

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, February 15, 2017

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

The prayer was offered by Father Al Bitz, University of Mary, Bismarck.

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

A quorum was declared by the President.

## MOTION

**SEN. KLEIN MOVED** that SB 2135 be moved to the top of the Eleventh order, which motion prevailed.

## MOTION

**SEN. KLEIN MOVED** that after action taken on the Sixth order, SB 2249 and SB 2198 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2298: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ page 423 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2327: SEN. ARMSTRONG (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 423-426 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2332: SEN. J. LEE (Political Subdivisions Committee) MOVED** that the amendments on SJ pages 426-427 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2272, as engrossed: SEN. SCHAIBLE (Appropriations Committee) MOVED** that the amendments on SJ page 423 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2036: SEN. KREBSBACH (Appropriations Committee) MOVED** that the amendments on SJ pages 414-415 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2249: SEN. MYRDAL (Judiciary Committee) MOVED** that the amendments on SJ pages 422-423 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## SECOND READING OF SENATE BILL

**SB 2249: A BILL** for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to prohibiting participation in extracurricular activities by students who have committed a criminal offense.

## 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Anderson; Marcellais; Mathern; Piepkorn

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2249 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2198: SEN. J. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 415-422 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2198:** A BILL for an Act to amend and reenact sections 43-62-01, 43-62-02, 43-62-03, 43-62-04, 43-62-08, 43-62-09, 43-62-11, 43-62-14, 43-62-15, and 43-62-18, and subsections 7 and 13 of section 43-62-19 of the North Dakota Century Code, relating to the regulation of medical imaging and radiation therapy; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2198 passed and the emergency clause was declared carried.

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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 appropriation; 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 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oban; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Grabinger; Heckaman; Larsen, O.; Marcellais; Mathern; Nelson; Piepkorn; Robinson

**ABSENT AND NOT VOTING:** Davison

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

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**SECOND READING OF SENATE BILL**

**SB 2236:** A BILL for an Act to amend and reenact section 04-01-31 of the North Dakota Century Code, relating to the pipeline restoration and reclamation oversight program and records of program participants.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Marcellais

**ABSENT AND NOT VOTING:** Davison

SB 2236 passed.

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**SECOND READING OF SENATE BILL**

**SB 2318:** A BILL for an Act to amend and reenact section 20.1-04-15 of the North Dakota Century Code, relating to the opening date of pheasant season.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2318 passed.

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**SECOND READING OF SENATE BILL**

**SB 2152:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to public employment hiring practices and confidentiality of some applications.

**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 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Bekkedahl; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Erbele; Hogue; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Meyer; Myrdal; Osland; Poolman; Roers; Schaible; Sorvaag; Unruh; Vedaa

**NAYS:** Anderson; Bowman; Dotzenrod; Grabinger; Heckaman; Holmberg; Luick; Marcellais;

Mathern; Nelson; Oban; Oehlke; Piepkorn; Robinson; Rust; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2152 passed.

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

**SB 2333:** A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to reclamation requirements for land disturbed by oil and gas activity.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2333 passed.

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

**SB 2289:** A BILL for an Act to amend and reenact sections 51-07-01.2, 51-07-02.2, and 51-26-06 of the North Dakota Century Code, relating to prohibited practices under farm equipment dealership contracts, dealership transfers, and reimbursement for warranty repair.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2289 passed.

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

**SB 2340:** A BILL for an Act to amend and reenact subsection 1 of section 11-18-05 of the North Dakota Century Code, relating to fees charged by a county recorder for filing mortgage disclosures.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2340 passed.

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### SECOND READING OF SENATE BILL

**SB 2191:** A BILL for an Act to provide an appropriation to the attorney general for grants.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2191 passed.

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### SECOND READING OF SENATE BILL

**SB 2241:** A BILL for an Act to amend and reenact section 23-01-41 of the North Dakota Century Code, relating to the autism spectrum disorder database.

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

**NAYS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2241 failed.

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### SECOND READING OF SENATE BILL

**SB 2144:** A BILL for an Act to amend and reenact sections 54-60.2-01 and 54-60.2-02 of the North Dakota Century Code, relating to workforce development grants for tribally controlled community colleges; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2144 passed.

