

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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**Bismarck, February 14, 2017**

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

The prayer was offered by Sister Anna Rose Ruhland, St. Vincent's Care Center, Bismarck.

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

A quorum was declared by the President.

**MOTION**

**SEN. KLEIN MOVED** that SB 2002 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2002 was rereferred.

**MOTION**

**SEN. KLEIN MOVED** that SB 2221 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, SB 2221 was rereferred.

**MOTION**

**SEN. KLEIN MOVED** that after action taken on the Sixth order, SB 2005, SB 2008, SB 2017, SB 2020, SB 2022, SB 2007, SB 2057, SB 2006, SB 2010, and SB 2337 be placed on the Eleventh order for second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2340: SEN. BURCKHARD (Political Subdivisions Committee) MOVED** that the amendments on SJ pages 403-404 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2152: SEN. D. LARSON (Political Subdivisions Committee) MOVED** that the amendments on SJ page 401 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2289: SEN. KLEIN (Agriculture Committee) MOVED** that the amendments on SJ pages 401-402 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2333: SEN. ARMSTRONG (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 402-403 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**SB 2005: SEN. GRABINGER (Appropriations Committee) MOVED** that the amendments on SJ pages 382-383 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2005:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

**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:** 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:** Anderson; Davison

Engrossed SB 2005 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2008: SEN. OEHLKE (Appropriations Committee) MOVED** that the amendments on SJ pages 385-386 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2008:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.

#### 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:** 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:** Anderson; Davison

Engrossed SB 2008 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2017: SEN. SORVAAG (Appropriations Committee) MOVED** that the amendments on SJ pages 387-388 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings.

#### 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:** 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:** Anderson; Davison

Engrossed SB 2017 passed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2020: SEN. BOWMAN (Appropriations Committee) MOVED** that the amendments on SJ pages 388-397 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm; to amend and reenact sections 4-05.1-05 and 4-08-10 of the North Dakota Century Code, relating to main research center experiment station and extension service position adjustments; and to provide an exemption.

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

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

**NAYS:** Larsen, O.; Piepkorn

**ABSENT AND NOT VOTING:** Anderson; Davison

Engrossed SB 2020 passed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2022: SEN. HOGUE (Appropriations Committee) MOVED** that the amendments on SJ pages 397-398 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2022:** A BILL for an Act to provide an appropriation for defraying the expenses of the commission on legal counsel for indigents.

**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:** 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:** Anderson; Davison

Engrossed SB 2022 passed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2007: SEN. ROBINSON (Appropriations Committee) MOVED** that the amendments on SJ pages 384-385 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home.

**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:** 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:** Anderson; Davison

Engrossed SB 2007 passed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2057: SEN. OEHLKE (Appropriations Committee) MOVED** that the amendments on SJ pages 398-400 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2057:** A BILL for an Act to amend and reenact section 39-06.1-06 and subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to statutory fees and speed limitations on multilane interstate highways.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Bekkedahl; Burckhard; Campbell; Casper; Grabinger; Holmberg; Kannianen; Klein; Krebsbach; Laffen; Larsen, O.; Meyer; Roers; Rust; Schaible; Sorvaag; Unruh

**NAYS:** Anderson; Bowman; Clemens; Cook; Dever; Dotzenrod; Erbele; Heckaman; Hogue; Kilzer; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2057 failed.

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**CONSIDERATION OF AMENDMENTS**

**SB 2006: SEN. GRABINGER (Appropriations Committee) MOVED** that the amendments on SJ pages 383-384 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota aeronautics commission.

**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 2006 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2010: SEN. ERBELE (Appropriations Committee) MOVED** that the amendments on SJ pages 386-387 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts.

#### 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 2010 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2337: SEN. VEDAA (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 403 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a verification vote.

#### SECOND READING OF SENATE BILL

**SB 2337:** A BILL for an Act to provide for a legislative management study of cultural competency training for legislators, state employees, and elected and appointed officials.

