

JOURNAL OF THE SENATE

Sixty-fifth Legislative Assembly

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Bismarck, March 28, 2017

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

The prayer was offered by Father Brian Gross, Epiphany Catholic Church, Watford City.

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

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Davison, Chairman)** has carefully examined the Journal of the Fifty-third and Fifty-fifth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 867, line 7, remove " and has committee recommendation of DO PASS,"

Page 867, line 26, remove " and has committee recommendation of DO PASS,"

Page 867, line 46, remove " and has committee recommendation of DO PASS,"

Page 868, line 21, remove " and has committee recommendation of DO PASS,"

Page 868, line 46, remove " and has committee recommendation of DO PASS,"

Page 869, line 16, remove " and has committee recommendation of DO PASS,"

Page 869, line 36, remove " and has committee recommendation of DO PASS,"

Page 870, line 9, remove " and has committee recommendation of DO PASS,"

Page 930, line 20, replace "6 YEAS, 0 NAYS" with "5 YEAS, 1 NAYS"

SEN. DAVISON MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. KLEIN MOVED that HB 1321 be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, HB 1321 was rereferred.

MOTION

SEN. KLEIN MOVED that HB 1044 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1181, as engrossed: SEN. SCHAIBLE (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 905 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1181: A BILL for an Act to amend and reenact sections 17-04-01, 17-04-03, and 17-04-05 of the North Dakota Century Code, relating to termination of wind option agreements, wind easements, and wind energy leases.

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; Campbell; Casper; Clemens; Cook; Davison; 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: Burckhard

Engrossed HB 1181, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1330: SEN. BEKKEDAHL (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 906-907 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1330: A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the membership of the legislative management; 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: Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Heckaman; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Mathern; Meyer; Myrdal; Oehlke; Osland; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Anderson; Grabinger; Hogue; Larsen, O.; Marcellais; Nelson; Oban; Piepkorn

ABSENT AND NOT VOTING: Burckhard

HB 1330, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1014, as engrossed: SEN. DEVER (Appropriations Committee) MOVED that the amendments on SJ pages 928-929 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

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; Campbell; Casper; Clemens; Cook; Davison; 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: Burckhard

Engrossed HB 1014, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1008, as engrossed: SEN. G. LEE (Appropriations Committee) MOVED that the amendments on SJ pages 926-928 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to amend and reenact section 57-43.2-19 of the North Dakota Century Code, relating to the special fuels excise taxes distribution of funds; to provide for a legislative management study; and to authorize transfers.

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; Campbell; Casper; Clemens; Cook; Davison; 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: Burckhard

Engrossed HB 1008, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1433, as engrossed: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ pages 932-934 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1433: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to the direct sale of food by the producer to a consumer; to amend and reenact sections 19-07-01 and 36-24-06 of the North Dakota Century Code, relating to the sale and production of animal-based products.

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 36 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bowman; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Kannianen; Klein; Krebsbach; Laffen; Larsen, O.; Larson, D.; Lee, G.; Luick; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Unruh; Wanzek; Wardner

NAYS: Bekkedahl; Holmberg; Kilzer; Kreun; Lee, J.; Marcellais; Rust; Schaible; Sorvaag; Vedaa

ABSENT AND NOT VOTING: Burckhard

Engrossed HB 1433, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1299, as engrossed: SEN. LAFFEN (Transportation Committee) MOVED that the amendments on SJ pages 930-931 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1299: A BILL for an Act to amend and reenact section 39-06-19 of the North Dakota Century Code, relating to operator's license renewal.

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; Bowman; Campbell; Cook; Davison; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Oehlke; Osland; Piepkorn; Roers; Rust; Sorvaag; Vedaa; Wardner

NAYS: Anderson; Casper; Clemens; Dever; Dotzenrod; Krebsbach; Larsen, O.; Marcellais; Mathern; Myrdal; Nelson; Oban; Poolman; Robinson; Schaible; Unruh; Wanzek

ABSENT AND NOT VOTING: Burckhard

Engrossed HB 1299, as amended, passed.

CONSIDERATION OF AMENDMENTS

HCR 3019: SEN. KREUN (Energy and Natural Resources Committee) MOVED that the amendments on SJ pages 908-909 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. ARMSTRONG REQUESTED a verification vote, which request was granted.

The proposed amendments to HCR 3019 were adopted on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3019: A concurrent resolution requesting the Army Corps of Engineers exercise nondiscrimination in public land management and develop, in cooperation with the North Dakota Board of University and School Lands, a process consistent with this resolution to allow prior owners, their heirs, and their successors to repurchase eligible land within the Pick-Sloan Missouri Basin project.

REQUEST

SEN. GRABINGER REQUESTED a recorded roll call vote on the adoption of HCR 3019, as amended, which request was granted.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Armstrong; Bekkedahl; Bowman; Casper; Clemens; Cook; Davison; Erbele; Hogue; Kannianen; Klein; Kreun; Laffen; Larsen, O.; Lee, G.; Luick; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Vedaa; Wanzek; Wardner

NAYS: Anderson; Campbell; Dever; Dotzenrod; Grabinger; Heckaman; Holmberg; Kilzer; Krebsbach; Larson, D.; Lee, J.; Marcellais; Mathern; Meyer; Nelson; Oban; Piepkorn; Robinson; Sorvaag; Unruh

ABSENT AND NOT VOTING: Burckhard; Schaible

HCR 3019, as amended, was declared adopted on a recorded roll call vote.

CONSIDERATION OF AMENDMENTS

HB 1126, as engrossed: SEN. O. LARSEN (Agriculture Committee) MOVED that the amendments on SJ pages 929-930 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1126: A BILL for an Act to amend and reenact sections 60-02-09, 60-02-17, 60-02-35, 60-02-38, 60-02-40, 60-02.1-08, 60-02.1-26, 60-02.1-28, 60-02.1-32, 60-02.1-35, 60-02.1-37, 60-02.1-38, 60-04-02, 60-04-04, 60-04-07, 60-04-09, 60-04-10, and 60-10-09 of the North Dakota Century Code, relating to public warehouse and grain buyer licensing and insolvencies of public warehouses and grain buyers; to repeal sections 60-02-39 and 60-02.1-25 of the North Dakota Century Code, relating to warehouse closures; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; 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; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed HB 1126, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1124: A BILL for an Act to amend and reenact sections 60-02.1-28 and 60-04-02 of the North Dakota Century Code, relating to a public warehouse or grain buyer licensee insolvency.

