; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke

**ABSENT AND NOT VOTING:** Kasper; Kempenich; Olson

SCR 4006 was declared lost on a recorded roll call vote.

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

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

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 91 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Kempenich; Olson

Engrossed SB 2145 failed.

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### SECOND READING OF SENATE BILL

**SB 2271:** A BILL for an Act to amend and reenact section 48-05-10, 48-05-11, and 48-05-12 of the North Dakota Century Code, relating to energy conservation measures.

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

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Beadle

**ABSENT AND NOT VOTING:** Kasper; Olson

Engrossed SB 2271, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2322:** A BILL for an Act to create and enact a new section to chapter 10-04 of the North Dakota Century Code, relating to the financial exploitation of vulnerable adults.

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

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz;

Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Magrum; Simons

**ABSENT AND NOT VOTING:** Kasper; Olson

Engrossed SB 2322, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2335:** A BILL for an Act to amend and reenact subsection 7 of section 6-08.1-03, sections 12.1-31-07, 12.1-31-07.1, and 12.1-31-07.2, and subdivision f of subsection 1 of section 19-03.1-22.2 of the North Dakota Century Code, relating to the definition and endangerment or exploitation of an eligible adult; and to provide a penalty.

### 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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rick C.; Magrum; Schatz; Simons

**ABSENT AND NOT VOTING:** Kasper; Olson

Engrossed SB 2335, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2163:** A BILL for an Act to create and enact a new section to chapter 50-25.2 of the North Dakota Century Code, relating to the financial exploitation of vulnerable adults; to amend and reenact subsection 7 of section 50-25.2-01 of the North Dakota Century Code, relating to the definition of financial exploitation; and to provide a penalty.

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

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Magrum; Simons

**ABSENT AND NOT VOTING:** Kasper; Olson

Engrossed SB 2163, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2135:** A BILL for an Act to provide for the creation of an initiated and referred measure study commission; to provide for a report to the legislative management; to provide an expiration date; 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 65 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Monson; Nathe; O'Brien; Oliver; Owens; Paur; Pollert; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schobinger; Schreiber-Beck; Steiner; Streyle; Sukut; Trottier; Vetter; Vigasaa; Weisz; Zubke; Speaker Bellew

**NAYS:** Anderson, P.; Boe; Boschee; Delmore; Dobervich; Ertelt; Guggisberg; Hanson; Hogan; Holman; Johnston; Kading; Martinson; McWilliams; Meier; Mitskog; Mock; Nelson, J.; Nelson, M.; Porter; Schatz; Schneider; Seibel; Simons; Skroch; Toman; Westlind

**ABSENT AND NOT VOTING:** Kasper; Olson

Engrossed SB 2135, as amended, passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2261:** A BILL for an Act to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, and 16.1-03-07 of the North Dakota Century Code, relating to the organization of political parties and caucuses within legislative 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 83 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Grueneich; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Simons; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Anderson, P.; Dobervich; Ertelt; Guggisberg; Hanson; Hogan; Mitskog; Schneider; Skroch

**ABSENT AND NOT VOTING:** Kasper; Olson

Engrossed SB 2261, as amended, passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2187:** A BILL for an Act to amend and reenact section 50-06-37 of the North Dakota Century Code, relating to developmental disability reimbursements; to provide for a report to the legislative management; and to provide a contingent effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 80 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Dockter; Holman; Keiser; Maragos; Mitskog; Nelson, M.; O'Brien; Pollert; Roers Jones; Ruby, D.; Speaker Bellew

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Oliver; Owens; Paur; Porter; Pyle; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke

**ABSENT AND NOT VOTING:** Brandenburg; Kasper; Olson

Engrossed SB 2187 failed.

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### MOTION

**REP. VIGESAA MOVED** that SB 2038 be laid over one legislative day, which motion prevailed on a voice vote.

### SECOND READING OF SENATE BILL

**SB 2328:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-31-03, subsection 9 of section 12.1-31-03, subsection 3 of section 12.1-31-03.2, and sections 57-36-01, 57-36-02, 57-36-04, and 57-36-05 of the North Dakota Century Code, relating to sale of tobacco to minors and licensure of persons in the business of selling tobacco products; 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 NOT PASS, the roll was called and there were 22 YEAS, 70 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, D.; Anderson, P.; Beadle; Boe; Bosch; Boschee; Damschen; Dobervich; Guggisberg; Hanson; Hogan; Holman; Keiser; Klemin; Longmuir; Maragos; Mitskog; Monson; Nelson, J.; Nelson, M.; O'Brien; Schneider

**NAYS:** Anderson, B.; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Brabandt; Brandenburg; Carlson; Delmore; Delzer; Devlin; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mock; Nathe; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Olson

Engrossed SB 2328 failed.

