

## JOURNAL OF THE HOUSE

## Sixty-fifth Legislative Assembly

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Bismarck, April 17, 2017

The House convened at 8:00 a.m., with Speaker Bellew presiding.

The prayer was offered by Pastor Bryce Meyer, Assembly of God Church, Bismarck.

The roll was called and all members were present except Representatives D. Anderson, Rich S. Becker, Guggisberg, Kempenich, Kiefert, Oliver, Paur, Sukut, and Vetter.

A quorum was declared by the Speaker.

**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Rep. Steve Gorman.

**MOTION**

**REP. VIGESAA MOVED** that SB 2037 be returned to the House floor and be placed on the 7th order of today's calendar, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. LEFOR MOVED** that the conference committee report on Engrossed SB 2313 as printed on HJ pages 1656-1658 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2313, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2313:** A BILL for an Act to create and enact a new section to chapter 4-01 of the North Dakota Century Code, relating to a wind energy restoration and reclamation oversight program; to amend and reenact sections 49-02-34 and 49-22-05.1 of the North Dakota Century Code, relating to annual reports on meeting renewable and recycled energy objectives and exclusion areas for wind energy conversion facilities; to provide a statement of legislative intent; and to provide for application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 64 YEAS, 22 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, P.; Beadle; Blum; Boehning; Bosch; Boschee; Brandenburg; Carlson; Damschen; Dockter; Grueneich; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; Meier; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Streyle; Toman; Trottier; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rick C.; Boe; Brabandt; Delmore; Delzer; Devlin; Dobervich; Ertelt; Guggisberg; Hanson; Johnston; Kading; Koppelman, B.; Marschall; McWilliams; Monson; Rohr; Ruby, M.; Seibel; Simons; Skroch; Vigesaa

**ABSENT AND NOT VOTING:** Anderson, D.; Becker, Rich S.; Kempenich; Kiefert; Oliver; Paur; Sukut; Vetter

Engrossed SB 2313, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KLEMIN MOVED** that the conference committee report on HB 1300 as printed on HJ page 1656 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BRANDENBURG MOVED** that the conference committee report on Engrossed HB 1016 as printed on HJ pages 1652-1655 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1016, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide a transfer; and to provide exemptions.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 4 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, P.; Beadle; Becker, Rick C.; 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; Kasper; Keiser; Kempenich; 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; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Steiner; Streyle; Toman; Trottier; Vigasaa; Weisz; Westlind; Zubke

**NAYS:** Ertelt; Simons; Skroch; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, D.; Becker, Rich S.; Kiefert; Oliver; Paur; Sukut; Vetter

Reengrossed HB 1016 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. STEINER MOVED** that the conference committee report on Engrossed SB 2200 as printed on HJ pages 1681-1683 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2200, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2200:** A BILL for an Act to amend and reenact section 57-15-06.6, subsection 8 of section 57-15-10, and section 57-15-38 of the North Dakota Century Code, relating to capital project levies; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, P.; Beadle; 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; Kasper; Keiser; Kempenich; 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; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider;

Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, D.; Becker, Rich S.; Kiefert; Oliver; Paur; Sukut; Vetter

SB 2200, as amended, passed.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. LANING MOVED** that the conference committee report on Engrossed SB 2183 as printed on HJ pages 1685-1686 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2183, as amended, was placed on the Fourteenth order of business.

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

**SB 2183:** A BILL for an Act to create and enact a new section to chapter 37-18 of the North Dakota Century Code, relating to the conferment of a veterans commemorative memorial coin; to provide a statement of legislative intent; and to provide for retroactive application.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, P.; Beadle; 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; Kasper; Keiser; Kempenich; 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; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Anderson, D.; Becker, Rich S.; Kiefert; Oliver; Paur; Sukut; Vetter

Engrossed SB 2183, as amended, passed.

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

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

**HB 1012:** Sens. Kilzer; Erbele; Mathern

**HB 1024:** Sens. Dever; G. Lee; Robinson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2003, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2003:** Sens. Holmberg; Krebsbach; Robinson

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

**MR. SPEAKER:** The President has appointed Sen. Kilzer to replace Sen. Hogue on the Conference Committee on HB 1003.

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

**MR. SPEAKER:** The President has appointed Sen. Schaible to replace Sen. Davison on the Conference Committee on SB 2037.

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

**MR. SPEAKER:** The President has appointed Sen. Campbell to replace Sen. Burckhard on the Conference Committee on SB 2144.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: HB 1300.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1016.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2183, SB 2200, SB 2313.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2135.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1025, HB 1120, HB 1155, HB 1341, HB 1389, HCR 3019.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2045, SB 2052, SB 2156, SB 2166, SB 2321.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1044, HB 1085, HB 1233, HB 1365.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2045, SB 2052, SB 2156, SB 2166, SB 2321.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1221, as engrossed:** Your conference committee (Sens. Armstrong, Myrdal, Nelson and Reps. Jones, Johnston, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1001-1003, adopt amendments as follows, and place HB 1221 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1282 and 1283 of the House Journal and pages 1001-1003 of the Senate Journal and that Engrossed House Bill No. 1221 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact chapter 29-29.5 of the North Dakota Century Code, relating to the use of confidential informants; to amend and reenact section 12-63-04 of the North Dakota Century Code, relating to the powers and duties of the peace officer standards and training board; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 12-63-04 of the North Dakota Century Code is amended and reenacted as follows:

**12-63-04. Board - Powers - Duties - Authority.**

The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, and approve the examinations for licensing under this chapter.

1. The board shall:
  - a. Prescribe the criteria for certification of basic, advanced, and specialized peace officer training curriculum, instructors, and schools;
  - b. Certify curriculum, instructors, schools, and officers that have met the training certification criteria;
  - c. Establish the curriculum for basic and advanced peace officer training; and
  - d. Prescribe minimum standards of sidearm training and certification for peace officers before they may carry a sidearm.
2. The board shall keep records and minutes necessary to carry out its functions. The board may:
  - a. Issue subpoenas, examine witnesses, administer oaths, and investigate allegations of practices violating the provisions of this chapter or rules adopted by the board.
  - b. Examine, under oath, any applicant for licensing.
  - c. Examine, under oath, any licensed peace officer during a hearing to suspend, revoke, or to not renew a license of a peace officer.
  - d. Adopt rules relating to the professional conduct of peace officers and to implement the requirements of this chapter, including rules relating to professional licensure, continuing education, and ethical standards of practice, for persons holding a license to practice peace officer duties.
3. The board shall adopt rules relating to the professional conduct of licensed peace officers involved in confidential informant agreements under chapter 29-29.5, and shall receive complaints and make determinations if an officer's conduct violated the protections provided in chapter 29-29.5. Annually, the board shall conduct an audit evaluating the effectiveness of confidential informant training requirements.
4. The board shall establish penalties and enforce violations of protections provided in chapter 29-29.5. The penalties established must be formulated based on the nature, severity, gravity, and recurrence of violations. The board may deny, suspend, or revoke a license or may impose probationary conditions, including remedial training.