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

NAYS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; 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; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed HB 1124 failed.

SECOND READING OF HOUSE BILL

HB 1129: A BILL for an Act to amend and reenact subsections 1, 5, and 6 of section 39-06.2-10.6, section 39-06.2-10.7, subsections 1, 5, and 6 of section 39-20-05, and section 39-20-06 of the North Dakota Century Code, relating to hearing requirements for commercial vehicles and for commercial and noncommercial driver's licenses.

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

NAYS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; 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; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed HB 1129 failed.

SECOND READING OF HOUSE BILL

HB 1031: A BILL for an Act to amend and reenact section 54-06-37 of the North Dakota Century Code, relating to authorization to purchase or lease aircraft.

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 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Larsen, O.; Marcellais

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

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed HB 1031 failed.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to amend and reenact section 39-29-10 of the North Dakota Century Code, relating to the minimum age required to operate an off-highway vehicle.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Casper; Erbele; Larsen, O.; Myrdal; Unruh

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

ABSENT AND NOT VOTING: Burckhard; Schaible

HB 1241 failed.

SECOND READING OF HOUSE BILL

HB 1249: A BILL for an Act to amend and reenact section 39-34-06 of the North Dakota Century Code, relating to regulation of transportation network companies.

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; 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; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed HB 1249 passed.

SECOND READING OF HOUSE BILL

HB 1054: A BILL for an Act to amend and reenact section 54-44.1-11 of the North Dakota Century Code, relating to the cancellation of unexpended appropriations; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS, 44 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson

NAYS: Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; 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; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed HB 1054 failed.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to provide for a legislative management study of the amount of state office space leased by state agencies compared to the cost of building additional office space on the capitol grounds and the capitol complex master plan.

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 11 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Armstrong; Bekkedahl; Davison; Hogue; Kannianen; Klein; Laffen; Larson, D.; Meyer; Poolman; Vedaa

NAYS: Anderson; Bowman; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Holmberg; Kilzer; Krebsbach; Kreun; Larsen, O.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Robinson; Roers; Rust; Sorvaag; Unruh; Wanzek; Wardner

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed HB 1200 failed.

SECOND READING OF HOUSE BILL

HB 1193: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to prohibiting economic harm; to amend and reenact subsection 1 of section 12.1-31-01 of the North Dakota Century Code, relating to disorderly conduct; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS, 44 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Larsen, O.

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

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed HB 1193 failed.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to create and enact a new section to chapter 62.1-02 of the North Dakota Century Code, relating to the creation of a pilot program to allow the carrying of a concealed firearm on school property by qualified individuals; to amend and reenact subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to an exception to the prohibition against possessing a firearm at a public gathering; to provide for a report to the legislative management; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 18 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bowman; Campbell; Clemens; Cook; Dever; Erbele; Kannianen; Klein; Kreun; Laffen; Larsen, O.; Larson, D.; Luick; Myrdal; Osland; Rust

NAYS: Bekkedahl; Casper; Davison; Dotzenrod; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Nelson; Oban; Oehlke; Piepkorn; Poolman; Robinson; Roers; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed HB 1310 failed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do concur in the House amendments to SB 2105 as printed on SJ pages 675-676, which motion prevailed on a voice vote.

SB 2105, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2105: A BILL for an Act to create and enact a new section to chapter 10-04 and a new section to chapter 26.1-26 of the North Dakota Century Code, relating to exemption of agent or investment adviser representative records and insurance producer records; and to amend and reenact subsection 2 of section 26.1-02-30 of the North Dakota Century Code, relating to exemption of personal, financial, or health records.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; 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; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed SB 2105 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LAFFEN MOVED that the Senate do concur in the House amendments to Engrossed SB 2197 as printed on SJ page 743, which motion prevailed on a voice vote.

Engrossed SB 2197, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2197: A BILL for an Act to amend and reenact sections 24-05-04 and 48-01.2-07 of the North Dakota Century Code, relating to highway improvement contracts to be advertised; and to repeal section 24-05-04.2 of the North Dakota Century Code, relating to contracts for road construction.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Davison; 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; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Burckhard; Schaible

Reengrossed SB 2197 passed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LAFFEN MOVED that the Senate do concur in the House amendments to SB 2278 as printed on SJ page 796, which motion prevailed on a voice vote.

SB 2278, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2278: A BILL for an Act to amend and reenact section 24-06-31 of the North Dakota Century Code, relating to the obstruction of a highway.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll

was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; 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; Sorvaag; Vedaa; Wanzek; Wardner

NAYS: Casper; Kannianen; Unruh

ABSENT AND NOT VOTING: Burckhard; Schaible

Engrossed SB 2278 passed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1128.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1011, HB 1017, HB 1021, HB 1022, HB 1045, HB 1151, HB 1166, HB 1189, HB 1202, HB 1320, HB 1389, HB 1419.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1328, HB 1394.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2307.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2210.

HOUSE AMENDMENTS TO SENATE BILL NO. 2210

In lieu of the amendments as printed on page 985 of the House Journal, Senate Bill No. 2210 is amended as follows:

Page 1, line 9, overstrike ", at any time,"

Page 1, line 19, overstrike "Establish a fee based on the percentage of gross revenues from any boxing,"

Page 1, overstrike lines 20 and 21

Page 1, line 22, overstrike "established under this subsection may not exceed"

Page 1, line 22, remove "the greater of five"

Page 1, line 22, overstrike "percent of"

Page 1, overstrike line 23

Page 1, line 24, overstrike "and pay-per-view telecasts of the event, exclusive of any federal tax thereon,"

Page 2, line 1, remove "or the actual cost incurred by the"

Page 2, line 2, replace "secretary of state to regulate the exhibition" with "Charge a fee equal to the actual cost incurred to regulate the competitions and exhibitions"

Page 2, line 3, remove ". at any time."

Page 2, line 5, after "in" insert "a competition or"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2033, SB 2039, SB 2041, SB 2090, SB 2151, SB 2195, SB 2201, SB 2202, SB 2248, SB 2342, SCR 4003.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2033

Page 1, line 8, overstrike "The board shall issue" and insert immediately thereafter "To obtain"

Page 1, line 8, overstrike "as a licensed independent" and insert immediately thereafter "to practice"

Page 1, line 8, overstrike "worker to" and insert immediately thereafter "work."

