

JOURNAL OF THE SENATE

Sixty-fifth Legislative Assembly

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Bismarck, April 19, 2017

The Senate convened at 8:00 a.m., with President Pro Tempore Oehlke presiding.

The prayer was offered by Pastor Joshua Skjoldal, Evangel Assembly of God, Bismarck.

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

A quorum was declared by the President Pro Tempore.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Mock, P. Anderson, Beadle, Rich S. Becker, Blum, Boehning, Boschee, Carlson, Damschen, Delmore, Dobervich, Ertelt, Guggisberg, Hanson, Hogan, Holman, Howe, M. Johnson, Johnston, Kading, Kasper, Kiefert, B. Koppelman, K. Koppelman, Marschall, McWilliams, Mitskog, Monson, O'Brien, Olson, Owens, Paur, Pyle, Roers Jones, Sanford, Schneider, Schreiber-Beck, Skroch, Trottier, Vetter and Sens. Campbell, Casper, Clemens, Davison, Dotzenrod, Heckaman, Holmberg, Kreun, Laffen, G. Lee, J. Lee, Luick, Mathern, Meyer, Myrdal, Nelson, Osland, Piepkorn, Robinson, Roers, Sorvaag, Wardner introduced: (Approved by the Delayed Bills Committee)

HCR 3036: A concurrent resolution commemorating the twentieth anniversary of the Red River flood of 1997.

Was read the first time.

MOTION

SEN. KLEIN MOVED that the rules be suspended, that HCR 3036 not be printed, not be referred to committee, but be read in title only, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Reps. Mock, P. Anderson, Beadle, Rich S. Becker, Blum, Boehning, Boschee, Carlson, Damschen, Delmore, Dobervich, Ertelt, Guggisberg, Hanson, Hogan, Holman, Howe, M. Johnson, Johnston, Kading, Kasper, Kiefert, B. Koppelman, K. Koppelman, Marschall, McWilliams, Mitskog, Monson, O'Brien, Olson, Owens, Paur, Pyle, Roers Jones, Sanford, Schneider, Schreiber-Beck, Skroch, Trottier, Vetter and Sens. Campbell, Casper, Clemens, Davison, Dotzenrod, Heckaman, Holmberg, Kreun, Laffen, G. Lee, J. Lee, Luick, Mathern, Meyer, Myrdal, Nelson, Osland, Piepkorn, Robinson, Roers, Sorvaag, Wardner introduced: (Approved by the Delayed Bills Committee)

HOUSE CONCURRENT RESOLUTION NO. 3036

A concurrent resolution commemorating the twentieth anniversary of the Red River flood of 1997.

WHEREAS, the record-setting North Dakota winter of 1996-97 featured eight named blizzards resulting in record snowfall accumulations for Grand Forks, Fargo, and Bismarck; and

WHEREAS, on February 14, 1997, the National Weather Service predicted severe flooding along the Red River of the North, including all tributaries, between Wahpeton and Pembina, North Dakota, and subsequently projected flood crests of 17.9 feet in Wahpeton, 38 feet in Fargo, and 49 feet in Grand Forks; and

WHEREAS, Blizzard "Hannah" on April 5-6, 1997, caused an estimated loss of 90,000 head of cattle, downed the 2,060-foot KXJB-TV broadcast tower, toppled nearly 6,000 power poles, and forced approximately 90,000 homes to be without electricity; and

WHEREAS, flood waters along the Red River crested at 19.42 feet on April 6, 1997, and 19.25 feet on April 15, 1997, in Wahpeton and 39.72 feet on April 18, 1997, in Fargo; and

WHEREAS, on April 7, 1997, President Bill Clinton issued a major disaster declaration, as requested by Governor Ed Schafer, for severe flooding in all counties in North Dakota; and

WHEREAS, on April 16, 1997, Grand Forks Mayor Pat Owens recommended residents voluntarily evacuate the city; and

WHEREAS, on April 18, 1997, dikes in Grand Forks, North Dakota and East Grand Forks, Minnesota began to be overtopped, including Lincoln Park, Central Park, and Riverside Park neighborhoods, leading Mayor Owens to order the evacuation of over 50,000 people, which, up to that time, was the largest civilian evacuation in the United States since Atlanta, Georgia in 1864 during the American Civil War; and

WHEREAS, the flood waters pushed miles beyond the banks of the Red River, swamping fields, roads, and towns, submerging an area roughly the size of Delaware; and

WHEREAS, the flood waters in Grand Forks were 4 feet deep throughout downtown, covered rooftops in some neighborhoods, reached inland approximately 3 miles, and ultimately damaged 9,001 homes and 751 businesses; and

WHEREAS, the Grand Forks water treatment plant failed on the morning of April 19, 1997, leaving residents without water for 13 days and without potable water for 23 days; and

WHEREAS, on April 19, 1997, a fire started at the Security Building in a flooded downtown Grand Forks, spread over 3 city blocks, and destroyed 11 historic buildings over the course of two days; and

WHEREAS, the Red River crested in Grand Forks on April 22, 1997, at the historic high water mark of 54.35 feet after which the river level did not fall below 49 feet until April 26, with the river finally receding below flood stage of 28 feet on May 23, 1997; and

WHEREAS, on April 22, 1997, President Bill Clinton, Senators Kent Conrad and Byron Dorgan, and Congressman Earl Pomeroy, visited Grand Forks Air Force Base and committed \$488 million in federal assistance; and

WHEREAS, Red River flood waters ultimately inundated approximately 2,200 square miles of land, resulted in the evacuation of 70,000 residents, and caused approximately \$4 billion worth of damage; and

WHEREAS, the Grand Forks Air Force Base provided instrumental support throughout the disaster, including serving as a shelter for 3,500 evacuees and a medical shelter for more than 400 civilian patients, assembling approximately 800,000 of the 3.5 million sandbags used by the city of Grand Forks, and providing military equipment for fire suppression, evacuation, and civilian transport; and

