

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, March 27, 2017

The Senate convened at 1:15 p.m., with President Sanford presiding.

The prayer was offered by Reverend Trish Lenihan, Circle C Ranch Ministries, Baldwin.

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

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 752, after line 48 insert:

**"MOTION**

**SEN. KLEIN MOVED** that a committee of two be appointed to escort Lieutenant Commander Joel Holwitt to the podium, which motion prevailed.

**PRESIDENT SANFORD APPOINTED** Senators Poolman and Oban to the escort committee."

Page 753, after line 46 insert:

**"MOTION**

**SEN. KLEIN MOVED** that the remarks of Lieutenant Commander Joel Holwitt be printed in the Journal, which motion prevailed."

Page 866, line 37, remove ", as amended,"

Page 867, line 16, remove ", as amended,"

Page 867, line 35, remove ", as amended,"

Page 868, line 6, remove ", as amended,"

Page 868, line 31, remove ", as amended,"

Page 869, line 5, remove ", as amended,"

Page 869, line 25, remove ", as amended,"

Page 869, line 45, remove ", as amended,"

Page 870, line 19, remove ", as amended,"

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

**POINT OF PERSONAL PRIVILEGE**

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

**REMARKS OF SENATOR DEVER**

**MR. PRESIDENT:** Last week, four special athletes along with their families and four North Dakota volunteers traveled to Austria to compete in the World Winter Special Olympics.

The athletes represented themselves and our state well, coming away with three gold medals, five silver medals and one bronze medal in the Cross Country Skiing, Snowshoeing,

and Alpine Advanced Slalom events.

Dave Johs is from Bismarck, Christy Coughlin is from Minot, Katielynn Ovitt is from Bottineau, and Wade Wintermeyer hails from Jamestown. Each of them exemplify the motto of Special Olympics: "Let me win but if I do not win, let me be brave in the attempt."

The smile that you see on the face of Mr. Johs on the front page of today's Bismarck Tribune and the enthusiasm of his supporters demonstrate the spirit of competition and zest for life shared by these athletes who are especially capable.

Congratulations to them all!

#### **MOTION**

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

#### **MOTION**

**SEN. KLEIN MOVED** that HB 1330, which is on the Sixth order, be laid over one legislative day, and that HB 1181, which is on the Sixth order, be laid over one legislative day, and that HCR 3019, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### **MOTION**

**SEN. KLEIN MOVED** that Engrossed HB 1025 be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1025 was rereferred.

#### **MOTION**

**SEN. KLEIN MOVED** that Engrossed HB 1255 be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1255 was rereferred.

#### **CONSIDERATION OF AMENDMENTS**

**HB 1189: SEN. VEDAA (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 905 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### **SECOND READING OF HOUSE BILL**

**HB 1189:** A BILL for an Act to amend and reenact subsection 3 of section 54-44.7-03 and section 54-44.7-04 of the North Dakota Century Code, relating to procurement procedures and exceptions to bidding thresholds for state building projects.

#### **ROLL CALL**

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

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

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

HB 1189, as amended, passed.

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#### **CONSIDERATION OF AMENDMENTS**

**HB 1011, as engrossed: SEN. GRABINGER (Appropriations Committee) MOVED** that the amendments on SJ pages 892-893 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 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the securities department.

**ROLL CALL**

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

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

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

Engrossed HB 1011, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1017, as engrossed: SEN. WANZEK (Appropriations Committee) MOVED** that the amendments on SJ pages 893-894 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 1017:** A BILL for an Act to provide an appropriation for defraying the expenses of the game and fish department.

**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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; 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:** Burckhard; Davison

Engrossed HB 1017, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1389, as reengrossed: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments on SJ pages 907-908 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 1389:** A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to parental directives; and to provide an expiration 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; 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:** Burckhard; Davison

Reengrossed HB 1389, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1202, as engrossed: SEN. RUST (Transportation Committee) MOVED** that the amendments on SJ pages 905-906 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 1202:** A BILL for an Act to provide for a department of transportation study.

#### ROLL CALL

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

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

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

Engrossed HB 1202, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1151, as engrossed: SEN. UNRUH (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 904-905 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1151:** A BILL for an Act to amend and reenact section 38-08-04 of the North Dakota Century Code, relating to the reporting of well pad or oil and gas production facility fluid spills.

