

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, March 20, 2017

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

The prayer was offered by Pastor John Heritage, Cornerstone Community Church, Bismarck.

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

A quorum was declared by the President.

**POINT OF PERSONAL PRIVILEGE**

**SEN. OSLAND** rose on a point of personal privilege.

**REMARKS OF SENATOR OSLAND**

**MR. PRESIDENT:** Congratulations must go to the players, head coach, former player, Elliot Rotvold, and the coach's staff for representing the best in high school athletics. Also, thanks must go to the athletic director, cheerleaders, cheer advisors, school staff, teachers, students, parents, and the Hillsboro, Buxton, and Reynolds communities for their support throughout the season. The number of supporters attending the game in Minot is an indicator of that.

Congratulations to the Hillsboro Central Valley Burros for winning the 2017 North Dakota State Class B Boys Basketball Championship.

The tradition of exciting class B basketball continues.

Thank you Mr. President.

**MOTION**

**SEN. KLEIN MOVED** that the remarks of Sen. Osland be printed in the Journal, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1419, as reengrossed: SEN. OBAN (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 799-800 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that Reengrossed HB 1419, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Reengrossed HB 1419, as amended, was rereferred.

**CONSIDERATION OF AMENDMENTS**

**HB 1204, as engrossed: SEN. ARMSTRONG (Energy and Natural Resources Committee) MOVED** that the amendments on SJ page 799 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1137, as engrossed: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 797-798 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1201, as engrossed: SEN. CASPER (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 798-799 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HCR 3011, as engrossed: SEN. UNRUH (Energy and Natural Resources Committee) MOVED** that the amendments on SJ page 800 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HCR 3027: SEN. COOK (Energy and Natural Resources Committee) MOVED** that the amendments on SJ page 800 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that HB 1128 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, HB 1128 was rereferred.

**SECOND READING OF HOUSE BILL**

**HB 1294:** A BILL for an Act to amend and reenact section 11-19.1-15, subsections 9 and 18 of section 23-02.1-01, sections 23-02.1-08, 23-02.1-21, and 23-02.1-22, subsection 2 of section 23-02.1-32, sections 23-06-02, 23-06-03, 23-06-04, 23-06-05, 23-06-06, 23-06-07, 23-06-08, 23-06-09, 23-06-10, 23-06-11, 23-06-12, 23-06-13, and 23-06-26, subsection 8 of section 23-06.6-13, section 30.1-28-06, subsection 4 of section 43-10-01, and sections 43-10-15.4, 43-10-21, and 43-10.1-02 of the North Dakota Century Code, relating to transportation and disposition upon death; 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; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Roers

Engrossed HB 1294, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1354:** A BILL for an Act to create and enact a new subsection to section 57-01-02 of the North Dakota Century Code, relating to the ability of the tax commissioner to make disclosures regarding taxpayers receiving tax deductions or credits; 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; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Roers

Engrossed HB 1354, as amended, passed.

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### SECOND READING OF HOUSE BILL

**HB 1257:** A BILL for an Act to amend and reenact subsection 7 of section 38-08-09.4 and sections 38-08-09.5 and 38-08-09.9 of the North Dakota Century Code, relating to approval requirements for unitization plans.

### 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; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Roers

Engrossed HB 1257 passed.

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### SECOND READING OF HOUSE BILL

**HB 1311:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the amount of statutory fees for littering on the highway; and to provide a penalty.

### 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 40 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Hogue; Kannianen; Larsen, O.; Lee, J.; Myrdal; Oehlke

**ABSENT AND NOT VOTING:** Roers

Engrossed HB 1311 passed.

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### SECOND READING OF HOUSE BILL

**HB 1430:** A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to failure to maintain control of a motor vehicle; to amend and reenact subsection 2 of section 39-06.1-06 and sections 39-06.1-09 and 39-08-23 of the North Dakota Century Code, relating to fees for a moving violation and the use of a wireless communication device while driving; and to provide a penalty.

### 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 37 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook;

Davison; Dever; Dotzenrod; Erbele; Heckaman; Hogue; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Osland; Piepkorn; Robinson; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner

**NAYS:** Armstrong; Grabinger; Holmberg; Kannianen; Larsen, O.; Luick; Oehlke; Poolman; Unruh

**ABSENT AND NOT VOTING:** Roers

Engrossed HB 1430 passed.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3009:** A concurrent resolution urging Congress to amend the 2014 farm bill to allow counties to use raw yield data from insurance companies to supplement the national agriculture statistics survey to calculate payments under the Agriculture Risk Coverage program when an insufficient number of surveys are returned to accurately calculate payments.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3009 was declared adopted on a voice vote.