**SECTION 2.** Chapter 29-29.5 of the North Dakota Century Code is created and enacted as follows:

**29-29.5-01. Definitions.**

1. "Benefit" means any of the following conferred on a confidential informant or a third party:
  - a. Leniency in a criminal case or probation or parole matter, including a decision whether to arrest or charge an offense or to limit the number or severity of charges;
  - b. Sentence reduction of any kind or amount; or
  - c. A favorable sentencing or bond recommendation.
2. "Confidential informant" means an individual who cooperates with a law enforcement agency and:

- a. Is willing to attempt a controlled buy or controlled sale or agrees to surreptitiously record a target offender; and
- b. Seeks or is offered a benefit.
3. "Controlled buy" means the purchase or attempted purchase of contraband, controlled substances, or other items material to a criminal investigation while under supervision or direction of law enforcement.
4. "Controlled sale" means the sale or attempted sale of contraband, controlled substances, or other items material to a criminal investigation while under supervision or direction of enforcement.
5. "Informant agreement" means a written agreement describing the rights and obligations of a confidential informant and law enforcement agency.
6. "Law enforcement agency" means an agency authorized by law to enforce the law and to conduct or engage in investigations or prosecutions for violations of the law.
7. "Target offender" means an individual suspected of a violation of the law, whose identity is known or unknown, and who is the focus of an informant agreement.

**29-29.5-02. Limitation on use of juvenile confidential informants.**

1. A law enforcement agency may not use a juvenile fifteen years of age or younger as a confidential informant.
2. A juvenile over the age of fifteen, but under the age of eighteen, may not be used as a confidential informant unless:
  - a. The juvenile is married;
  - b. The juvenile is emancipated;
  - c. The juvenile is serving in the active duty armed forces; or
  - d. The juvenile is subject to criminal charges; and
    - (1) There are no other reasonable avenues to obtain evidence of the crime being investigated and the risk of harm to the juvenile is minimal;
    - (2) The juvenile's custodial parent or guardian has signed the informant agreement; and
    - (3) The juvenile has consulted with legal counsel.

**29-29.5-03. Limitation on use of campus police.**

A law enforcement officer employed under section 15-10-17 may not enter an informant agreement with a student enrolled in an institution under the control of the state board of higher education.

**29-29.5-04. Law enforcement confidential informant training and guidelines.**

1. After July 1, 2018, a law enforcement agency may not use a confidential informant unless the law enforcement agency is trained in the use of confidential informants in a training course approved by the attorney general.
  - a. Training must occur at least once every three years, and must establish that the law enforcement agency has trained all personnel



7. The parameters of the agreement, detailing the anticipated number of buys, sales, acts, or the duration of service;
8. A description of any penalty for violating the terms of the written agreement, including any additional criminal charges;
9. A warning that sexual relations with an intended target of a police investigation is a violation of the agreement and may be a violation of the law;
10. A statement that money or property loaned or entrusted to the confidential informant by law enforcement may not be used for personal use and must be accounted for at all times; and
11. Specification of any known crimes of violence committed by a target offender.

**29-29.5-06. Death of a confidential informant.**

Upon the death of a confidential informant, the supervising law enforcement agency shall withdraw from the investigation of the death of its confidential informant. The supervising law enforcement agency promptly shall notify the attorney general of its withdrawal from the investigation, and the attorney general shall authorize an independent law enforcement agency investigation.

**29-29.5-07. Reporting violations of this chapter.**

1. An individual may report a suspected violation of this chapter to the appropriate law enforcement agency administration. The law enforcement agency shall investigate any reported violation within twenty days from receiving the complaint and, within forty-five days from receiving the complaint, make a written determination on whether a violation occurred. Upon completion, the law enforcement agency shall forward the written report to the individual who filed the initial complaint and to the peace officer standards and training board for review. An individual who filed a report for a suspected violation may seek additional remedies from the peace officer standards and training board.
2. A licensed peace officer or a prosecutor who reasonably believes a law enforcement officer or a law enforcement agency has violated this chapter shall file a written report with the peace officer standards and training board.

**29-29.5-08. Disposition of cases involving confidential informants.**

1. An informant agreement may be presented to the court at the time of sentencing. A court shall give consideration at sentencing to a confidential informant who has substantially complied with an informant agreement.
2. After consideration of an informant agreement, notwithstanding section 19-03.1-23.2, a court may defer imposition of sentence or suspend a portion of a minimum mandatory sentence when a confidential informant has substantially complied with an informant agreement.
3. If necessary to protect a confidential informant or the integrity of an ongoing investigation, a court may direct submission of sentencing memoranda in writing under seal when sentencing or deferring imposition of sentence of a confidential informant.
4. If necessary to protect a confidential informant or the integrity of an investigation, a court may dispense with reporting departure from a mandatory sentence under subsection 3 of section 12.1-32-03.

- 5. This section does not prohibit disposition of cases by deferral of prosecution with or without court approval."

Renumber accordingly

Engrossed HB 1221 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1022, as engrossed:** Your conference committee (Sens. Krebsbach, Dever, Bowman and Reps. Boehning, Brabandt, Vigesaa) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1163-1164, adopt amendments as follows, and place HB 1022 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1163 and 1164 of the House Journal and pages 895 and 896 of the Senate Journal and that Engrossed House Bill No. 1022 be amended as follows:

Page 1, replace lines 10 through 13 with:

"Salaries and wages	\$4,340,551	\$85,019	\$4,425,570
Operating expenses	990,874	(128,390)	862,484
Contingencies	<u>82,000</u>	<u>(30,000)</u>	<u>52,000</u>
Total special funds	\$5,413,425	(\$73,371)	\$5,340,054"

Page 1, line 16, replace "\$54,376" with "\$50,436"

Page 1, line 17, replace "\$1,249" with "\$1,241"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1022 - Retirement and Investment Office - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$4,340,551	\$4,429,510	(\$3,940)	\$4,425,570	\$4,425,570	
Operating expenses	990,874	790,027	72,457	862,484	790,027	72,457
Contingencies	<u>82,000</u>	<u>52,000</u>		52,000	52,000	
Total all funds	\$5,413,425	\$5,271,537	\$68,517	\$5,340,054	\$5,267,597	\$72,457
Less estimated income	5,413,425	5,271,537	68,517	5,340,054	5,267,597	72,457
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	19.00	19.00	0.00	19.00	19.00	0.00

**Department No. 190 - Retirement and Investment Office - Detail of Conference Committee Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Adds Funding for Operating Expenses <sup>2</sup>	Total Conference Committee Changes
Salaries and wages	(\$3,940)		(\$3,940)
Operating expenses		72,457	72,457
Contingencies			
Total all funds	(\$3,940)	\$72,457	\$68,517
Less estimated income	(3,940)	72,457	68,517
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<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 premium rate.

<sup>2</sup> Funding is restored for a portion of the \$200,847 reduction to operating expenses made by the House.