#### 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 31 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Dotzenrod; Grabinger; Heckaman; Hogue; Lee, G.; Marcellais; Mathern; Nelson; Oban; Oehlke; Piepkorn; Robinson; Rust

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

Engrossed HB 1151, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1021, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED** that the amendments on SJ pages 894-895 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 1021:** A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance.

**ROLL CALL**

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

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

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

Engrossed HB 1021, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1022, as engrossed: SEN. KREBSBACH (Appropriations Committee) MOVED** that the amendments on SJ pages 895-896 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 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of the retirement and investment office; and to provide for a transfer.

**ROLL CALL**

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

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

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

Engrossed HB 1022, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1045, as reengrossed: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 896-904 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 1045:** A BILL for an Act to amend and reenact section 57-38-01.26 and subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to the angel fund investment tax credit; to provide a penalty; to provide an effective date; and to

provide an expiration 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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; 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; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Mathern

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

Reengrossed HB 1045, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1320, as engrossed: SEN. CLEMENS (Transportation Committee) MOVED** that the amendments on SJ page 906 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 1320:** A BILL for an Act to amend and reenact sections 39-12-02 and 39-12-03 of the North Dakota Century Code, relating to a uniform truck permitting system for oversized or overweight vehicles and local authority to limit use of vehicles on highways; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; 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:** Burckhard; Davison

Engrossed HB 1320, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1166, as engrossed: SEN. UNRUH (Finance and Taxation Committee) MOVED** that the amendments on SJ page 874 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 1166:** A BILL for an Act to amend and reenact section 57-51.1-03.1 and subsection 3 of section 57-51.2-02 of the North Dakota Century Code, relating to filing requirements for oil extraction tax exemptions and rate reductions and the oil extraction tax rate attributable to revenue sharing agreements with tribal governing bodies; 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 33 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Dotzenrod; Grabinger; Heckaman; Larsen, O.; Marcellais; Mathern; Nelson; Oban; Oehlke; Piepkorn; Robinson

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

Engrossed HB 1166, as amended, passed.

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### SECOND READING OF HOUSE BILL

**HB 1419:** A BILL for an Act to provide an appropriation for a shooting sports grant program.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Kannianen; Larsen, O.; Marcellais; Mathern

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

Reengrossed HB 1419, as amended, passed.

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### SECOND READING OF HOUSE BILL

**HB 1328:** A BILL for an Act to amend and reenact section 39-06-37, subsection 3 of section 39-20-03.1, subsection 2 of section 39-20-03.2, and section 39-20-05 of the North Dakota Century Code, relating to surrendering driver's license, mailing of temporary operator's permit, and venue of administrative hearings.

#### ROLL CALL

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

**YEAS:** Cook

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

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

Engrossed HB 1328 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1394:** A BILL for an Act to create and enact section 51-07-28.1 of the North Dakota Century Code, relating to autonomous vehicle data ownership.

**ROLL CALL**

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

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

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

Engrossed HB 1394 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1128:** A BILL for an Act to create and enact a new subsection to section 39-01-01 and section 39-06-14.2 of the North Dakota Century Code, relating to the definition of primary source identity document and driver's license central identity management; and to amend and reenact sections 39-06-01, 39-06-03.1, 39-06-07.1, and 39-06-18, subsection 5 of section 39-06-19, and sections 39-06-20 and 39-06.2-08 of the North Dakota Century Code, relating to operator's license and nondriver identification card criteria, license renewals, notice of change of address or name, and the application for commercial driver's license.

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; 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; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

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

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

HB 1128 passed.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1254, HB 1402, HB 1428, HB 1431, HCR 3006, HCR 3024.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1037, HB 1194, HB 1247.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1279.



**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1435.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1165, HB 1246, HB 1397.

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

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2053, SB 2253, SB 2264, SB 2330.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2053**

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

Page 1, line 2, remove "and 54-52-06.4"

Page 1, line 3, after the second comma insert "section 54-52.1-03.4,"

Page 1, line 5, remove "decreased employee contributions"

Page 1, remove line 6

Page 1, line 7, remove "criminal investigation,"

Page 1, line 9, after the comma insert "temporary employee participation in the uniform group insurance program"

Page 1, line 10, remove "and"

Page 1, line 11, after "plan" insert ", to provide a contingent effective date; and to provide an expiration date"

Page 7, remove lines 18 through 31

Page 8, remove lines 1 through 10

Page 15, after line 19, insert:

**"SECTION 7. AMENDMENT.** Section 54-52.1-03.4 of the North Dakota Century Code is amended and reenacted as follows:

#### **54-52.1-03.4. Temporary employees and employees on unpaid leave of absence.**

1. A temporary employee employed before August 1, 2007, may elect to participate in the uniform group insurance program by completing the necessary enrollment forms and qualifying under the medical underwriting requirements of the program if such election is made before January 1, 2015, and if the temporary employee is participating in the uniform group insurance program on January 1, 2015.
2. In order for a temporary employee employed after July 31, 2007, to qualify to participate in the uniform group insurance program, the employee must be employed at least twenty hours per week; must be employed at least twenty weeks each year of employment; must make the election to participate before January 1, 2015; and must be participating in the uniform group insurance program as of January 1, 2015. ~~a-To-be-eligible-to-participate-in-the-uniform-group-insurance-program;~~
3. A temporary employee first employed after December 31, 2014, or any temporary employee employed before the effective date of this section of

~~this Act but not participating in the uniform group insurance program as of January 1, 2015, must meet the definition of a full-time employee under section 4980H(c)(4) of the Internal Revenue Code [26 U.S.C. 4980H(c)(4)] on the effective date of this section of this Act, does not qualify to participate in the uniform group insurance program, unless the employee is employed at least thirty hours per week for at least twenty weeks each year of employment. Notwithstanding contrary provisions of this subsection, a temporary employee participating in the uniform group insurance program on the effective date of this section of this Act remains eligible through the end of the calendar year during which the effective date of this section of this Act occurs and after that calendar year the temporary employee is subject to the eligibility provisions of subsection 1, 2, or 3, as applicable.~~

4. Monthly, the temporary employee or the temporary employee's employer shall pay to the board the premiums in effect for the coverage being provided. ~~In the case of a temporary employee who is an applicable taxpayer as defined in section 36B(c)(1)(A) of the Internal Revenue Code [26 U.S.C. 36B(c)(1)(A)], the temporary employee's required contribution for medical and hospital benefits self-only coverage may not exceed the maximum employee required contribution specified under section 36B(c)(2)(C) of the Internal Revenue Code [26 U.S.C. 36B(c)(2)(C)], and the employer shall pay any difference between the maximum employee required contribution for medical and hospital benefits self-only coverage and the cost of the premiums in effect for this coverage. An employer may pay health or life insurance premiums for a permanent employee on an unpaid leave of absence. A political subdivision, department, board, or agency may make a contribution for coverage under this section.~~

Page 17, after line 11, insert:

**"SECTION 11. CONTINGENT EFFECTIVE DATE - EXPIRATION DATE.**

Section 7 of this Act becomes effective on the date identified by the executive director of the public employees retirement system in a certification to the legislative council as the effective date of a repeal of sections 4980H(a) and 4980H(b) of the Internal Revenue Code [26 U.S.C. 4980H(a) and 4980H(b)] or the effective date of an amendment of sections 4980H(a) and 4980H(b) of the Internal Revenue Code [26 U.S.C. 4980H(a) and 4980H(b)] resulting in the assessable payments under sections 4980H(a) and 4980H(b) [26 U.S.C. 4980H(a) and 4980H(b)] becoming zero dollars. If this certification does not occur before August 1, 2019, Section 7 of this Act expires and is ineffective."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2253**

Page 1, line 3, remove "; and to provide for retroactive application"

Page 1, line 8, remove "does not"

Page 1, line 9, replace "change the acreage for real estate taxes or payments in lieu of real estate taxes until" with "must have"

Page 1, line 10, remove "is"

Page 1, remove line 11

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2264**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 23-01-05.5 of the North Dakota Century Code, relating to providing notification of the report of death to the next of kin or authorized representative of the deceased.

