

JOURNAL OF THE SENATE**Sixty-fifth Legislative Assembly**

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Bismarck, April 20, 2017

The Senate convened at 8:00 a.m., with President Sanford presiding.

The prayer was offered by Pastor Bryan Hochhalter, Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the President.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SCHAIBLE MOVED that the conference committee report on Engrossed SB 2037 as printed on SJ pages 1562-1564 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2037: A BILL 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Davison

Reengrossed SB 2037 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. UNRUH MOVED that the conference committee report on Engrossed HB 1378 as printed on SJ pages 1571-1572 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to light-mitigating technology systems on wind energy conversion facilities.

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, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Armstrong

ABSENT AND NOT VOTING: Davison

Engrossed HB 1378, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. OEHLKE MOVED that the conference committee report on Engrossed HB 1004 as printed on SJ pages 1570-1571 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Davison

Engrossed HB 1004, as amended, passed.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2037.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1004, HB 1378.

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: HB 1006.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2012, SB 2224.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2021, SB 2025, SB 2047, SB 2203.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2134.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1002, HB 1007, HB 1013, HB 1019, HB 1022, HB 1041, HB 1269, HB 1324, HCR 3036.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1004, HB 1378.

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

MR. PRESIDENT: The Speaker has signed: SB 2012, SB 2224.

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

MR. PRESIDENT: The Speaker has signed: SB 2021, SB 2025, SB 2047, SB 2203.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2134.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 19, 2017, I have signed the following: SB 2011, SB 2135, SB 2183, and SB 2216.

REPORT OF CONFERENCE COMMITTEE

SB 2139, as engrossed: Your conference committee (Sens. Armstrong, Luick, Nelson and Reps. Bosch, Heinert, Roers Jones) recommends that the **SENATE ACCEDE** to the House amendments and place SB 2139 on the Seventh order.

Engrossed SB 2139 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1006, as engrossed: Your conference committee (Sens. Wanzek, Sorvaag, Mathern and Reps. Vigasaa, Nathe, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1291-1292, adopt amendments as follows, and place HB 1006 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1291 and 1292 of the House Journal and pages 1058 and 1059 of the Senate Journal and that Engrossed House Bill No. 1006 be amended as follows:

Page 1, line 3, after the third semicolon insert "to provide an exemption;"

Page 1, replace lines 16 through 23 with:

| | | | |
|---------------------------|------------------|----------------|------------------|
| "Salaries and wages | \$21,528,135 | \$195,869 | \$21,724,004 |
| Operating expenses | 7,628,262 | (878,967) | 6,749,295 |
| Capital assets | 16,000 | (10,000) | 6,000 |
| Homestead tax credit | 18,690,000 | (3,890,000) | 14,800,000 |
| Disabled veterans' credit | <u>7,175,091</u> | <u>935,109</u> | <u>8,110,200</u> |
| Total all funds | \$55,037,488 | (\$3,647,989) | \$51,389,499 |
| Less estimated income | 125,000 | 0 | 125,000 |
| Total general fund | \$54,912,488 | (\$3,647,989) | \$51,264,499" |

Page 2, line 2, replace "\$380,646" with "\$353,067"

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

Page 2, after line 25, insert:

"SECTION 7. EXEMPTION - SALES TAX AUDIT POSITION. Up to \$75,000 of the amount appropriated from the general fund to the tax commissioner in section 1 of chapter 40 of the 2015 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this amount are available to provide salaries and wages funding for a sales tax audit position during the biennium beginning July 1, 2017, and ending June 30, 2019."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1006 - State Tax Commissioner - Conference Committee Action

| | Base Budget | House Version | Conference Committee Changes | Conference Committee Version | Senate Version | Comparison to Senate |
|---------------------------|------------------|------------------|------------------------------|------------------------------|------------------|----------------------|
| Salaries and wages | \$21,528,135 | \$21,601,583 | \$122,421 | \$21,724,004 | \$22,214,004 | (\$490,000) |
| Operating expenses | 7,628,262 | 6,749,295 | | 6,749,295 | 6,749,295 | |
| Capital assets | 16,000 | 6,000 | | 6,000 | 6,000 | |
| Homestead tax credit | 18,690,000 | 16,000,000 | (1,200,000) | 14,800,000 | 14,800,000 | |
| Disabled veterans' credit | <u>7,175,091</u> | <u>6,910,200</u> | <u>1,200,000</u> | <u>8,110,200</u> | <u>8,110,200</u> | |
| Total all funds | \$55,037,488 | \$51,267,078 | \$122,421 | \$51,389,499 | \$51,879,499 | (\$490,000) |
| Less estimated income | 125,000 | 125,000 | 0 | 125,000 | 125,000 | 0 |
| | \$54,912,488 | \$51,142,078 | \$122,421 | \$51,264,499 | \$51,754,499 | (\$490,000) |

| | | | | | | |
|--------------|--------|--------|------|--------|--------|------|
| General fund | | | | | | |
| FTE | 136.00 | 133.00 | 0.00 | 133.00 | 133.00 | 0.00 |

