

JOURNAL OF THE SENATE

Sixty-fifth Legislative Assembly

* * * * *

Bismarck, March 21, 2017

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

The prayer was offered by Pastor Allen Finger, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that HB 1288 not be rereferred to the Appropriations Committee, but be placed on the Fourteenth order of business for the succeeding legislative day, which motion prevailed.

MOTION

SEN. KLEIN MOVED that after action taken on the Sixth order, Engrossed HB 1434 and Engrossed HB 1339 be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

MOTION

SEN. KLEIN MOVED that HB 1204 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1023, as engrossed: SEN. POOLMAN (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 811-813 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1023 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1288: SEN. CASPER (Transportation Committee) MOVED that the amendments on SJ page 814 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1144, as engrossed: SEN. ARMSTRONG (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 813 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1398: SEN. SCHAIBLE (Energy and Natural Resources Committee) MOVED that the amendments on SJ pages 814-815 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1387, as engrossed: SEN. LUICK (Judiciary Committee) MOVED that the amendments on SJ page 814 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1434, as engrossed: SEN. J. LEE (Human Services Committee) MOVED that the amendments on SJ pages 815-817 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1434: A BILL 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.

MOTION

SEN. CAMPBELL MOVED that Engrossed HB 1434, as amended, be amended as follows.

In lieu of the amendments adopted by the Senate as printed on pages 815-817 of the Senate Journal, Engrossed House Bill No. 1434 is amended as follows:

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. 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. 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.
 - d. 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

REQUEST

SEN. DAVISON REQUESTED a verification vote on the motion to adopt the proposed amendments to Engrossed HB 1434, as amended, which request was granted.

The proposed amendments to Engrossed HB 1434, as amended, failed on a verification vote.

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 16 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Campbell; Casper; Clemens; Cook; Davison; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Oban; Osland; Piepkorn; Robinson; Roers; Sorvaag

NAYS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Dever; Erbele; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Nelson; Oehlke; Poolman; Rust; Schaible; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1434, as amended, failed.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1201, as amended, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1201, as amended, was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1339, as engrossed: SEN. D. LARSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 814 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1339: A BILL for an Act to amend and reenact sections 61-16.1-22, 61-16.1-23, and 61-16.1-26 of the North Dakota Century Code, relating to notice, appeals, and refunds of special assessments.

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, 1 NAYS, 0 EXCUSED, 0 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; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Piepkorn

Engrossed HB 1339, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1137: A BILL for an Act to create and enact sections 65-04-26.2 and 65-04-27.2 of the North Dakota Century Code, relating to workers' compensation requirements for

general contractors and cease and desist orders; to amend and reenact subsection 16 of section 65-01-02 and section 65-04-19 of the North Dakota Century Code, relating to the workers' compensation definition of employee, assignment of rate classification, and calculation of premium; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1137, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1336: A BILL for an Act to provide for limitations of penalties for environmental audits.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1336 passed.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to create and enact a new section under chapter 54-27 of the North Dakota Century Code, relating to acceptance of federal funds; and to provide for a legislative management study of statutory and regulatory requirements placed on North Dakota state government agencies by United States government agencies.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 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; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.; Mathern

Engrossed HB 1029 passed.

SECOND READING OF HOUSE BILL

HB 1057: A BILL for an Act to create and enact a new section to chapter 14-05 of the North Dakota Century Code, relating to the confidentiality of property and debt listing information of the parties to a divorce.

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, 1 NAYS, 0 EXCUSED, 0 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; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Mathern

Engrossed HB 1057 passed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

NAYS: 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; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1303 failed.

SECOND READING OF HOUSE BILL

HB 1030: A BILL for an Act to amend and reenact section 15-10-12.1 of the North Dakota Century Code, relating to higher education campus improvements and building construction.

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

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

NAYS: Cook; Kreun; Larsen, O.; Mathern; Myrdal; Schaible; Unruh

HB 1030 passed.