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

**SECTION 1. AMENDMENT.** Subsection 2 of section 23-01-05.5 of the North Dakota Century Code is amended and reenacted as follows:

2. An autopsy report and any working papers and notes relating to an autopsy report are confidential and may be disclosed only as permitted by this section. The report of death is a public record subject to disclosure under section 44-04-18 as follows:
  - a. The next of kin or authorized representative requesting the autopsy results is responsible for providing to the state forensic examiner or the examiner's designee satisfactory proof of relationship to the deceased and contact information for notification of the autopsy results.
  - b. When in receipt of the information in subdivision a, the state forensic examiner, examiner's designee, county coroner, or pathologist who performed the autopsy shall make a good faith effort to immediately notify the decedent's next of kin or authorized representative of the availability of the report of death. The notification or attempts to notify the next of kin or authorized representative must be recorded and must precede any public disclosure of the report of death.
  - c. The report of death becomes a public record four days following the notification of or attempts to notify the next of kin or authorized representative, whether verbal or written. If no next of kin or authorized representative can be found, the report of death may be disclosed."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2330**

Page 1, line 2, remove "; to provide for a study by the"

Page 1, line 3, remove "agriculture commissioner; to provide for a report to the legislative management"

Page 1, remove lines 20 through 24

Page 2, remove lines 1 through 6

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2193.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2193**

Page 1, line 3, after "officers" insert "; and to declare an emergency"

Page 1, line 21, replace "as provided in this subsection" with "on property owned or leased by the state board of higher education"

Page 1, line 22, after "institutions" insert ", or as otherwise provided in this subsection"

Page 2, line 13, replace "west" with "east"

Page 2, line 31, after the underscored period insert "As used in this subdivision, "hot pursuit" means the immediate pursuit of an individual endeavoring to avoid arrest."

Page 3, line 28, overstrike "a"

Page 3, line 29, overstrike "person who is" and insert immediately thereafter "an individual"

Page 4, after line 7, insert:

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

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2162, SB 2190, SB 2215.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2094, SB 2110, SB 2152, SB 2168, SB 2212, SB 2230, SB 2308, SB 2334.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1423.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2094, SB 2110, SB 2152, SB 2168, SB 2212, SB 2230, SB 2308, SB 2334.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2094, SB 2110, SB 2152, SB 2168, SB 2212, SB 2230, SB 2308, SB 2334.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1423.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1273, HB 1322.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 27, 2017: SB 2098, SB 2115, SB 2117, SB 2125, SB 2147, SB 2176, SB 2199, SB 2249, SB 2269, SB 2288, SB 2290, SB 2325, SB 2326.

#### **COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on March 24, 2017, I have signed the following: SB 2132, SB 2142, SB 2146, SB 2236, SB 2242, SB 2296, and SB 2320.

#### **MOTION**

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

#### **MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 28, 2017, which motion prevailed.

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

**HB 1008, 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 HB 1008 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first semicolon insert "to amend and reenact section 57-43.2-19 of the North Dakota Century Code, relating to the special fuels excise taxes distribution of funds;"

Page 1, replace line 12 with:

"Salaries and wages	\$9,643,095	(\$345,811)	\$9,297,284"
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Page 1, replace line 14 with:

"Capital assets 26,400 (16,400) 10,000"

Page 1, replace lines 18 through 23 with:

"Railroad safety program	523,345	41,323	564,668
Specialized legal services	<u>150,000</u>	<u>380,000</u>	<u>530,000</u>
Total all funds	\$21,140,402	(\$1,988,624)	\$19,151,778
Less estimated income	<u>13,964,575</u>	<u>(1,543,559)</u>	<u>12,421,016</u>
Total general fund	\$7,175,827	(\$445,065)	\$6,730,762
Full-time equivalent positions	46.00	(1.00)	45.00"

Page 2, line 2, replace "\$125,934" with "\$116,809"

Page 2, line 2, replace "\$76,487" with "\$70,945"

Page 2, line 3, replace "\$1,249" with "\$1,241"

Page 2, replace lines 9 through 12 with:

"Specialized legal services	<u>\$575,624</u>	<u>\$436,000</u>
Total all funds	\$575,624	\$436,000
Total special funds	<u>336,000</u>	<u>436,000</u>
Total general fund	\$239,624	\$0"

Page 2, line 27, replace "\$300,000" with "\$100,000"

Page 2, after line 29, insert:

**"SECTION 6. AMENDMENT.** Section 57-43.2-19 of the North Dakota Century Code is amended and reenacted as follows:

**57-43.2-19. (Effective July 1, 2015, through June 30, 2019) Transfer, deposit, and distribution of funds.**

All taxes, license fees, penalties, and interest collected under this chapter must be transferred to the state treasurer who shall deposit moneys in a highway tax distribution fund, except all special fuels excise taxes collected on sales of diesel fuel to a railroad under section 57-43.2-03 of up to two hundred ~~seventy-five~~eighty-five thousand dollars per year must be transferred to the state treasurer who shall deposit the moneys in the rail safety fund. The highway tax distribution fund must be distributed in the manner as prescribed by section 54-27-19.