WHEREAS, 694 homes and 493 other structures in Grand Forks were demolished following the flood, an additional 850 properties were purchased and demolished through a voluntary buyout program, and 161 homes and 414 structures were relocated to other properties to make space for permanent flood protection; and

WHEREAS, in addition to the more than \$48 million in damage to University of North Dakota buildings, 16 of the 22 schools owned by Grand Forks Public School District suffered a total \$72 million in damages, including 3 schools which suffered catastrophic damage; and

WHEREAS, disaster recovery funding from all sources exceeded \$567 million, including more than \$34 million in state and local funding; and

WHEREAS, following the disaster, the administrations of Governor Ed Schafer and Governor John Hoeven and the Legislative Assemblies throughout the decade following the flood continued to provide support for the cleanup, restoration, and flood prevention efforts in the Red River Valley; and

WHEREAS, in January 2007, the \$409 million Grand Forks Flood Prevention Project was completed, featuring approximately 8 miles of levees and walls expandable to protect against a 63-foot flood, 20 miles of recreational trails, two pedestrian bridges, and 2,200 acres of green space; and

WHEREAS, as a result of the Red River flood of 1997, the National Weather Service has changed its flood forecasting methodology, increased the number of monitoring gauges, updated satellite imagery, and revised surveys of the Red River channel; and

WHEREAS, major capital projects in the Red River Valley, including the \$19 million Grand Forks County office building, the \$104 million Ralph Engelstad Arena, and the \$16 million downtown Corporate Center, were built using flood mitigation designs such as raised foundations, elevated utility rooms, and integrated dewatering systems; and

WHEREAS, the City of Grand Forks has adopted other flood-stricken communities across the country to assist in flood prevention and management practices, including St. Bernard Parish, Louisiana; Cedar Rapids, Iowa; Minot, North Dakota; Findley, Ohio; and Biloxi, Mississippi; and

WHEREAS, flood mitigation lessons learned from the Red River flood of 1997 have been applied to city plans and flood prevention projects in communities throughout the Upper Midwest, including the cities of Valley City, Bismarck, Minot, Wahpeton, and Fargo;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-fifth Legislative Assembly recognizes the hard work exhibited by all communities impacted by winter storms and flooding during the winter of 1996 and the spring of 1997 in preventing and responding to historic natural events; and

BE IT FURTHER RESOLVED, that the Sixty-fifth Legislative Assembly congratulates all communities throughout the Red River Valley on their perseverance and commitment to rebuild following the devastation associated with the flood of 1997; and

BE IT FURTHER RESOLVED, that the Sixty-fifth Legislative Assembly expresses its gratitude and appreciation on behalf of the people of North Dakota to the United States federal government, United States Air Force, North Dakota National Guard, and countless businesses, organizations, and volunteers who assisted in the protection, recovery, and rebuilding of all 1997 flood-impacted communities; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the base commander of the Grand Forks Air Force Base; the director of the Federal Emergency Management Agency; the mayors of Wahpeton, Fargo, Grand Forks, Drayton, and Pembina; the North Dakota Adjutant General; the North Dakota Congressional delegation; former President Bill Clinton; former Governor Ed Schafer; the 1997 North Dakota Congressional delegation; and former Grand Forks Mayor Pat Owens.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3036: A concurrent resolution commemorating the twentieth anniversary of the Red River flood of 1997.

The question being on the final adoption of the resolution, which has been read.

HCR 3036 was declared adopted on a voice vote.

POINT OF PERSONAL PRIVILEGE

SEN. LAFFEN rose on a point of personal privilege.

REMARKS OF SENATOR LAFFEN

MR. PRESIDENT: 20 years ago, today, I was standing on the first tee box at Pinehurst NC. We had an 8:08 tee time and just before we started I got a call from my wife, water was coming over the dikes back home in Grand Forks. When we walked into the MSP airport terminal, everyone was crowded around the TV's. I asked what had happened and they said that GFK was on fire. I couldn't believe what we were seeing. Our NWA pilot got permission to fly right over the GFK downtown and by then 11 buildings were on fire. It appeared the whole town was in flames. My office was right in the middle.

I met my family who had already evacuated to the airport. As we left for Minot I knew my house was flooding, and it appeared my office was burning. I remember thinking that everything I own was in that car - but it didn't really matter as I had my family and my golf clubs.

Mr. President, what transpired was truly unbelievable. The largest evacuation since Atlanta in the Civil War, 50K people. \$1B in damage. No power, no water, no food, no gas, no stores. Nothing. About a week later cases of water starting showing up in six packs on street corners. Canned and delivered by Budweiser, we called it Floodweiser. And while the Salvation Army delivered the best beef stew ever it was difficult trying to recover with no services anywhere in town.

But Mr. President, we had something no one else had, we had ND. We moved to Fargo and the FAR Schools took in our kids. Apartments gave us day to day rent as we needed. Restaurants wouldn't let us pay.

My college classmate Kevin Bartram let my office of 20 move into theirs in Fargo. We made round trip commutes between Fargo and GFK every day. I94 was under water so we had to go to Casselton just to turn north. With all the miles, I had to change oil every week. The Jiffy Lube guy wouldn't let me pay.

One Saturday morning, while mucking out the basement of my office, which by some miracle the fire missed, Governor Ed Schafer came walking up to see how we were doing. He was all alone with no idea how he even got there. He helped us carry stuff out for two hours. Mr. President, I remember laughing that here in ND we don't have looters, we have Governors who can muck out a basement.

After 30 days, we hooked up a generator to run my office computers and moved back to GFK. Two months later we were all working when the power came back on. We cried. It was

the 1st sign of our city coming back to life.

Mr. President, we received incredible support from the people of North Dakota and that of our country. The almost immediate decision to fund and construct a flood protection system gave us the faith to rebuild. And rebuild we did. I remember the FEMA people complaining that we were going too fast for them. They had never seen anything like it. We weren't waiting for their approvals or their money. By the time the snow fell that winter - you could scarcely see any physical damage.