SECOND READING OF HOUSE BILL

HB 1169: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 62.1-03-01 of the North Dakota Century Code, relating to carrying a handgun; to amend and reenact sections 62.1-04-02 and 62.1-04-04 of the North Dakota Century Code, relating to carrying concealed firearms or dangerous weapons; 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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Erbele; Hogue; Holmberg; Kannianen; Kilzer; Klein; Kreun; Laffen; Larsen, O.; Larson, D.; Luick; Meyer; Myrdal; Oehlke; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Dotzenrod; Grabinger; Heckaman; Krebsbach; Lee, G.; Lee, J.; Marcellais; Mathern; Nelson; Oban; Osland; Piepkorn; Robinson

Engrossed HB 1169 passed.

SECOND READING OF HOUSE BILL

HB 1055: A BILL for an Act to amend and reenact section 61-16.1-16 of the North Dakota Century Code, relating to the aggregate total outstanding revenue bond indebtedness limit for water resource districts.

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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bowman; Burckhard; Campbell; Clemens; Davison; Dotzenrod; Erbele; Grabinger; Heckaman; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Nelson; Oban; Osland; Piepkorn; Robinson; Roers; Rust; Schaible; Sorvaag; Vedaa; Wardner

NAYS: Armstrong; Casper; Cook; Dever; Hogue; Kilzer; Laffen; Lee, G.; Myrdal; Oehlke; Poolman; Unruh; Wanzek

HB 1055 passed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1257, HB 1311, HB 1430, HCR 3009.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1294, HB 1354.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2146, SB 2236, SB 2296.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2242.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2161, SB 2288.

HOUSE AMENDMENTS TO SENATE BILL NO. 2161

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 14-07.1-18 of the North Dakota Century Code, relating to domestic violence program records.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-07.1-18 of the North Dakota Century Code is amended and reenacted as follows:

14-07.1-18. Domestic violence or sexual assault program records - Confidentiality - Exceptions - Penalty.

1. All agents, employees, and volunteers participating in a domestic violence or sexual assault program shall maintain the confidentiality of the:
 - a. Address, telephone number, and other identifying information of a ~~shelter~~, safe home, and place of emergency safe housing;
 - b. Name, address, telephone number, personally identifying information, and case file or history of any client receiving services from a domestic violence or sexual assault program; and
 - c. Name, address, telephone number, and other identifying information of an agent, employee, or volunteer providing services under a domestic violence or sexual assault program.
2. The information described in subsection 1 is not subject to section 44-04-18 and may not be disclosed unless:
 - a. A client consents to the release of information that relates only to that client or the client's dependents;
 - b. The agent, employee, or volunteer operating a domestic violence or sexual assault program determines the disclosure of the information necessary for the efficient and safe operation of a domestic violence or sexual assault program; or for the protection of the safety of an employee, agent, volunteer, or client of a domestic violence or sexual assault program; or for the protection of a third party reasonably thought to be in need of protection;
 - c. A court of competent jurisdiction orders the disclosure after an in camera review and a written finding by the court that the information directly and specifically relates to a determination of child abuse and neglect under chapter 50-25.1 or termination of parental rights under sections 14-15-19, 27-20-44, 27-20-45, 27-20-46, 27-20-47, and 27-20-48; or
 - d. An agent, employee, or volunteer working with a domestic violence or sexual assault program has knowledge or reasonable cause to suspect a child has been abused or neglected as defined by section 50-25.1-02.
3. The address, telephone number, and other identifying information of a shelter are exempt records as defined in section 44-04-17.1.
4. Any person who violates this section is guilty of an infraction."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2288

Page 14, line 21, replace "auditor" with "treasurer"

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2256.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2132, SB 2142, SB 2240, SB 2251, SB 2320.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1153, HB 1212, HB 1237, HB 1253, HB 1292, HB 1305, HCR 3026.

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

MR. PRESIDENT: The Speaker has signed: SB 2132, SB 2142, SB 2240, SB 2251, SB 2320.

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

MR. SPEAKER: The President has signed: SB 2132, SB 2142, SB 2240, SB 2251, SB 2320.

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

MR. SPEAKER: The President has signed: HB 1153, HB 1212, HB 1237, HB 1253, HB 1292, HB 1305, HCR 3026.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 21, 2017: SB 2175, SB 2304, SB 2333.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 22, 2017, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1183, 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 1183 was placed on the Sixth order on the calendar.