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

**SB 2224:** A BILL for an Act to provide appropriations to the office of management and budget for community service supervision grants; and to provide legislative intent.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2224 passed.

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

**SB 2303:** A BILL for an Act to amend and reenact subsections 2 and 7 of section 12.1-32-15 of the North Dakota Century Code, relating to registration requirements for sexual offenders.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

SB 2303 passed.

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#### **MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, February 16, 2017, which motion prevailed.

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

**SB 2012:** Appropriations Committee (Sen. Holmberg, Chairman) recommends

**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2012 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact section 24-02-37 of the North Dakota Century Code, relating to state highway fund expenditures;"

Page 1, line 2, remove "and"

Page 1, line 2, after "transfer" insert "; and to provide exemptions"

Page 1, replace lines 11 through 16 with:

"Salaries and wages	\$207,778,278	(\$5,692,586)	\$202,085,692
Operating expenses	295,762,751	(66,381,105)	229,381,646
Capital assets	700,081,402	70,624,188	770,705,590
Grants	<u>62,918,030</u>	<u>9,610,000</u>	<u>72,528,030</u>
Total special funds	\$1,266,540,461	\$8,160,497	\$1,274,700,958
Full-time equivalent positions	1,080.50	(31.50)	1,049.00"

Page 2, after line 12, insert:

**"SECTION 4. ADDITIONAL FUNDING FOR FEDERAL HIGHWAY MATCHING FUNDS.** The department of transportation may use up to \$5,700,000 of the funding transferred, pursuant to section 4 of chapter 12 of the 2015 Session Laws, from the general fund to the highway fund to provide state matching funds for federal highway construction funding provided by the federal highway administration during the biennium beginning July 1, 2017, and ending June 30, 2019.

**SECTION 5. FUNDING FOR NORTH DAKOTA COMMUNITY ENHANCEMENT PROGRAM.** Notwithstanding any other provision of law, the department of transportation may use up to \$5,000,000 of the funding transferred, pursuant to section 4 of chapter 12 of the 2015 Session Laws, from the general fund to the highway fund to improve North Dakota's economic activity by reinvesting and enhancing transportation assets of communities, for the biennium beginning July 1, 2017, and ending June 30, 2019.

**SECTION 6. EXEMPTION - ENHANCED STATE HIGHWAY INVESTMENT FUNDING.** Section 54-44.1-11 does not apply to funding of \$503,115,558 in the capital assets line item relating to enhanced state highway investments in section 1 of chapter 12 of the 2015 Session Laws. Any funds continued into the 2017-19 biennium but not spent by June 30, 2019, must be continued into the biennium beginning July 1, 2019, and ending June 30, 2021, and may be expended only for enhanced state highway investments.

**SECTION 7. EXEMPTION - SPECIAL ROADS FUND PROJECTS.** Funding of \$2,000,000 appropriated to the department of transportation for special road projects, as contained in section 1 of chapter 12 of the 2015 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the department of transportation for special road projects during the biennium beginning July 1, 2017, and ending June 30, 2019.

**SECTION 8. AMENDMENT.** Section 24-02-37 of the North Dakota Century Code is amended and reenacted as follows:

**24-02-37. State highway fund - Priorities for expenditure - Use of investment income.**

The state highway fund, created by law and not otherwise appropriated and allocated, must be applied and used for the purposes named in this section, as follows:

1. Except for investment income as provided in subsection 3, the fund must be applied in the following order of priority:
  - a. The cost of maintaining the state highway system.
  - b. The cost of construction and reconstruction of highways in the amount necessary to match, in whatever proportion may be required, federal aid granted to this state by the United States government for road purposes in North Dakota. Notwithstanding any other provision of law, the department of transportation may repay the United States department of transportation for previous related expenditures from current biennium appropriations to allow the department to reobligate the federal aid to other federal aid projects.
  - c. Any portion of the highway fund not allocated as provided in subdivisions a and b may be expended for the construction of state highways without federal aid or may be expended in the construction, improvement, or maintenance of such state highways.
2. All funds heretofore appropriated or hereafter appropriated or transferred to the department, whether earmarked or designated for special projects or special purposes or not, must be placed or transferred into a single state highway fund in the office of the state treasurer and any claims for money expended by the department upon warrants prepared and issued by the office of management and budget and signed by the state auditor under this title must be paid out of the state highway fund by the state treasurer; provided, however, that the commissioner shall keep and maintain complete and accurate records showing that all expenditures have been made in accordance with legislative appropriations and authorizations.
3. The state treasurer shall deposit the moneys in the state highway fund in an interest-bearing account at the Bank of North Dakota. The state treasurer shall deposit eighty percent of the income derived from the interest-bearing account in a special interest-bearing account in the state treasury known as the special road fund. The special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the special road committee. A political subdivision or state agency may request funds from the special road fund by applying to the committee on forms designated by the committee. The committee may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund. Any moneys in the fund not obligated by the special road committee by June thirtieth of each odd-numbered year must be held for an additional two years after which the funds revert to the state highway fund."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2012 - Department of Transportation - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$207,778,278	(\$5,692,586)	\$202,085,692
Operating expenses	295,762,751	(66,381,105)	229,381,646
Capital assets	700,081,402	70,624,188	770,705,590
Grants	62,918,030	9,610,000	72,528,030
Total all funds	\$1,266,540,461	\$8,160,497	\$1,274,700,958
Less estimated income	1,266,540,461	8,160,497	1,274,700,958
General fund	\$0	\$0	\$0
FTE	1080.50	(31.50)	1049.00

## Department No. 801 - Department of Transportation - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Health Insurance Increase <sup>2</sup>	Removes FTE Positions <sup>3</sup>	Consolidates Highway Maintenance Sections <sup>4</sup>	Reduces Funding for Driver's License Field Sites <sup>5</sup>	Adds Funding for a Community Enhancement Program <sup>6</sup>
Salaries and wages	(\$2,584,831)	\$2,913,485	(\$5,363,021)	(\$658,219)		
Operating expenses				(628,400)	(160,293)	
Capital assets						
Grants						5,000,000
Total all funds	(\$2,584,831)	\$2,913,485	(\$5,363,021)	(\$1,286,619)	(\$160,293)	\$5,000,000
Less estimated income	(2,584,831)	2,913,485	(5,363,021)	(1,286,619)	(160,293)	5,000,000
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	(26.50)	(5.00)	0.00	0.00

	Adjusts Base Level Funding <sup>7</sup>	Total Senate Changes
Salaries and wages		(\$5,692,586)
Operating expenses	(65,592,412)	(66,381,105)
Capital assets	70,624,188	70,624,188
Grants	4,610,000	9,610,000
Total all funds	\$9,641,776	\$8,160,497
Less estimated income	9,641,776	8,160,497
General fund	\$0	\$0
FTE	0.00	(31.50)

<sup>1</sup> Funding is adjusted for cost-to-continue 2015-17 biennium salaries and benefit increases and for other base payroll changes.

<sup>2</sup> Funding is added for increases in health insurance premiums from \$1,130 to \$1,249 per month.

<sup>3</sup> Salaries and wages funding is reduced relating to the removal of FTE positions, including 21.50 vacant FTE positions (\$3,427,063) as recommended by Governor Dalrymple and 5.00 additional FTE positions (\$1,935,958) as recommended by Governor Burgum.

<sup>4</sup> Salaries and wages (\$658,219) and 5 FTE positions and related operating expenses (\$628,400) are reduced relating to the planned consolidation of 8 highway maintenance sections as recommended by Governor Dalrymple.

<sup>5</sup> Operating expenses funding is reduced by \$160,293 by discontinuing operations at 9 driver's license field sites as recommended by Governor Dalrymple.

<sup>6</sup> Funding of \$5,000,000 is provided for a North Dakota community enhancement program as recommended by Governor Burgum.