Engrossed HB 1022 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1041, as reengrossed:** Your conference committee (Sens. Armstrong, Osland, Nelson and Reps. K. Koppelman, Satrom, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1000-1001, adopt amendments as follows, and place HB 1041 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1289-1291 of the House Journal and pages 1000 and 1001 of the Senate Journal and that Reengrossed House Bill No. 1041 be amended as follows:

Page 1, line 1, after "12.1-32" insert "and a new section to chapter 54-23.3"

Page 1, line 2, after "probation" insert "and faith-based organizations"

Page 1, line 3, after the fourth comma insert "subdivision c of subsection 1 of section 12.1-32-02,"

Page 1, line 4, replace "subsections" with "subsection"

Page 1, line 4, remove "and 6"

Page 1, line 6, remove "section 19-03.4-03,"

Page 1, line 7, replace "section 43-45-06" with "subsection 2 of section 39-20-01"

Page 1, line 9, after the second comma insert "sentencing alternatives,"

Page 1, line 10, remove "and controlled substance paraphernalia"

Page 1, line 11, remove "addiction counseling services,"

Page 1, line 14, remove "and"

Page 1, line 14, after "assembly" insert "; to provide an appropriation; to provide an effective date; and to declare an emergency"

Page 3, line 26, remove the overstrike over "one"

Page 3, line 26, remove "two"

Page 3, line 26, remove "five hundred"

Page 5, after line 15, insert:

**"SECTION 6. AMENDMENT.** Subdivision c of subsection 1 of section 12.1-32-02 of the North Dakota Century Code is amended and reenacted as follows:

- c. A term of imprisonment, including intermittent imprisonment:
  - (1) In a state correctional facility in accordance with section 29-27-07, in a regional corrections center, or in a county jail, if convicted of a felony or a class A misdemeanor.
  - (2) In a county jail or in a regional corrections center, if convicted of a class B misdemeanor.

- (3) In a facility or program deemed appropriate for the treatment of the individual offender, including available community-based or faith-based programs.
- (4) In the case of persons convicted of an offense who are under eighteen years of age at the time of sentencing, the court is limited to sentencing the minor defendant to a term of imprisonment in the custody of the department of corrections and rehabilitation."

Page 6, remove lines 26 and 30

Page 7, remove lines 1 through 30

Page 8, remove lines 1 through 5

Page 8, after line 8 insert:

"1."

Page 8, line 9, replace "convicted of" with "who has pled guilty to, or has been found guilty of."

Page 8, line 11, remove "in violation of section 12.1-17-07.1, chapter"

Page 8, line 12, replace "12.1-41, or sections 14-07.1-06 or 14-09-22" with "subject to registration under section 12.1-32-15"

Page 8, line 13, after "weapon" insert ", explosive, or incendiary device"

Page 8, after line 13, insert:

"2."

Page 8, line 15, remove "The sentencing court shall state the"

Page 8, line 16, replace "aggravating factors on the record at the time of sentencing." with "Aggravating factors include:"

- a. That the individual has pled guilty to, or has been found guilty of, a felony offense or class A misdemeanor offense prior to the date of the commission of the offense or offenses charged in the complaint, information, or indictment;
- b. The age and vulnerability of the victim, whether the individual was in a position of responsibility or trust over the victim, or whether the individual abused a public position of responsibility or trust; or
- c. If the individual used threats or coercion in the commission of the offense.

"3."

Page 8, line 26, replace "for a first offense and" with "if the controlled substance is marijuana. Otherwise, the offense is"

Page 8, line 26, remove "for a"

Page 8, line 27, remove "second or subsequent offense"

Page 9, line 6, replace "B" with "A"

Page 9, line 6, replace "A misdemeanor" with "C felony"

Page 9, line 11, overstrike "chapter" and insert immediately thereafter "title"

Page 9, line 13, overstrike "chapter" and insert immediately thereafter "title"

Page 9, line 26, after "a" insert "class A misdemeanor for a first offense under this subsection and a"

Page 9, line 26, remove the overstrike over "~~G-felony~~"

Page 9, line 26, replace "A misdemeanor" with "for a second or subsequent offense under this subsection"

Page 9, line 28, remove the overstrike over "~~or a~~"

Page 9, line 29, remove the overstrike over "~~public career and technical education school,~~"

Page 10, line 21, after "offense" insert "was committed during a school sponsored activity or was committed during the hours of six a.m. to ten p.m. if school is in session, the offense"

Page 10, line 22, overstrike the second "or" and insert immediately thereafter an underscored comma

Page 10, line 22, remove the overstrike over "~~,-or within~~"

Page 10, line 23, after the overstruck closing bracket insert "three hundred feet [91.4 meters]"

Page 10, line 23, overstrike "child care or"

Page 10, line 24, remove the overstrike over the first overstruck comma

Page 10, line 24, remove "or"

Page 10, line 24, remove the overstrike over the second overstruck comma and insert immediately thereafter "or a"

Page 10, line 24, remove the overstrike over "~~public career and~~"

Page 10, line 25, remove the overstrike over "~~technical education school~~"

Page 10, remove lines 26 through 31

Page 11, remove lines 1 through 20

Page 12, replace lines 16 through 26 with:

**"SECTION 15. AMENDMENT.** Subsection 2 of section 39-20-01 of the North Dakota Century Code is amended and reenacted as follows:

2. The test or tests must be administered at the direction of a law enforcement officer only after placing the individual, ~~except individuals mentioned in section 39-20-03,~~ under arrest and informing that individual that the individual is or will be charged with the offense of driving or being in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor, drugs, or a combination thereof. For the purposes of this chapter, the taking into custody of a child under section 27-20-13 or an individual under twenty-one years of age satisfies the requirement of an arrest. The law enforcement officer shall determine which of the tests is to be used."

Page 16, after line 29 insert:

**"SECTION 18.** A new section to chapter 54-23.3 of the North Dakota Century Code is created and enacted as follows:

**Faith-based programming.**

1. The department of corrections and rehabilitation, with contracts through the department of human services and through the implementation of the community behavioral health program, shall allow faith-based organizations to provide services to individuals who need addiction treatment services.
2. For purposes of this section "faith-based organization" means a nonprofit corporation or association operated by a religious or denominational organization, including an organization operated for religious, educational, or charitable purposes and which is operated, supervised, or controlled by or in connection with a religious organization, or an organization that has a mission statement, policies, or practices clearly demonstrating the organization is guided or motivated by faith."

Page 16, after line 29, insert:

**"SECTION 21. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$110,916, or so much of the sum as may be necessary, and \$1,532,785 from federal funds, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing sections 17 and 18 of this Act, for the period beginning with the effective date of this section, and ending June 30, 2019.

**SECTION 22. EFFECTIVE DATE.** Sections 8 and 9 of this Act become effective January 1, 2018.

**SECTION 23. EMERGENCY.** Sections 1 through 5, 7, 10 through 18, and 22 of this Act are declared to be an emergency measure."