#### 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 20 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Burckhard; Dever; Dotzenrod; Grabinger; Heckaman; Holmberg; Kannianen; Krebsbach; Lee, G.; Marcellais; Mathern; Meyer; Nelson; Oban; Osland; Piepkorn; Poolman; Robinson; Vedaa

**NAYS:** Anderson; Armstrong; Bowman; Campbell; Casper; Clemens; Cook; Erbele; Hogue; Kilzer; Klein; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, J.; Luick; Myrdal; Oehlke; Roers; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2337 failed.

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**SECOND READING OF SENATE BILL**

**SB 2310:** A BILL for an Act to amend and reenact section 43-09-05 of the North Dakota Century Code, relating to inspections of electrical wiring installations.

**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 2310 passed.

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**SECOND READING OF SENATE BILL**

**SB 2328:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-31-03, subsection 9 of section 12.1-31-03, subsection 3 of section 12.1-31-03.2, and sections 57-36-01, 57-36-02, 57-36-04, and 57-36-05 of the North Dakota Century Code, relating to sale of tobacco to minors and licensure of persons in the business of selling tobacco products; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 28 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Bowman; Burckhard; Clemens; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Krebsbach; Kreun; Larson, D.; Lee, J.; Luick; Marcellais; Mathern; Myrdal; Oban; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Wanzek; Wardner

**NAYS:** Anderson; Armstrong; Campbell; Casper; Cook; Dever; Dotzenrod; Kannianen; Kilzer; Klein; Laffen; Larsen, O.; Lee, G.; Meyer; Nelson; Oehlke; Unruh; Vedaa

**ABSENT AND NOT VOTING:** Davison

Engrossed SB 2328 passed.

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**SECOND READING OF SENATE BILL**

**SB 2275:** A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to the adoption of a restraint and seclusion policy by school districts and the reporting of incidents of restraint and seclusion; to provide an appropriation; and to provide for a report to legislative management.

**MOTION**

**SEN. HECKAMAN MOVED** that SB 2275 be amended as follows.

Page 1, line 2, remove the second "and"

Page 1, remove line 3

Page 1, line 4, remove "for a report to legislative management"

Page 1, line 8, remove "- Reports"

Page 1, line 9, remove "1."

Page 1, remove lines 11 through 22

Page 2, remove lines 1 through 10

Renumber accordingly

#### REQUEST

**SEN. GRABINGER REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2275, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2275, the roll was called and there were 13 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson

**NAYS:** Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Davison

The proposed amendments to SB 2275 failed on a recorded roll call vote.

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

**YEAS:** Dever; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson

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

**ABSENT AND NOT VOTING:** Davison

SB 2275 failed.

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#### SECOND READING OF SENATE BILL

**SB 2330:** A BILL for an Act to amend and reenact subsection 2 of section 57-39.5-01 of the North Dakota Century Code, relating to the definition of farm machinery; to provide for a study by the agriculture commissioner; to provide for a report to the legislative management; and to provide an effective date.

#### 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 2330 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 2302.

**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 2261.

#### MOTION

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 15, 2017, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2036: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2036 was placed on the Sixth order on the calendar.

Page 1, line 20, overstrike "seven million" and insert immediately thereafter "seven hundred fifty thousand"

Page 1, line 21, overstrike "The first two million dollars in matching grants awarded to each"

Page 1, overstrike lines 22 and 23

Page 2, line 30, overstrike "one million" and insert immediately thereafter "two hundred seventy-five thousand"

Page 3, line 11, overstrike "five hundred" and insert immediately thereafter "twenty-five"

Page 3, line 12, overstrike "one million" and insert immediately thereafter "two hundred seventy-five thousand"

Page 3, line 24, replace "**STUDENT LOAN TRUST**" with "**STRATEGIC INVESTMENT AND IMPROVEMENTS**"

Page 3, line 25, replace "student loan trust" with "strategic investment and improvements"

Page 3, line 26, replace "\$23,500,000" with "\$4,000,000"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the appropriation for higher education challenge grants from \$23.5 million to \$4 million and changes the source of funding from the student loan trust fund to the strategic investment and improvements fund. This amendment provides for the following allocations of grant funds:

- Funding of \$750,000 for each research institution;
- Funding of \$275,000 for each nonresearch institution; and



- Funding of \$25,000 to be allocated in the order in which applications are received for nonresearch institutions that have fully utilized the original allocation of \$275,000 of grant funds.