Two years later we went on a thank you trip to Washington DC. The Secretary of HUD and the Secretary of Commerce both broke down in tears. They said that in their twenty years in DC no one had ever come to thank them.

We brought clocks with an inscription on them as thank you gifts. When the secret service descended on us I remember Senator Byron Dorgan telling us that the next time we want to bring a box with a ticking timing device into the White House we should probably let him know ahead of time.

Mr. President, I don't know if we ever got the chance to formally thank the citizens of North Dakota. And even if we did, today seems a good day to do so again. ND, we couldn't have done it without you. It was too big a task. And I hope that if you ever go through a disaster like we did that you have the fortune to live amongst people like you. The people of Grand Forks thank you.

And lastly Mr. President, I'd like to thank the ND legislature for sending \$52M to our city to ensure that it would never happen again. There were 12 of you here that day to push the green button. Senators: Bill Bowman, Dwight Cook, Ray Holmberg, Ralph Kilzer, Jerry Klein, Karen Krebsbach, Judy Lee, Tim Mathern, Carolyn Nelson, Larry Robinson, Terry Wanzek and Rich Wardner. Of the 20 some thousand votes you have each made in this room since none have meant so much to so many. God Bless you and God Bless the State of North Dakota.

MOTION

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

MOTION

SEN. KLEIN MOVED that HB 1324 and HB 1013 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SCHAIABLE MOVED that the conference committee report on Reengrossed HB 1324 as printed on SJ pages 1542-1544 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1324: A BILL for an Act to create and enact a new section to chapter 15.1-09.1 of the North Dakota Century Code, relating to audits of regional education associations; to amend and reenact sections 15.1-01-03, 15.1-09.1-10, and 15.1-27-04.1 of the North Dakota Century Code, relating to the powers and duties of the state board of public school education and the determination of state aid payable to school districts and regional education associations; to provide statements of legislative intent; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1324, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HOLMBERG MOVED that the conference committee report on Engrossed HB 1013 as printed on SJ pages 1531-1539 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the state library, the school for the deaf, and the North Dakota vision services - school for the blind; to create and enact a new section to chapter 25-06 and a new section to chapter 25-07 of the North Dakota Century Code, relating to the school for the blind fund and the school for the deaf fund; to repeal section 6-09-45 of the North Dakota Century Code and section 13 of chapter 49 of the 2015 Session Laws, relating to a required transfer from the Bank of North Dakota and a contingent appropriation; to provide exemptions; to provide for a transfer; to provide a statement of legislative intent; to provide for a legislative management study; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1013, as amended, passed and the emergency clause was declared carried.

MOTION

SEN. KLEIN MOVED that SB 2139 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KILZER MOVED that the conference committee report on Reengrossed SB 2025 as printed on SJ pages 1518-1520 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act to provide an appropriation for defraying the expenses of the department of veterans' affairs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 SB 2025 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ARMSTRONG MOVED that the conference committee report on Reengrossed SB 2149 as printed on SJ page 1525 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to create and enact a new subsection to section 12.1-32-09.1 of the North Dakota Century Code, relating to the penalty for a class A misdemeanor; to amend and reenact subdivision k of subsection 3 of section 12.1-23-05, subsection 5 of section 12.1-32-01, subdivision b of subsection 1 of section 12.1-32-02.1, subsection 3 of section 19-03.1-22.2, section 19-03.1-23, subsection 2 of section 19-03.1-23.1, section 19-03.1-23.4, paragraph 3 of subdivision e of subsection 1 of section 19-03.1-36, subdivision e of subsection 5 of section 19-03.1-36, subsection 1 of section 19-03.1-45, and subsection 29 of section 40-05-02 of the North Dakota Century Code, relating to grading of theft offenses, illegal possession of prescription capsules, pills, or tablets, possession of marijuana, and misdemeanor marijuana convictions being excluded as prior offenses for purposes of determining mandatory terms of imprisonment; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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

Reengrossed SB 2149 failed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WANZEK MOVED that the conference committee report on Engrossed SB 2021 as printed on SJ pages 1509-1518 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; to provide appropriations to certain agencies for an electronic payment processing system; to authorize borrowing authority; to provide for transfers; to provide for a report; to create and enact sections 15-19-01.1 and 15-19-02.1 of the North Dakota Century Code, relating to the centers for distance education; to amend and reenact subsection 1 of section 37-17.3-02.2, section 54-59-31, and subsection 1 of section 54-59-34 of the North Dakota Century Code, relating to the statewide interoperability executive committee, certified electronic health information systems, and the statewide longitudinal data system; and to provide a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Armstrong; Bekkedahl; 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

NAYS: Anderson; Bowman

ABSENT AND NOT VOTING: Burckhard; Davison

Reengrossed SB 2021 passed.

MOTION

SEN. KLEIN MOVED that Sen. Laffen replace Sen. Cook on the Conference Committee on HB 1361, which motion prevailed on a voice vote.

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

MR. SPEAKER: The Senate has passed, unchanged: HCR 3036.

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

MR. SPEAKER: The President has appointed Sen. Laffen to replace Sen. Cook on the Conference Committee on HB 1361.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2021, SB 2025.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1324.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1013.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: SB 2149.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1007.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2012, SB 2224.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2144.

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

MR. PRESIDENT: The Speaker has signed: SB 2144.

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

MR. SPEAKER: The President has signed: HB 1221, HB 1235.

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

MR. PRESIDENT: The Speaker has signed: HB 1178, HB 1369.

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

MR. PRESIDENT: The Speaker has signed: HB 1221, HB 1235.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 18, 2017, I have signed the following: SB 2039, SB 2045, SB 2052, and SB 2321.

REPORT OF CONFERENCE COMMITTEE

SB 2047, as engrossed: Your conference committee (Sens. Schaible, Cook, Kreun and Reps. D. Anderson, Damschen, Devlin) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 981 and place SB 2047 on the Seventh order.