ReNUMBER accordingly

Reengrossed HB 1041 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1235, as engrossed:** Your conference committee (Sens. D. Larson, Luick, Osland and Reps. K. Koppelman, D. Johnson, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 833-834, adopt amendments as follows, and place HB 1235 on the Seventh order:

That the Senate recede from its amendments as printed on page 1103 of the House Journal and pages 833 and 834 of the Senate Journal and that Engrossed House Bill No. 1235 be amended as follows:

Page 1, line 9, remove "including"

Page 1, line 10, replace "automated access in the case of records maintained in automated databases," with "relevant to making an eligibility determination for indigent defense services."

Page 1, line 11, after "agencies" insert "relevant to determination of eligibility for indigent defense services"

Page 1, line 21, remove "identifying the last-known address of the individual, wage-loss"

Page 1, remove lines 22 and 23

Page 1, line 24, replace "organization, and whether and where that individual is employed" with "or as otherwise provided in section 65-05-32"

Page 2, replace lines 19 through 23 with:

**"SECTION 2.** Subsection 5 to section 54-61-02 of the North Dakota Century Code is created and enacted as follows:

5. If a government agency or private entity denies the commission access to records under subsection 4, the denial must include a statement of the legal authority for the denial."

Renumber accordingly

Engrossed HB 1235 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1269, as engrossed:** Your conference committee (Sens. Armstrong, D. Larson, Nelson and Reps. K. Koppelman, Satrom, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1003-1008, adopt amendments as follows, and place HB 1269 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1284-1289 of the House Journal and pages 1003-1008 of the Senate Journal and that Engrossed House Bill No. 1269 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 12.1-32-09.1 of the North Dakota Century Code, relating to sentencing for aggravated assault; to amend and reenact subdivision k of subsection 3 of section 12.1-23-05, subsection 5 of section 12.1-32-01, subdivision b of subsection 1 of section 12.1-32-02.1, sections 19-03.1-22.3 and 19-03.1-23, subsection 2 of section 19-03.1-23.1, section 19-03.1-23.4, paragraph 3 of subdivision e of subsection 1 of section 19-03.1-36, subdivision e of subsection 5 of section 19-03.1-36, subsection 1 of section 19-03.1-45, and subsection 29 of section 40-05-02 of the North Dakota Century Code, relating to grading of theft offenses, illegal possession of prescription capsules, pills, or tablets, possession of marijuana, ingesting a controlled substance, and misdemeanor marijuana convictions being excluded as prior offenses for purposes of determining mandatory terms of imprisonment; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Subdivision k of subsection 3 of section 12.1-23-05 of the North Dakota Century Code is amended and reenacted as follows:

- k. The property stolen is a prescription drug as defined in section 43-15.3-01, except when the quantity stolen is five or fewer capsules, pills, or tablets.

**SECTION 2. AMENDMENT.** Subsection 5 of section 12.1-32-01 of the North Dakota Century Code is amended and reenacted as follows:

5. Class A misdemeanor, for which a maximum penalty of ~~one year's~~ imprisonment for three hundred sixty days, a fine of three thousand dollars, or both, may be imposed.

**SECTION 3. AMENDMENT.** Subdivision b of subsection 1 of section 12.1-32-02.1 of the North Dakota Century Code is amended and reenacted as follows:

- b. The offender possesses or has within immediate reach and control a dangerous weapon, explosive, destructive device, or firearm while in the course of committing any felony offense under subsection 1, ~~23~~, or ~~78~~ of section 19-03.1-23.

**SECTION 4.** A new subsection to section 12.1-32-09.1 of the North Dakota Century Code is created and enacted as follows:

An offender who is convicted of a class C felony in violation of section 12.1-17-02, or an attempt to commit the offense, and who has received a sentence of imprisonment or a sentence of imprisonment upon revocation of probation before August 1, 2015, is eligible to have the offender's sentence considered by the parole board.

**SECTION 5. AMENDMENT.** Section 19-03.1-22.3 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-22.3. Ingesting a controlled substance - Venue for violation - Penalty.**

A person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class B misdemeanor if the controlled substance is marijuana. Otherwise, the offense is a class A misdemeanor. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

**SECTION 6. AMENDMENT.** Section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-23. Prohibited acts A - Mandatory terms of imprisonment and fines - Unclassified offenses - Penalties.**

1. Except as authorized by this chapter, it is unlawful for anya person to willfully, as defined in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance, or to deliver, distribute, or dispense a controlled substance by means of the internet, but anya person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. AnyA person who violates this subsection with respect to:
  - a. A controlled substance classified in schedule I or II which is a narcotic drug, or methamphetamine, is guilty of a class AB felony and must be sentenced:
    - (1) For a second offense, to imprisonment for at least five~~three~~ years.
    - (2) For a third or subsequent offense, to imprisonment for twenty~~ten~~ years.
  - b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog is guilty of a class B felony. Except for a person who manufactures, delivers, or possesses with the intent to manufacture or deliver marijuana, any person found guilty under this subdivision must be sentenced:
    - (1) For a second offense, to imprisonment for at least three~~two~~ years.
    - (2) For a third or subsequent offense, to imprisonment for ten~~five~~ years.
  - c. A substance classified in schedule IV, is guilty of a class C felony and must be sentenced:
    - (1) For a second offense, to imprisonment for at least six~~three~~ months.
    - (2) For a third offense, to imprisonment for at least one year~~six~~ six months.
    - (3) For a fourth or subsequent offense, to imprisonment for five~~three~~ years.

- d. A substance classified in schedule V, is guilty of a class A misdemeanor.
- 2. A prior misdemeanor conviction under subsection 8 or a prior conviction under subsection 3 or 4 of section 19-03.4-03 may not be considered a prior offense under subsections 1 and 4.
- 3. Except as authorized by this chapter, it is unlawful for any person to willfully, as defined in section 12.1-02-02, create, deliver, distribute, or dispense a counterfeit substance by means of the internet or any other means, or possess with intent to deliver, a counterfeit substance by means of the internet or any other means, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. Any person who violates this subsection with respect to:
  - a. ~~A counterfeit substance classified in schedule I or II which is a narcotic drug, is guilty of a class A felony.~~
  - b. ~~Any other~~ A counterfeit substance classified in schedule I, II, or III, is guilty of a class B felony.
  - e.b. A counterfeit substance classified in schedule IV, is guilty of a class C felony.
  - d.c. A counterfeit substance classified in schedule V, is guilty of a class A misdemeanor.
- 3.4. For second or subsequent offenders, in addition to any other penalty imposed under this section, a person who violates this chapter, except a person who manufactures, delivers, or possesses with the intent to manufacture or deliver marijuana, is subject to, and the court shall impose, the following penalties to run consecutively to any other sentence imposed:
  - a. ~~Any~~ A person, eighteen years of age or older, who violates this section by willfully manufacturing, delivering, or possessing with intent to manufacture or deliver a controlled substance in or on, or within one thousand feet [300.48 meters] of the real property comprising a public or private elementary or secondary school or a public career and technical education school is subject to ~~an eight-year~~ a four-year term of imprisonment.
  - b. If the defendant was at least twenty-one years of age at the time of the offense, and delivered a controlled substance to a person under the age of eighteen, the defendant must be sentenced to imprisonment for at least ~~eight~~ four years. It is not a defense that the defendant did not know the age of a person protected under this subdivision.
- 4.5. A person at least eighteen years of age who solicits, induces, intimidates, employs, hires, or uses a person under eighteen years of age to aid or assist in the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance for the purpose of receiving consideration or payment for the manufacture or delivery of any controlled substance is guilty of a class B felony and must be sentenced:
  - a. For a second or subsequent offense, to imprisonment for at least ~~five~~ three years.
  - b. It is not a defense to a violation of this subsection that the defendant did not know the age of a person protected under this subsection.
- 5. A

