

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, February 2, 2017

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

The prayer was offered by Brad Bales, Station Manager KNDR Radio, Mandan.

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

A quorum was declared by the President.

## MOTION

**SEN. HECKAMAN MOVED** that SB 2338 be returned to the Senate floor from the **Education Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**SEN. HECKAMAN REQUESTED** the unanimous consent of the Senate to withdraw SB 2338. There being no objection, it was so ordered by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2243: SEN. OBAN (Education Committee) MOVED** that the amendments on SJ pages 253-254 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2243 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2033: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments on SJ pages 252-253 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## MOTION

**SEN. KLEIN MOVED** that SB 2276 be moved to the top of the calendar, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2276: SEN. ARMSTRONG (Judiciary Committee) MOVED** that the amendments on SJ pages 254-255 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2302: SEN. D. LARSON (Judiciary Committee) MOVED** that the amendments on SJ pages 255-256 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## MOTION

**SEN. KLEIN MOVED** that SB 2302 be moved to the top of the Eleventh order, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2302:** A BILL for an Act to amend and reenact sections 12-60-05 and 12.1-29-07, subsection 1 of section 29-06-05.2, and sections 54-12-01.1 and 54-12-28 of the North Dakota Century Code, relating to appointment of ad hoc special agents, the offender education program, authority for federal law enforcement officers to make arrests, online publication of eminent domain information, and twenty-four seven program records and statistics; to repeal section 19-03.1-44 of the North Dakota Century Code, relating to a drug use status and trends report; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 2302 passed.

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**MOTION**

**SEN. KLEIN MOVED** that SB 2233 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2233:** A BILL for an Act to amend and reenact section 12.1-29-07 of the North Dakota Century Code, relating to the offender education program.

**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 2233 failed.

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**SECOND READING OF SENATE BILL**

**SB 2037:** A BILL for an Act to amend and reenact section 15-10-38 of the North Dakota Century Code, relating to the teacher shortage loan forgiveness program.

**ROLL CALL**

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

**NAYS:** Larsen, O.

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2037 passed.

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**SECOND READING OF SENATE BILL**

**SB 2190:** A BILL for an Act to amend and reenact section 48-01.2-06 of the North Dakota Century Code, relating to bid requirements for public improvements.

**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 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Burckhard; Campbell; Casper; Clemens; Cook; Erbele; Kannianen; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Mathern; Meyer; Osland; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Anderson; Armstrong; Bowman; Dever; Dotzenrod; Grabinger; Heckaman; Hogue; Holmberg; Kilzer; Larsen, O.; Marcellais; Myrdal; Nelson; Oban; Oehlke; Piepkorn; Poolman; Robinson

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2190 passed.

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**SECOND READING OF SENATE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 2322 passed.

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**SECOND READING OF SENATE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 2335 passed.

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**SECOND READING OF SENATE BILL**

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

**ROLL CALL**

The question being on the final passage of the 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 2141 passed.

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**SECOND READING OF SENATE BILL**

**SB 2038:** A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the establishment of a task force on children's behavioral health; to amend and reenact section 15.1-07-34, subsection 1 of section 25-03.1-11, and sections 25-03.1-26 and 50-11.1-02.3 of the North Dakota Century Code, relating to behavioral health training for educators and early childhood service providers and to emergency hold limitations for mental health examinations; to provide for a report to the governor and the legislative management; and to repeal sections 15.1-19-19 and 15.1-19-24 of the North Dakota Century Code, relating to professional development training regarding the prevention of bullying and youth suicide.

**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 2038 passed.

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**SECOND READING OF SENATE BILL**

**SB 2111:** A BILL for an Act to amend and reenact section 43-47-05 of the North Dakota Century Code, relating to licensure exceptions for counseling practice in North

Dakota.

**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 2111 failed.

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**SECOND READING OF SENATE BILL**

**SB 2248:** A BILL for an Act to create and enact a new subsection to section 14-15-19 of the North Dakota Century Code, relating to relinquishment and termination of parent and child relationship.