Engrossed SB 2047 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2203, as engrossed: Your conference committee (Sens. Myrdal, Dever, Grabinger and Reps. Kading, Schatz, Meier) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1078, adopt amendments as follows, and place SB 2203 on the Seventh order:

That the House recede from its amendments as printed on page 1078 of the Senate Journal and pages 1248 and 1249 of the House Journal and that Engrossed Senate Bill No. 2203 be amended as follows:

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

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

Page 1, line 7, replace "\$500,000" with "\$125,000"

Page 1, after line 17, insert:

"SECTION 2. OIL AND GAS IMPACT GRANT FUND - REPORTS TO ATTORNEY GENERAL, LEGISLATIVE ASSEMBLY, AND LEGISLATIVE MANAGEMENT. The board of university and school lands, from funds designated in subsection 3 of section 5 of chapter 463 of the 2015 Session Laws and in addition to the funds designated in section 2 of chapter 375 of the 2015 Session Laws, shall award, based on recommendations from the attorney general, up to \$700,000 in grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the period beginning with the effective date of this Act and ending June 30, 2019. The board of university and school lands, based on the recommendations from the attorney general, may provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-sixth legislative assembly on the use of the funds received and the outcomes of its program. The attorney general shall report to the legislative management during the 2017-18 interim on the status and results of the grant program. Grants awarded but not yet paid under this section are not subject to section 54-44.1-11.

SECTION 3. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

Engrossed SB 2203 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1007, as engrossed: Your conference committee (Sens. Hogue, Sorvaag, Mathern and Reps. Boehning, Brabandt, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1272-1274, adopt amendments as follows, and place HB 1007 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1272-1274 of the House Journal and pages 1030-1032 of the Senate Journal and that Engrossed House Bill No. 1007 be amended as follows:

Page 1, line 2, after "rights" insert "; to amend and reenact sections 14-02.4-15 and 34-14-09 of the North Dakota Century Code, relating to discriminatory practices in public services and employee claims for wages; and to provide an expiration date"

Page 1, replace lines 12 through 16 with:

"Salaries and wages	\$2,423,746	(\$8,762)	\$2,414,984
Operating expenses	<u>361,327</u>	<u>(32,409)</u>	<u>328,918</u>

Total all funds	\$2,785,073	(\$41,171)	\$2,743,902
Less estimated income	<u>437,832</u>	<u>2,084</u>	<u>439,916</u>
Total general fund	\$2,347,241	(\$43,255)	\$2,303,986"

Page 1, line 19, replace "\$40,068" with "\$37,165 from the general fund"

Page 1, line 20, replace "\$1,249" with "\$1,241"

Page 1, after line 20, insert:

"SECTION 3. AMENDMENT. Section 14-02.4-15 of the North Dakota Century Code is amended and reenacted as follows:

14-02.4-15. Public services - Discriminatory practices.

1. It is a discriminatory practice for a person engaged in the provision of public services to fail to provide to ~~a person~~ an individual access to the use of and benefit thereof, or to give adverse or unequal treatment to ~~a person~~ an individual in connection therewith because of the ~~person's~~ individual's race, color, religion, sex, national origin, age, physical or mental disability, or status with respect to marriage or public assistance.
2. Subsection 1 does not apply to:
 - a. An individual committed to the legal and physical custody of the department of corrections and rehabilitation; or
 - b. An individual confined in a correctional facility, as defined in section 12-44.1-01.

SECTION 4. AMENDMENT. Section 34-14-09 of the North Dakota Century Code is amended and reenacted as follows:

34-14-09. Employees' remedies - Limitation on wages collectible.

1. An employee may file with the department a claim for wages due under this chapter or under chapter 34-06 ~~with the department not later than if the filing is made within two years from the date the wages are due and the amount of the wages claimed due is at least one hundred twenty-five dollars but not more than fifteen thousand dollars.~~ For purposes of this section, wages are due at each regular payday immediately following the work period during which wages were earned. ~~Whenever~~ If the department denies the claim for wages due because the amount claimed is less than one hundred twenty-five dollars, the department shall inform the claimant of the opportunity for the claimant to pursue the claim in small claims court under chapter 27-08.1. If the department denies the claim for wages due because the amount claimed is more than fifteen thousand dollars, the department shall inform the claimant of the opportunity for the claimant to pursue the claim in district court under chapter 27-05.
2. If the labor commissioner determines ~~that~~ wages have not been paid and that the unpaid wages constitute an enforceable claim, the commissioner, upon request of the employee, may take an assignment in trust for the wages or a claim for liquidated damages in amounts the commissioner deems valid and enforceable without being bound by ~~any of the technical rules respecting the validity of any assignments and may bring any legal action necessary to collect the claim.~~ With the consent of the assigning employee at the time of the assignment, the commissioner may settle and adjust the claim to the same extent as the assigning employee.
3. The limitation of action under section 34-01-13 is tolled by the filing of a claim with the commissioner until the commissioner determines the claim is not enforceable or the commissioner reassigns the claim to the

employee. ~~With the consent of the assigning employee at the time of the assignment, the commissioner may settle and adjust the claim to the same extent as the assigning employee.~~

SECTION 5. EXPIRATION DATE. Section 4 of this Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1007 - Labor Commissioner - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$2,423,746	\$2,417,887	(\$2,903)	\$2,414,984	\$2,414,984	
Operating expenses	361,327	328,918		328,918	328,918	
Total all funds	\$2,785,073	\$2,746,805	(\$2,903)	\$2,743,902	\$2,743,902	\$0
Less estimated income	437,832	439,916	0	439,916	439,916	0
General fund	\$2,347,241	\$2,306,889	(\$2,903)	\$2,303,986	\$2,303,986	\$0
FTE	15.00	14.00	0.00	14.00	14.00	0.00

Department No. 406 - Labor Commissioner - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Increases ¹	Total Conference Committee Changes
Salaries and wages	(\$2,903)	(\$2,903)
Operating expenses		
Total all funds	(\$2,903)	(\$2,903)
Less estimated income	0	0
General fund	(\$2,903)	(\$2,903)
FTE	0.00	0.00

¹ 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 adjusted to reflect the revised premium rate.