6. Except for a prior conviction equivalent to a misdemeanor violation of subsection 8 or a prior conviction under subsection 3 or 4 of section 19-03.4-03, a violation of this chapter or a law of another state or the federal government which is equivalent to an offense under this chapter committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsections 1, 34, and 45. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.

6-7. It is unlawful for a person to willfully, as defined in section 12.1-02-02:

- a. Serve as an agent, intermediary, or other entity that causes the internet to be used to bring together a buyer and seller to engage in the delivery, distribution, or dispensing of a controlled substance in a manner not authorized by this chapter; or
- b. Offer to fill or refill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire.

A person who violates this subsection is guilty of a class C felony.

- 7-8. a. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
- b. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class C felony.
- c. If, at the time of the offense the person is in or on, or within one thousand feet [300.48 meters] of the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony, unless the offense involves one ounce [28.35 grams] or less of marijuana. ~~Any~~
- d. A person who violates this subsection regarding possession of one ounce [28.35 grams] or less of marijuana is guilty of a class B misdemeanor.
- e. A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor.

8-9. Except as provided by section 19-03.1-45, a court may order a person who violates this chapter or chapter 19-03.4 to undergo a drug addiction evaluation by a licensed addiction counselor. The evaluation must indicate the prospects for rehabilitation and whether addiction treatment is required. If ordered, the evaluation must be submitted to the court before imposing punishment for a felony violation or a misdemeanor violation. A court shall order a person who violates subdivision e of subsection 8 to undergo the drug addiction evaluation.

9-10. If a person pleads guilty or is found guilty of a first offense regarding possession of one ounce [28.35 grams] or less of marijuana and a judgment of guilt is entered, a court, upon motion, shall seal the court

record of that conviction if the person is not subsequently convicted within two years of a further violation of this chapter. Once sealed, the court record may not be opened even by order of the court.

**SECTION 7. AMENDMENT.** Subsection 2 of section 19-03.1-23.1 of the North Dakota Century Code is amended and reenacted as follows:

2. The offense is:
  - a. ~~A class AA felony if the violation of section 19-03.1-23 is designated as a class A felony.~~
  - b. A class A felony if the violation of section 19-03.1-23 is designated as a class B felony.
  - ~~e.b.~~ A class B felony if the violation of section 19-03.1-23 is designated as a class C felony.
  - ~~d.c.~~ A class C felony if the violation of section 19-03.1-23 is designated as a class A misdemeanor.

**SECTION 8. AMENDMENT.** Section 19-03.1-23.4 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-23.4. Overdose prevention and immunity.**

An individual is immune from criminal prosecution under sections 19-03.1-22.1, 19-03.1-22.3, 19-03.1-22.5, subsection 78 of section 19-03.1-23, subsection 3 of section 19-03.2-03, and section 19-03.4-03 if in good faith that individual contacted law enforcement or emergency medical services and reported that the individual was or that seeks medical assistance for another individual was in need of emergency medical assistance due to a drug overdose. To receive immunity under this section, the individual receiving immunity must have remained on the scene until assistance arrived, cooperated with emergency medical services and law enforcement personnel in the medical treatment of the reported drug overdosed individual, and the overdosed individual must have been in need of emergency medical services. The maximum number of individuals that may be immune for any one occurrence is three individuals a condition a layperson would reasonably believe to be a drug overdose requiring immediate medical assistance. Neither the individual who experiences a drug-related overdose and is in need of emergency medical assistance nor the cooperating individual seeking medical assistance may be charged or prosecuted for the criminal offenses listed in this section or for the sharing of controlled substances among those present. Immunity from prosecution under this section is not applicable for a violation under section 19-03.1-23.1 does not apply unless the evidence for the charge or prosecution was obtained as a result of the drug-related overdose and the need for emergency medical assistance. Good faith does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or during a lawful search.

**SECTION 9. AMENDMENT.** Paragraph 3 of subdivision e of subsection 1 of section 19-03.1-36 of the North Dakota Century Code is amended and reenacted as follows:

- (3) A conveyance is not subject to forfeiture for a violation of subsection 78 of section 19-03.1-23 or subsection 3 of section 19-03.2-03.

**SECTION 10. AMENDMENT.** Subdivision e of subsection 5 of section 19-03.1-36 of the North Dakota Century Code is amended and reenacted as follows:

- e. Use the property, including controlled substances, imitation controlled substances, and plants forfeited under subsections 6 and 7, in enforcement of this chapter. However, in a case involving the delivery of a forfeited controlled substance by a law enforcement officer or a person acting as an agent of a law enforcement officer,

no prosecution or conviction for simple possession of a controlled substance under subsection 67 of section 19-03.1-23 may be based upon the forfeited controlled substances supplied by the law enforcement officer or the officer's agent.

**SECTION 11. AMENDMENT.** Subsection 1 of section 19-03.1-45 of the North Dakota Century Code is amended and reenacted as follows:

1. If a person has pled guilty or has been found guilty of a felony violation of subsection 78 of section 19-03.1-23, if that person has not previously pled guilty or been found guilty of any offense involving the use, possession, manufacture, or delivery of a controlled substance or of any other felony offense of this or another state or the federal government, the court shall impose a period of probation up to the length authorized under section 12.1-32-06.1 with a suspended execution of a sentence of imprisonment, a sentence to probation, or an order deferring imposition of sentence.

**SECTION 12. AMENDMENT.** Subsection 29 of section 40-05-02 of the North Dakota Century Code is amended and reenacted as follows:

29. Marijuana possession. To prohibit by ordinance any person, except a person operating a motor vehicle, from possessing not more than ~~one-half~~ one ounce [~~14.175~~28.35 grams] of marijuana, as defined by section 19-03.1-01, within the jurisdiction of a city, and to prescribe the punishment, provided the penalty assessed is subject to subsection 910 of section 19-03.1-23."