<sup>7</sup> Base level funding is adjusted as follows:

	Other Funds
Reduces operating expenses	(\$65,592,412)
Increases capital assets	70,624,188
Increases grants	4,610,000
Total	\$9,641,776

This amendment also:

- Adds a section authorizing the use of \$5.7 million in enhanced state highway investment funding transferred from the general fund to the highway fund by the 2015 Legislative Assembly for matching federal highway construction funds during the 2017-19 biennium.
- Adds a section authorizing the use of \$5 million in enhanced state highway investment funding transferred from the general fund to the highway fund by the 2015 Legislative Assembly for the North Dakota community enhancement program

during the 2017-19 biennium.

- Provides an exemption from North Dakota Century Code Section 54-44.1-11 for funds appropriated for enhanced state highway investments for the 2015-17 biennium to allow the funds to continue to be spent in the 2019-21 biennium.
- Provides an exemption from Section 54-44.1-11 for \$2 million of funds appropriated for special roads projects in the 2015-17 biennium to continue and be spent in the 2017-19 biennium.
- Adds a section to amend Section 24-02-37, relating to state highway fund expenditures.

#### REPORT OF STANDING COMMITTEE

**SB 2193: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2193 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "one and one-half miles" with "one thousand five hundred feet"

Page 1, line 9, replace "2.41 kilometers" with "457.2 meters"

Page 1, line 20, overstrike "concurrent"

Page 1, line 21, overstrike "with other law enforcement officers"

Page 1, line 21, remove "or enter a joint powers agreement with a political"

Page 1, line 22, replace "subdivision to enable law enforcement from the political subdivision" with "as provided in this subsection"

Page 2, line 1, remove "an institution under the control of the state"

Page 2, line 2, replace "board of higher education" with "North Dakota state university"

Page 2, line 3, remove "up to one-quarter mile [.40 kilometers]"

Page 2, line 4, remove "outside the boundary of the"

Page 2, line 4, after "property" insert "on and within the boundaries of the intersection of nineteenth avenue north and Dakota drive south to eighth avenue north, eighth avenue north east to tenth street north, tenth street north north to nineteenth avenue north, nineteenth avenue north west to Dakota drive"

Page 2, line 5, after "b." insert "A law enforcement officer employed by the university of North Dakota has jurisdiction on all property owned or leased by the state board of higher education and property on and within the boundaries of the intersection of demers avenue and north fifty-fifth street, north fifty-fifth street north to university avenue, university avenue east to north forty-second street, north forty-second street north to gateway drive, gateway drive east to north columbia road, north columbia road south to tenth avenue north, tenth avenue north east to north twenty-fifth street, north twenty-fifth street south to sixth avenue north, sixth avenue north west to north twentieth street, north twentieth street south to fifth avenue north, fifth avenue north west to north twenty-third street, north twenty-third street south to university avenue, university avenue east to north twenty-first street, north twenty-first street south to dyke avenue, dyke avenue east to north washington street, north washington street south to demers avenue, and demers avenue west to north fifty-fifth street. Jurisdiction under this subdivision includes Grand Forks international airport."

- c. A law enforcement officer employed by the North Dakota state college of science has jurisdiction on all property owned or leased by the state board of higher education and property on and within the boundaries of the intersection of seventh avenue north and eleventh

street north, eleventh street north to sixteenth avenue north,  
sixteenth avenue north west to fourth street north, and fourth street  
north south to seventh avenue north.

d."

Page 2, line 7, replace "one-quarter mile [.40 kilometers] limit" with "jurisdictional boundaries of each institution"

Page 2, remove lines 11 through 14

Page 2, line 15, replace "d." with "e. The state board of higher education may enter a joint powers agreement with a political subdivision to enable law enforcement from the political subdivision and law enforcement from the institution to provide secondary response to each other outside the jurisdictional boundaries provided in this subsection.

f."

Page 2, line 15, after the second "any" insert "misdemeanor or felony"

Page 2, line 19, after the underscored period insert "An infraction or noncriminal offense occurring in or on property owned or leased by the state board of higher education or within the extraterritorial jurisdiction may be filed in municipal court."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2203: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2203 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "\$1,000,000" with "\$500,000"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the general fund appropriation to the Attorney General from \$1 million to \$500,000.