This amendment also:

- Amends North Dakota Century Code Section 14-02.4-15 to preclude correctional system inmates from filing complaints with the Department of Labor and Human Rights.
- Amends Section 34-14-09 to provide that an employee may file a wage complaint with the department for disputes of at least \$125 but not more than \$15,000. The department is to refer a claimant to the appropriate small claims court if the wage dispute is under \$125 and refer the claimant to the appropriate district court if the wage dispute is over \$15,000. This amendment is effective through June 30, 2019, and after that date is ineffective. The Senate version included a minimum dispute amount of \$200, but no maximum or expiration date.

Engrossed HB 1007 was placed on the Seventh order of business on the calendar.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Sanford presiding.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ARMSTRONG MOVED that the conference committee report on Engrossed SB 2139 as printed on SJ pages 1524-1525 be rejected, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SCHAIBLE MOVED that the conference committee report on Engrossed SB 2047 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to amend and reenact subsection 2 of section 61-16.1-09 of the North Dakota Century Code, relating to the authority of water resource boards to exercise the power of quick take eminent domain.

ROLL CALL

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Holmberg; Kannianen; Kilzer; 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: Casper; Hogue; Klein; Larsen, O.

ABSENT AND NOT VOTING: Burckhard; Davison

Reengrossed SB 2047 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. MYRDAL MOVED that the conference committee report on Engrossed SB 2203 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act to provide an appropriation to the attorney general for human trafficking victims treatment and support services; to provide for reports to the attorney general, legislative assembly, and legislative management; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 SB 2203 passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HOGUE MOVED that the conference committee report on Engrossed HB 1002 as printed on SJ pages 1525-1528 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to provide an exemption; and to amend and reenact section 16.1-08.1-03.1 as amended by section 6 of Senate Bill No. 2343, as approved by the sixty-fifth legislative assembly, subsection 7 of section 54-09-04, and section 54-09-12 of the North Dakota Century Code, relating to campaign disclosure statements, information preparation fees, and confidential information in filed records.

ROLL CALL

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

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; 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

NAYS: Casper

ABSENT AND NOT VOTING: Burckhard; Davison

Engrossed HB 1002, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SORVAAG MOVED that the conference committee report on Engrossed HB 1019 as printed on SJ pages 1539-1542 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department; to amend and reenact sections 55-08-06 and 55-08-07.1 of the North Dakota Century Code, relating to permits for motor vehicles and parks and the recreation concession revolving fund; to provide a grant to the international peace garden; to authorize the transfer of Dakota institute inventory; to provide exemptions; to provide a statement of legislative intent; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1019, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HOGUE MOVED that the conference committee report on Engrossed HB 1007 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the department of labor and human rights; to amend and reenact sections 14-02.4-15 and 34-14-09 of the North Dakota Century Code, relating to discriminatory practices in public services and employee claims for wages; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1007, as amended, passed.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2139.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2047.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1002, HB 1007.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2203.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1019.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1201, HB 1392.

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

MR. SPEAKER: The President has signed: SB 2144.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 19, 2017: SB 2144.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 19, 2017, I have signed the following: SB 2156 and SB 2270.

REPORT OF CONFERENCE COMMITTEE

SB 2010, as engrossed: Your conference committee (Sens. Krebsbach, Erbele, Mathern and Reps. Meier, Kading, Holman) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1207 and place SB 2010 on the Seventh order.

Engrossed SB 2010 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2037, as engrossed: Your conference committee (Sens. Rust, Vedaa, Schaible and Reps. Schreiber-Beck, Pyle, Mock) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1053-1054, adopt amendments as follows, and place SB 2037 on the Seventh order:

That the House recede from its amendments as printed on pages 1053 and 1054 of the Senate Journal and pages 1198 and 1199 of the House Journal and that Engrossed Senate Bill No. 2037 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-10-37 and 15-10-38 of the North Dakota Century Code, relating to the technology occupations student loan and teacher shortage loan forgiveness programs; to provide a statement of legislative intent; and to provide for reports to the legislative management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-10-37 of the North Dakota Century Code is amended and reenacted as follows:

15-10-37. Technology occupations student loan program.

1. The state board of higher education shall administer a science, technology, engineering, and mathematics occupations student loan program that encourages college students to pursue studies in these fields, to participate in internship programs, and to remain in the state after graduation. The board shall adopt rules to implement the program, including internship requirements, guidelines to determine which technology-related courses of study are eligible under the program, and standards for eligibility.
2. Graduates of board-approved colleges may apply for the technology occupations student loan program. To be eligible to receive student loan grants under the program, the applicant:
 - a. Must have graduated from a board-approved college;
 - b. Must have successfully completed the board-approved technology-related courses;
 - c. Must have maintained at least a 2.5 grade point average, based on a 4.0 grading system, at a board-approved college;
 - d. Must have a student loan with the Bank of North Dakota or other participating lender;
 - e. Following graduation must be employed in the state in a board-approved technology occupation with a salary or equivalent hourly wage of sixty thousand dollars or less per year; and
 - f. Must have met and shall continue to meet any requirements established by rule.
3. The state board of higher education shall distribute student loan grants directly to the Bank of North Dakota or other participating lender to repay outstanding student loan principal balances for eligible applicants. The maximum student loan grant amount for which an applicant may qualify is one thousand five hundred dollars per year and a total of six thousand dollars, or a lesser amount established by rule adopted by the state board of higher education.
4. If an individual is receiving loan forgiveness under any other provision, the individual may not receive loan forgiveness under this section during the same application year.

SECTION 2. AMENDMENT. Section 15-10-38 of the North Dakota Century Code is amended and reenacted as follows:

15-10-38. Loans - Teacher shortages - Loan forgiveness.