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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: SCR 4014, SCR 4015.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1153, HB 1212, HB 1237, HB 1253, HB 1292, HB 1305, HCR 3026.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1338.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1039, HB 1282, HCR 3031.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2132, SB 2142, SB 2240, SB 2251.

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

**MR. PRESIDENT:** The House has passed, the emergency clause failed, unchanged: SB 2320.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2098, SB 2168, SB 2176, SB 2181, SB 2200, SB 2216, SB 2290.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2098

Page 1, line 8, remove "staff member of a state or federally"

Page 1, line 9, remove "administered"

Page 1, line 9, remove "which is"

Page 1, line 9, after "state" insert "and approved by the juvenile court of jurisdiction"

Page 1, line 10, remove "and may not be"

Page 1, line 11, remove "copied or further disclosed"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2168

Page 3, line 25, remove "or"

Page 3, line 25, after the third underscored comma insert "or alternative funding."

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2176

Page 1, line 1, after the comma insert "subsection 7 of section 39-08-01,"

Page 1, line 2, after the first comma insert "subdivision a of subsection 3 of section 39-20-01,"

Page 1, line 4, remove " and"

Page 1, line 5, after "influence" insert "; and to provide a penalty"

Page 1, after line 22, insert:

**"SECTION 2. AMENDMENT.** Subsection 7 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

7. As used in this title, participation in the twenty-four seven sobriety program under chapter 54-12 means compliance with sections 54-12-27 through 54-12-31, and requires sobriety breath testing twice per day seven days per week or electronic alcohol monitoring, urine testing, or drug patch testing. The offender is responsible for all twenty-four seven sobriety program fees and the court may not waive the fees. For purposes of this section, the twenty-four seven sobriety program is a condition of probation and a court may not order participation in the program as part of the sentence. If an individual ordered to participate in the twenty-four seven program is not a resident of this state, that individual shall enroll in a twenty-four seven program or an alcohol compliance program if available in that individual's state of residence and shall file proof of such enrollment.

Page 2, after line 8, insert:

**"SECTION 4. AMENDMENT.** Subdivision a of subsection 3 of section 39-20-01 of the North Dakota Century Code is amended and reenacted as follows:

- a. The law enforcement officer shall inform the individual charged that North Dakota law requires the individual to take ~~the~~ a chemical test to determine whether the individual is under the influence of alcohol or drugs; that refusal to take the and that refusal of the individual to submit to a test directed by the law enforcement officer is a crime-punishable in the same manner as driving under the influence; and that refusal of the individual to submit to the 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 may result in a revocation of the individual's driving privileges for a minimum of one hundred eighty days and up to three years. In addition, the law enforcement officer shall inform the individual 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 7, line 10, remove "The law enforcement officer shall inform the"

Page 7, remove lines 11 through 18

Page 7, line 19, remove "secured a search warrant."

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2181

Page 1, line 15, replace "A licensed organization that supports amateur collegiate athletics" with "An organization permitted to conduct raffles in this state"

Page 1, line 16, after the underscored period insert "Fifty-fifty raffle tickets must be sold and drawings held onsite at the location of and on the date of the event."

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2200

Page 2, line 13, remove the overstrike over "~~approved by~~"

Page 2, line 13, after "~~majority~~" insert "sixty percent or more"

Page 2, line 13, remove the overstrike over "~~of the electors of~~"

Page 2, line 14, remove the overstrike over "~~the city~~"

Page 2, line 15, remove the overstrike over "~~sixty~~"

Page 2, line 16, remove the overstrike over "~~percent or more~~"

Page 2, line 16, remove "a majority"

Page 2, line 22, remove the overstrike over "~~, when authorized to do so by~~"

Page 2, line 22, after "~~majority~~" insert "sixty percent or more"

Page 2, line 22, remove the overstrike over "~~of the~~"

Page 2, line 23, remove the overstrike over "~~electors voting upon the question at a primary or general election~~"

Page 2, line 24, remove the overstrike over "~~sixty percent or more~~"

Page 2, line 24, remove "a majority"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2216

Page 1, line 17, remove "or"