**REPORT OF STANDING COMMITTEE**

**SB 2135, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2135 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2144: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2144 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2191: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2191 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2198: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 43-62-01, 43-62-02, 43-62-03, 43-62-04, 43-62-08, 43-62-09, 43-62-11, 43-62-14, 43-62-15, and 43-62-18, and subsections 7 and 13 of section 43-62-19 of the North Dakota Century Code, relating to the regulation of medical imaging and radiation therapy; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 43-62-01 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-01. Definitions.**

As used in this chapter:

1. "Board" means the North Dakota medical imaging and radiation therapy board of examiners.
2. "Certification organization" means a national certification organization that specializes in the certification and registration of ~~certification of~~ medical imaging and radiation therapy technical personnel and which has programs accredited by the national commission for certifying agencies, American national standards institute or the international organization for standardization, or other accreditation organization recognized by the board.
3. "Licensed practitioner" means a licensed physician, advanced practice registered nurse, ~~surgeon,~~ chiropractor, dentist, or podiatrist.
4. "Licensee" means an individual licensed by the board to perform medical imaging or radiation therapy ~~procedures and~~ operate medical imaging or radiation therapy equipment, including a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, ~~or~~ sonographer, or magnetic resonance imaging technologist.
5. "Medical imaging" means the performance of any diagnostic or interventional procedure or operation of medical imaging equipment intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including magnetic resonance imaging, fluoroscopy, nuclear medicine, sonography, or x-rays.

6. "Medical physicist" means an individual who is certified by the American board of radiology, American board of medical physics, American board of science in nuclear medicine, or Canadian college of physics in medicine in radiological physics or one of the subspecialties of radiological physics.
7. "Primary modality" means an individual practicing as a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, sonographer, or magnetic resonance imaging technologist.
8. "Protected health information" has the same meaning as provided under section 23-01.3-01.
9. "Radiation therapy" means the performance of any procedure or operation of radiation therapy equipment intended for use in the treatment of disease or other medical conditions in human beings.
- 8-10. "Radiation therapist" means a nonphysician licensed by the board to perform radiation therapy on an individual, other than a licensed practitioner or authorized user, who performs procedures and operates ionizing radiation therapy equipment emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes.

**SECTION 2. AMENDMENT.** Section 43-62-02 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-02. License required.**

~~After December 31, 2015, an~~ An individual may not perform or offer to perform medical imaging or radiation therapy ~~procedures~~ on humans for diagnostic or therapeutic purposes ~~as defined in this chapter~~ or otherwise indicate or imply that the individual is licensed to perform medical imaging or radiation therapy unless that individual is licensed under this chapter.

**SECTION 3. AMENDMENT.** Section 43-62-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-03. Exemptions.**

This chapter does not apply to the following:

1. A licensed practitioner performing medical imaging or radiation therapy.
2. A dental assistant or dental hygienist licensed under chapter 43-20.
3. A student enrolled in and attending a school or college of medicine, medical imaging, or radiation therapy who performs medical imaging or radiation therapy ~~procedures~~ on humans while under the supervision of a licensed practitioner or a radiographer, radiation therapist, nuclear medicine technologist, radiologist assistant, ~~or sonographer, or magnetic resonance imaging technologist~~ holding a license in the medical imaging or radiation therapy modality for which the student is enrolled or attending ~~under this chapter~~.
4. An individual administering medical imaging or radiation ~~procedures~~ therapy and who is employed by the United States government when performing duties associated with that employment.
5. A nurse licensed under chapter 43-12.1 who performs sonography on a focused imaging target to assess specific and limited information about a patient's immediate medical condition or to provide real-time visual guidance for another procedure.

6. A limited x-ray machine operator who meets the requirements of rules adopted by the state department of health under section 23-20.1-04.
7. Medical imaging performed as a part of a post-mortem examination or on other nonliving remains.
8. Medical imaging performed by emergency medical services personnel certified or licensed under section 23-27-04.3.