Renumber accordingly

Engrossed HB 1269 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2135, as engrossed:** Your conference committee (Sens. Poolman, Hogue, Marcellais and Reps. B. Koppelman, Olson, Johnston) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1025-1026, adopt amendments as follows, and place SB 2135 on the Seventh order:

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1139-1141 of the House Journal and that Engrossed Senate Bill No. 2135 be amended as follows:

Page 1, line 2, replace "appropriation" with "expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, remove "Three members of the legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "Three members of the house of representatives appointed by the majority leader of the house of representatives, and three members of the senate, one of whom must be a member of the minority party, appointed by the majority leader of the senate"

Page 2, line 3, remove "member of a tribal nation appointed by the executive director of the Indian"

Page 2, line 4, replace "affairs commission" with "individual appointed as a nonvoting member by the secretary of state"

Page 2, line 5, replace "Three" with "Seven"

Page 2, line 5, after "governor" insert ", who shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications. One of the seven must be a member of an association that represents employees and their interests"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, remove "; and"

Page 2, line 10, remove:

"i. One individual appointed by North Dakota united"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a board member or employee of an organization identified in subdivisions e through h of subsection 3, or an employee of the governor's office.

5."

Page 2, line 12, after the period insert "A vacancy must be filled by an individual who satisfies the criterion for the vacant position, such that the requirements in subsection 3 are met throughout the existence of the commission."

Page 2, line 13, replace "5." with "6."

Page 2, line 14, replace "6." with "7."

Page 2, line 18, after the period insert "The expenses of the commission are to be paid by the legislative council.

8. All appointments of commission members must be completed within sixty days after the effective date of this Act."

Page 2, replace lines 19 through 23 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that date is ineffective."

Re-number accordingly

Engrossed SB 2135 was placed on the Seventh order of business on the calendar.

#### **ANNOUNCEMENT**

**SPEAKER BELLEW ANNOUNCED** that the House will stand in recess until 1:00 p.m.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Bellew presiding.

#### **CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Klemm, Chairman)** has carefully examined the Journal of the Sixty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1663, line 17 and 45, remove ", as amended,"

Page 1663, remove lines 19-22 and after line 18 insert:

**"SB 2045:** A BILL for an Act to amend and reenact sections 39-12-14.1 and 39-12-20 of the North Dakota Century Code, relating to voluntary settlement of extraordinary road use fee charges and proceeds of sale deposited with the state treasurer; to provide an effective date; and to declare an emergency."

**REP. KLEMIN MOVED** that the report be adopted, which motion prevailed on a voice vote.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on April 14, 2017, I have signed the following: HB 1009, HB 1011, HB 1017, HB 1021, HB 1096, HB 1183, HB 1197, HB 1204, HB 1294, HB 1334, HB 1339, HB 1419, and HB 1433.

**MOTION**

**REP. VIGESAA MOVED** that HB 1201 be returned to the House floor and be placed on the 7th order of today's calendar, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SCHREIBER-BECK MOVED** that the conference committee report on Engrossed SB 2037 be rejected, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. NATHE MOVED** that the conference committee report on Engrossed SB 2011 as printed on HJ pages 1683-1685 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2011, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2011:** A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; to create and enact a new section to chapter 39-03 of the North Dakota Century Code, relating to capitol building access cards; to amend and reenact subdivision j of subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to fees for electronic permits; and to provide for a transfer.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; 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; Olson; 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; Vigesaa; Weisz; Westlind; Zubke

**NAYS:** Boe; Delzer; Magrum; Simons; Speaker Bellew

**ABSENT AND NOT VOTING:** Kiefert; Paur; Vetter

Engrossed SB 2011, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. OLSON MOVED** that the conference committee report on Engrossed HB 1178 as printed on HJ page 1681 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1178, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1178:** A BILL for an Act to create and enact a new section to chapter 37-17.3 of the North Dakota Century Code, relating to the creation of a statewide interoperable radio network fund, to amend and reenact subsection 1 of section 37-17.3-02.2, subsection 4 of section 54-59-05, section 57-40.6-02 and subsection 1 of section

57-40.6-14 of the North Dakota Century Code, relating to the statewide interoperability executive committee, the powers and duties of the information technology department, the assessed communications service fee, and the prepaid wireless emergency 911 fee; to authorize borrowing authority; to provide an appropriation; to provide statements of legislative intent; to provide for a budget section report; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, 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.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; 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; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Streyle; Sukut; Toman; Trotter; Vigesaa; Weisz; Zubke

**NAYS:** Boe; Delzer; Ertelt; Hogan; Steiner; Westlind; Speaker Bellew

**ABSENT AND NOT VOTING:** Kiefert; Paur; Vetter

Reengrossed HB 1178 passed.

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#### ANNOUNCEMENT

**SPEAKER BELLEW ANNOUNCED** that Rep. D. Anderson will replace Rep. Martinson on the Conference Committee on SB 2134.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KASPER MOVED** that the conference committee report on HB 1369 as printed on HJ page 1689 be adopted, which motion prevailed on a voice vote.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: HB 1369.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: SB 2037.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2011.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1178.

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

**MR. PRESIDENT:** The Speaker has appointed Rep. D. Anderson to replace Rep. Martinson on the Conference Committee on SB 2134.

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

**MR. SPEAKER:** The President has signed: HB 1025, HB 1120, HB 1155, HB 1341, HB 1389, HCR 3019.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1025, HB 1120, HB 1155, HB 1341, HB 1389, HCR 3019.

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

**MR. SPEAKER:** The President has signed: SB 2045, SB 2052, SB 2156, SB 2166, SB 2321.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2015, SB 2216.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1016, HB 1300.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 17, 2017: HB 1025, HB 1120, HB 1155, HB 1341, HB 1389.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on April 17, 2017: HCR 3019.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2015, as engrossed:** Your conference committee (Sens. Wanzek, Hogue, Mathern and Reps. J. Nelson, Pollert, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1203-1205, adopt amendments as follows, and place SB 2015 on the Seventh order:

That the House recede from its amendments as printed on pages 1203-1205 of the Senate Journal and pages 1342-1344 of the House Journal and that Engrossed Senate Bill No. 2015 be amended as follows:

Page 1, line 6, remove "a"

Page 1, line 7, replace "study" with "studies"

Page 1, line 7, after the semicolon insert "to provide for a legislative management justice reinvestment oversight committee;"

Page 1, line 7, replace "a report to the budget section" with "reports"

Page 1, replace lines 17 through 22 with:

"Adult services	\$205,626,019	\$16,734,336	\$222,360,355
Youth services	<u>30,654,707</u>	<u>85,802</u>	<u>30,740,509</u>
Total all funds	\$236,280,726	\$16,820,138	\$253,100,864
Less estimated income	<u>33,236,706</u>	<u>5,527,454</u>	<u>38,764,160</u>
Total general fund	\$203,044,020	\$11,292,684	\$214,336,704
Full-time equivalent positions	836.29	9.00	845.29

**SECTION 2. HEALTH INSURANCE INCREASE.** The appropriation in section 1 of this Act includes the sum of \$2,155,572, of which \$2,016,105 is from the general fund, for increases in employee health insurance premiums from \$1,130 to \$1,241 per month."