Page 1, line 8, after "an" insert "applicant for licensure by examination shall submit to the board a written application in the form prescribed by the board and provide satisfactory evidence the"

Page 1, line 9, overstrike "who"

Page 1, line 10, overstrike "a college or university" and insert immediately thereafter "an approved social work program"

Page 1, line 12, remove "Satisfied"

Page 1, line 12, overstrike "the board that within" and insert immediately thereafter "Within"

Page 1, line 12, overstrike "the applicant"

Page 1, line 12, after "has" insert an underscored comma

Page 1, line 15, overstrike "licensed independent"

Page 1, line 22, overstrike "licensed"

Page 1, line 23, overstrike "certified" and insert immediately thereafter "master's"

Page 2, line 2, after the period insert "The applicant may demonstrate to the board's satisfaction that experience in the practice of clinical social work meets or exceeds the minimum supervisory requirements of the board."

Page 2, line 3, remove "Satisfied"

Page 2, line 3, overstrike "the board"

Page 2, line 3, overstrike "the applicant agrees" and insert immediately thereafter "Agrees"

Page 2, after line 4, insert:

- "e. Is of good moral character. In determining the character of an applicant in a licensure decision, the board shall consider information obtained through reports made under section 43-41-04.2.
- f. Paid all applicable fees specified by the board regarding the licensure process.

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2039

Page 1, line 3, remove "subsection 5 of section 14-09-08.4, subsections 4 and 5 of section 50-01.2-03,"

Page 1, line 4, remove "50-06-05.1,"

Page 1, line 10, after the semicolon insert "to provide a statement of legislative intent;"

Page 1, remove lines 12 through 23

Page 2, remove lines 1 through 9

Page 4, remove lines 15 through 21

Page 4, line 22, remove the overstrike over "2:"

Page 4, line 22, remove "3."

Page 4, remove lines 30 and 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 30

Page 9, remove lines 1 through 25

Page 11, line 15, replace "shall" with "must"

Page 11, line 16, replace "and" with "directors of the region served, the"

Page 11, line 17, replace ". The regional director shall appoint" with ". two current county commissioners appointed by the executive director of the department, and"

Page 11, line 18, replace "to the advisory group" with "appointed by the executive director of the department"

Page 11, line 18, after "Each" insert "advisory"

Page 11, line 24, replace "two" with "three"

Page 11, line 25, replace "three" with "four"

Page 11, line 26, replace "two" with "three"

Page 11, line 27, replace "three" with "four"

Page 12, line 2, after "The" insert "executive"

Page 12, line 3, after "director" insert "of the department"

Page 12, line 4, after "The" insert "executive"

Page 12, line 4, after "director" insert "of the department"

Page 15, after line 2, insert:

"SECTION 14. LEGISLATIVE INTENT. It is the intent of the sixty-fifth legislative assembly that the sixty-sixth legislative assembly appropriate funds to the department of human services to help defray the cost of the accreditation of regional human services centers required under section 3 of this Act."

Page 15, line 3, replace "6" with "3"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2041

Page 1, line 1, remove "and section"

Page 1, line 2, remove "50-24.1-02"

Page 1, line 2 remove "Down syndrome and eligibility for"

Page 1, line 3, replace "medical assistance" with "the definition of developmental disability; and to provide for a report"

Page 2, replace lines 1 through 30 with:

"SECTION 2. DEPARTMENT OF HUMAN SERVICES MEDICAID WAIVER STUDY - REPORT TO LEGISLATIVE MANAGEMENT.

- 1 During the 2017-18 interim, as part of the ongoing review of existing and potential Medicaid waivers performed by the department of human services, the department shall conduct a study of the current eligibility requirements for the developmental disability Medicaid waiver.
2. The study must include an analysis of whether the current developmental disability Medicaid waiver eligibility determination protocol uses age-appropriate assessment methods, uses assessment tools reliable and valid in nature for level of need determinations, and utilizes assessment information that may already be available in an individual's record.
3. The study must include an evaluation of the feasibility and desirability of including in the eligibility determination under the developmental disability Medicaid waiver, consideration of related conditions and the possible use of certain medical conditions, such as Down syndrome.
4. Before April 1, 2018, the department shall make a report to the legislative management on the outcome of this study, including any recommendations, together with any legislation required to implement the recommendations."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2090

Page 3, line 28, remove "of"

Page 3, line 28, remove "an additional"

Page 3, line 29, replace "nonrefundable fee of two hundred dollars" with "two times the nonrefundable fees set forth in subsection 7"

Page 5, line 16, after "in" insert "infant and"

Page 5, line 16, after "resuscitation" insert "and the use of an automated external defibrillator"

Page 5, line 18, after "resuscitation" insert "and automated external defibrillator"

Page 5, line 24, after "in" insert "infant and"

Page 5, line 24, after "resuscitation" insert "and the use of an automated external defibrillator"

Page 5, line 26, after "resuscitation" insert "and automated external defibrillator"

Page 8, line 28, remove "an additional"

Page 8, line 29, replace "nonrefundable fee of two hundred dollars" with "two times the regular nonrefundable fees"

Page 10, line 1, after "in" insert "infant and"

Page 10, line 1, after "resuscitation" insert "and the use of an automated external defibrillator"

Page 10, line 3, after "resuscitation" insert "and automated external defibrillator"

Page 10, line 4, after "in" insert "infant and"

Page 10, line 5, after "resuscitation" insert "and the use of an automated external defibrillator"

Page 10, line 6, after "resuscitation" insert "and automated external defibrillator"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2151

Page 6, line 16, after "burial" insert ". whole body donation"

Page 9, line 17, overstrike "physician" and insert immediately thereafter "health care provider"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2195

Page 1, line 8, after "Any" insert "private"

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

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2201

Page 1, line 8, after "a." insert """Protected activity" means an expression of free speech or freedom of the press.

b."

Page 1, line 15, overstrike "b." and insert immediately thereafter "c."

Page 1, line 19, overstrike "c." and insert immediately thereafter "d."

Page 2, line 11, overstrike "or" and insert immediately thereafter an underscored comma

Page 2, line 11, after "slanderous" insert ", or obscene"

Page 2, line 19, after "A" insert "school."

Page 2, line 22, remove "by the"

Page 2, line 23, remove "individual"

Page 2, line 28, after "a." insert """Protected activity" means an expression of free speech or freedom of the press.

b."

Page 3, line 3, overstrike "b." and insert immediately thereafter "c."

Page 3, line 6, overstrike "c." and insert immediately thereafter "d."