Page 2, line 5, after "facility" insert "; or

- g. An emergency responder, including a licensed medical services provider, law enforcement officer, firefighter, volunteer firefighter, officer of a nonprofit volunteer fire department, emergency medical technician, emergency nurse, ambulance operator, provider of civil defense services, or any other individual who in good faith renders emergency care or assistance at a crime scene or the scene of an emergency or accident"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2290**

Page 1, line 13, remove the overstrike over "shall"

Page 1, line 13, remove "may"

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2303.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2303**

Page 1, line 2, after "offenders" insert "; and to provide a contingent effective date"

Page 4, after line 2, insert:

**"SECTION 2. CONTINGENT EFFECTIVE DATE.** This Act becomes effective on the date the attorney general certifies to the legislative council that the registration process provided in section 1 of this Act is operational."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2268.

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SCR 4012.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2175, SB 2304, SB 2333.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1214, HB 1289, HB 1373.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2175, SB 2304, SB 2333.

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

**MR. SPEAKER:** The President has signed: SB 2175, SB 2304, SB 2333.

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

**MR. SPEAKER:** The President has signed: HB 1214, HB 1289, HB 1373.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1036, HB 1215, HB 1315, HB 1325, HCR 3002.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 20, 2017: SB 2024, SB 2044, SB 2124, SB 2131, SB 2148, SB 2157, SB 2165, SB 2171, SB 2172, SB 2178, SB 2205, SB 2238, SB 2277.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 21, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1023, as engrossed:** Government and Veterans Affairs Committee (Sen. Poolman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1023 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 an appropriation for defraying the expenses of the public employees retirement system; to provide for a transfer; to create and enact a new subsection to section 54-02-04 of the North Dakota Century Code, relating to public employees retirement system payments; to provide for a legislative management study; and to provide for legislative intent.

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

**SECTION 1. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys from special funds derived from income to the public employees retirement system for the purpose of defraying the expenses of the public employees retirement system, for the biennium beginning July 1, 2017, and ending June 30, 2019, as follows:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$6,315,360	\$8,263	\$6,323,623
Operating expenses	2,753,643	(132,844)	2,620,799
Contingencies	<u>250,000</u>	<u>0</u>	<u>250,000</u>
Total special funds	\$9,319,003	(\$124,581)	\$9,194,422
Full-time equivalent positions	34.50	(1.00)	33.50

**SECTION 2. HEALTH INSURANCE INCREASE.** The salaries and wages line item in section 1 of this Act includes the sum of \$102,885 from other funds for increases in employee health insurance premiums from \$1,130 to \$1,249 per month.

**SECTION 3. ONE-TIME FUNDING.** The following amounts reflect the one-time funding items approved by the sixty-fourth legislative assembly as adjusted for the 2015-17 biennium:

<u>One-Time Funding Description</u>	<u>2015-17</u>	<u>2017-19</u>
Public employees retirement system - temporary salaries	\$100,000	\$0
Desktop support services	<u>77,370</u>	<u>0</u>
Total special funds	\$177,370	\$0

**SECTION 4. APPROPRIATION LINE ITEM TRANSFERS.** The public employees retirement system office may transfer from their contingencies line item in section 1 of this Act to all other line items. The agency shall notify the office of management and budget of each transfer made pursuant to this section.

**SECTION 5.** A new subsection to section 54-52-06 of the North Dakota Century Code is created and enacted as follows:

The board shall establish policies and implement procedures to make and collect payments in the most cost-effective manner, including the use of electronic transfer of funds.

**SECTION 6. PUBLIC EMPLOYEES RETIREMENT SYSTEM - LEGISLATIVE MANAGEMENT STUDY.** During the 2017-18 interim, the legislative management shall consider studying the powers and duties of the public employees retirement system's retirement board, including the board's fiduciary duties; the administrative structure of the public employees retirement system, including the feasibility and desirability of changing this structure; the powers and duties of the employee benefits programs committee, including the feasibility and desirability of increasing the committee's oversight of the public employees retirement system; the feasibility and desirability of implementing a self-funded insurance plan; and the feasibility and desirability of changing the contract bidding process to every two years. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly.