**SECTION 4. AMENDMENT.** Section 43-62-04 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-04. North Dakota medical imaging and radiation therapy board of examiners.**

1. The governor shall appoint a ~~state board of North Dakota~~ medical imaging and radiation therapy ~~medical examiners board~~ consisting of nine members including:
  - a. Five medical imaging or radiation therapy professionals, ~~one each from chosen to represent~~ the areas of radiography, radiation therapy, nuclear medicine technology, sonography, magnetic resonance imaging, and medical imaging or radiation therapy education;
  - b. One radiologist;
  - c. One medical physicist;
  - d. One physician from a rural area; and
  - e. One public member.
2. Each medical imaging or radiation therapy member of the board must:
  - a. Be a practicing medical imaging or radiation therapy licensee of integrity and ability.
  - b. Be a resident of and currently licensed pursuant to subsection 2 of section 43-62-14 in the member's ~~medical imaging or radiation therapy~~ primary modality in this state.
  - c. Be currently certified by a ~~nationally recognized certification organization~~ in the member's ~~medical imaging or radiation therapy~~ primary modality.
  - d. Have been engaged in the active practice of the medical imaging or radiation therapy profession within this state for a period of at least five years.
3. Each public member of the board must:
  - a. Be a resident of this state.
  - b. Be at least twenty-one years of age.
  - c. Not be affiliated with any group or profession that provides or regulates health care.
4. The radiologist, medical physicist, and physician members of the board must:
  - a. Be a practicing radiologist, medical physicist, or physician of integrity and ability.

- b. Be a resident of and be licensed to practice as a physician or registered as a medical physicist in this state.
5. An individual appointed to the board shall qualify by taking the oath required of civil officers.

**SECTION 5. AMENDMENT.** Section 43-62-08 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-08. Meetings of the board.**

The board shall hold at least two meetings each year to conduct business and to review the standards and rules for improving the administration of medical imaging or radiation therapy ~~procedures~~. The board shall establish the procedures for calling, holding, and conducting regular and special meetings. A majority of board members constitutes a quorum.

**SECTION 6. AMENDMENT.** Section 43-62-09 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-09. Powers of the board.**

In addition to any other powers, the board may:

1. Administer this chapter.
2. Issue interpretations of this chapter.
3. Adopt rules as may be necessary to carry out this chapter.
4. Employ and fix the compensation of personnel the board determines necessary to carry into effect this chapter and incur other expenses necessary to effectuate this chapter.
5. Issue, renew, deny, suspend, or revoke licenses and carry out any disciplinary actions authorized by this chapter.
6. Set fees for licensure, license renewal, and other services deemed necessary to carry out the purposes of this chapter.
7. Conduct investigations for the purpose of determining whether violations of this chapter or grounds for disciplining licensees exist. The board may establish an investigative panel to conduct an investigation under this subsection and may subpoena records.
8. Develop standards and adopt rules for the improvement of the administration of medical imaging or radiation therapy ~~procedures~~ in this state.
9. Employ or contract with one or more certification organizations known to provide acceptable examinations leading to certification of technical personnel performing medical imaging or radiation therapy ~~procedures~~.
10. Impose sanctions, deny licensure, levy fines, or seek appropriate civil or criminal penalties against anyone who violates or attempts to violate examination security, anyone who obtains or attempts to obtain licensure by fraud or deception, or anyone who knowingly assists in that type of activity.
11. Require information on an applicant's or licensee's fitness, qualifications, and previous professional record and performance from recognized data sources, licensing and disciplinary authorities of other jurisdictions, certification organizations, professional education and training institutions, liability insurers, health care institutions, or other employers, and law enforcement agencies be reported to the board. The board or its

investigative panels may require an applicant for licensure or a licensee who is the subject of a disciplinary investigation to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by section 12-60-24. All costs associated with the criminal history record check are the responsibility of the licensee or applicant.

12. Require the self-reporting by an applicant or a licensee of any information the board determines may indicate possible deficiencies in practice, performance, fitness, or qualifications.
13. Establish a mechanism for dealing with a licensee who abuses or is dependent upon or addicted to alcohol or other addictive chemical substances, and enter an agreement with a professional organization possessing relevant procedures and techniques the board has evaluated and approved for the organization's cooperation or participation.
14. Issue a cease and desist order, obtain a court order, or an injunction to halt unlicensed practice, a violation of this chapter, or a violation of the rules of the board.
15. Issue a conditional, restricted, or otherwise circumscribed license as the board determines necessary.