1. ~~The state board of higher education shall administer a student loan forgiveness program for individuals teaching at grade levels or in content areas identified as having a teacher shortage. The board shall adopt rules to implement the program.~~
2. ~~The superintendent of public instruction shall annually identify the grade levels and content areas in which a teacher shortage exists.~~
3. ~~To be eligible for loan forgiveness under this section, an individual:~~
 - a. ~~Must have been admitted as a full-time student in a teacher preparation program, with the declared intention to teach at a grade level or in a content area identified by the superintendent of public instruction as one in which a teacher shortage exists; and~~
 - b. ~~Must have obtained a student loan.~~
4. ~~An individual may receive up to one thousand dollars per year and a maximum of five thousand dollars, or a lesser amount established by rule adopted by the state board of higher education under this section.~~
5. ~~The board shall consider all applications under this section in chronological order.~~
6. ~~Upon notification that the individual has completed a full year of teaching in a school district or nonpublic school in this state at a grade level or in a content area identified by the superintendent of public instruction as one in which a teacher shortage exists, the board shall distribute funds directly to the Bank of North Dakota to repay outstanding loan principal balances for eligible applicants. The state board of higher education shall administer a student loan forgiveness program for individuals teaching at grade levels, in content areas, and in geographical locations identified as having a teacher shortage or critical need. The board may approve loan forgiveness for no more than two teachers per year in a school district. The board shall adopt rules to implement the program.~~
2. The superintendent of public instruction annually shall identify grade levels, content areas, and geographical locations in which a teacher shortage or critical need exists.
3. To be eligible for loan forgiveness under this section, an individual:
 - a. Must have graduated from an accredited teacher preparation program and signed a contract to teach at a grade level or in a content area and in a geographical location identified by the superintendent of public instruction as having an existing teacher shortage or critical need; and
 - b. Must have an existing student loan.
4. For purposes of this section, the definitions of rural school district and remote town school district have the same meaning as the definitions under the national center for education statistics locale codes.
5. If an individual is receiving loan forgiveness under any other provision, the individual may not receive loan forgiveness under this section during the same application year.
6. An eligible individual may receive loan forgiveness under the program as follows:

- a. If the individual accepts one of up to five positions of critical need in a nonrural school district or nonremote town school district, the individual may receive up to three thousand dollars per year for a maximum of four years.
 - b. If the individual accepts a position in a rural school district or remote town school district with an enrollment of fewer than one thousand students, the individual may receive up to four thousand five hundred dollars per year for a maximum of four years.
 - c. If the individual accepts one of up to five positions of critical need in a rural school district or remote town school district with an enrollment of fewer than one thousand students, the individual may receive up to six thousand five hundred dollars per year for a maximum of four years.
7. The superintendent of public instruction shall consider all applications under this section based on the number of unfilled school vacancies, prioritized by critical need and geographic location.
8. Upon notification the individual has completed a full year of teaching in a school district or state-supported school in this state at a grade level or in a content area and in a geographical location identified by the superintendent of public instruction as one in which a teacher shortage or critical need exists, the board shall distribute funds directly to the lending institution of the individual to repay outstanding loan principal balances on behalf of eligible applicants. The board shall terminate loan forgiveness payments to eligible individuals when the loan principal balance of the eligible individual is paid in full.

SECTION 3. LEGISLATIVE INTENT - EDUCATION INCENTIVE

PROGRAMS. It is the intent of the sixty-fifth legislative assembly that subdivision 1 of section 1 of 2017 Senate Bill No. 2003 include the sum of \$2,863,393, or so much of the sum as may be necessary, from the general fund, for the purpose of providing funding of \$260,000 for doctorate graduate programs, \$500,000 for the technology occupations student loan program, and \$2,103,393 for the teacher shortage loan forgiveness program, with no more than one-half of that amount expended in the first year, during the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 4. SUPERINTENDENT OF PUBLIC INSTRUCTION -

LEGISLATIVE MANAGEMENT REPORT. During the 2017-19 biennium, the superintendent of public instruction shall provide annual reports to the legislative management regarding the use of teacher loan forgiveness funds received under this Act, including the amount distributed, the number of eligible individuals receiving funds, the recruitment and retention of individuals participating in the program, the average starting salaries of individuals participating in the program, and the effectiveness of the program as determined under criteria developed by the superintendent of public instruction."

Renumber accordingly

Engrossed SB 2037 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2042, as engrossed: Your conference committee (Sens. J. Lee, Anderson, Heckaman and Reps. Porter, Westlind, P. Anderson) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1079-1080, adopt further amendments as follows, and place SB 2042 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 1079 and 1080 of the Senate Journal and page 1230 of the House Journal and that Engrossed Senate Bill No. 2042 be further amended as follows:

Page 1, line 5, remove "and"

Page 1, line 5, after the third comma insert "and 43-41-07,"

Page 1, line 8, after "professionals" insert "and licensure of social workers"

Page 22, after line 3, insert:

"SECTION 26. AMENDMENT. Section 43-41-07 of the North Dakota Century Code as amended in section 2 of Senate Bill No. 2033, as approved by the sixty-fifth legislative assembly, is amended and reenacted as follows:

43-41-07. Qualification for licensure by an applicant licensed in another jurisdiction.

1. An applicant may be granted a license upon ~~satisfactory~~:
 - a. ~~Satisfactory~~ proof to the board that the applicant is licensed in good standing under the laws of another jurisdiction that imposes substantially the same requirements as this chapter ~~and a board determination; or~~
 - b. Determination of the board that at the time of application for licensure under this section the applicant is licensed in good standing under the laws of another jurisdiction and possesses qualifications or experience in the practice of social work which are substantially similar to the minimum requirements for licensure under this chapter.
2. The applicant shall pay the licensure fees specified by the board."

Renumber accordingly

Engrossed SB 2042 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1201, as engrossed: Your conference committee (Sens. Casper, Roers, Marcellais and Reps. Sukut, Lefor, Boschee) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1277, adopt amendments as follows, and place HB 1201 on the Seventh order:

That the Senate recede from its amendments as printed on page 1277 of the House Journal and page 1064 of the Senate Journal and that Engrossed House Bill No. 1201 be amended as follows:

Page 1, line 3, remove ", subdivision d of subsection 1 of section"

Page 1, line 4, remove "47-16-13.1,"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 10, replace "~~devices~~" with "**alarms**"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert "or unless exempted by state and local building and fire codes."