**(Effective after June 30, 2019) Transfer, deposit, and distribution of funds.** All taxes, license fees, penalties, and interest collected under this chapter must be transferred to the state treasurer who shall deposit moneys in the highway tax distribution fund. The highway tax distribution fund must be distributed in the manner as prescribed by section 54-27-19."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1008 - Public Service Commission - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$9,643,095	\$8,980,993	\$316,291	\$9,297,284
Operating expenses	1,877,562	1,829,826		1,829,826
Capital assets	26,400		10,000	10,000
Grants	20,000	20,000		20,000
Abandoned mined lands contractual	8,000,000	6,000,000		6,000,000
Rail rate complaint case	900,000	900,000		900,000
Railroad safety program	523,345	529,088	35,580	564,668
Specialized legal services	<u>150,000</u>	<u>730,000</u>	<u>(200,000)</u>	<u>530,000</u>
Total all funds	\$21,140,402	\$18,989,907	\$161,871	\$19,151,778
Less estimated income	<u>13,964,575</u>	<u>12,588,603</u>	<u>(167,587)</u>	<u>12,421,016</u>

General fund	\$7,175,827	\$6,401,304	\$329,458	\$6,730,762
FTE	46.00	44.00	1.00	45.00

### Department No. 408 - Public Service Commission - Detail of Senate Changes

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Adjusts Funding for Salaries and Wages <sup>2</sup>	Converts Temporary Railroad Safety Inspector to FTE Position <sup>3</sup>	Adds Funding for Capital Assets <sup>4</sup>	Reduces One- Time Funding for Specialized Legal Services <sup>5</sup>	Total Senate Changes
Salaries and wages	(\$8,709)	\$325,000				\$316,291
Operating expenses						
Capital assets				10,000		10,000
Grants						
Abandoned mined lands contractual						
Rail rate complaint case						
Railroad safety program	(416)		35,996			35,580
Specialized legal services					(200,000)	(200,000)
Total all funds	(\$9,125)	\$325,000	\$35,996	\$10,000	(\$200,000)	\$161,871
Less estimated income	(3,583)	0	35,996	0	(200,000)	(167,587)
General fund	(\$5,542)	\$325,000	\$0	\$10,000	\$0	\$329,458
FTE	0.00	0.00	1.00	0.00	0.00	1.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also changed to reflect the revised amount.

<sup>2</sup> The Senate restored \$325,000 to salaries and wages to underfund salaries and wages by \$150,000 from the general fund. The House underfunded salaries and wages by \$475,000 from the general fund.

<sup>3</sup> Provides \$35,966 from the rail safety fund to convert a temporary railroad safety inspector to a FTE position with a total cost of \$226,727.

<sup>4</sup> Adds \$10,000 from the general fund for capital assets. The House removed all funding for capital assets.

<sup>5</sup> Reduces one-time funding from the strategic investment and improvements fund by \$200,000 for specialized legal services to provide a total of \$100,000 from the strategic investment and improvements fund. The House provided \$300,000 from the strategic investment and improvements fund.

This amendment also amends North Dakota Century Code Section 57-43.2-19 to increase the amount of special fuels excise tax collections on sales of diesel fuel to a railroad that are deposited in the rail safety fund from \$275,000 to \$285,000 per year.

### REPORT OF STANDING COMMITTEE

**HB 1014, 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 HB 1014 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 16 with:

"Protection and advocacy operations	<u>\$6,453,779</u>	<u>\$16,286</u>	<u>\$6,470,065</u>
Total all funds	\$6,453,779	\$16,286	\$6,470,065
Less estimated income	<u>3,432,853</u>	<u>28,213</u>	<u>3,461,066</u>
Total general fund	\$3,020,926	(\$11,927)	\$3,008,999
Full-time equivalent positions	27.50	0.00	27.50"

Page 1, line 18, replace "\$80,140" with "\$74,334"

Page 1, line 18, replace "\$38,694" with "\$35,891"

Page 1, line 19, replace "\$1,249" with "\$1,241"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1014 - Protection and Advocacy Project - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Protection and advocacy operations	\$6,453,779	\$6,235,931	\$234,134	\$6,470,065
Total all funds	\$6,453,779	\$6,235,931	\$234,134	\$6,470,065
Less estimated income	3,432,853	3,326,925	134,141	3,461,066
General fund	\$3,020,926	\$2,909,006	\$99,993	\$3,008,999
FTE	27.50	26.50	1.00	27.50