**SECTION 7. AMENDMENT.** Section 43-62-11 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-11. Records of the board.**

The board shall keep a record of its proceedings and applications for licensure. An application record must be preserved for at least six years beyond the disposition of the application or the last annual registration of the licensee, whichever is later. Protected health information in the possession of the board is an exempt record.

**SECTION 8. AMENDMENT.** Section 43-62-14 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-14. License requirements.**

1. The board ~~may~~shall issue a license to ~~any~~qualified applicant ~~who has submitted. To qualify for licensure, an applicant shall comply with the modality licensure requirements under subsection 2, 3, 4, or 7, comply with board requirements adopted by rules, and submit satisfactory evidence, verified by oath or affirmation, that the applicant:~~
  - a. At the time of the application is at least eighteen years of age.
  - b. Has successfully completed a four-year course of study in a ~~secondary~~high school ~~approved by the state board of higher education or passed an approved equivalency test.~~
2. ~~In addition to the requirements of subsection 1~~To qualify for licensure to practice one or more of the primary modalities as a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, sonographer, or magnetic resonance imaging technologist, an individual seeking to obtain a license~~applicant shall meet the requirements for~~athe applicable specific modality of medical imaging or radiation therapy shall comply with the following requirements, including:
  - a. Provide satisfactory completion of a course of study in ~~radiography, radiation therapy, nuclear medicine technology, radiologist assistant, or sonography, or its equivalent to be determined by the board~~appropriate for the specified modality. The curriculum for each course of study may not be less stringent than the standards

approved by the joint review committee on education in radiologic technology, joint review committee on nuclear medicine technology, commission on accreditation of allied health education programs, or any other appropriate accreditation agency approved by the board, provided the standards are not in conflict with board policy.

- b. Pass a certification examination established or approved by the board given by a certification organization recognized by the board.
  - c. Show evidence of compliance with continuing education or recertification requirements required for registration of certification by a certification organization recognized by the board.
3. A licensee under subsection 2 may not practice a primary modality without meeting the requirements for each specific primary modality being practiced. However, a licensee under subsection 2 may practice other modalities recognized by rule upon meeting the continuing education requirements for each modality practiced by the licensee.
  4. An applicant who is not licensed for a primary modality under subsection 2 may qualify for licensure to practice a modality recognized by the board, other than the primary modalities, by complying with certification or registration requirements established by the board by rule. The scope of a license issued under this subsection limits the licensee to the practice of the specific modality for which the applicant meets the requirement. However, a license issued under this subsection may be issued in conjunction with a license for additional modalities issued under subsection 7.
  5. The board may establish by rule specific changes or exceptions for those modalities in which the accreditation agency or certification organization differs in certification or registration requirements from this chapter.
  - ~~3-6.~~ The board, upon application and payment of proper fees, may grant a license to an individual applicant who submits the necessary application and fees who has been licensed, certified, or registered to perform or administer medical imaging or radiation therapy procedures in another jurisdiction if that jurisdiction's standards of licensure are substantially equivalent to those provided in this chapter in accordance with rules adopted by the board.
  7. The board may establish unique individualized licensing and practice standards and requirements for an applicant who does not meet the licensure requirements to receive a license in at least one primary modality of medical imaging or radiation therapy under subsection 2, or who meets the licensure requirements for one primary modality but not for another primary modality the applicant desires to practice.
    - a. The board may grant a license limited to one or more modalities practiced by an applicant for three or more of the five years preceding January 1, 2017. The board may establish standards and requirements for the licensee designed to maintain reasonable access to public services and to promote public safety, including continuing education. A license granted for a specified modality under this subdivision expires and may not be renewed if the licensee attains a license in that modality under subsection 2 or 4.
    - b. The board may grant a license to an applicant who began practice after December 31, 2016, for a specified modality or modalities if the applicant passes a board-approved examination and maintains specified continuing education requirements for each modality. The board may grant a conditional license allowing an applicant under this subdivision to practice before passing the examination.