**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 2248 passed.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2026, SB 2027, SB 2028, SB 2029, SB 2032, SB 2042, SB 2046, SB 2047, SB 2098, SB 2102, SB 2110, SB 2118, SB 2122, SCR 4001.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2097.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1051, HB 1052, HB 1089, HB 1090, HB 1095, HB 1098, HB 1099, HB 1101, HB 1104, HB 1105, HB 1106, HB 1109, HB 1110, HB 1117, HB 1119, HB 1120, HB 1121, HB 1127, HB 1131.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1086, HB 1087, HB 1088, HB 1092, HB 1093, HB 1094, HB 1096, HB 1097, HB 1102, HB 1116, HB 1118, HB 1134, HB 1135.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your

favorable consideration is requested on: HB 1100, HB 1136.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1111, HB 1112, HB 1125, HB 1132, HB 1133.

**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 12:30 p.m., Friday, February 3, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2101: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2107: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2107 was placed on the Sixth order on the calendar.

Page 1, line 4, after the semicolon insert "to provide for retroactive application;"

Page 3, after line 5, insert:

**"SECTION 4. RETROACTIVE APPLICATION.** Section 1 of this Act applies retroactively to eligible expenses incurred by national guard service members called to state active duty in response to protest activities since August 19, 2016."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2137: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2137 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2176: 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 2176 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "section 39-20-03" with "sections 39-20-03.1 and 39-20-03.2, subsection 2 of section 39-20-05"

Page 1, line 3, after "influence" insert "; and to repeal section 39-20-03 of the North Dakota Century Code, relating to driving under the influence"

Page 2, replace lines 7 through 13 with:

**"SECTION 3. AMENDMENT.** Section 39-20-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**39-20-03.1. Action following test result for a resident operator.**

If a person submits to a test under section 39-20-01; ~~or 39-20-02, or 39-20-03~~ and the test shows that person to have an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours after the driving or being in actual physical control of a vehicle, the following procedures apply:

1. The law enforcement officer shall immediately issue to that person a temporary operator's permit if the person then has valid operating privileges, extending driving privileges for the next twenty-five days, or until earlier terminated by the decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state.
2. If a test administered under section 39-20-01 ~~or 39-20-03~~ was by urine sample or by drawing blood as provided in section 39-20-02 and the individual tested is not a resident of an area in which the law enforcement officer has jurisdiction, the law enforcement officer shall, on receiving the analysis of the urine or blood from the director of the state crime laboratory or the director's designee and if the analysis shows that individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, either proceed in accordance with subsection 1 during that individual's reappearance within the officer's jurisdiction, proceed in accordance with subsection 3, or notify a law enforcement agency having jurisdiction where the individual lives. On that notification, that law enforcement agency shall, within twenty-four hours, forward a copy of the temporary operator's permit to the law enforcement agency making the arrest or to the director. The law enforcement agency shall issue to that individual a temporary operator's permit as provided in this section, and shall sign and date the permit as provided in subsection 1.
3. If the test results indicate an alcohol concentration at or above the legal limit, the law enforcement agency making the arrest may mail a temporary operator's permit to the individual who submitted to the blood or urine test, whether or not the individual is a resident of the area in which the law enforcement officer has jurisdiction. The third day after the mailing of the temporary operator's permit is considered the date of issuance. Actual notice of the opportunity for a hearing under this section is deemed to have occurred seventy-two hours after the notice is mailed by regular mail to the address submitted by the individual to the law enforcement officer. The temporary operator's permit serves as the director's official notification to the individual of the director's intent to revoke, suspend, or deny driving privileges in this state.
4. The law enforcement officer, within five days of the issuance of the temporary operator's permit, shall forward to the director a certified written report in the form required by the director. If the individual was issued a temporary operator's permit because of the results of a test, the report must show that the officer had reasonable grounds to believe the individual had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the individual was lawfully arrested, that the individual was tested for alcohol concentration under this chapter, and that the results of the test show that the individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight. In addition to the operator's license and report, the law enforcement officer shall forward to the director a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood or urine test for all tests administered at the direction of the officer.
5. An individual charged with a violation of section 39-08-01 or equivalent ordinance may elect to participate in the twenty-four seven sobriety program under chapter 54-12 in lieu of the administrative hearing under this chapter if the individual's driver's license is not subject to an unrelated suspension or revocation. Notwithstanding any other provision