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### SECOND READING OF SENATE BILL

**SB 2196:** A BILL for an Act to authorize this issuance of revenue bonds for the purchase of land and construction of an integrated carbon plant at Valley City state university; to provide an appropriation; to provide for a report to the budget section; to provide for a report to the sixty-sixth legislative assembly; 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 86 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Trottier; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rick C.; Ertelt; Ruby, M.; Simons; Toman; Vetter

**ABSENT AND NOT VOTING:** Kasper; Olson

SB 2196, as amended, passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2099:** A BILL for an Act to amend and reenact section 23-01-39 of the North Dakota Century Code, relating to the immunization program.

### 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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Johnston; McWilliams; Simons; Skroch

**ABSENT AND NOT VOTING:** Kasper; Olson

SB 2099, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2141:** A BILL for an Act to amend and reenact sections 43-32-01, 43-32-02, 43-32-05, 43-32-06.1, 43-32-07, 43-32-08.1, 43-32-12, 43-32-13, 43-32-14, 43-32-16, 42-32-17, 43-32-19.1, 43-32-20, 43-32-20.1, 43-32-24, 43-32-26, 43-32-27, 43-32-27.1, and 43-32-30 of the North Dakota Century Code, relating to regulation by the state board of psychologist examiners; and to repeal sections 43-32-33 and 43-32-34 of the North Dakota Century Code, relating to applied behavior analysis.

**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 87 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rick C.; Jones; Magrum; Paur; Simons

**ABSENT AND NOT VOTING:** Kasper; Olson

SB 2141, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2189:** A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to the confidentiality of children's advocacy center records; and to amend and reenact subsection 3 of section 12.1-34-07 and subsection 1 of section 27-20-51 of the North Dakota Century Code, relating to reimbursement of the cost of forensic interviews and confidentiality of juvenile court records and children's advocacy center records.

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

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Johnston; McWilliams

**ABSENT AND NOT VOTING:** Kasper; Olson

Engrossed SB 2189, as amended, passed.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2258.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2026, SB 2027, SB 2028, SB 2047, SB 2166, SB 2186, SB 2245, SB 2286, SB 2301, SB 2327.

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2293.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1249.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1008, HB 1014, HB 1126, HB 1181, HB 1299, HB 1433, HCR 3019.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008**

Page 1, line 2, after the first semicolon insert "to amend and reenact section 57-43.2-19 of the North Dakota Century Code, relating to the special fuels excise taxes distribution of funds;"

Page 1, replace line 12 with:

"Salaries and wages	\$9,643,095	(\$345,811)	\$9,297,284"
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Page 1, replace line 14 with:

"Capital assets	26,400	(16,400)	10,000"
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Page 1, replace lines 18 through 23 with:

"Railroad safety program	523,345	41,323	564,668
Specialized legal services	<u>150,000</u>	<u>380,000</u>	<u>530,000</u>
Total all funds	\$21,140,402	(\$1,988,624)	\$19,151,778
Less estimated income	<u>13,964,575</u>	<u>(1,543,559)</u>	<u>12,421,016</u>
Total general fund	\$7,175,827	(\$445,065)	\$6,730,762
Full-time equivalent positions	46.00	(1.00)	45.00"

Page 2, line 2, replace "\$125,934" with "\$116,809"

Page 2, line 2, replace "\$76,487" with "\$70,945"

Page 2, line 3, replace "\$1,249" with "\$1,241"

Page 2, replace lines 9 through 12 with:

"Specialized legal services	<u>\$575,624</u>	<u>\$436,000</u>
Total all funds	\$575,624	\$436,000
Total special funds	<u>336,000</u>	<u>436,000</u>
Total general fund	\$239,624	\$0"

Page 2, line 27, replace "\$300,000" with "\$100,000"