**SECTION 7. LEGISLATIVE INTENT - ELECTRONIC DISTRIBUTION OF MATERIALS.** It is the intent of the sixty-fifth legislative assembly that the public employees retirement system office create operating efficiencies when feasible by discontinuing the distribution of paper materials, including newsletters and benefit statements. It is further the intent of the sixty-fifth legislative assembly that the public employees retirement system office develop procedures to electronically distribute materials or provide access to materials through member self-service website applications."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1029, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1029 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1030: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1030 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1055: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1055 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1057, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1057 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1144, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1144 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "49-21.1-01.1,"

Page 4, remove lines 1 through 9

Page 23, line 13, replace "**Public service commission duties**" with "**Statement of policy**"

Page 23, replace lines 14 through 25 with "The legislative assembly finds the construction of energy conversion facilities and transmission facilities affects the environment and the welfare of the citizens of this state. It is necessary to ensure the location, construction, and operation of energy conversion facilities and transmission facilities will produce minimal adverse effects on the environment and the welfare of the citizens of this state by prohibiting energy conversion facilities and transmission facilities from being located, constructed, or operated within this state without a certificate of site compatibility or a route permit acquired under this chapter. The policy of this state is to site energy conversion facilities and to route transmission facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. Sites and routes must be selected to minimize adverse human and environmental impact while ensuring continuing system reliability and integrity and fulfilling energy needs in an orderly and timely fashion."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1169, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1169 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1288: Transportation Committee (Sen. Laffen, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1288 was placed on the Sixth order on the calendar.

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

Page 1, line 3, remove "provide for an expiration date"

Page 3, remove lines 25 and 26

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1303, as engrossed: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1303 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1322, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1322 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1336, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1336 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1339, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1339 was placed on the Sixth order on the calendar.

Page 1, line 14, after "notice" insert "of the hearing in an envelope clearly marked  
"ASSESSMENT NOTICE""

Page 2, line 5, remove the overstrike over "twenty-five"

Page 2, line 5, remove "fifteen"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1387, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1387 was placed on the Sixth order on the calendar.

Page 2, line 11, remove "The provisions of this section do not apply if the defendant is pro se."

Page 2, line 12, remove "7."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1398: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1398 was placed on the Sixth order on the calendar.

Page 1, line 23, remove "The commission, upon receipt of a resolution of a municipality's governing body"

Page 1, remove line 24

Page 2, replace lines 1 through 14 with "Upon receipt of a resolution from the governing body of a city not served on August 1, 2017, with natural gas distribution service from a public utility requesting an exemption, and stating its reasons for doing so, the commission shall grant the public utility an exemption from sections 49-02-03, 49-02-11, and 49-02-15, and chapters 49-03.1 and 49-04 if the public utility:

- a. Has a franchise to supply customers within the city and the area of the extraterritorial zoning jurisdiction of the city with natural gas distribution service;
  - b. Consents to the exemption; and
  - c. Serves no more than two thousand five hundred customers within the city and the area of the extraterritorial zoning jurisdiction of the city.
3. Upon approval of the exemption, the rates, contracts, or services rendered by the public utility within the exempted area are subject to regulation by the city.
  4. Notwithstanding an exemption granted under this section, the public utility remains subject to any rules of the commission governing customer service disconnections, and resale of natural gas service furnished or causing the resale of natural gas service by any customer is prohibited.
  5. If a city files with the commission a resolution of its governing body rescinding the request for exemption, if the public utility serves more than two thousand five hundred customers within the city and the area of the city's extraterritorial zoning jurisdiction, or if the public utility requests rescinding the exemption for good cause, the commission may rescind the exemption granted under this section. The commission may require a public utility providing nonexempt natural gas distribution service to provide any exempted natural gas distribution service as a separate business entity.
  6. Equipment covered by this section must be installed and maintained in compliance with the instructions provided by the manufacturer of any previously-installed equipment to which it will be added. Appliances designed to use only a specific fuel may not be converted to use a different fuel if the manufacturer has prohibited the conversions."

Renumber accordingly

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

**HB 1434, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1434 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 54-52.1 of the North Dakota Century Code, relating to public employees retirement system uniform group insurance coverage of autism services; to require a report regarding coverage of autism services; and to provide an expiration date.