of law, an individual may not receive a temporary restricted operator's license until after fourteen days after the administrative hearing on the offense under this chapter has been waived or held, or after fourteen days of the final appeal, whichever is longer. The director shall issue a temporary restricted driver's license with the restriction the individual participate in the twenty-four seven sobriety program upon application by the individual with submission of proof of financial responsibility and proof of participation in the twenty-four seven sobriety program under chapter 54-12.

**SECTION 4. AMENDMENT.** Section 39-20-03.2 of the North Dakota Century Code is amended and reenacted as follows:

**39-20-03.2. Action following test result or on refusing test by nonresident operator.**

If a person licensed in another state refuses in this state to submit to a test provided under section 39-20-01 or 39-20-14, or who submits to a test under section 39-20-01; or 39-20-02, or 39-20-03 and the test results show the person to have an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to a person under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight at the time of performance of a test within two hours after driving or being in physical control of a motor vehicle, the following procedures apply:

1. Without taking possession of the person's out-of-state operator's license, the law enforcement officer shall issue to the person a notification of the test results and a temporary operator's permit extending nonresident operating privileges in this state for twenty-five days from the date of issuance or until earlier terminated by the decision of a hearing officer under section 39-20-05. The temporary permit must be signed and dated by the officer and serves as the director's official notification to the person of the director's intent to revoke, suspend, or deny driving privileges in this state, and of the hearing procedures under this chapter.
2. If the test was administered by urine sample or by drawing blood, the law enforcement officer, on reviewing the alcohol concentration analysis showing the individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, shall mail or issue to the individual a notification of the test results, a temporary operator's permit extending nonresident operating privileges in this state for twenty-five days from the date of mailing or issuance or until earlier terminated by the decision of a hearing officer under section 39-20-05, and notice of the intent to revoke, suspend, or deny driving privileges in this state, together with the notice provided under section 39-06.1-07 of the procedures available under this chapter. The temporary operator's permit must be signed and dated by the officer. The third day after the mailing of the temporary operator's permit is considered the date of issuance.
3. The law enforcement officer, within five days of issuing the temporary operator's permit, shall forward to the director a certified written report in the form required by the director and a certified copy of the operational checklist and test records of a breath test and a copy of the certified copy of the analytical report for a blood or urine test for all tests administered at the direction of the officer. If the individual was issued a temporary operator's permit because of the individual's refusal to submit to a test under sections 39-20-01 and 39-20-14, the report must include information as provided in section 39-20-04. If the individual was issued a temporary operator's permit because of the results of a test, the report must show that the officer had reasonable grounds to believe the individual had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01, or equivalent ordinance, that the individual was lawfully arrested, that the individual was tested for

alcohol concentration under this chapter, and that the results of the test show that the individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight.

**SECTION 5. AMENDMENT.** Subsection 2 of section 39-20-05 of the North Dakota Century Code is amended and reenacted as follows:

2. If the issue to be determined by the hearing concerns license suspension for operating a motor vehicle while having an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight, the hearing must be before a hearing officer assigned by the director and at a time and place designated by the director. The hearing must be recorded and its scope may cover only the issues of whether the arresting officer had reasonable grounds to believe the individual had been driving or was in actual physical control of a vehicle in violation of section 39-08-01 or equivalent ordinance or, with respect to an individual under twenty-one years of age, the individual had been driving or was in actual physical control of a vehicle while having an alcohol concentration of at least two one-hundredths of one percent by weight; whether the individual was placed under arrest, unless the individual was under twenty-one years of age and the alcohol concentration was less than eight one-hundredths of one percent by weight, then arrest is not required and is not an issue under any provision of this chapter; whether the individual was tested in accordance with section 39-20-01 ~~or 39-20-03~~ and, if applicable, section 39-20-02; and whether the test results show the individual had an alcohol concentration of at least eight one-hundredths of one percent by weight or, with respect to an individual under twenty-one years of age, an alcohol concentration of at least two one-hundredths of one percent by weight. For purposes of this section, a copy of a certified copy of an analytical report of a blood or urine sample from the director of the state crime laboratory or the director's designee, or electronically posted by the director of the state crime laboratory or the director's designee on the crime laboratory information management system and certified by a law enforcement officer or individual who has authorized access to the crime laboratory management system through the criminal justice data information sharing system or a certified copy of the checklist and test records from a certified breath test operator, and a copy of a certified copy of a certificate of the director of the state crime laboratory designating the director's designees, establish prima facie the alcohol concentration or the presence of drugs, or a combination thereof, shown therein."

Page 2, line 21, after the period insert "The law enforcement officer shall inform the individual charged that North Dakota law requires the individual to take a test to determine whether the individual is under the influence of alcohol or drugs and that refusal of the individual to submit to any test directed by the law enforcement officer may result in a revocation for a minimum of one hundred eighty days and up to three years of the individual's driving privileges. The individual also must be informed refusal to take a breath or urine test is a crime punishable in the same manner as driving under the influence. If the officer requests the individual to submit to a blood test, the officer may not inform the individual of any criminal penalties until the officer has first secured a search warrant."

Page 3, after line 2, insert:

**"SECTION 7. REPEAL.** Section 39-20-03 of the North Dakota Century Code is repealed."

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2187: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2187 was placed on the Sixth order on the calendar.

Page 1, line 2, after "reimbursements" insert "; to provide for a report to the legislative management"

Page 2, after line 14, insert:

**"SECTION 2. REPORT TO LEGISLATIVE MANAGEMENT.** The department of human services shall continue to meet with the developmental disability ratesetting steering committee to seek input and assistance throughout the implementation of the ratesetting methodology, which may include addressing potential client service changes resulting from implementation of the ratesetting methodology. The department must address the unique and special care needs of individuals within the developmental disability system through an outlier process. The department shall provide a report to the legislative management during the 2017-18 interim regarding the outlier process used and the ratesetting implementation."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2226: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2226 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2228: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2228 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2229: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2229 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2234: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2234 was placed on the Sixth order on the calendar.

Page 1, line 4, after the first semicolon insert "to amend and reenact subsection 3 of section 54-17-40 of the North Dakota Century Code, relating to the housing incentive fund;"

Page 2, line 11, replace "first ten years" with "term"

Page 2, line 13, after "full" insert "or begin making amortized monthly payments on the secondary loan"

Page 2, after line 24, insert:

**"SECTION 3. AMENDMENT.** Subsection 3 of section 54-17-40 of the North Dakota Century Code is amended and reenacted as follows:

3. The housing finance agency shall adopt guidelines for the fund so as to address unmet housing needs in this state. Assistance from the fund may be used solely for:
  - a. New construction, rehabilitation, or acquisition of a multifamily housing project;

- b. Gap assistance, matching funds, and accessibility improvements;
- c. Assistance that does not exceed the amount necessary to qualify for a loan using underwriting standards acceptable for secondary market financing or to make the project feasible; and
- d. Rental assistance, emergency assistance, or targeted supportive services designated to prevent homelessness; or
- e. Providing purchasing assistance for single-family residential mortgage loans by financing the essential service worker home ownership incentive fund."

Page 2, line 26, after "appropriated" insert "or committed"

Page 2, line 27, replace "\$4,000,000" with "\$500,000"

Page 2, line 30, replace "\$500,000" with "\$250,000"

Page 2, line 31, remove "each of the eight state"

Page 2, line 31, after "regions" insert "one and eight"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2266: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2266 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 study by the department of financial institutions and securities department and a report to the legislative management.