Page 2, after line 29, insert:

**"SECTION 6. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is amended and reenacted as follows:

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

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

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1008 - Public Service Commission - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$9,643,095	\$8,980,993	\$316,291	\$9,297,284
Operating expenses	1,877,562	1,829,826		1,829,826
Capital assets	26,400		10,000	10,000
Grants	20,000	20,000		20,000
Abandoned mined lands contractual	8,000,000	6,000,000		6,000,000
Rail rate complaint case	900,000	900,000		900,000
Railroad safety program	523,345	529,088	35,580	564,668
Specialized legal services	150,000	730,000	(200,000)	530,000
Total all funds	\$21,140,402	\$18,989,907	\$161,871	\$19,151,778
Less estimated income	13,964,575	12,588,603	(167,587)	12,421,016
General fund	\$7,175,827	\$6,401,304	\$329,458	\$6,730,762
FTE	46.00	44.00	1.00	45.00

**Department No. 408 - Public Service Commission - Detail of Senate Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Adjusts Funding for Salaries and Wages <sup>2</sup>	Converts Temporary Railroad Safety Inspector to FTE Position <sup>3</sup>	Adds Funding for Capital Assets <sup>4</sup>	Reduces One-Time Funding for Specialized Legal Services <sup>5</sup>	Total Senate Changes
Salaries and wages	(\$8,709)	\$325,000				\$316,291
Operating expenses						
Capital assets				10,000		10,000
Grants						
Abandoned mined lands contractual						
Rail rate complaint case						
Railroad safety program	(416)		35,996			35,580
Specialized legal services					(200,000)	(200,000)
Total all funds	(\$9,125)	\$325,000	\$35,996	\$10,000	(\$200,000)	\$161,871
Less estimated income	(3,583)	0	35,996	0	(200,000)	(167,587)
General fund	(\$5,542)	\$325,000	\$0	\$10,000	\$0	\$329,458
FTE	0.00	0.00	1.00	0.00	0.00	1.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also changed to reflect the revised amount.

<sup>2</sup> The Senate restored \$325,000 to salaries and wages to underfund salaries and wages by \$150,000 from the general fund. The House underfunded salaries and wages by \$475,000

from the general fund.

<sup>3</sup> Provides \$35,966 from the rail safety fund to convert a temporary railroad safety inspector to a FTE position with a total cost of \$226,727.

<sup>4</sup> Adds \$10,000 from the general fund for capital assets. The House removed all funding for capital assets.

<sup>5</sup> Reduces one-time funding from the strategic investment and improvements fund by \$200,000 for specialized legal services to provide a total of \$100,000 from the strategic investment and improvements fund. The House provided \$300,000 from the strategic investment and improvements fund.

This amendment also amends North Dakota Century Code Section 57-43.2-19 to increase the amount of special fuels excise tax collections on sales of diesel fuel to a railroad that are deposited in the rail safety fund from \$275,000 to \$285,000 per year.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1014**

Page 1, replace lines 12 through 16 with:

"Protection and advocacy operations	<u>\$6,453,779</u>	<u>\$16,286</u>	<u>\$6,470,065</u>
Total all funds	\$6,453,779	\$16,286	\$6,470,065
Less estimated income	<u>3,432,853</u>	<u>28,213</u>	<u>3,461,066</u>
Total general fund	\$3,020,926	(\$11,927)	\$3,008,999
Full-time equivalent positions	27.50	0.00	27.50"

Page 1, line 18, replace "\$80,140" with "\$74,334"

Page 1, line 18, replace "\$38,694" with "\$35,891"

Page 1, line 19, replace "\$1,249" with "\$1,241"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1014 - Protection and Advocacy Project - Senate Action**

	<b>Base Budget</b>	<b>House Version</b>	<b>Senate Changes</b>	<b>Senate Version</b>
Protection and advocacy operations	\$6,453,779	\$6,235,931	\$234,134	\$6,470,065
Total all funds	\$6,453,779	\$6,235,931	\$234,134	\$6,470,065
Less estimated income	<u>3,432,853</u>	<u>3,326,925</u>	<u>134,141</u>	<u>3,461,066</u>
General fund	\$3,020,926	\$2,909,006	\$99,993	\$3,008,999
FTE	27.50	26.50	1.00	27.50