Department No. 127 - State Tax Commissioner - Detail of Conference Committee Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Adds Funding for Salaries and Wages ² | Rebalances Funding for Tax Credit Programs ³ | Total Conference Committee Changes |
|---------------------------|---|--|--|---|
| Salaries and wages | (\$27,579) | \$150,000 | | \$122,421 |
| Operating expenses | | | | |
| Capital assets | | | | |
| Homestead tax credit | | | (1,200,000) | (1,200,000) |
| Disabled veterans' credit | | | 1,200,000 | 1,200,000 |
| Total all funds | (\$27,579) | \$150,000 | \$0 | \$122,421 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | (\$27,579) | \$150,000 | \$0 | \$122,421 |
| FTE | 0.00 | 0.00 | 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 adjusted to reflect this change.

² Funding of \$150,000 from the general fund is added to restore funding for 1 FTE sales tax audit position that had been reduced as part of the 2015-17 biennium budget reductions. The Senate restored \$640,000 from the general fund relating to 4 FTE audit positions.

³ Funding of \$1.2 million is transferred from the homestead tax credit program to the disabled veterans' tax credit program to align the appropriations with the anticipated funding needs for the 2017-19 biennium, the same as the Senate.

A section is added to provide an exemption to allow up to \$75,000 of unspent 2015-17 biennium appropriation authority to continue in the 2017-19 biennium for a sales tax auditor position. With the \$150,000 from the general fund restored by the Conference Committee as described above, a total of \$225,000 is provided to restore funding for 2 FTE sales tax audit positions.

Engrossed HB 1006 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.

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 Sixty-first, Sixty-fourth, Sixty-sixth, Sixty-eighth, Sixty-ninth, and Seventieth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1154, line 47, replace " P. Anderson; B. Koppelman; Olson" with "B. Koppelman; Olson; P. Anderson"

Page 1154, line 48, replace "Grueneich; Howe; Olson" with "Olson; Howe; Grueneich"

Page 1154, line 50, replace "M. Nelson; Roers Jones" with "Roers Jones; M. Nelson"

Page 1154, line 52, replace "Guggisberg; Hatlestad; M. Johnson" with "Hatlestad; M.

Johnson; Guggisberg"

Page 1154, line 53, replace "Bosch; Devlin; Marschall" with "Devlin; Marschall; Bosch"

Page 1154, line 54, replace "Hanson; Jones; Roers Jones" with "Jones; Roers Jones; Hanson"

Page 1155, line 2, replace "Roers Jones; Seibel" with "Seibel; Roers Jones"

Page 1292, line 19, replace "Brandenburg" with "Brabandt"

Page 1402, line 8, replace "Senatem" with "Senate"

Page 1413, line 9, replace "Boehning, Brabandt" with "Brabandt, Boehning"

Page 1444, line 42, remove "amended"

Page 1445, line 4, remove ", as amended,"

Page 1473, line 42, replace "Armstrong, Luick, Myrdal" with "Myrdal, Luick, Armstrong"

Page 1495, line 31, replace "17" with "16"

Page 1495, line 31, replace "18" with "17"

Page 1495, line 35, replace "18" with "17"

Page 1495, line 35, replace "22" with "21"

Page 1495, line 41, replace "M. Nelson" with "Magrum"

Page 1500, line 15, replace "D. Johnson" with "Johnston"

Page 1506, line 46, before "SB" insert "Engrossed"

Page 1542, line 30, replace "Monson, Schreiber-Beck" with "Schreiber-Beck, Monson"

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WANZEK MOVED that the conference committee report on Engrossed HB 1006 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans' credit; to provide for a continuing appropriation; to provide for transfers; to provide an exemption; to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to a multistate tax audit fund; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman

Engrossed HB 1006, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ARMSTRONG MOVED that the conference committee report on Engrossed SB 2139 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2139: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm at a publicly owned or operated building; and to amend and reenact section 62.1-04-04 of the North Dakota Century Code, relating to producing a concealed weapon license upon request.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 3 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Larsen, O.; Luick; Vedaa

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

ABSENT AND NOT VOTING: Bowman

Reengrossed SB 2139 failed.