**SECTION 9. AMENDMENT.** Section 43-62-15 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-15. Scope of practice.**

1. A license issued by the board under this chapter must specify each medical imaging or radiation therapy modality for which the licensee is qualified to practice under section 43-62-14.
2. The board shall ~~establish licensure~~adopt by rule standards concerning scope of practice for the following medical imaging and radiation therapy modalities, including:
  - a. Nuclear medicine technologist;
  - b. Radiation therapist;
  - c. Radiographer;
  - d. Radiologist assistant;
  - e. Sonographer; and
  - f. Magnetic resonance imaging technologist.
- ~~2.3.~~ An individual holding a license under this chapter may perform A licensee's performance of medical imaging or radiation therapy ~~procedures~~ on humans for diagnostic or therapeutic purposes ~~only~~must be by written, facsimile, electronic, or verbal prescription of an individual authorized by this state to prescribe medical imaging or radiation therapy ~~procedures~~ and must be under the supervision of a licensed practitioner.
- ~~3.4.~~ An individual holding a license under this chapter may perform A licensee's performance of medical imaging and radiation therapy ~~procedures~~ on humans for diagnostic or therapeutic purposes ~~only~~withinis limited to the scope of the medical imaging and radiation therapy modality of that license as specified under the rules adopted by the board.

**SECTION 10. AMENDMENT.** Section 43-62-18 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-18. Disciplinary action.**

The board may take disciplinary action against a licensee by any of the following means:

1. Revocation of license.
2. Suspension of license.
3. Probation.
4. Imposition of stipulations, limitations, or conditions relating to the performance of medical imaging or radiation therapy ~~procedures~~.
5. Letter of censure.
6. Imposition of a penalty, not to exceed one thousand dollars for any single disciplinary action:

~~Any fines collected by the board, which~~ must be deposited in the state general fund.

7. Payment of the board's expenses, including legal fees, which may be deposited in the board's operating fund.

**SECTION 11. AMENDMENT.** Subsections 7 and 13 of section 43-62-19 of the North Dakota Century Code are amended and reenacted as follows:

7. The violation of any provision of this chapter ~~or~~, any rule of the board, or any federal or state law applicable to the practice of medical imaging or radiation therapy, or any action, stipulation, limitation, condition, or agreement imposed by the board or its investigative panels.
13. The failure to maintain in good standing, including completion of continuing education or recertification requirements, a certification from a ~~nationally-recognized-certification~~ organization recognized by the board for the medical imaging or radiation therapy modality for which a license has been issued by the board.

**SECTION 12. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2224: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2224 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2241: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2241 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

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

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

**SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

**Student misconduct - Prohibition against participation in extracurricular activities.**

1. The board of a school district shall prohibit a student from participating in any extracurricular activity if:
- a. The student has pled guilty to or been convicted of a criminal offense and sentenced under section 12.1-32-02.1 or pled guilty or convicted of an offense specified in subsection 1 of section 12.1-32-09.1;
- b. The student has:
- (1) An order prohibiting contact issued against the student at the request of another student or employee of the school under section 12.1-31.2-02;



- (2) A disorderly conduct restraining order issued against the student at the request of another student or employee of the school under section 12.1-32.1-01; or
- (3) A protection order issued against the student at the request of another student or employee of the school, except a temporary protection order under section 14-07.1-03;
- c. The principal of the school receives information pertaining to an offense or order included under this section as provided in subsection 2 of section 27-20-51; or
- d. The victim of the offense or the subject of the order notifies the principal of the offense or order.
- 2. For purposes of this section, a representative of the juvenile court system may notify the principal of a school regarding the existence of files or records of the juvenile court pertaining to a student of the school which are open to inspection by the principal under subsection 2 of section 27-20-51."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2272, as engrossed: 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). Engrossed SB 2272 was placed on the Sixth order on the calendar.

Page 14, remove lines 1 through 6

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes a section related to an appropriation of \$2,477,000 from the foundation aid stabilization fund to the Department of Career and Technical Education for grants to school districts and area centers.