**Department No. 360 - Protection and Advocacy Project - Detail of Senate Changes**

	<b>Adjusts Funding for Health Insurance Increases<sup>1</sup></b>	<b>Restores 1 FTE Position<sup>2</sup></b>	<b>Adjusts Funding for Operating Expenses<sup>3</sup></b>	<b>Total Senate Changes</b>
Protection and advocacy operations	(\$5,806)	\$179,940	\$60,000	\$234,134
Total all funds	(\$5,806)	\$179,940	\$60,000	\$234,134
Less estimated income	<u>(3,003)</u>	<u>102,944</u>	<u>34,200</u>	<u>134,141</u>
General fund	(\$2,803)	\$76,996	\$25,800	\$99,993
FTE	0.00	1.00	0.00	1.00

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<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 is also adjusted to reflect the change.

<sup>2</sup> Funding is restored for 1 FTE position removed by the House.

<sup>3</sup> Funding is restored for operating expenses within the protection and advocacy operations line item. The House had reduced funding for operating expenses by \$100,778, of which \$39,043 is from the general fund.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1126**

Page 1, line 5, remove the second "and"

Page 1, line 6, after "closures" insert "; and to provide for a legislative management study"

Page 7, line 3, replace "communications" with "communication"

Page 7, line 5, replace "communications" with "communication"

Page 12, after line 30, insert:

**"SECTION 20. LEGISLATIVE MANAGEMENT STUDY - CONSISTENCY IN GRAIN SAMPLING AND TESTING.** During the 2017-18 interim, the legislative management shall consider studying practices and procedures with the potential to increase consistency and reduce variability in the sampling and testing of grains for deoxynivalenol (DON/vomitoxin), falling numbers, and protein. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Re-number accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1181**

Page 2, line 25, replace the first "with" with "when"

Page 3, line 18, replace "with" with "when"

Re-number accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1299**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-06-19 of the North Dakota Century Code, relating to operator's license renewal.

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

**SECTION 1. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-06-19. Expiration of license - Renewal.**

1. Every operator's license issued under this chapter or chapter 39-06.2 expires and is renewed according to this section.
2. The expiration date of a noncommercial operator's license for an individual whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the third subsequent year ending in an odd numeral, except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on

- the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a noncommercial operator's license for an individual whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the third subsequent year ending in an even numeral, except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
3. The expiration date of a commercial operator's license for an individual whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a commercial operator's license for an individual whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
  4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, a pending application for asylum in the United States, a pending or approved application for temporary protected status in the United States, approved deferred action status, or a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent residence status in the United States will be issued a temporary operator's license or nondriver photo identification card. The temporary operator's license or identification card is valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year. The license or card may be renewed only upon presentation of valid documentary evidence that the status has been extended.
  5. An applicant for renewal must present the application with the fee for renewal of license to the director not before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. The director may require an applicant for renewal or a substitute to provide a social security card and proof of residence address. The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number.
  6. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.
  7. An applicant for renewal of an operator's license must provide a certificate of examination from the driver licensing or examining authorities or a statement as to the corrected and uncorrected vision of the applicant from a licensed physician or an optometrist, except as required under subsection 9. The director shall provide visual examination equipment at each location where a license may be renewed.
  8. An individual submitting an application and the fee for renewal of license one year or more after the expiration of a license, except an applicant whose military service has terminated less than thirty days prior to the application, must be treated as an initial applicant.
  9. A noncommercial applicant may apply by mail or electronically for renewal of a license during every other renewal cycle. The director may use vision information provided by the applicant to meet vision

requirements for applicants under sixty-five years of age and adopt procedures necessary to implement this subsection."

Renumber accordingly

### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1433

Page 1, line 1, replace "section to chapter 19-02.1" with "chapter to title 23"

Page 1, remove lines 14 through 21

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 4 with:

**"SECTION 2.** A new chapter to title 23 of the North Dakota Century Code is created and enacted as follows:

#### **Definitions.**

##### As used in this chapter:

1. "Cottage food operator" means an individual who produces or packages cottage food products in a kitchen designed and intended for use by the residents of a private home.
2. "Cottage food product" means baked goods, jams, jellies, and other food and drink products produced by a cottage food operator.
3. "Delivery" means the transfer of a cottage food product resulting from a transaction between a cottage food operator and an informed end consumer.
4. "Farmers market" means a market or group of booths where farmers and other cottage food operators sell cottage food products directly to consumers.
5. "Home consumption" means food consumed within a private home or food from a private home consumed only by family members, employees, or nonpaying guests.
6. "Informed end consumer" means an individual who is the last individual to purchase a cottage food product and has been informed the cottage food product is not licensed, regulated, or inspected.
7. "Transaction" means the exchange of buying and selling.