#### REPORT OF STANDING COMMITTEE

**SB 2221: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was placed on the Sixth order on the calendar.

Page 1, line 2, after "sections" insert "50-06-22,"

Page 1, line 4, after "to" insert "the compulsive gambling prevention and treatment fund and"

Page 1, after line 6, insert:

**"SECTION 1. AMENDMENT.** Section 50-06-22 of the North Dakota Century Code is amended and reenacted as follows:

#### **50-06-22. Compulsive gambling prevention and treatment fund - Continuing appropriation.**

Funds deposited in the compulsive gambling prevention and treatment fund ~~under section 53-12.1-09~~ are appropriated to the department on a continuing basis for the purpose of providing the services under section 50-06-21."

Page 8, line 30, remove the second "and"

Page 8, line 31, after "wager" insert " and"

- i. No single wager exceeds twenty-five dollars"

Page 11, after line 18, insert:

- "(5) One-fourth of one percent to be deposited in the compulsive gambling prevention and treatment fund under 50-06-22."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2273: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2273 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 relating to fees charged by county directors of tax equalization for property records.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - FEES FOR RECORDS REQUESTED FROM THE COUNTY DIRECTOR OF TAX EQUALIZATION.** During the 2017-18 interim, the legislative management shall consider studying application of a uniform statewide fee structure for requests for records retained by the office of the county director of tax equalization. The study must include consideration of the types of records retained by the office of the county director of tax equalization, the fees presently imposed in each county for records, the types of requests commonly received, and the average amount of time spent to compile and disseminate record requests. 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 2317: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2317 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1293, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1293 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 amend and reenact sections 12.1-22-03 and 37-17.1-22 of the North Dakota Century Code, relating to trespassing on posted property and disaster and emergency response recovery costs; to provide a penalty; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 12.1-22-03 of the North Dakota Century Code is amended and reenacted as follows:

##### **12.1-22-03. Criminal trespass - Noncriminal offense on posted property.**

1. An individual is guilty of a class C felony if, knowing that that individual is not licensed or privileged to do so, the individual enters or remains in a dwelling or in highly secured premises.

2. An individual is guilty of a class A misdemeanor if, knowing that that individual is not licensed or privileged to do so, the individual:
  - a. Enters or remains in or on any building, occupied structure, or storage structure, or separately secured or occupied portion thereof; or
  - b. Enters or remains in any place so enclosed as manifestly to exclude intruders.
3.
  - a. An individual is guilty of a class B misdemeanor if, knowing that that individual is not licensed or privileged to do so, the individual enters or remains in any place as to which notice against trespass is given by actual communication to the actor by the individual in charge of the premises or other authorized individual or by posting in a manner reasonably likely to come to the attention of intruders. The name of the person posting the premises must appear on each sign in legible characters.
  - b. Even if the conduct of the owner, tenant, or individual authorized by the owner varies from the provisions of subdivision a, an individual may be found guilty of violating subdivision a if the owner, tenant, or individual authorized by the owner substantially complied with subdivision a and notice against trespass is clear from the circumstances.
  - c. An individual who violates ~~this subsection~~ subdivision a is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.
4.
  - a. An individual, knowing the individual is not licensed or privileged to do so, may not enter or remain in a place as to which notice against trespass is given by posting in a manner reasonably likely to come to the attention of intruders. A violation of this subdivision is a noncriminal offense.
  - b. A peace officer shall cite an individual who violates subdivision a with a fine of two hundred fifty dollars for each violation.
  - c. The peace officer citing the individual shall:
    - (1) Take the name and address of the individual; and
    - (2) Notify the individual of the right to request a hearing if posting bond by mail.
  - d. The peace officer may not take the individual into custody or require the individual to proceed with the peace officer to any other location for the purpose of posting bond. The officer shall provide the individual with an envelope for use in mailing the bond.
  - e. An individual cited may appear before the designated official and pay the statutory fine for the violation at or before the time scheduled for hearing.
  - f. If the individual has posted bond, the individual may forfeit bond by not appearing at the designated time.
  - g. If the individual posts bond by mail, the bond must be submitted within fourteen days of the date of the citation and the individual cited shall indicate on the envelope or citation whether a hearing is requested. If the individual does not request a hearing within fourteen days of the date of the citation, the bond is deemed forfeited and the individual is deemed to have admitted to the violation and to have waived the right to a hearing on the issue of commission of the

violation. If the individual requests a hearing, the court for the county in which the citation is issued shall issue a summons to the individual requesting the hearing notifying the individual of the date of the hearing before the designated official.