#### REPORT OF STANDING COMMITTEE

**SB 2298: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "a contingent" with "an"

Page 2, line 9, remove "**CONTINGENT**"

Page 2, line 9, remove "becomes effective on the date the"

Page 2, remove lines 10 through 12

Page 2, line 13, replace "2019, whichever occurs first" with "is effective for taxable events occurring after June 30, 2017"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2303: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2327: Energy and Natural Resources Committee (Sen. Unruh, Chairman)**

recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2327 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with an underscored comma

Page 1, line 2, after "23.1" insert ", and subdivision v of subsection 1 of section 54-06-04"

Page 1, line 3, replace the first "and" with an underscored comma

Page 1, line 4, after the second "quality" insert ", and biennial reports of the department of environmental quality"

Page 1, line 15, replace "and sections" with "section"

Page 1, line 16, after the first comma insert "subsections 1 and 2 of section 61-28-02, sections 61-28-03 and 61-28-05, subsection 2 of section 61-28.1-02, subsection 15 of section 61-28.1-03, subsection 2 of section 61-28.2-01, and sections"

Page 2, line 6, replace "January" with "July"

Page 13, line 19, after "**established**" insert " - **Director appointment**"

Page 13, line 21, after the underscored period, insert "The governor shall appoint a director of the department who shall serve at the pleasure of the governor. The position of director of the department is not a classified position, and the governor shall set the salary of the director within the limits of legislative appropriations."

Page 13, line 24, replace "nine" with "eleven"

Page 14, line 2, replace "Two representative of environmental sciences" with "A representative of the solid waste industry"

Page 14, line 3, replace "The state engineer; and" with "A representative of the hazardous waste industry;"

Page 14, line 4, replace "The state geologist." with "A representative of the thermal electric generators industry;"

- i. A representative of the environmental sciences;
- j. The state engineer; and
- k. The state geologist."

Page 140, after line 23, insert:

**"SECTION 55.** Subdivision v of subsection 1 of section 54-06-04 the North Dakota Century Code is created and enacted as follows:

- v. Department of environmental quality."

Page 147, after line 15, insert:

**"SECTION 65. AMENDMENT.** Subsection 1 of section 61-28-02 of the North Dakota Century Code is amended and reenacted as follows:

1. "Board" means the state water pollution control board."Council" means the environmental review advisory council.

**SECTION 66. AMENDMENT.** Subsection 2 of section 61-28-02 of the North Dakota Century Code is amended and reenacted as follows:

2. "Department" means the state department of health department of environmental quality.

**SECTION 67. AMENDMENT.** Section 61-28-03 of the North Dakota Century Code is amended and reenacted as follows:

**61-28-03. State water pollution prevention agency - Board Council.**

1. ~~The state water pollution control board consists of thirteen persons. The board must include the state health officer, state engineer, director of the game and fish department, state geologist, and nine other members appointed by the governor, three of whom must be representatives of production agriculture, two of whom must be representatives of manufacturing and processing, one of whom must be a representative of the solid fuels industry, one of whom must be a representative of the fluid and gas fuels industry, one of whom must be a representative of the environmental sciences, and one of whom must be a representative of county or municipal government.~~
2. ~~Of the nine members appointed by the governor, each shall serve six-year terms. The governor may fill any vacancy in the appointed membership of the board, and may remove any appointed member for cause.~~
3. ~~The board shall select its own chairman from among its members. The heads of departments on the board may, by official order filed with the executive secretary of the board, designate a representative of the person's department to perform the duties of the member making the designation. That person, if any, shall have the powers and be subject to the duties and responsibilities of the appointing office.~~
4. ~~All members of the board shall serve without compensation for their duties, but must be reimbursed for necessary travel and other expenses incurred in the performance of their official duties. Reimbursement must be paid out of funds allocated to the department for water pollution control.~~
5. ~~The department shall provide the board council with copies of maps, plans, documents, studies, surveys, and all other necessary information in order that the ~~board~~ council may be fully cognizant of the current status of water pollution and its control in the state and to enable the board to advise the department in development of programs for the prevention and control of pollution of waters in the state.~~
6. ~~The board shall hold at least one regular meeting each year, and any additional meetings the chairman deems necessary, at a time and place to be determined by the chairman. Upon written request of any three members, the chairman shall call a special meeting. Seven members constitute a quorum.~~
- 7.2. ~~The board council shall consider and make recommendations regarding any rules and standards relating to water quality or pollution, ground water protection, and safe drinking of water that are adopted by the department. The department may not take final action on any rules or standards without consulting the board council. The board council shall consider any other matters related to the purposes of this chapter and may make recommendations on its own initiative to the department concerning the administration of this chapter.~~