#### Department No. 360 - Protection and Advocacy Project - Detail of Senate Changes

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Restores 1 FTE Position <sup>2</sup>	Adjusts Funding for Operating Expenses <sup>3</sup>	Total Senate Changes
Protection and advocacy operations	(\$5,806)	\$179,940	\$60,000	\$234,134
Total all funds	(\$5,806)	\$179,940	\$60,000	\$234,134
Less estimated income	(3,003)	102,944	34,200	134,141
General fund	(\$2,803)	\$76,996	\$25,800	\$99,993
FTE	0.00	1.00	0.00	1.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 is also adjusted to reflect the change.

<sup>2</sup> Funding is restored for 1 FTE position removed by the House.

<sup>3</sup> Funding is restored for operating expenses within the protection and advocacy operations line item. The House had reduced funding for operating expenses by \$100,778, of which \$39,043 is from the general fund.

#### REPORT OF STANDING COMMITTEE

**HB 1031, as engrossed: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1031 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1054, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1054 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1124, as engrossed: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1124 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1126, as engrossed: Agriculture Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1126 was placed on the Sixth order on the calendar.

Page 1, line 5, remove the second "and"

Page 1, line 6, after "closures" insert "; and to provide for a legislative management study"

Page 7, line 3, replace "communications" with "communication"

Page 7, line 5, replace "communications" with "communication"

Page 12, after line 30, insert:

**"SECTION 20. LEGISLATIVE MANAGEMENT STUDY - CONSISTENCY IN GRAIN SAMPLING AND TESTING.** During the 2017-18 interim, the legislative management shall consider studying practices and procedures with the potential to increase consistency and reduce variability in the sampling and testing of grains for deoxynivalenol (DON/vomitoxin), falling numbers, and protein. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

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

**HB 1193, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1193 was placed on the Fourteenth order on the calendar.

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

**HB 1200, as engrossed: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1200 was placed on the Fourteenth order on the calendar.

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

**HB 1299, as engrossed: Transportation Committee (Sen. Laffen, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1299 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 39-06-19 of the North Dakota Century Code, relating to operator's license renewal.

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

**SECTION 1. AMENDMENT.** Section 39-06-19 of the North Dakota Century Code is amended and reenacted as follows:

##### **39-06-19. Expiration of license - Renewal.**

1. Every operator's license issued under this chapter or chapter 39-06.2 expires and is renewed according to this section.
2. The expiration date of a noncommercial operator's license for an individual whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the third subsequent year ending in an odd numeral, except for an individual who, at the time of renewal, is seventy-eight years of age or older is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a noncommercial operator's license for an individual whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the third subsequent year ending in an even numeral, except for an individual who, at the time of renewal, is seventy-eight years of age or older is



- twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
3. The expiration date of a commercial operator's license for an individual whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of a commercial operator's license for an individual whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
  4. An individual who has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States, a pending application for asylum in the United States, a pending or approved application for temporary protected status in the United States, approved deferred action status, or a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence or conditional permanent residence status in the United States will be issued a temporary operator's license or nondriver photo identification card. The temporary operator's license or identification card is valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year. The license or card may be renewed only upon presentation of valid documentary evidence that the status has been extended.
  5. An applicant for renewal must present the application with the fee for renewal of license to the director not before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. The director may require an applicant for renewal or a substitute to provide a social security card and proof of residence address. The director may not issue a distinguishing number that is, contains, can be converted to, or is an encrypted version of the applicant's social security number.
  6. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.
  7. An applicant for renewal of an operator's license must provide a certificate of examination from the driver licensing or examining authorities or a statement as to the corrected and uncorrected vision of the applicant from a licensed physician or an optometrist, except as required under subsection 9. The director shall provide visual examination equipment at each location where a license may be renewed.
  8. An individual submitting an application and the fee for renewal of license one year or more after the expiration of a license, except an applicant whose military service has terminated less than thirty days prior to the application, must be treated as an initial applicant.
  9. A noncommercial applicant may apply by mail or electronically for renewal of a license during every other renewal cycle. The director may use vision information provided by the applicant to meet vision requirements for applicants under sixty-five years of age and adopt procedures necessary to implement this subsection."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1310, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)**

recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1310 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1321: Transportation Committee (Sen. Laffen, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1321 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "of" insert "section"

Page 1, line 2, replace "and the movement of agricultural products during harvest" with "for vehicles on highways other than the interstate system"

Page 1, line 6, after "4." insert "a."