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

**SECTION 1.** A new section to chapter 54-52.1 of the North Dakota Century Code is created and enacted as follows:

**Coverage of autism services.**

1. As used in this section:
  - a. "Applied behavior analysis" has the same meaning as "practice of applied behavior analysis" as defined under section 43-32-01.
  - b. "Autism spectrum disorder" means any of the pervasive developmental disorders or autism spectrum disorders as defined by the "Diagnostic and Statistical Manual of Mental Disorders," American psychiatric association, fifth edition (2013) or a more recent version as identified by the board or as defined by the edition in effect at the time of diagnosis.
  - c. "Behavioral health treatment" means a counseling or treatment program, including applied behavior analysis, that is:
    - (1) Necessary to develop, maintain, or restore, to the maximum extent practicable, the functioning of an individual; and
    - (2) Provided or supervised by a licensed behavior analyst or psychologist.
  - d. "Diagnosis of autism spectrum disorder" means any medically necessary assessment, evaluation, or test to diagnose whether an individual has an autism spectrum disorder.
  - e. "Pharmacy care" means a medication prescribed by an individual authorized to prescribe such a medication and any health-related service deemed medically necessary to determine the need or effectiveness of the medication.
  - f. "Psychiatric care" means a direct or consultative service provided by a psychiatrist licensed in the state in which the psychiatrist practices.
  - g. "Psychological care" means a direct or consultative service provided by a psychologist licensed in the state in which the psychologist practices.
  - h. "Therapeutic care" means any service provided by a licensed speech language pathologist, occupational therapist, or physical therapist.
  - i. "Treatment for autism spectrum disorder" means evidence-based care and related equipment prescribed or ordered for an individual diagnosed with an autism spectrum disorder by a licensed physician or a licensed psychologist who determines the care is medically necessary, including behavioral health treatment, pharmacy care, psychiatric care, psychological care, and therapeutic care.
2. For all policies that become effective after June 30, 2017, and which do not extend past June 30, 2019, the board shall provide health benefits coverage for the screening for, diagnosis of, and treatment for autism spectrum disorder in covered individuals under nineteen years of age.
  - a. Coverage under this section is not subject to limitations on the number of visits a covered individual may make for treatment for autism spectrum disorder.
  - b. Except as allowed under subdivision c, coverage under this section is not subject to dollar limits, deductibles, or coinsurance provisions less favorable to a covered individual than the dollar limits, deductibles, or coinsurance provisions that apply to substantially all medical and surgical benefits under the health benefits coverage.

- c. Coverage for applied behavioral analysis under this section must provide an annual maximum benefit of:
    - (1) Thirty-six thousand dollars for individuals under the age of seven;
    - (2) Twenty-five thousand dollars for individuals between the ages of seven and not yet fourteen; and
    - (3) Twelve thousand five hundred dollars for individuals between the ages of fourteen and not yet nineteen.
  - d. The coverage for applied behavior analysis must include the services of the personnel who work under the supervision of the licensed behavior analyst or psychologist overseeing the program.
  - e. Except for inpatient services, if a covered individual is receiving treatment for an autism spectrum disorder, the coverage may allow for annual review of the treatment plan, unless a more frequent review is necessary. An agreement regarding the right to review a treatment plan more frequently than annually is limited in application to a particular covered individual being treated for an autism spectrum disorder. The cost of obtaining a review or treatment plan must be borne by the policy.
3. This section does not limit benefits otherwise available to a covered individual under the uniform group insurance program. This section does not affect an obligation to provide services to a covered individual under an individualized family service plan, an individualized education program, or an individualized service plan.

## **SECTION 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM - COVERAGE OF AUTISM SERVICES.**

1. Pursuant to section 54-03-28, the public employees retirement system shall prepare and submit for introduction a bill to the sixty-sixth legislative assembly to repeal the expiration date for section 1 of this Act and to extend the coverage of autism services to apply to all group and individual health insurance policies. The public employees retirement system shall append to the bill a report regarding the effect of the autism services coverage requirement on the system's health insurance programs, information on the utilization and costs relating to the coverage under this Act, a comparison of the system's coverage of autism services under this Act and the coverage of autism services by North Dakota insurers, and a recommendation regarding whether the coverage under this Act should continue as provided in this Act or should continue with amendments.
2. Quarterly during the 2017-18 interim, the insurance commissioner shall survey health insurance carriers in the state to collect data regarding policy coverage and utilization of autism services. The commissioner shall provide this data to the public employees retirement system for inclusion in the report prepared under subsection 1.

**SECTION 3. EXPIRATION DATE.** Section 1 of this Act is effective through July 31, 2019, and after that date is ineffective."

Renumber accordingly

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

**Shanda Morgan, Secretary**