Page 1, line 1, after "12.1-20-12.1" insert ", subsection 2 of section 12.1-20-12.2, and subsection 4 of section 12.1-27.2-01"

Page 1, line 2, after "minors" insert ", surreptitious intrusion, and sexual performances by children"

Page 1, line 11, remove "or"

Page 1, line 12, remove "or by"

Page 1, replace lines 13 through 15 with "":or

d. Exposes one's penis, vulva, or anus by any electronic means to a minor."

Page 1, after line 24, insert:

"5. As used in this section, "electronic means" includes images and picture transmitted via electronic mail, electronic messaging, or from an electronic communications device.

SECTION 2. AMENDMENT. Subsection 2 of section 12.1-20-12.2 of the North Dakota Century Code is amended and reenacted as follows:

2. A person is guilty of a class C felony if the person violates subsection 1 after a previous conviction for violating subsection 1, after a previous conviction for violating section 12.1-20-12.1, or after being required to register under section 12.1-32-15, or if the victim is a minor.

SECTION 3. AMENDMENT. Subsection 4 of section 12.1-27.2-01 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~"Sexual conduct" means actual or simulated sexual intercourse, sodomy, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the buttocks, breasts, or genitals, including the further definitions of sodomy and sadomasochistic abuse under section 12.1-27.1-01.;~~
 - a. Sexual intercourse;
 - b. Sodomy, as defined under section 12.1-27.1-01;
 - c. Sexual bestiality;
 - d. Masturbation;
 - e. Sadomasochistic abuse, as defined under section 12.1-27.1-01;
 - f. Lewd exhibition of the buttocks, breasts, or genitals;
 - g. Nude or partially denuded human figure, as defined in section 12.1-27.1-03.1, if depicted for the purpose of the sexual stimulation or the sexual gratification of any individual who may view such depiction; or
 - h. Physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or breasts. It is not necessary that the minor know that he or she is participating in the described conduct, or any aspect of it."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1190, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1190 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1222, 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 1222 was placed on the Sixth order on the calendar.

Page 1, line 7, after "1." insert "For purposes of this section:

- a. "Second or subsequent violation of a protection order" means two or more violations of protection orders.
- b."

Page 1, line 20, replace "a." with "5."

Page 1, line 22, replace "(1)" with "a."

Page 1, line 23, replace "(2)" with "b."

Page 2, line 1, replace "(3)" with "c."

Page 2, remove lines 2 through 4

Page 2, line 5, replace "5." with "6."

Page 2, line 10, replace "subsection" with "subsections"

Page 2, line 10, after "4" insert "and 5."

Page 2, line 18, replace "6." with "7."

Page 2, line 22, replace "7." with "8."

Page 2, line 26, remove "by imprisonment of up to one year or a fine of up to three thousand"

Page 2, line 27, remove "dollars or both"

Page 3, line 1, replace "8." with "9."

Page 3, line 1, replace "subsection" with "subsections"

Page 3, line 1, after "4" insert "and 5."

Page 3, line 1, replace "5" with "subsection 6"

Page 3, line 2, after "misdemeanor" insert "and also constitutes contempt of court. A second or subsequent violation of a protection order is a class C felony"

Page 3, line 2, after "3" insert an underscored comma

Page 3, line 3, after "or" insert "subsections"

Page 3, line 3, after "4" insert "and 5"

Page 3, line 6, replace "9." with "10."

Page 3, line 12, replace "10." with "11."

Page 3, line 15, replace "11." with "12."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1235, 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 1235 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma

Page 1, line 1, after the first "5" insert ", and 6"

Page 1, line 20, remove "Workforce safety and insurance records pursuant to a release signed by an"

Page 1, remove lines 21 through 24

Page 2, line 1, remove "(7)"

Page 2, line 2, replace "(8)" with "(7)"

Page 2, line 4, replace "(9)" with "(8)"

Page 2, line 5, replace "(10)" with "(9)"

Page 2, line 6, replace "(11)" with "(10)"

Page 2, replace lines 19 through 23 with:

"SECTION 2. Subsection 5 to section 54-61-02 of the North Dakota Century Code is created and enacted as follows:

5. If a government agency or private entity denies the commission access to records under subsection 4, the denial must include a statement of the legal authority for the denial.