Page 3, line 21, overstrike "or" and insert immediately thereafter an underscored comma

Page 3, line 21, after "slanderous" insert ", or obscene"

Page 3, line 29, overstrike "or" and insert immediately thereafter an underscored comma

Page 3, line 29, after "slanderous" insert ", or obscene"

Page 4, line 10, after "A" insert "school,"

Page 4, line 13, remove "by the"

Page 4, line 14, remove "individual"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2202

Page 2, line 10, after "performing" insert "whole blood glucose"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2248

Page 1, replace lines 6 through 13 with:

- "a. If the identity of the father or mother is known and an address for service is also known, or the address can be ascertained with reasonable diligence, the father or mother must be personally served the petition and notice for termination of parental rights in compliance with the North Dakota Rules of Civil Procedure.
- b. If the identity of the father or mother is unknown but the father's or mother's location is known, and the identity of the father or mother cannot be ascertained with reasonable diligence, notice must be given by publication of the petition at least once a week for three consecutive weeks in the official newspaper of the county in which the unknown father or mother is located.
- c. If the identity and location of the father or mother are unknown and the location and identity of the father or mother cannot be ascertained with reasonable diligence, notice must be given by publication of the petition at least once a week for three consecutive weeks in the official newspaper of the county in which conception occurred.
- d. The last publication as required under this subsection must be at least ten days before the time set for hearing. Proof of publication of the notice must be made at or before the hearing and filed in the proceeding."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2342

Page 1, line 8, remove "for legislation"

Page 1, line 10, replace "and" with "appointed by the majority leader of the senate, "

Page 1, line 11, remove "chairman of the legislative management. One legislator must be"

Page 1, remove line 12

Page 1, line 13, replace "minority party" with "majority leader of the house of representatives, and one member of the minority party appointed by the minority leaders of the senate and house of representatives"

Page 2, line 18, replace "five" with "twelve"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO. 4003

Page 1, after line 15, insert:

"WHEREAS, North Dakota is in the midst of a Justice Reinvestment Initiative in the adult justice system which began two years ago, has resulted in the passage of landmark legislation, and will continue into the next biennium; and"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2311.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2311

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a Bank of North Dakota letter of credit.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. BANK OF NORTH DAKOTA - LETTER OF CREDIT - AIRPORT CONSTRUCTION. The Bank of North Dakota shall provide a letter of credit to a city, in the northwest corner of the state with a population over twenty thousand residents, which is constructing an airport and is subject to the bonding requirements under section 52-04-06.1. The letter of credit shall cover the length of the construction term not to exceed five years. The Bank of North Dakota shall charge a one-time fee of no more than three quarters of one percent of the total amount of the letter of credit. The city obtaining the letter of credit assumes all liability for the letter of credit, the fee to be paid to the Bank of North Dakota, and any other requirements under section 52-04-06.1."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2034.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2291.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2105, SB 2197, and SB 2278.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2060, SB 2169, SB 2170.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1254, HB 1402, HB 1428, HB 1431, HCR 3006, HCR 3024.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2060, SB 2169, SB 2170.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2060, SB 2169, SB 2170.

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

MR. SPEAKER: The President has signed: HB 1254, HB 1402, HB 1428, HB 1431, HCR 3006, HCR 3024.

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

MR. PRESIDENT: The Speaker has signed: HB 1423.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 28, 2017: SB 2094, SB 2110, SB 2152, SB 2168, SB 2212, SB 2230, SB 2308, SB 2334.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 29, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1201, as engrossed and amended: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1201, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 798 and 799 of the Senate Journal, Engrossed House Bill No. 1201 is amended as follows:

Page 1, line 3, replace "devices" with "alarms"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 5, remove "to provide a penalty;"

Page 1, line 10, replace "devices" with "alarms"

Page 1, line 11, overstrike "- Penalty"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert an underscored comma

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over the second "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15 overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, overstrike "4. Any property owner who willfully fails to install a system"

Page 2, line 9, remove "device"

Page 2, line 9, overstrike "as required by this"

Page 2, line 10, overstrike "section is guilty of a class B misdemeanor"

Page 2, line 10, remove "an infraction"

Page 2, line 10, overstrike the period

Page 2, line 15, replace "devices" with "alarms"

Page 2, line 20, replace "device" with "alarm"

Page 2, line 20, remove "unit"

Page 2, line 24, replace "device" with "alarm"

Page 2, line 25, replace "device" with "alarm"

Page 2, line 28, replace "device" with "alarm"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1233, 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 1233
was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new subdivision to subsection 2 of section 62.1-02-05"

Page 1, line 2, remove "and"

Page 1, line 3, remove "possessing a firearm or dangerous weapon at a public gathering
and"

Page 1, line 4, remove "subdivision a of subsection 6 of"

Page 1, line 5, replace "section 62.1-02-13" with "subdivision m of subsection 2 of section
62.1-02-05"

Page 1, line 5, remove "secured"

Page 1, line 5, after "firearm" insert "or dangerous weapon at a public gathering"

Page 1, line 5, after the semicolon insert "to provide for a legislative management study;"

Page 1, replace lines 8 through 17 with:

"SECTION 1. AMENDMENT. Subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

- m. A state, federal, or municipal court judge, a district court magistrate judge or judicial referee, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient."

Page 1, line 23, replace "subdivision a" with "this chapter"

Page 2, after line 2, insert:

"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - FIREARMS AND WEAPONS LAWS. During the 2017-18 interim, the legislative management shall consider studying those provisions of the North Dakota Century Code that relate to firearms and weapons, for the purpose of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order. 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

HB 1255, as engrossed: Transportation Committee (Sen. Laffen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1255 was placed on the Sixth order on the calendar.

Page 2, line 15, remove "and"

Page 2, line 16, after "cities" insert "; and

- h. Representatives of short line railroads operating in this state"

Page 2, line 21, replace "congress" with "Congress of the United States"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1272, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "primarily" with "in this state solely"

Page 2, after line 2 insert:

"1."

Page 2, line 4, remove "provides fraudulent disability documentation"

Page 2, line 5, replace "indicating a disability that requires the use of a service animal. A" with "knowingly makes a false claim of having a disability that requires the use of a service animal or assistance animal or knowingly provides fraudulent supporting documentation in connection with such a claim."

2. If the individual pleads guilty or is convicted of an offense under subsection 1, a"

Page 2, line 6, remove "of one month's rent"

Page 2, line 8, after "animal" insert "or assistance animal"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1333, as engrossed: Education Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1333 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1334, 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 1334 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 section 12.1-32-15 of the North Dakota Century Code, relating to registration requirements for sexual offenders; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

12.1-32-15. Offenders against children and sexual offenders - Sexually violent predators - Registration requirement - Penalty.