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

**SECTION 1. DEPARTMENT OF FINANCIAL INSTITUTIONS AND SECURITIES DEPARTMENT STUDY OF OPERATIONS - REPORT TO LEGISLATIVE MANAGEMENT.** During the 2017-18 interim, the commissioner of financial institutions and the securities commissioner shall undertake a comprehensive study of the operations of the department of financial institutions and the securities department to evaluate and determine whether cost-savings and increased efficiency may be achieved by combining the agencies into a single department. Before August 1, 2018, the commissioner of financial institutions and the securities commissioner shall present to the legislative management the findings of the study and any recommendations, together with any legislation required to implement the recommendations."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2271: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike "reports" and insert immediately thereafter "proposals"

Page 1, line 12, overstrike "which summarize" and insert immediately thereafter "and make a selection based on the overall qualifications of each qualified provider. A qualified provider that performs energy analysis work before being selected must be disqualified. The selected qualified provider shall prepare an energy conservation measure report, including"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2274: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2274 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2277: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2294: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2294 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2296: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2296 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2308: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2308 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2323: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SB 2323 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2324: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2324 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2334: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2334 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4006: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **DO PASS** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). SCR 4006 was placed on the Eleventh order on the calendar.

**FIRST READING OF HOUSE BILLS**

**HB 1051:** A BILL for an Act to repeal section 15.1-21-15 of the North Dakota Century Code, relating to the electronic course delivery approval process. Was read the first time and referred to the **Education Committee**.

**HB 1052:** A BILL for an Act to amend and reenact section 15.1-21-08 of the North Dakota Century Code, relating to the administration of a state assessment in reading and mathematics. Was read the first time and referred to the **Education Committee**.

**HB 1089:** A BILL for an Act to create and enact subsection 10 to section 55-08-05 of the North Dakota Century Code, relating to advertising sales in parks and recreation publications. Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1090:** A BILL for an Act to amend and reenact subsection 1 of section 37-19.1-04, subsection 6 of section 44-04-18.4, subsection 8 of section 54-06-25, sections 54-

06-26 and 54-44.3-01.2, subsection 2 of section 54-44.3-03, and sections 54-44.3-05 and 54-44.4-02.1 of the North Dakota Century Code, relating to bids and proposals received by public entities, notification of nonapplicability of veteran's preference, electronic ballot submission, long distance tolls, salary compensation comparison records, state personnel board vacancy filling procedures, secret ballot election rules, and reports of services.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1095:** A BILL for an Act to amend and reenact sections 30.1-01-06 and 30.1-28-03, subsection 3 of section 30.1-28-04, subdivision d of subsection 1 of section 30.1-28-09, section 30.1-29-01, subsection 2 of section 30.1-29-04, subsection 1 of section 30.1-29-05, sections 30.1-29-07 and 30.1-29-08, subsection 2 of section 30.1-29-14, and section 30.1-29-19 of the North Dakota Century Code, relating to guardianship and conservatorship proceedings.

Was read the first time and referred to the **Judiciary Committee**.

**HB 1098:** A BILL for an Act to create and enact a new section to chapter 15.1-18 of the North Dakota Century Code, relating to teacher requirements for prekindergarten and kindergarten; to amend and reenact subdivision a of subsection 1 of section 15.1-07-32 and section 15.1-18-02 of the North Dakota Century Code, relating to teacher requirements; and to repeal sections 15.1-18-07, 15.1-18-08, and 15.1-18-09 of the North Dakota Century Code, relating to elementary, middle, and high school teacher qualifications.

Was read the first time and referred to the **Education Committee**.

**HB 1099:** A BILL for an Act to amend and reenact subsection 3 of section 19-03.5-01 of the North Dakota Century Code, relating to the definition of controlled substance.

Was read the first time and referred to the **Judiciary Committee**.