Page 1, line 7, overstrike "a specific motor vehicle" and insert immediately thereafter ":

- (1) A resident farmer's farm vehicle or a motor carrier hired by a resident farmer"

Page 1, line 11, overstrike "from" and insert immediately thereafter ":

- (a) From"

Page 1, line 11, remove the overstrike over "~~the field of harvest to the point of initial storage~~"

Page 1, line 11, after "site" insert "or to the first point of sale and transfer of possession"

Page 1, line 12, replace ", and for the" with "; or

- (b) From the point of initial storage to the first point of sale and transfer of possession during the current year's harvest; or
- (2) A specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854 kilograms]. The permits must provide only for the"

Page 1, after line 14, insert:

"b."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1433, as engrossed: Agriculture Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1433 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section to chapter 19-02.1" with "chapter to title 23"

Page 1, remove lines 14 through 21

Page 2, remove lines 1 through 31

Page 3, replace lines 1 through 4 with:

**"SECTION 2.** A new chapter to title 23 of the North Dakota Century Code is created and enacted as follows:

**Definitions.**

As used in this chapter:

1. "Cottage food operator" means an individual who produces or packages cottage food products in a kitchen designed and intended for use by the residents of a private home.
2. "Cottage food product" means baked goods, jams, jellies, and other food and drink products produced by a cottage food operator.
3. "Delivery" means the transfer of a cottage food product resulting from a transaction between a cottage food operator and an informed end consumer.
4. "Farmers market" means a market or group of booths where farmers and other cottage food operators sell cottage food products directly to consumers.
5. "Home consumption" means food consumed within a private home or food from a private home consumed only by family members, employees, or nonpaying guests.
6. "Informed end consumer" means an individual who is the last individual to purchase a cottage food product and has been informed the cottage food product is not licensed, regulated, or inspected.
7. "Transaction" means the exchange of buying and selling.

**Direct producer to consumer sales of cottage food products.**

1. Notwithstanding any other provision of law, a state agency or political subdivision may not require licensure, permitting, certification, inspection, packaging, or labeling that pertains to the preparation or sale of cottage food products under this section. This section does not preclude an agency from providing assistance, consultation, or inspection, upon request, of a producer.
2. Transactions under this section must be directly between the cottage food operator and the informed end consumer and be only for home consumption. Transactions may occur at a farm, ranch, farmers market, farm stand, home-based kitchen, or any other venue not otherwise prohibited by law or through delivery.
3. Transactions under this section may not:
  - a. Involve interstate commerce;
  - b. Be conducted over the internet or phone, through the mail, or by consignment;
  - c. Include the sale of uninspected products made from meat, except as provided under subdivision d; or
  - d. Include the sale of uninspected products made from poultry, unless:
    - (1) The cottage food operator slaughters no more than one thousand poultry raised by the cottage food operator during the calendar year;
    - (2) The cottage food operator does not buy or sell poultry products, except products produced from poultry raised by the cottage food operator; and
    - (3) The poultry product is not adulterated or misbranded.

4. Except for whole, unprocessed fruits and vegetables, food prepared by a cottage food operator may not be sold or used in any food establishment, food processing plant, or food store.
5. The cottage food operator shall inform the end consumer that any cottage food product or food sold under this section is not certified, labeled, licensed, packaged, regulated, or inspected.
6. This section does not change any requirement for brand inspection or animal health inspections.
7. A cottage food operator shall label all cottage food products that require refrigeration, such as baked goods containing cream, custard, meringue, cheesecake, pumpkin pie, and cream cheese, with safe handling instructions and a product disclosure statement indicating the product was transported and maintained frozen.
8. A cottage food operator shall display a consumer advisory sign at the point of sale or place a label on the cottage food product with the following statement:  
  
"This product is made in a home kitchen that is not inspected by the state or local health department."
9. The state department of health or a local regulating authority may conduct an investigation upon complaint of an illness or environmental health complaint."

Page 3, line 8, replace "chapter 19-02.1" with "section 1 of this Act"

Renumber accordingly

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

**Shanda Morgan, Secretary**