1. As used in this section:
 - a. "A crime against a child" means a violation of chapter 12.1-16, section 12.1-17-01.1 if the victim is under the age of twelve, 12.1-17-02, 12.1-17-04, subdivision a of subsection 6 of section 12.1-17-07.1, section 12.1-18-01, 12.1-18-02, 12.1-18-05, chapter 12.1-29, or section 14-09-22, subsection 3 of section 12.1-41-02, subsection 3 of section 12.1-41-03, or an equivalent offense from another court in the United States, a tribal court, or court of another country, in which the victim is a minor or is otherwise of the age required for the act to be a crime or an attempt or conspiracy to commit these offenses.
 - b. "Department" means the department of corrections and rehabilitation.
 - c. "Homeless" means an individual who is physically present in this state, but is living in a park, under a bridge, on the streets, in a vehicle or camper, or is otherwise without a traditional dwelling, and also one who resides in this state but does not maintain a permanent address. The term does not include individuals who are temporarily domiciled or individuals residing in public or private shelters that provide temporary living accommodations.
 - d. "Mental abnormality" means a congenital or acquired condition of an individual that affects the emotional or volitional capacity of the individual in a manner that predisposes that individual to the

- commission of criminal sexual acts to a degree that makes the individual a menace to the health and safety of other individuals.
- e. "Predatory" means an act directed at a stranger or at an individual with whom a relationship has been established or promoted for the primary purpose of victimization.
 - f. "Reside" means to live permanently or be situated for a considerable time in a home or a particular place.
 - g. "Sexual offender" means a person who has pled guilty to or been found guilty, including juvenile delinquent adjudications, of a violation of section 12.1-20-03, 12.1-20-03.1, 12.1-20-04, 12.1-20-05, 12.1-20-05.1, 12.1-20-06, 12.1-20-06.1, 12.1-20-07 except for subdivision a, 12.1-20-11, 12.1-20-12.1, or 12.1-20-12.2, chapter 12.1-27.2, or subsection 2 of section 12.1-22-03.1, subdivision b of subsection 1 of section 12.1-41-02, section 12.1-41-04, 12.1-41-05, or 12.1-41-06, or an equivalent offense from another court in the United States, a tribal court, or court of another country, or an attempt or conspiracy to commit these offenses.
 - ~~g-h.~~ "Sexually dangerous individual" means an individual who meets the definition specified in section 25-03.3-01.
 - ~~h-i.~~ "Temporarily domiciled" means staying or being physically present in this state for more than thirty days in a calendar year or at a location for longer than ten consecutive days, attending school for longer than ten days, or maintaining employment in the jurisdiction for longer than ten days, regardless of the state of the residence.
2. The court shall impose, in addition to any penalty provided by law, a requirement that the individual register, within three days of coming into a county in which the individual resides, is homeless, or within the period identified in this section that the individual becomes temporarily domiciled. The individual must register with the chief of police of the city or the sheriff of the county if the individual resides, attends school, or is employed in an area other than a city. A homeless individual shall register every three days with the sheriff or chief of police of the jurisdiction in which the individual is physically present. The court shall require an individual to register by stating this requirement on the court records, if that individual:
- a. Has pled guilty or nolo contendere to, or been found guilty as a felonious sexual offender or an attempted felonious sexual offender, including juvenile delinquent adjudications of equivalent offenses unless the offense is listed in subdivision c.
 - b. Has pled guilty or nolo contendere to, or been found guilty as a sexual offender for, a misdemeanor or attempted misdemeanor. The court may deviate from requiring an individual to register if the court first finds the individual is no more than three years older than the victim if the victim is a minor, the individual has not previously been convicted as a sexual offender or of a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.
 - c. Is a juvenile found delinquent under subdivision d of subsection 1 of section 12.1-20-03, subdivision a of subsection 2 of section 12.1-20-03, or as a sexual offender for a misdemeanor. The court may deviate from requiring the juvenile to register if the court first finds the juvenile has not previously been convicted as a sexual offender or for a crime against a child, and the juvenile did not exhibit mental abnormality or predatory conduct in the commission of the offense.

- d. Has pled guilty or nolo contendere to, or been found guilty of, a crime against a child or an attempted crime against a child, including juvenile delinquent adjudications of equivalent offenses. Except if the offense is described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not the parent of the victim, the court may deviate from requiring an individual to register if the court first finds the individual has not previously been convicted as a sexual offender or for a crime against a child, and the individual did not exhibit mental abnormality or predatory conduct in the commission of the offense.
 - e. Has pled guilty or nolo contendere, been found guilty, or been adjudicated delinquent of any crime against another individual which is not otherwise specified in this section if the court determines that registration is warranted by the nature of the crime and therefore orders registration for the individual. If the court orders an individual to register as an offender under this section, the individual shall comply with all of the registration requirements in this chapter.
3. If a court has not ordered an individual to register in this state, an individual who resides, is homeless, or is temporarily domiciled in this state shall register if the individual:
 - a. Is incarcerated or is on probation or parole after July 31, 1995, for a crime against a child described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 if the individual was not the parent of the victim, or as a sexual offender;
 - b. Has pled guilty or nolo contendere to, or been adjudicated for or found guilty of, an offense in a court of this state for which registration is mandatory under this section or an offense from another court in the United States, a tribal court, or court of another country equivalent to those offenses set forth in this section; or
 - c. Has pled guilty or nolo contendere to, or has been found guilty of, a crime against a child or as a sexual offender for which registration is mandatory under this section if the conviction occurred after July 31, 1985.
 4. In its consideration of mental abnormality or predatory conduct, the court shall consider the age of the offender, the age of the victim, the difference in ages of the victim and offender, the circumstances and motive of the crime, the relationship of the victim and offender, and the mental state of the offender. The court may order an offender to be evaluated by a qualified counselor, psychologist, or physician before sentencing. Except as provided under subdivision e of subsection 2, the court shall state on the record in open court its affirmative finding for not requiring an offender to register.
 5. When an individual is required to register under this section, the official in charge of a facility or institution where the individual required to register is confined, or the department, shall, before the discharge, parole, or release of that individual, inform the individual of the duty to register pursuant to this section. The official or the department shall require the individual to read and sign a form as required by the attorney general, stating that the duty of the individual to register has been explained to that individual. The official in charge of the place of confinement, or the department, shall obtain the address where the individual expects to reside, attend school, or work upon discharge, parole, or release and shall report the address to the attorney general. The official in charge of the place of confinement, or the department, shall give three copies of the form to the individual and shall send three copies to the attorney general no later than forty-five days before the scheduled release of that individual. The attorney general shall forward one copy to the law enforcement agency having jurisdiction where the individual expects to