SECTION 3. Subsection 6 to section 54-61-02 of the North Dakota Century Code is created and enacted as follows:

6. In determining eligibility for public defender services the commission may obtain access to workforce safety and insurance records pursuant to section 65-05-32."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1236, 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 1236 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 29-04-02.1 and" with "section"

Page 1, line 2, replace "of gross sexual imposition and" with "for"

Page 1, remove lines 5 through 13

Page 1, line 23, remove the overstrike over "If,"

Page 1, line 23, remove "There is no limitation of the time within which a prosecution must be commenced if."

Page 2, line 1, remove the overstrike over "~~conclusively~~"

Page 2, remove the overstrike over lines 2 and 3

Page 2, line 4, remove the overstrike over "~~deoxyribonucleic acid testing~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1273, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1273 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1365, as engrossed: 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). Engrossed HB 1365 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 25-03.1, a new subsection to section 30.1-28-04, and a new subsection to section 30.1-28-12 of the North Dakota Century Code, relating to powers, duties, and authority of a guardian regarding medical decisions; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 25-03.1 of the North Dakota Century Code is created and enacted as follows:

Guardian Consent to involuntary treatment with prescribed medication.

Notwithstanding sections 25-03.1-16, 25-03.1-18.1, and 25-03.1-24, if a patient refuses treatment with prescribed medication, a treating physician, physician assistant, psychiatrist, or advanced practice registered nurse may treat the patient with prescribed medication upon consent of the patient's guardian pursuant to section 3 of this Act.

1. The guardian's consent for involuntary treatment with prescribed medication may not be in effect for more than ninety days without receiving another recommendation and determination pursuant to section 3 of this Act.
2. The patient has the right to be free of the effects of medication at the preliminary or treatment hearing by discontinuance of medication no later than twenty-four hours before the hearing unless, in the opinion of the prescriber, the need for the medication still exists or discontinuation would hamper the patient's preparation for and participation in the proceedings.

SECTION 2. A new subsection to section 30.1-28-04 of the North Dakota Century Code is created and enacted as follows:

A grant of general authority to make medical decisions includes the authority to consent to involuntary treatment with prescribed medications. Except upon specific findings of the court, a grant of limited authority does not include authority to consent to involuntary treatment with prescribed medications.

SECTION 3. A new subsection to section 30.1-28-12 of the North Dakota Century Code is created and enacted as follows:

A guardian with authority to consent to involuntary treatment with prescribed medications may not provide consent without receiving a recommendation and determination from the ward's treating physician, physician assistant, psychiatrist, or advanced practice registered nurse that:

- a. The proposed prescribed medication is clinically appropriate and necessary to effectively treat the ward and that the ward requires treatment;
- b. The ward was offered that treatment and refused it or that the ward lacks the capacity to make or communicate a responsible decisions about that treatment;
- c. Prescribed medication is the least restrictive form of intervention necessary to meet the treatment needs of the ward; and
- d. The benefits of the treatment outweigh the known risks to the ward.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1395, 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 1395 was placed on the Sixth order on the calendar.

Page 2, line 12, after the second "officers" insert ", maintains the standards for qualifications in firearms training for active law enforcement officers as determined by the former agency of the individual in the state in which the individual resides, or maintains the

standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers in the state in which the individual resides"

Page 2, line 26, after the second "officers" insert " , maintains the standards for qualifications in firearms training for active law enforcement officers as determined by the former agency of the individual in the state in which the individual resides, or maintains the standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers in the state in which the individual resides"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1415: Judiciary Committee (Sen. Armstrong, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1415 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "subsection" with "subsections 1 and"

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Subsection 1 of section 53-06.1-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The state gaming commission consists of the chairman and four other members appointed by the governor, with the consent of the senate. The members serve three-year terms and until a successor is appointed and qualified. If the senate is not in session when the term of a member expires, the governor may make an interim appointment, and the interim appointee holds office until the senate confirms or rejects the appointment. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term. The terms of the commissioners must be staggered so ~~that one term expires~~ no more than two terms expire each July first."

Renumber accordingly

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

Shanda Morgan, Secretary