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "~~and~~"

Page 1, line 14, replace the first "~~devices~~" with "**alarms**"

Page 1, line 14, remove the overstrike over "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15, overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "The installation and maintenance must be in accordance with state and local building and fire codes. All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, replace "device" with "smoke detection alarm"

Page 2, line 10, remove the overstrike over "a class B misdemeanor"

Page 2, line 10, replace "an infraction" with " .

5. A landlord may charge a tenant for damages equivalent to three times the cost associated with replacing an alarm that was damaged during the time the tenant occupied the property.
6. A landlord may not be held liable for injury or damages caused as the result of an inoperable carbon monoxide alarm"

Page 2, remove lines 11 through 16

Page 3, line 17, replace "2018" with "2019"

Renumber accordingly

Engrossed HB 1201 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1392, as engrossed: Your conference committee (Sens. Armstrong, Myrdal, Nelson and Reps. Roers Jones, Vetter, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1225-1226, adopt amendments as follows, and place HB 1392 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1225 and 1226 of the

House Journal and page 967 of the Senate Journal and that Engrossed House Bill No. 1392 be amended as follows:

Page 1, line 2, replace "a presumption of equal" with "shared"

Page 1, line 12, remove "Equal parenting time and residential responsibility" means each parent has the child"

Page 1, remove lines 13 through 15

Page 1, line 16, remove "3."

Page 1, line 18, remove the overstrike over "3."

Page 1, line 18, remove "4."

Page 1, line 20, remove the overstrike over "4."

Page 1, line 20, remove "5."

Page 1, line 22, remove the overstrike over "5."

Page 1, line 22, remove "6."

Page 1, line 23, remove the overstrike over "6."

Page 1, line 23, remove "7."

Page 2, line 1, remove the overstrike over "7."

Page 2, line 1, remove "8."

Page 2, after line 2, insert:

"8. "Shared parenting time and residential responsibility" means each parent has the child in that parent's care for a time that is as close to fifty percent of the time as can be arranged based on the circumstances but which is not less than thirty-five percent of the time."

Page 2, line 13, remove "In any proceeding dealing with parental rights and responsibilities, there is a"

Page 2, replace lines 14 through 18 with "In any proceeding to establish or modify a judgment for providing for parenting time and residential responsibility and subject to the requirements of section 14-09-06.6, if one party has requested shared parenting time and residential responsibility, the court shall consider awarding shared parenting time and residential responsibility and shall articulate in its decision its rationale for either awarding or denying the request for shared parenting time and responsibility."

Renumber accordingly

Engrossed HB 1392 was placed on the Seventh order of business on the calendar.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Sanford presiding.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ERBELE MOVED that the conference committee report on Engrossed SB 2010 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the

council on the arts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Armstrong; Kannianen; Larsen, O.; Lee, J.; Nelson; Unruh

ABSENT AND NOT VOTING: Burckhard; Davison; Hogue; Mathern; Wanzek

Reengrossed SB 2010 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Engrossed SB 2042 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to amend and reenact sections 5-01-05.1, 12.1-01-04, 12.1-04-06, 12.1-04.1-02, 12.1-04.1-03, 12.1-04.1-04, 12.1-04.1-05, 12.1-04.1-06, 12.1-04.1-07, 12.1-04.1-08, 12.1-04.1-10, 12.1-04.1-11, 12.1-04.1-12, 12.1-04.1-13, 12.1-04.1-14, 12.1-04.1-15, 12.1-04.1-22, 12.1-04.1-23, 25-01-01, 25-03.1-04, 25-03.1-08, 25-03.1-10, 25-03.1-11, 25-03.1-18.1, 32-03-48, and 43-41-07, subdivision b of subsection 1 of section 43-48-15, sections 49-10.1-05, 50-25.1-03, 50-25.2-03, and 62.1-01-01, subdivisions b and c of subsection 1 of section 62.1-02-01, and subdivision b of subsection 1 of section 62.1-02-01.2 of the North Dakota Century Code, relating to references to mental health professionals and licensure of social workers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; 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; Wardner

ABSENT AND NOT VOTING: Burckhard; Davison; Hogue; Wanzek

Reengrossed SB 2042 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. CASPER MOVED that the conference committee report on Engrossed HB 1201 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1201: A BILL for an Act to create and enact a new subsection to section 47-16-13.1 of the North Dakota Century Code, relating to landlord responsibilities regarding carbon monoxide detection devices; to amend and reenact section 23-13-15 and subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating to the installation of carbon monoxide and smoke detection alarms; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 24 YEAS, 19 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bekkedahl; Campbell; Casper; Clemens; Grabinger; Heckaman; Kilzer; Klein; Kreun; Laffen; Larson, D.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Oban; Osland; Poolman; Robinson; Roers; Sorvaag; Vedaa; Wardner

NAYS: Anderson; Armstrong; Bowman; Cook; Dever; Dotzenrod; Erbele; Holmberg; Kannianen; Krebsbach; Larsen, O.; Lee, G.; Myrdal; Nelson; Oehlke; Piepkorn; Rust; Schaible; Unruh

ABSENT AND NOT VOTING: Burckhard; Davison; Hogue; Wanzek

Engrossed HB 1201, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ARMSTRONG MOVED that the conference committee report on Engrossed HB 1392 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1392: A BILL for an Act to to amend and reenact section 14-09-00.1 and subsection 1 of section 14-09-29 of the North Dakota Century Code, relating to shared parenting time and responsibility; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 12 YEAS, 31 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Armstrong; Bekkedahl; Bowman; Campbell; Dotzenrod; Kannianen; Kilzer; Luick; Myrdal; Osland; Roers; Sorvaag

NAYS: Anderson; Casper; Clemens; Cook; Dever; Erbele; Grabinger; Heckaman; Holmberg; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Nelson; Oban; Oehlke; Piepkorn; Poolman; Robinson; Rust; Schaible; Unruh; Vedaa; Wardner

ABSENT AND NOT VOTING: Burckhard; Davison; Hogue; Wanzek

Engrossed HB 1392, as amended, failed.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2010, SB 2042.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: HB 1392.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2047.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1004.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1378.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2021, SB 2025.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2134.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2203.