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

MR. PRESIDENT: The House has passed, unchanged: SCR 4014, SCR 4015.

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 1006.

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 2139.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2010.

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 1010, HB 1403.

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 2042.

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

MR. SPEAKER: The President has signed: SB 2012, SB 2224.

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

MR. SPEAKER: The President has signed: SB 2021, SB 2025, SB 2047, SB 2203.

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

MR. SPEAKER: The President has signed: SB 2134.

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

MR. SPEAKER: The President has signed: HB 1002, HB 1004, HB 1007, HB 1013, HB 1019, HB 1022, HB 1041, HB 1269, HB 1324, HB 1378, HCR 3036.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1002, HB 1004, HB 1007, HB 1013, HB 1019, HB 1022, HB 1041, HB 1178, HB 1221, HB 1235, HB 1269, HB 1324, HB 1369, HB 1378, HCR 3036.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 20, 2017: SB 2012, SB 2021, SB 2025, SB 2047, SB 2203, SB 2224.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 20, 2017: SB 2134.

REPORT OF CONFERENCE COMMITTEE

SB 2004, as engrossed: Your conference committee (Sens. Kilzer, G. Lee, Mathern and Reps. Kreidt, Meier, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1352-1356, adopt amendments as follows, and place SB 2004 on the Seventh order:

That the House recede from its amendments as printed on pages 1352-1356 of the Senate Journal and pages 1538-1542 of the House Journal and that Engrossed Senate Bill No. 2004 be amended as follows:

Page 1, line 2, after "reenact" insert "sections 43-28.1-01 and 43-28.1-03 and"

Page 1, line 3, after the first "to" insert "the dentists loan repayment program, criteria to be used in selecting qualified dentists, and"

Page 1, line 4, after the semicolon insert "to authorize transfers; to provide statements of legislative intent; to provide for a report to the legislative management;"

Page 1, remove lines 14 through 23

Page 2, replace lines 1 and 2 with:

| | | | |
|--|---------------|---------------|---------------|
| "Salaries and wages | \$62,805,918 | \$716,060 | \$63,521,978 |
| Operating expenses | 40,598,335 | (2,784,050) | 37,814,285 |
| Capital assets | 2,895,232 | 551,508 | 3,446,740 |
| Grants | 57,096,760 | 2,787,181 | 59,883,941 |
| Tobacco prevention | 6,910,177 | 6,736,527 | 13,646,704 |
| Women, infants, and children food payments | 20,200,000 | 0 | 20,200,000 |
| Medical marijuana | 0 | 1,560,770 | 1,560,770 |
| Total all funds | \$190,506,422 | \$9,567,996 | \$200,074,418 |
| Less estimated income | 141,970,854 | 14,629,104 | 156,599,958 |
| Total general fund | \$48,535,568 | (\$5,061,108) | \$43,474,460 |
| Full-time equivalent positions | 365.00 | (1.00) | 364.00 |

SECTION 2. HEALTH INSURANCE INCREASE. The salaries and wages line item, tobacco prevention line item, and medical marijuana line item in section 1 of this Act include the sum of \$1,007,440, of which \$525,796 is from the general fund, for increases in employee health insurance premiums from \$1,130 to \$1,241 per month."

Page 2, replace lines 11 through 14 with:

| | | |
|-----------------------|-------------|-------------|
| "Medical marijuana | 0 | 95,066 |
| Total all funds | \$2,536,110 | \$1,834,286 |
| Less estimated income | 2,200,110 | 1,834,286 |
| Total general fund | \$336,000 | \$0" |

Page 3, line 5, replace "\$11,078,195" with "\$12,878,195"

Page 3, after line 6, insert:

"SECTION 9. STATEMENT OF LEGISLATIVE INTENT - MEDICAL MARIJUANA. It is the intent of the sixty-fifth legislative assembly that chapter 19-24.1 of the North Dakota Century Code, as created in Senate Bill No. 2344, be treated as an amendment to initiated measure No. 5 as adopted at the general election in 2016, and therefore an amendment to or repeal of chapter 19-24.1 before December 8, 2023, is subject to the requirements of section 8 of article III of the Constitution of North Dakota.