#### **Direct producer to consumer sales of cottage food products.**

1. Notwithstanding any other provision of law, a state agency or political subdivision may not require licensure, permitting, certification, inspection, packaging, or labeling that pertains to the preparation or sale of cottage food products under this section. This section does not preclude an agency from providing assistance, consultation, or inspection, upon request, of a producer.
2. Transactions under this section must be directly between the cottage food operator and the informed end consumer and be only for home consumption. Transactions may occur at a farm, ranch, farmers market, farm stand, home-based kitchen, or any other venue not otherwise prohibited by law or through delivery.
3. Transactions under this section may not:
  - a. Involve interstate commerce;

- b. Be conducted over the internet or phone, through the mail, or by consignment;
- c. Include the sale of uninspected products made from meat, except as provided under subdivision d; or
- d. Include the sale of uninspected products made from poultry, unless:
  - (1) The cottage food operator slaughters no more than one thousand poultry raised by the cottage food operator during the calendar year;
  - (2) The cottage food operator does not buy or sell poultry products, except products produced from poultry raised by the cottage food operator; and
  - (3) The poultry product is not adulterated or misbranded.
- 4. Except for whole, unprocessed fruits and vegetables, food prepared by a cottage food operator may not be sold or used in any food establishment, food processing plant, or food store.
- 5. The cottage food operator shall inform the end consumer that any cottage food product or food sold under this section is not certified, labeled, licensed, packaged, regulated, or inspected.
- 6. This section does not change any requirement for brand inspection or animal health inspections.
- 7. A cottage food operator shall label all cottage food products that require refrigeration, such as baked goods containing cream, custard, meringue, cheesecake, pumpkin pie, and cream cheese, with safe handling instructions and a product disclosure statement indicating the product was transported and maintained frozen.
- 8. A cottage food operator shall display a consumer advisory sign at the point of sale or place a label on the cottage food product with the following statement:  
  
"This product is made in a home kitchen that is not inspected by the state or local health department."
- 9. The state department of health or a local regulating authority may conduct an investigation upon complaint of an illness or environmental health complaint."

Page 3, line 8, replace "chapter 19-02.1" with "section 1 of this Act"

Re-number accordingly

#### **SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3019**

Page 1, line 1, after "resolution" replace the remainder of the resolution with "requesting the Army Corps of Engineers exercise nondiscrimination in public land management and develop, in cooperation with the North Dakota Board of University and School Lands, a process consistent with this resolution to allow prior owners, their heirs, and their successors to repurchase eligible land within the Pick-Sloan Missouri Basin project.

**WHEREAS**, the Army Corps of Engineers maintains control of excess land purchased or condemned for the Pick-Sloan Missouri Basin project but which is located above the ordinary high-water mark of the Missouri River, was not needed for the original intent of that project, and is not needed for flood control; and

**WHEREAS**, the Army Corps of Engineers has transferred a portion of the excess land to the Department of the Interior to manage in trust for the Three Affiliated Tribes of the Fort Berthold Reservation; and

**WHEREAS**, fairness dictates the Army Corps of Engineers, in cooperation with the North Dakota Board of University and School Lands, should make the remainder of the excess land available to United States citizens through a process that will allow prior owners, and their heirs and successors, of excess land that is not being used by the state for public benefit to repurchase their eligible land without discrimination or the appearance of discrimination; and

**WHEREAS**, the process should include a designation by the Army Corps of Engineers or Department of the Interior of the eligible land as disposable for land management purposes; and

**WHEREAS**, the process should provide an opportunity for a prior owner of eligible land, or the prior owner's heir or successor, to make a case to the North Dakota Board of University and School Lands that the prior owner, heir, or successor has just cause to repurchase the prior owner's eligible land and doing so will not conflict with the state's interest; and