**HB 1101:** A BILL for an Act to amend and reenact section 26.1-22-14 of the North Dakota Century Code, relating to assessments and reporting of premiums and losses for the state fire and tornado fund.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1104:** A BILL for an Act to amend and reenact section 37-01-04 of the North Dakota Century Code, relating to the governor's authority to call out the national guard.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1105:** A BILL for an Act to amend and reenact subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to the definitions of emergency vehicles.

Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1106:** A BILL for an Act to amend and reenact section 37-17.1-04 of the North Dakota Century Code, relating to definitions of disasters and emergencies.

Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1109:** A BILL for an Act to amend and reenact sections 37-01-03, 37-01-43, subsection 6 of 37-28-02, and 37-28-03 of the North Dakota Century Code, relating to the operation of the North Dakota national guard.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1110:** A BILL for an Act to create and enact section 24-02-49 of the North Dakota Century Code, relating to cooperative agreements with private entities for the construction of certain items on the state highway system.

Was read the first time and referred to the **Transportation Committee**.

**HB 1111:** A BILL for an Act to create and enact section 24-02-02.4 of the North Dakota Century Code, relating to agreements with the metro flood diversion authority; and to declare an emergency.

Was read the first time and referred to the **Transportation Committee**.

**HB 1112:** A BILL for an Act to amend and reenact sections 26.1-02.1-01, 26.1-02.1-02.1, 26.1-26-15, and 26.1-26-39 of the North Dakota Century Code, relating to licensing and insurance producers; and to declare an emergency.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1117:** A BILL for an Act to amend and reenact sections 14-10-17, 25-10-01.1, subdivision e of subsection 1 of section 50-06-01.4, and sections 50-06-01.7, 50-06-06.5, and 50-31-07 of the North Dakota Century Code, relating to changes in terminology with respect to substance abuse and behavioral health.

Was read the first time and referred to the **Human Services Committee**.

**HB 1119:** A BILL for an Act to amend and reenact sections 50-06.2-10 and 50-24.7-02 of the North Dakota Century Code, relating to collection of overpayments for service payments for elderly and disabled program and expanded service payments for elderly and disabled program.

Was read the first time and referred to the **Human Services Committee**.

**HB 1120:** A BILL for an Act to amend and reenact subsection 3 of section 50-24.6-04 of the North Dakota Century Code, relating to the prior authorization program.

Was read the first time and referred to the **Human Services Committee**.

**HB 1121:** A BILL for an Act to amend and reenact subsection 2 of section 12.1-32-09.1 and subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to sentencing violent offenders and the definition of administrative agencies.

Was read the first time and referred to the **Judiciary Committee**.

**HB 1125:** A BILL for an Act to repeal chapter 60-03 of the North Dakota Century Code, relating to licensing hay buyers; and to declare an emergency.

Was read the first time and referred to the **Agriculture Committee**.

**HB 1127:** A BILL for an Act to amend and reenact subsection 21 of section 4-30-01 and sections 4-30-36.2, 4-30-36.3, and 4-30-36.4 of the North Dakota Century Code, relating to the definition of Pasteurized Milk Ordinance and to the Pasteurized Milk Ordinance revision.

Was read the first time and referred to the **Agriculture Committee**.

**HB 1131:** A BILL for an Act to create and enact section 36-24-01.1 of the North Dakota Century Code, relating to adoption of federal meat inspection regulations.

Was read the first time and referred to the **Agriculture Committee**.

**HB 1132:** A BILL for an Act to amend and reenact subdivision m of subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to completion of criminal background checks of employees and contractors of job service North Dakota; and to declare an emergency.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1133:** A BILL for an Act to create and enact a new subsection to section 39-06.2-06 of the North Dakota Century Code, relating to the exemption of a class A commercial driver's licenseholder from the hazardous materials endorsement; and to declare an emergency.

Was read the first time and referred to the **Transportation Committee**.

**HB 1303:** A BILL for an Act to prohibit state agencies from filling vacant employee positions; to provide for a report; and to declare an emergency.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

**Shanda Morgan, Secretary**