- h. Upon appearing at the hearing scheduled in the citation or otherwise scheduled at the individual's request, the individual may make a statement in explanation of the individual's action. The official may at that time waive or suspend the statutory fine or bond.
- i. A citing peace officer may not receive the statutory fine or bond.
- j. The bond required to secure appearance before the judge must be identical to the statutory fine established in subdivision b.

4-5. An individual is guilty of a class B misdemeanor if that individual remains upon the property of another after being requested to leave the property by a duly authorized individual. An individual who violates this subsection is guilty of a class A misdemeanor for the second or subsequent offense within a two-year period.

5-6. This section does not apply to a peace officer in the course of discharging the peace officer's official duties.

**SECTION 2. AMENDMENT.** Section 37-17.1-22 of the North Dakota Century Code is amended and reenacted as follows:

**~~37-17.1-22. (Effective through June 30, 2017) Disaster or emergency response and recovery costs.~~**

~~Whenever the governor declares a state of disaster or emergency in accordance with section 37-17.1-05, or when the governor enters into an agreement with the federal government following a disaster or emergency declared by the president of the United States, the director of the division of homeland security shall determine and record the costs of the state and local response and recovery operations in accordance with an agreement with the federal government, in accordance with procedures established by the governor in the case of a state-declared disaster or emergency, and in accordance with procedures established by the state emergency response plan. If the event has met the Stafford Act minimum for a presidential disaster declaration and for which the request is denied, the governor shall make application to the state emergency commission for a grant of funds in an amount equal to the response and recovery costs of the state and fifty percent of the public infrastructure recovery costs above statutorily maintained emergency funds for counties that exceeds twice the individual county federal declaration eligibility threshold, limited to a maximum amount available per disaster of one million dollars and a maximum amount available per biennium of three million dollars. Immediately following the response or recovery operations, or prior thereto if determined necessary by the governor, the governor shall make application to the state emergency commission for a grant of funds in an amount equal to the response and recovery costs of the state. Notwithstanding other provisions of chapter 54-16, it must be conclusively presumed upon receipt by the emergency commission of such application from the governor that a disaster or emergency exists, and the commission immediately shall grant and direct the transfer to the department of the governor's designated representative of an amount equal to that certified in such application by the governor.~~

**~~(Effective after June 30, 2017) Disaster or emergency response and recovery costs.~~**

~~Whenever the governor declares a state of disaster or emergency in accordance with section 37-17.1-05, or when the governor enters into an agreement with the federal government following a disaster or emergency declared by the president of the United States, the director of the division of homeland security shall determine and record the costs of the state response and recovery operations in accordance with an agreement with the federal government or in accordance with~~

procedures established by the governor in the case of a state-declared disaster or emergency. Immediately following the response or recovery operations, or prior thereto if determined necessary by the governor, the governor shall make application to the state emergency commission for a grant of funds in an amount equal to the response and recovery costs of the state. Notwithstanding other provisions of chapter 54-16, it must be conclusively presumed upon receipt by the emergency commission of such application from the governor that a disaster or emergency exists, and the commission immediately shall grant and direct the transfer to the department of the governors designated representative of an amount equal to that certified in such application by the governor.

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1304, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1304 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "for the purpose of"

Page 1, line 10, replace "Evading" with "With the intent to intimidate, threaten, abuse, or harass any other individual."

b. For the purpose of evading"

Page 1, line 12, replace "b. Concealment" with:

"c. For the purpose of concealment"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1426: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1426 was placed on the Fourteenth order on the calendar.

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

**Shanda Morgan, Secretary**