**WHEREAS**, if the North Dakota Board of University and School Lands finds the prior owner, heir, or successor has just cause to repurchase the prior owner's eligible land and doing so will not conflict with the state's interests, the prior owner, heir, or successor must be allowed to repurchase the eligible land at market value plus survey and transfer costs;

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

That the Sixty-fifth Legislative Assembly requests the Army Corps of Engineers to exercise nondiscrimination in public land management and develop, in cooperation with the North Dakota Board of University and School Lands, a process consistent with this resolution to allow prior owners, their heirs, and their successors to repurchase eligible land within the Pick-Sloan Missouri Basin project; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the Secretary of the United States Department of the Interior, the Commanding General and Chief of Engineers of the Army Corps of Engineers, and to each member of the North Dakota Congressional Delegation."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1330.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1330**

Page 1, line 24, remove "if"

Page 2, line 1, remove "the number of members in"

Page 2, remove line 2

Page 2, line 3, replace "leader in the house must represent that party" with "must be represented by at least two members"

Page 2, line 16, remove "if the"

Page 2, line 17, remove "number of members in"

Page 2, line 17, remove "would not result in any"

Page 2, remove line 18

Page 2, line 19, replace "represent that party" with "must be represented by at least two members"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1031, HB 1054, HB 1124, HB 1129, HB 1193, HB 1200, HB 1241, HB 1310.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1128.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2105, SB 2197, SB 2278, SB 2307.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1128.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1254, HB 1402, HB 1428, HB 1431, HCR 3006, HCR 3024.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2105, SB 2197, SB 2278, SB 2307.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2105, SB 2197, SB 2278, SB 2307.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 29, 2017: HB 1212, HB 1214.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 29, 2017: HB 1254, HB 1402, HB 1423, HB 1428, HB 1431.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has overridden the Governor's veto on HB 1153. The vote was 84 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING, and your favorable consideration is requested.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 29, 2017: HCR 3006, HCR 3024.

#### **MOTION**

**REP. VIGESAA MOVED** that the absent members be excused, which motion prevailed on a voice vote.

#### **MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 30, 2017, which motion prevailed on a voice vote.

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

**SB 2037, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2037 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 15-10-37 and"

Page 1, line 2, after "the" insert "technology occupations student loan program and the"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 15-10-37 of the North Dakota Century Code is amended and reenacted as follows:

**15-10-37. Technology occupations student loan program.**

1. The state board of higher education shall administer a science, technology, engineering, and mathematics occupations student loan program that encourages college students to pursue studies in these fields, to participate in internship programs, and to remain in the state after graduation. The board shall adopt rules to implement the program, including internship requirements, guidelines to determine which technology-related courses of study are eligible under the program, and standards for eligibility.
2. Graduates of board-approved colleges may apply for the technology occupations student loan program. To be eligible to receive student loan grants under the program, the applicant:
  - a. Must have graduated from a board-approved college;
  - b. Must have successfully completed the board-approved technology-related courses;
  - c. Must have maintained at least a 2.5 grade point average, based on a 4.0 grading system, at a board-approved college;
  - d. Must have a student loan with the Bank of North Dakota or other participating lender;
  - e. Following graduation must be employed in the state in a board-approved technology occupation; and
  - f. Must have met and shall continue to meet any requirements established by rule.
3. The state board of higher education shall distribute student loan grants directly to the Bank of North Dakota to repay outstanding student loan principal balances for eligible applicants. The maximum student loan grant amount for which an applicant may qualify is one thousand ~~five~~ hundred dollars per year and a total of ~~six~~ five thousand dollars, or a lesser amount established by rule adopted by the state board of higher education."