- reside, attend school, or work upon discharge, parole, or release, one copy to the prosecutor who prosecuted the individual, and one copy to the court in which the individual was prosecuted. All forms must be transmitted and received by the law enforcement agency, prosecutor, and court thirty days before the discharge, parole, or release of the individual.
6. An individual who is required to register pursuant to this section who is released on probation or discharged upon payment of a fine must, before the release or discharge, be informed of the duty to register under this section by the court in which that individual is convicted. The court shall require the individual to read and sign a form as required by the attorney general, stating that the duty of the individual to register under this section has been explained to that individual. The court shall obtain the address where the individual expects to reside, attend school, or work upon release or discharge and shall report the address to the attorney general within three days. The court shall give one copy of the form to the individual and shall send two copies to the attorney general. The attorney general shall forward one copy to the appropriate law enforcement agency having jurisdiction where the individual expects to reside, attend school, or work upon discharge, parole, or release.
 7. Registration consists of a written statement signed by the individual, giving the information required by the attorney general, and the biometric data and photograph of the individual. An individual who is not required to provide a sample of blood and other body fluids under section 31-13-03 or by the individual's state or court of conviction or adjudication shall submit a sample of blood and other body fluids for inclusion in a centralized database of DNA identification records under section 31-13-05. The collection, submission, testing and analysis of, and records produced from, samples of blood and other body fluids, are subject to chapter 31-13. Evidence of the DNA profile comparison is admissible in accordance with section 31-13-02. A report of the DNA analysis certified by the state crime laboratory is admissible in accordance with section 31-13-05. A district court shall order an individual who refuses to submit a sample of blood or other body fluids for registration purposes to show cause at a specified time and place why the individual should not be required to submit the sample required under this subsection. Within three days after registration, the registering law enforcement agency shall forward the statement, biometric data, and photograph to the attorney general and shall submit the sample of the individual's blood and body fluids to the state crime laboratory. If an individual required to register under this section has a change in vehicle or computer online identity, the individual shall inform in writing, within three days after the change, the law enforcement agency with which that individual last registered of the individual's new vehicle or computer online identity. If an individual required to register pursuant to this section has a change in name, school, or residence or employment address, that individual shall inform in writing, at least ten days before the change, the law enforcement agency with which that individual last registered of the individual's new name, school, residence address, or employment address. A change in school or employment address includes the termination of school or employment for which an individual required to register under this section shall inform in writing within five days of the termination the law enforcement agency with which the individual last registered. The law enforcement agency, within three days after receipt of the information, shall forward it to the attorney general. The attorney general shall forward the appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. Upon a change of address, the individual required to register shall also register within three days at the law enforcement agency having local jurisdiction of the new place of residence, school, or employment. The individual registering under this section shall periodically confirm the information required under this subsection in a manner and at an interval determined by the attorney general. A law enforcement agency that has previously registered an

offender may omit the biometric data portion of the registration if that agency has a set of biometric data on file for that individual and is personally familiar with and can visually identify the offender. These provisions also apply in any other state that requires registration.

8. An individual required to register under this section shall comply with the registration requirement for the longer of the following periods:
 - a. A period of fifteen years after the date of sentence or order deferring or suspending sentence upon a plea or finding of guilt or after release from incarceration, whichever is later;
 - b. A period of twenty-five years after the date of sentence or order deferring or suspending sentence upon a plea or finding of guilt or after release from incarceration, whichever is later, if the offender is assigned a moderate risk by the attorney general as provided in subsection 12; or
 - c. For the life of the individual, if that individual:
 - (1) On two or more occasions has pled guilty or nolo contendere to, or been found guilty of a crime against a child or as a sexual offender. If all qualifying offenses are misdemeanors, this lifetime provision does not apply unless a qualifying offense was committed after August 1, 1999;
 - (2) Pleads guilty or nolo contendere to, or is found guilty of, an offense committed after August 1, 1999, which is described in subdivision a of subsection 1 of section 12.1-20-03, section 12.1-20-03.1, or subdivision d of subsection 1 of section 12.1-20-03 if the person is an adult and the victim is under age twelve, or section 12.1-18-01 if that individual is an adult other than a parent of the victim, or an equivalent offense from another court in the United States, a tribal court, or court of another country; or
 - (3) Is assigned a high risk by the attorney general as provided in subsection 12.
9. An individual required to register under this section who violates this section is guilty of a class C felony. The failure of a homeless individual to register as required in subsections 2 and 3 is prima facie evidence of a violation of this section. The clerk of court shall forward all warrants issued for a violation of this section to the county sheriff, who shall enter all such warrants into the national crime information center wanted person file. A court may not relieve an individual, other than a juvenile, who violates this section from serving a term of at least ninety days in jail and completing probation of one year.
10. When an individual is released on parole or probation and is required to register pursuant to this section, but fails to do so within the time prescribed, the court shall order the probation, or the parole board shall order the parole, of the individual revoked.
11. If an individual required to register pursuant to this section is temporarily sent outside the facility or institution where that individual is confined under conviction or sentence, the local law enforcement agency having jurisdiction over the place where that individual is being sent must be notified within a reasonable time period before that individual is released from the facility or institution. This subsection does not apply to any individual temporarily released under guard from the facility or institution in which that individual is confined.
12. The attorney general, with the assistance of the department and the juvenile courts, shall develop guidelines for the risk assessment of sexual

offenders who are required to register, with a low-risk, moderate-risk, or high-risk level being assigned to each offender as follows:

- a. The department shall conduct a risk assessment of sexual offenders who are incarcerated in institutions under the control of the department and sexual offenders who are on supervised probation. The department, in a timely manner, shall provide the attorney general any information, including the offender's level of risk and supporting documentation, concerning individuals required to be registered under this section who are about to be released or placed into the community.
 - b. The attorney general shall conduct a risk assessment of sexual offenders who are not under the custody or supervision of the department. The attorney general may adopt a law enforcement agency's previous assignment of risk level for an individual if the assessment was conducted in a manner substantially similar to the guidelines developed under this subsection.
 - c. The juvenile courts or the agency having legal custody of a juvenile shall conduct a risk assessment of juvenile sexual offenders who are required to register under this section. The juvenile courts or the agency having legal custody of a juvenile shall provide the attorney general any information, including the offender's level of risk and supporting documentation, concerning juveniles required to register and who are about to be released or placed into the community.
 - d. The attorney general shall notify the offender of the risk level assigned to that offender. An offender may request a review of that determination with the attorney general's sexual offender risk assessment committee and may present any information that the offender believes may lower the assigned risk level.
13. An individual assessed as a high-risk sexual offender in accordance with subsection 12, may not reside within five hundred feet [152.4 meters] of a public or nonpublic preschool or elementary, middle, or high school.
14. Relevant and necessary conviction and registration information must be disclosed to the public by a law enforcement agency if the individual is a moderate or high risk and the agency determines that disclosure of the conviction and registration information is necessary for public protection. The attorney general shall develop guidelines for public disclosure of offender registration information. Public disclosure may include internet access if the offender:
- a. Is required to register for a lifetime under subsection 8;
 - b. Has been determined to be a high risk to the public by the department, the attorney general, or the courts, according to guidelines developed by those agencies; or
 - c. Has been determined to be a high risk to the public by an agency of another state or the federal government.

If the offender has been determined to be a moderate risk, public disclosure must include, at a minimum, notification of the offense to the victim registered under chapter 12.1-34 and to any agency, civic organization, or group of persons who have characteristics similar to those of a victim of the offender. Upon request, law enforcement agencies may release conviction and registration information regarding low-risk, moderate-risk, or high-risk offenders.

- ~~14-15.~~ A state officer, law enforcement agency, or public school district or governing body of a nonpublic school or any appointee, officer, or employee of those entities is not subject to civil or criminal liability for

making risk determinations, allowing a sexual offender to attend a school function under section 12.1-20-25, or for disclosing or for failing to disclose information as permitted by this section.

- ~~15-16.~~ If a juvenile is adjudicated delinquent and required or ordered to register as a sexual offender or as an offender against a child under this section, the juvenile shall comply with the registration requirements in this section. Notwithstanding any other provision of law, a law enforcement agency shall register a juvenile offender in the same manner as adult offenders and may release any relevant and necessary information on file to other law enforcement agencies, the department of human services, or the public if disclosure is necessary to protect public health or safety. The law enforcement agency shall release any relevant and necessary information on file to the superintendent or principal of the school the juvenile attends. The school administration shall notify others in similar positions if the juvenile transfers to another learning institution in or outside the state.
- ~~16-17.~~ If an individual has been required to register as a sexual offender or an offender against a child under section 12.1-32-15 or 27-20-52.1 before August 1, 1999, the individual may petition the court to be removed from the offender list if registration is no longer mandatory for that individual. In considering the petition, the court shall comply with the requirements of this section.
- ~~17-18.~~ A sexual offender who is currently assigned a moderate or high-risk level by the attorney general may not use a state park of this state as a residence or residential address to comply with the registration requirements of this section. Before arriving at a state park for overnight lodging or camping, a sexual offender who is assigned a moderate or high-risk level by the attorney general shall notify a parks and recreation department law enforcement officer at the state park where the sexual offender will be staying."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1341, 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 1341 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "the"

Page 1, line 3, remove "elimination of"

Page 1, line 4, after "schools" insert "; and to provide a penalty"

Page 2, line 14, overstrike ", at the time of"

Page 2, line 14, after "offense" insert "is committed during the hours of six a.m. to ten p.m. when school is in session or during a regularly school-sponsored activity and"

Page 2, line 14, remove the overstrike over ", or within"

Page 2, line 15, after the overstruck closing bracket insert "three hundred feet [91.4 meters]"

Page 2, line 15, remove the overstrike over "of"

Page 2, line 16, remove the overstrike over "~~or a public career and technical education school~~"

Page 2, line 24, after "offense" insert "was committed during the hours of six a.m. to ten p.m. when school is in session or during a regularly school-sponsored activity and"

Page 2, line 25, remove the overstrike over "~~or within~~"

Page 2, line 26, after the overstruck closing bracket insert "three hundred feet [91.4 meters]"

Page 2, line 26, remove the overstrike over "of,"

Page 2, line 27, remove the overstrike over "~~public career and~~"

Page 2, remove the overstrike over line 28

Page 2, line 30, replace the underscored comma with an underscored semicolon

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1374, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1374 was placed on the Sixth order on the calendar.

Page 1, line 18, remove "seven"

Page 1, line 18, overstrike "hundred"

Page 1, line 18, remove "fifty"

Page 1, line 18, overstrike "thousand" and insert immediately thereafter "one million"

Page 1, line 19, after "the" insert "upper Red River, lower"

Page 2, line 2, overstrike "adopt a cost-share policy for the financing of water"

Page 2, line 3, overstrike "projects. The policy" and insert immediately thereafter "review, gather stakeholder input on, and rewrite as necessary the commission's "Cost-share Policy, Procedure and General Requirements" and "Project Prioritization Guidance" documents. The commission's cost-share policy"

Page 2, line 10, replace the first underscored comma with "and"

Page 2, line 10, remove "and"

Page 2, line 11, replace "improvements" with "including removal of vegetative materials and sediment."

Page 4, line 22, remove the overstrike over "~~who shall take into account~~"

Page 4, line 23, remove the overstrike over "~~reasonable geographic considerations in making~~"

Page 4, line 23, after "~~such~~" insert "the"

Page 4, line 23, remove the overstrike over "~~appointments~~" and insert immediately thereafter "with the intent of having each of the seven major drainage basins represented by a commissioner who resides in the basin. The major drainage basins are the upper Missouri River basin, the lower Missouri River basin, the James River basin, the upper Red River basin, the lower Red River basin, the Mouse River basin, and the Devils Lake basin"

Page 4, line 23, remove the overstrike over "~~The governor or the~~"

Page 4, remove the overstrike over line 24

Page 4, line 25, remove the overstrike over "~~capacity at~~"

Page 4, line 25, remove the overstrike over "~~meetings~~"

Page 4, line 25, remove the overstrike over "~~that official~~"

Page 4, line 25, overstrike "may be" and insert immediately thereafter "is"

Page 4, line 25, remove the overstrike over "~~unable to attend.~~"

Page 4, line 25, remove "Each of the six major"

Page 4, remove lines 26 through 28

Page 5, line 13, after "**commission**" insert "- Chairman and vice chairman"

Page 5, line 17, remove the overstrike over "~~governor, as~~"

Page 5, line 17, remove the overstrike over the second overstruck comma

Page 5, line 18, remove the overstrike over "~~governor's~~"

Page 5, line 18, remove "chairman's"

Page 5, line 18, remove the overstrike over the overstruck comma

Page 5, line 18, after the period insert "The seven appointed members of the commission shall select an appointed member to serve as vice chairman of the commission."