**SECTION 68. AMENDMENT.** Section 61-28-05 of the North Dakota Century Code is amended and reenacted as follows:

**61-28-05. Rules and standards.**

The department may adopt rules and, jointly with the board council, shall hold public hearings regarding the adoption, amendment, or repeal of rules and standards of quality of the waters of the state as provided in this chapter.

**SECTION 69. AMENDMENT.** Subsection 2 of section 61-28.1-02 of the North Dakota Century Code is amended and reenacted as follows:

2. "Department" means the ~~state department of health~~department of environmental quality.

**SECTION 70. AMENDMENT.** Subsection 15 of section 61-28.1-03 of the North Dakota Century Code is amended and reenacted as follows:

15. Designate the ~~state department of health~~department of environmental quality as the state safe drinking water agency for all purposes of the federal Safe Drinking Water Act and is authorized to take all actions necessary and appropriate to secure for the state the benefit of such Act and any grants made thereunder.

**SECTION 71. AMENDMENT.** Subsection 2 of section 61-28.2-01 of the North Dakota Century Code is amended and reenacted as follows:

2. There is established the water pollution control revolving loan fund, which must be maintained and operated by the ~~state department of health~~department of environmental quality. Grants from the federal government or its agencies allotted to the state for the capitalization of the revolving loan fund, and state matching funds when required, must be deposited directly in the revolving loan fund in compliance with the terms of the federal grant. Money in the revolving loan fund must be expended in a manner consistent with terms and conditions of the grants received by the state and may be used to offer loan guarantees; to provide payments to reduce interest on loans and loan guarantees; to make bond interest subsidies; to provide bond guarantees on behalf of municipalities, other local political subdivisions, and intermunicipal or interstate agencies; to provide assistance to a municipality, other local political subdivisions, or intermunicipal or interstate agencies with respect to the nonfederal share of the costs of a project; to finance the cost of facility planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works or public water supply systems; to provide financial assistance for the construction and rehabilitation of a project on the state priority list; to secure principal and interest on bonds issued by a public trust having the state of North Dakota as its beneficiary, or the public finance authority if the proceeds of such bonds are deposited in the revolving loan fund and to the extent provided in the terms of the federal grant; to provide for loan guarantees for similar revolving funds established by municipalities, other local political subdivisions, or intermunicipal agencies; to purchase debt incurred by municipalities or other local political subdivisions for wastewater treatment projects or public water supply systems; to improve credit market access by guaranteeing or purchasing insurance or other credit enhancement devices for local obligations or obligations of a public trust having the state of North Dakota as its beneficiary or the public finance authority; to fund other programs which the federal government authorizes by the terms of its grants; to fund the administrative expenses of the department associated with the revolving loan fund; and to provide for any other expenditure consistent with the federal grant program and state law. Money not currently needed for the operation of the revolving loan fund or otherwise dedicated may be invested. All interest earned on investments must be credited to the revolving loan fund."

Page 149, line 1, replace "67" with "75"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2332: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2332 was placed on the Sixth order on the calendar.

Page 2, line 7, remove "determining the value of property under"

Page 2, line 7, remove the underscored colon

Page 2, remove lines 8 through 11

Page 2, line 12, replace "c. The" with ".the"

Page 2, line 14, replace "(1)" with "a."

Page 2, line 15, replace "(2)" with "b."

Page 2, line 17, replace "(3)" with "c."

Renumber accordingly

#### **FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Bekkedahl, Mathern introduced:

**SCR 4011:** A concurrent resolution requesting the Legislative Management to consider studying the issue of food allergy safety and awareness in the food service industry, the regulatory burden of potentially implementing a mandatory food allergy awareness program, and the potential costs associated with a mandatory food allergy awareness program.

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

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

**Shanda Morgan, Secretary**