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

Page 2, line 3, after "2017-19" insert "biennium"

Page 2, replace lines 12 through 14 with:

"Justice reinvestment initiative		<u>0</u>	<u>500,000</u>
Total all funds	\$6,592,167		\$1,602,907
Less estimated income		<u>5,126,000</u>	<u>1,602,907</u>
Total general fund	\$1,466,167		\$0"

Page 2, line 15, after "2017-19" insert "biennium"

Page 3, after line 10, insert:

**"SECTION 7. MISSOURI RIVER CORRECTIONAL CENTER - HOUSING UNIT PURCHASE.** The appropriation in section 1 of this Act includes the sum of \$844,000 for the purchase of a thirty-six bed housing unit at the Missouri River correctional center."

Page 3, line 26, replace ". including" with ". Potential alternatives to physical custody include"

Page 6, after line 12, insert:

**"SECTION 12. LEGISLATIVE MANAGEMENT STUDY - TOMPKINS REHABILITATION CENTER.** During the 2017-18 interim, the legislative management shall consider studying the operation, management, conditions, caseload, and physical plant of the Tompkins rehabilitation center at the state hospital. The study must include the potential transition of the Tompkins rehabilitation center, including the transfer of the building, employees, and supervision and management of all operations and caseload of the Tompkins rehabilitation center, from the department of human services and the state hospital to the department of corrections and rehabilitation. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Page 6, after line 22, insert:

**"SECTION 14. JUSTICE REINVESTMENT OVERSIGHT COMMITTEE - REPORT TO THE LEGISLATIVE MANAGEMENT.**

1. During the 2017-18 interim, the justice reinvestment oversight committee is created and composed of eight members as follows:
  - a. The governor's general counsel;
  - b. The director of the department of human services;
  - c. The director of the behavioral health division of the department of human services;
  - d. The director of the department of corrections and rehabilitation;
  - e. The chief justice of the supreme court, or a designee of the chief justice;
  - f. The attorney general, or a designee of the attorney general;
  - g. One member of the house of representatives, appointed by the majority leader of the house of representatives; and
  - h. One member of the senate, appointed by the majority leader of the senate.
2. The committee shall study the implementation of justice reinvestment policies in the state and periodically report to the legislative management. The governor's office shall provide staff services to the committee.
3. Before July 1, 2018, the committee shall report its findings and recommendations, together with any legislation required to implement those recommendations, to the legislative management."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2015 - Summary of Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
DHS - Other						
Total all funds	\$0	\$7,500,000	\$0	\$7,500,000	\$7,500,000	\$0
Less estimated income	0	7,000,000	0	7,000,000	7,000,000	0
General fund	\$0	\$500,000	\$0	\$500,000	\$500,000	\$0
Department of Corrections and Rehab.						
Total all funds	\$236,280,726	\$253,633,027	(\$532,163)	\$253,100,864	\$252,843,952	\$256,912
Less estimated income	33,236,706	38,275,054	489,106	38,764,160	38,764,160	0
General fund	\$203,044,020	\$215,357,973	(\$1,021,269)	\$214,336,704	\$214,079,792	\$256,912
Bill total						
Total all funds	\$236,280,726	\$261,133,027	(\$532,163)	\$260,600,864	\$260,343,952	\$256,912
Less estimated income	33,236,706	45,275,054	489,106	45,764,160	45,764,160	0
General fund	\$203,044,020	\$215,857,973	(\$1,021,269)	\$214,836,704	\$214,579,792	\$256,912

**Senate Bill No. 2015 - DHS - Other - Conference Committee Action**

The conference committee did not change the funding for the Department of Human Services provided by the Senate and the House.

**Senate Bill No. 2015 - Department of Corrections and Rehab. - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Adult services	\$205,626,019	\$222,336,292	\$24,063	\$222,360,355	\$222,360,355	
Youth services	30,654,707	31,296,735	(556,226)	30,740,509	30,483,597	256,912
Total all funds	\$236,280,726	\$253,633,027	(\$532,163)	\$253,100,864	\$252,843,952	\$256,912
Less estimated income	33,236,706	38,275,054	489,106	38,764,160	38,764,160	0
General fund	\$203,044,020	\$215,357,973	(\$1,021,269)	\$214,336,704	\$214,079,792	\$256,912
FTE	836.29	847.29	(2.00)	845.29	843.29	2.00

**Department No. 530 - Department of Corrections and Rehab. - Detail of Conference Committee Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Reduces New Youth Correctional Center Positions <sup>2</sup>	Reduces Funding for Operating Expenses <sup>3</sup>	Adds One-Time Funding for Justice Reinvestment <sup>4</sup>	Total Conference Committee Changes
Adult services	(\$139,937)		(\$336,000)	\$500,000	\$24,063
Youth services	(34,150)	(251,615)	(270,461)		(556,226)
Total all funds	(\$174,087)	(\$251,615)	(\$606,461)	\$500,000	(\$532,163)
Less estimated income	(10,894)	0	0	500,000	489,106
General fund	(\$163,193)	(\$251,615)	(\$606,461)	\$0	(\$1,021,269)
FTE	0.00	(2.00)	0.00	0.00	(2.00)

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. This amount was adjusted from the House version to recognize the health insurance increase associated with the 2 additional FTE positions.

<sup>2</sup> Funding from the general fund is reduced and 2 new FTE Youth Correctional Center positions are removed, providing 8 new FTE positions and \$1,006,461 from the general fund to maintain compliance with the federal Prison Rape Elimination Act. The Senate added 10 new FTE positions and \$1,258,076 from the general fund to maintain compliance with the federal Prison Rape Elimination Act. The House provided for 6 new FTE positions and \$754,846 from the general fund to maintain compliance with the federal Prison Rape Elimination Act.

<sup>3</sup> Funding from the general fund for operating expenses is reduced by \$606,461, including \$160,461 for youth services information technology data processing, the same as the House version.

<sup>4</sup> One-time funding of \$500,000 from other funds is added for implementing justice reinvestment initiatives, the same as the House version.

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This amendment also:

- Adds a new section to identify the amount appropriated relating to increases in employee health insurance premiums from \$1,130 to \$1,241 per month. This section was updated from the House version to recognize the health insurance increase associated with the 2 additional FTE positions.
- Adds a new section to designate \$844,000 for the purchase of a 36-bed housing unit at the Missouri River Correctional Center, the same as the House version.
- Adds a new section to provide for a Legislative Management study of the Tompkins Rehabilitation Center, the same as the House version.
- Amends a section added by the Senate relating to management of inmate population at local and regional correctional facilities, the same as the House version.
- Adds a new section to provide for a Justice Reinvestment Oversight Committee, which is to study the implementation of justice reinvestment policies and report to the Legislative Management. This section was not included in the House or the Senate version.