Page 6, line 17, replace "and" with "or"

Page 6, line 17, replace "or improvement" with ", including removal of vegetative materials and sediment."

Page 7, line 5, remove "may not have a term exceeding four years. If a water project is not"

Page 7, replace lines 6 through 8 with "must require a progress report to the commission at least every four years if the term of the project exceeds four years. If a progress report is not timely received or, if after a review of a progress report, the commission determines the project has not made sufficient progress, the commission may terminate the agreement for project funding. The project sponsor may submit a new application to the commission for funding for a project for which the commission previously terminated funding."

Page 7, replace lines 25 through 28 with "Except for flood control projects authorized by the legislative assembly or the commission before July 1, 2017, the commission shall calculate the amount of its financial assistance, including loans, grants, cost-share, and issuance of bonds, based on the needs for protection of health, property, and enterprise, against:

1. One hundred year flood events as provided by a federal agency;
2. The national economic development alternative; or
3. The local sponsor's preferred alternative if the commission first determines the historical flood prevention costs and flood damages, and the risk of future flood prevention costs and flood damages, warrant protection to the level of the local sponsor's preferred alternative."

Page 8, line 3, replace "If" with "Notwithstanding any other provision of law, if"

Page 8, line 4, after "dam's" insert "current"

Page 8, line 5, replace "state" with "the political subdivision shall pay for the necessary improvements or upgrades. State"

Page 8, line 6, after the underscored period insert "For purposes of this section, "breach inundation zone" means the area downstream of the dam which would be flooded in the event of a dam failure or uncontrolled release of water."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1392, 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 1392 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "a presumption of equal" with "shared"

Page 1, line 12, remove "Equal parenting time and residential responsibility" means each parent has the child"

Page 1, remove lines 13 through 15

Page 1, line 16, remove "3."

Page 1, line 18, remove the overstrike over "3."

Page 1, line 18, remove "4."

Page 1, line 20, remove the overstrike over "4."

Page 1, line 20, remove "5."

Page 1, line 22, remove the overstrike over "5."

Page 1, line 22, remove "6."

Page 1, line 23, remove the overstrike over "6."

Page 1, line 23, remove "7."

Page 2, line 1, remove the overstrike over "7."

Page 2, line 1, remove "8."

Page 2, after line 2, insert:

"8. "Shared parenting time and residential responsibility" means each parent has the child in that parent's care for a time that is as close to fifty percent of the time as can be arranged based on the circumstances but which is not less than thirty-five percent of the time."

Page 2, line 13, remove "In any proceeding dealing with parental rights and responsibilities, there is a"

Page 2, replace lines 14 through 18 with "In any initial proceeding dealing with parental rights and responsibilities in which one party requests shared parenting time and residential responsibility, the court shall articulate in its decision the rationale for either awarding or denying the request for shared parenting time and residential responsibility."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1403, as engrossed: Human Services Committee (Sen. J. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1403 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide an"

Page 1, line 3, remove "exemption"

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

Page 1, line 9, after the second "coverage" insert "contract received in response to a request for bids under section 54-52.1-04"

Page 1, line 10, replace the second "the" with "either contracted directly with a pharmacy benefits manager or indirectly through the health insurer, in addition to the factors set forth under section 54-52.1-04 the board shall consider and give preference to an"

Page 1, line 10, remove "with the"

Page 1, line 11, replace "board must include the following terms" with "that"

Page 1, line 12, remove "The insurer shall provide the board with a copy of the insurer's current contract"

Page 1, replace lines 13 through 15 with "Provides the board or the board's auditor with a copy of the insurer's current contract with the pharmacy benefit management company which controls the prescriptions drug coverage offered as part of the health insurance benefits coverage, and if the contract is revised or a new contract is entered, requires the insurer to provide the board with the revision or new contract within thirty days of the change."

Page 1, line 16, remove "The health insurer or pharmacy benefit manager shall provide with each invoice"

Page 1, replace lines 17 through 19 with "Provides the board with monthly claims data and information on all programs being implemented or modified, including prior authorization, step therapy, mandatory use of generic drugs, or quantity limits"

Page 1, line 20, remove "The health insurer shall provide the board a list of all programs that will be"

Page 1, replace lines 21 through 23 with "Describes the extent to which the board may customize the benefit plan design, including copayments, coinsurance, deductibles, and out of pocket limits; the drugs that are covered; the formulary; and the member programs implemented"

Page 2, line 1, remove "(1) The board may retain an auditor of the board's choice which is not a"

Page 2, replace lines 2 through 12 with "Describes the audit rights of the board."

2. The board may conduct annual audits to the extent permitted under the contract terms agreed to under subsection 1. The audits must include:
 - a. A review of a complete set of electronic prescription coverage claims data reflecting all submitted claims, including information fields identified by the board.
 - b. A review of a list of all programs that have been implemented or modified during the audit period under subsection 1, and in connection with each program the auditor shall report on the cost, the cost savings or avoidance, member disruption, the process for and number of overrides or approvals and disapprovals, and clinical outcomes.
 - c. Recommendations for proposed changes to the prescription drug benefit programs to decrease costs and improve plan beneficiaries' health care treatment."

Page 2, line 13, replace "2." with "3."

Page 2, after line 16 insert:

- "4. The board may retain an auditor of the board's choice which is not a competitor of the pharmacy benefit manager, a pharmaceutical manufacturer representative, or any retail, mail, or specialty drug pharmacy representative or vendor."

Page 2, remove lines 17 and 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1418, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1418 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of statements of interests.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATEMENTS OF INTERESTS. During the 2017-18 interim, the legislative management shall consider studying the purpose and content of statements of interests and the forms and information required to be filed, including the appropriate financial interests and other necessary content. The study must include consideration of whether supplementary statements or updates of information are necessary and a determination as to who is required to file statements of interest and who should be filing statements of interest. The study also must include a review of filing deadlines and consideration of how long records should be retained. 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

HB 1427, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1427 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3014, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3014 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3016, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3016 was placed on the Fourteenth order on the calendar.

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

Shanda Morgan, Secretary