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, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, April 20, 2017, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1004, as engrossed: Your conference committee (Sens. Oehlke, Davison, Mathern and Reps. Nathe, Brabandt, Boehning) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1277-1278, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1277 and 1278 of the House Journal and pages 994 and 995 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

Page 1, replace lines 10 through 18 with:

Salaries and wages	\$11,655,646	(\$111,666)	\$11,767,312
Operating expenses	1,176,806	(34,023)	1,142,783
North Dakota university system information technology security audits	200,000	(200,000)	0
Information technology consultants	<u>250,000</u>	<u>(250,000)</u>	<u>0</u>
Total all funds	\$13,282,452	(\$372,357)	\$12,910,095
Less estimated income	<u>3,505,870</u>	<u>(94,383)</u>	<u>3,411,487</u>
Total general fund	\$9,776,582	(\$277,974)	\$9,498,608
Full-time equivalent positions	59.80	(3.80)	56.00"

Page 1, line 20, replace "\$163,134" with "\$140,696"

Page 1, line 20, replace "\$123,788" with "\$104,201"

Page 1, line 21, replace "\$1,249" with "\$1,241"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1004 - State Auditor - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$11,655,646	\$11,714,840	\$52,472	\$11,767,312	\$12,002,621	(\$235,309)
Operating expenses	1,176,806	1,136,039	6,744	1,142,783	1,162,783	(20,000)
University system IT security audits	200,000					
Information technology consultants	250,000					
Total all funds	\$13,282,452	\$12,850,879	\$59,216	\$12,910,095	\$13,165,404	(\$255,309)
Less estimated income	<u>3,505,870</u>	<u>3,414,338</u>	<u>(2,851)</u>	<u>3,411,487</u>	<u>3,411,487</u>	<u>0</u>
General fund	\$9,776,582	\$9,436,541	\$62,067	\$9,498,608	\$9,753,917	(\$255,309)

FTE	59.80	57.80	(1.80)	56.00	57.80	(1.80)
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Department No. 117 - State Auditor - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Increases ¹	Removes .8 FTE Position ²	Removes 1 FTE Performance Audit Manager Position ³	Restores Funding for Salaries and Wages ⁴	Restores Funding for Operating Expenses ⁵	Total Conference Committee Changes
Salaries and wages	(\$22,438)		(\$277,191)	\$352,101		\$52,472
Operating expenses					6,744	6,744
University system IT security audits						
Information technology consultants						
Total all funds	(\$22,438)	\$0	(\$277,191)	\$352,101	\$6,744	\$59,216
Less estimated income	(2,851)	0	0	0	0	(2,851)
General fund	(\$19,587)	\$0	(\$277,191)	\$352,101	\$6,744	\$62,067
FTE	0.00	(0.80)	(1.00)	0.00	0.00	(1.80)

¹ 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 premium rate, the same as the Senate version.

² Full-time equivalent positions are reduced as a result of underfunding salaries and wages. This change was not included in the House or Senate version.

³ One FTE performance audit manager position (Position No. 00000510-1) and related funding for salaries and wages are removed. This change was not included in the House or Senate version.

⁴ Funding for salaries and wages is restored agencywide, the same as the Senate version. The House underfunded salaries and wages by an additional \$373,869.

⁵ Funding for operating expenses is partially restored to provide for a reduction of \$20,000 agencywide. The House reduced operating expenses agencywide by \$26,744. The Senate version restored the House reduction.

Engrossed HB 1004 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1378, as engrossed: Your conference committee (Sens. Unruh, Cook, Roers and Reps. Beadle, Laning, Dobervich) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1401-1402, adopt amendments as follows, and place HB 1378 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1401 and 1402 of the House Journal and pages 1093 and 1094 of the Senate Journal and that Engrossed House Bill No. 1378 be amended as follows:

Page 1, line 2, replace "aircraft detection lighting systems on wind generators" with "light-mitigating technology systems on wind energy conversion facilities"

Page 1, line 6, replace "**Aircraft detection lighting**" with "**Light-mitigating technology**"

Page 1, after line 6 insert

"1. The commission shall adopt rules by January 1, 2019, relating to the implementation of light-mitigating technology systems on wind energy conversion facilities. The rules must be consistent with the federal aviation administration regulations [14 CFR 1.1 et seq.] and must include

service and maintenance requirements, safety standards, and lighting system requirements.

2."

Page 1, line 7, remove "generator, designed for or capable of wind energy"

Page 1, remove line 8

Page 1, line 9, replace "aircraft detection lighting system in accordance" with "energy conversion facility for which the commission issued a certificate of site compatibility after June 5, 2016, must be equipped with a functioning light-mitigating technology system that complies"

Page 1, line 9, remove "The"

Page 1, remove lines 10 and 11

Page 1, line 12, replace "standards, and lighting system requirements." with:

"3. By December 31, 2021, every wind energy conversion facility for which the commission issued a certificate of site compatibility before June 5, 2016, must be equipped with a functioning light-mitigating technology system that complies with the rules adopted by the commission. After public hearing, the commission may grant an extension of time based on technical or economic feasibility considerations.

4."

Page 1, line 12, replace "cost" with "costs"

Page 1, line 12, after "with" insert "the"

Page 1, line 13, replace "these systems" with "light-mitigating technology systems"

Page 1, line 13, replace "a turbine" with "the wind energy conversion facility"

Renumber accordingly

Engrossed HB 1378 was placed on the Seventh order of business on the calendar.

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

Shanda Morgan, Secretary