Page 1, line 20, remove "five hundred"

Page 1, line 21, remove the overstrike over "five"

Page 1, line 21, remove "six"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2107, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (15 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2107 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2149, as reengrossed and amended: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (17 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Reengrossed SB 2149, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2243, as reengrossed: Appropriations Committee (Rep. Delzer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2243 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 teacher loan forgiveness programs.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TEACHER LOAN FORGIVENESS PROGRAMS.** During the 2017-18 interim, the legislative management shall consider studying the use of teacher loan forgiveness programs. The study, if conducted, must include a review of all existing teacher loan forgiveness programs administered by state agencies, the effectiveness of the programs, and options to develop a single program to address severe teacher shortage needs. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2273, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2273 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "to" insert "amend and reenact subsection 5 of section 57-15-56 and section 57-39.2-26.2 of the North Dakota Century Code, relating to the senior citizen services and programs fund; to"

Page 1, line 2, after "records" insert "; and to provide an effective date"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 5 of section 57-15-56 of the North Dakota Century Code is amended and reenacted as follows:

5. The state treasurer shall provide matching funds as provided in this subsection for counties for senior citizen services and programs funded as required by this section. The grants must be made on or before March first of each year to each eligible county. A county receiving a grant under this section which has not levied a tax under this section shall transfer the amount received to a city within the county which has levied a tax under this section. A grant may not be made to any county that has not filed with the state treasurer a written report verifying that grant funds received in the previous year under this subsection have been budgeted for the same purposes permitted for the expenditure of proceeds of a tax levied under this section. The written report must be received by the state treasurer on or before February first of each year following a year in which the reporting county received grant funds under this subsection. A matching fund grant must be provided from the senior citizen services and programs fund to each eligible county equal to the lesser of eighty-seven and one-half percent of the amount appropriated in dollars in the county under this section for the taxable year, but the or an eligible county's proportional share of the maximum amount of grants that may be awarded under this subsection. The matching fund grant applies only to an amount equal to a levy of up to one mill under this section. The total amount of matching grants provided under this subsection may not exceed three million five hundred thousand dollars each year.

**SECTION 2. AMENDMENT.** Section 57-39.2-26.2 of the North Dakota Century Code is amended and reenacted as follows:

**57-39.2-26.2. Allocation of revenues to senior citizen services and programs matching fund - Continuing appropriation.**

Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to the lesser of the amount of revenue that would have been generated by a levy of eighty-seven and one-half percent of one mill on the taxable valuation of all property in the state subject to a levy under section 57-15-56 in the previous taxable year, or three million five hundred thousand dollars, must be deposited by the state treasurer in the senior citizen services and programs fund during the period from July first through December thirty-first of each year. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax revenues which must be deposited in the fund as determined under this section. Revenues deposited in the senior citizen services and programs fund are provided as a standing and continuing appropriation for allocation as provided in subsection 5 of section 57-15-56. Any unexpended and unobligated amount in the senior citizen services and programs fund at the end of any biennium must be transferred by the state treasurer to the state general fund."

Page 1, after line 13, insert:

**"SECTION 4. EFFECTIVE DATE.** Section 1 of this Act is effective for taxable years beginning after December 31, 2016. Section 2 of this Act is effective for taxable events occurring after June 30, 2017."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2276, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2276 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 1050 and 1051 of the House Journal, Engrossed Senate Bill No. 2276 is amended as follows:

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

Page 1, line 2, remove ", and section 29-27-02"

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

Page 1, line 4, remove ", and judgments imposing fines or assessing costs"

Page 1, line 10, remove "A corporation may not"

Page 1, replace lines 11 and 12 with "All assets received by a corporation from donors for special use or purpose must be designated as temporarily restricted or permanently restricted in accordance with the applicable generally accepted accounting principles and disclosed on the corporation's financial statements. A corporation may pledge as collateral, grant a security interest in, or borrow from assets initially designated as temporarily restricted only for purposes that are in accordance with the donor's restrictions. A corporation may not pledge as collateral, grant a security interest in, or borrow from assets designated as permanently restricted assets."

Page 2, remove lines 21 through 30

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2329, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2329 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "armed personnel" with "security officers; and to provide for a legislative management study"

Page 1, line 10, replace "armed security personnel" with "security officers"

Page 1, line 10, after "recognize" insert "active members of the national guard and"

Page 1, line 12, after "States" insert ", who were not dishonorably discharged."

Page 1, after line 15, insert:

**"SECTION 2. LEGISLATIVE MANAGEMENT STUDY - PRIVATE INVESTIGATIVE AND SECURITY SERVICES.** During the 2017-18 interim, the legislative management shall consider studying the feasibility and desirability of updating North Dakota Century Code chapter 43-30, the law relating to the regulation of private investigative and security services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

The House stood adjourned pursuant to Representative Vigesaa's motion.

**Buell J. Reich, Chief Clerk**