Engrossed SB 2015 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2216, as engrossed:** Your conference committee (Sens. Armstrong, Luick, Myrdal and Reps. Karls, Roers Jones, M. Nelson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 810, adopt amendments as follows, and place SB 2216 on the Seventh order:

That the House recede from its amendments as printed on page 810 of the Senate Journal and page 964 of the House Journal and that Engrossed Senate Bill No. 2216 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new subsection to section 12.1-17-11 of the North Dakota Century Code, relating to the definition of a health care facility; to"

Page 1, line 17, remove "or"

Page 1, line 20, remove ". A "health care"

Page 1, remove lines 21 through 24

Page 2, remove lines 1 through 4

Page 2, line 5, replace "facility" with:

"; or

- g. An emergency responder, including a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter, officer of a nonprofit volunteer fire department, emergency medical technician, emergency nurse, ambulance operator, or a provider of civil defense services, who while acting in the scope of employment is present at a health care facility"

Page 2, after line 5, insert:

**"SECTION 2.** A new subsection to section 12.1-17-11 of the North Dakota Century Code is created and enacted as follows:

As used in this section, "health care facility" means an office or institution providing health care services or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including a hospital; clinic; ambulatory surgery center; outpatient care facility; weight control clinic; nursing home; basic care or assisted living facility; laboratory; or office of any medical professional licensed or registered under title 43 or any individual who is included within a specialty and subspecialty of those fields. The term includes a waiting room, hallway, private room, semiprivate room, ward, and any mobile or temporary facility."

Renumber accordingly

Engrossed SB 2216 was placed on the Seventh order of business on the calendar.

#### MOTION

**REP. VIGESAA MOVED** that the House stand in recess until 5:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Bellew presiding.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**REP. VIGESAA MOVED** that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2003, which motion prevailed.

**THE SPEAKER APPOINTED** as a Conference Committee on:

**Engrossed SB 2003:** Reps. Sanford, Martinson, Streyle

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. SUKUT MOVED** that the conference committee report on Engrossed HB 1201 as printed on HJ pages 1647-1649 be rejected, which motion prevailed on a voice vote.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. K. KOPPELMAN MOVED** that the conference committee report on Engrossed SB 2135 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2135, as amended, was placed on the Fourteenth order of business.

#### 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, the roll was called and there were 71 YEAS, 19 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Beadle; Becker, Rick C.; Blum; Boehning; Bosch; Brabant; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Lanning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke

**NAYS:** Anderson, D.; Anderson, P.; Becker, Rich S.; Boe; Boschee; Delmore; Dobervich; Ertelt; Guggisberg; Hanson; Hogan; Holman; Johnston; Meier; Mitskog; Mock; Nelson, M.; Schneider; Speaker Bellew

**ABSENT AND NOT VOTING:** Kiefert; Paur; Schmidt; Vetter

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

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. JONES MOVED** that the conference committee report on Engrossed HB 1221 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1221, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1221:** A BILL for an Act to create and enact chapter 29-29.5 of the North Dakota Century Code, relating to the use of confidential informants; to amend and reenact section 12-63-04 of the North Dakota Century Code, relating to the powers and duties of the peace officer standards and training board; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Kasper; Keiser; Kempenich; 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; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kiefert; Paur; Schmidt; Vetter

Reengrossed HB 1221 passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. K. KOPPELMAN MOVED** that the conference committee report on Engrossed HB 1235 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1235, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1235:** A BILL for an Act to create and enact subsections 4 and 5 to section 54-61-02 of the North Dakota Century Code, relating to access to confidential records by the commission on legal counsel for indigents.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 2 NAYS, 0 EXCUSED, 4 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; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; 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; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Guggisberg; Hanson

**ABSENT AND NOT VOTING:** Kiefert; Paur; Schmidt; Vetter

Reengrossed HB 1235 passed.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. K. KOPPELMAN MOVED** that the conference committee report on Reengrossed HB 1041 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1041, as amended, was placed on the Eleventh order of business.

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

**HB 1041:** A BILL for an Act to create and enact a new section to chapter 12.1-32 and a new section to chapter 54-23.3 of the North Dakota Century Code, relating to presumptive probation and faith-based organizations; to amend and reenact sections 12-44.1-32, 12-54.1-01, 12-59-08, 12.1-17-13, and 12.1-23-05, subdivision c of subsection 1 of section 12.1-32-02, subsection 2 of section 12.1-32-02, subsection 3 of section 12.1-32-07, section 19-03.1-22.3, subsection 1 of section 19-03.1-22.5, subsections 5 and 7 of section 19-03.1-23, subdivision a of subsection 1 of section 19-03.1-23.1, subdivision f of subsection 5 of section 39-08-01, subsection 2 of section 39-20-01, subsection 17 of section 50-06-05.1, and section 50-09-29 of the North Dakota Century Code, relating to sentence reduction credit, medical paroles, domestic violence offender treatment, grading of theft offenses, sentencing alternatives, credit for time spent in custody, terms and conditions of probation, controlled substances, and the supplemental nutrition assistance program; to provide a penalty; to provide for the creation of a pretrial services program pilot project within the department of corrections and rehabilitation; to provide a report to the legislative management; to provide for a report to the legislative assembly; to provide an appropriation; to provide an effective date; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 2 NAYS, 0 EXCUSED, 4 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; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; 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; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke

**NAYS:** Ertelt; Speaker Bellew

**ABSENT AND NOT VOTING:** Kiefert; Paur; Schmidt; Vetter

Reengrossed HB 1041 passed and the emergency clause was declared carried.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. K. KOPPELMAN MOVED** that the conference committee report on Engrossed HB 1269 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1269, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1269:** A BILL for an Act to create and enact a new subsection to section 12.1-32-09.1 of the North Dakota Century Code, relating to sentencing for aggravated assault; to amend and reenact subdivision k of subsection 3 of section 12.1-23-05, subsection 5 of section 12.1-32-01, subdivision b of subsection 1 of section 12.1-32-02.1, sections 19-03.1-22.3 and 19-03.1-23, subsection 2 of section 19-03.1-23.1, section 19-03.1-23.4, paragraph 3 of subdivision e of subsection 1 of section 19-03.1-36, subdivision e of subsection 5 of section 19-03.1-36, subsection 1 of section 19-03.1-45, and subsection 29 of section 40-05-02 of the North Dakota Century Code, relating to grading of theft offenses, illegal possession of prescription capsules, pills, or tablets, possession of marijuana, ingesting a controlled substance, and misdemeanor marijuana convictions being excluded as prior offenses for purposes of determining mandatory terms of imprisonment; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 3 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; 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; Kasper; Keiser; Kempenich; 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; Olson; Owens; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke

**NAYS:** Damschen; Pollert; Speaker Bellew

**ABSENT AND NOT VOTING:** Boschee; Kiefert; Paur; Schmidt; Vetter

Reengrossed HB 1269 passed.

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

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

**SB 2003:** Reps. Sanford; Martinson; Streyle

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: HB 1201.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1041.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2135.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1221, HB 1235, HB 1269.

**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 8:00 a.m., Tuesday, April 18, 2017, which motion prevailed on a voice vote.

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

**Buell J. Reich, Chief Clerk**