SECTION 10. STATEMENT OF LEGISLATIVE INTENT - NEWBORN SCREENING - CARDIAC SYSTEM OF CARE TASK FORCE. It is the intent of the sixty-fifth legislative assembly that the state department of health's newborn screening program collaborate with the cardiac system of care task force to identify and provide critical congenital heart defect educational materials and algorithms for health care facilities and resources for parents and to explore options for data collection and analysis for the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 11. AMENDMENT. Section 43-28.1-01 of the North Dakota Century Code is amended and reenacted as follows:

43-28.1-01. Loan repayment program - Dentists - Defined need - Maximum amount of funds.

~~Each year~~Annually, the state health council shall select, from a pool of applicants, dentists who ~~shall~~will provide dental services in cities or surrounding areas, or both, in this state which the state health council identifies as having a defined need for dental services. The dentists selected from this pool of applicants ~~may include dentists who will~~shall agree to accept medical assistance patients and assignments or provide dental services in a public health clinic, a practice with a focus on an underserved population, or a nonprofit dental clinic. The dentists areA selected dentist who agrees to the terms of this program is eligible to receive funds for the repayment of ~~their~~the dentist's education loans. The funds, which are payable over a five-year period, may not exceed one hundred thousand dollars per applicant. If the state health council accepts any gifts, grants, or donations under this chapter, the council may select additional dentists for participation in the loan repayment program under this chapter.

SECTION 12. AMENDMENT. Section 43-28.1-03 of the North Dakota Century Code is amended and reenacted as follows:

43-28.1-03. Criteria.

1. The health council shall establish criteria to be used in selecting qualified dentists and in identifying cities or surrounding areas, or both, that have a defined need for dental services. The criteria must include consideration of:
 - a. The number of dentists already providing dental services in the city or surrounding areas, or both;
 - b. Access to dental services in the city and the surrounding areas;
 - c. How the dentist will provide dental services to individuals on medical assistance or in a public health clinic, a practice with a focus on an underserved population, or a nonprofit dental clinic; and
 - d. The dentist's training in general dentistry or in a dental specialty and the extent to which such services are needed in the identified city or surrounding areas, or both.
2. As a term of receipt of funds under this chapter, a dentist shall accept medical assistance patients and assignments or provide dental services in a public health clinic, a practice with a focus on an underserved population, or a nonprofit dental clinic. For purposes of a dentist selected for loan payment under this chapter who practices within fifteen miles

[24.14 kilometers] of the city limits of one of the three largest cities in the state, to qualify to receive a yearly disbursement under this chapter during that year of obligated service, the dentist must have:

- a. Received dental medical payments of at least twenty thousand dollars in the form of medical assistance reimbursement; or
 - b. Practiced at least two full workdays per week at a public health clinic or at a nonprofit dental clinic that uses a sliding fee schedule to bill the nonprofit dental clinic's patients.
3. The health council may consult with public and private sector entities in establishing criteria and evaluating needs based on the criteria."

Page 4, after line 3, insert:

"SECTION 15. COMPREHENSIVE TOBACCO CONTROL ADVISORY COMMITTEE RECORDS TRANSFER. As of July 1, 2017, all business-related records belonging to the comprehensive tobacco control advisory committee must be transferred to the state department of health. The comprehensive tobacco control advisory committee shall allow the state department of health to have access to the business-related records of the committee before July 1, 2017, as necessary, for the purpose of transitioning operations to the state department of health.

SECTION 16. STATEWIDE TOBACCO PREVENTION AND CONTROL PLAN - IMPLEMENTATION - EVALUATION - REPORT TO THE LEGISLATIVE MANAGEMENT. By July 31, 2017, the state department of health shall develop a statewide tobacco prevention and control plan that is consistent with the five components of the centers for disease control and prevention best practices for comprehensive tobacco control programs. At least once during the 2017-19 biennium, the state department of health shall provide for an independent review of the tobacco prevention and control plan to evaluate the effectiveness of the plan and its implementation. Any costs related to the independent review are provided in the tobacco prevention line item in section 1 of this Act and may be paid from the tobacco prevention and control trust fund. The department shall report the results of the independent review to the legislative management."

Page 4, line 5, after "1" insert "and section 15"

Page 4, line 5, replace "is" with "are"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2004 - State Department of Health - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|----------------|-------------------|------------------------------------|------------------------------------|------------------|------------------------|
| Salaries and wages | \$62,805,918 | \$64,416,107 | (\$894,129) | \$63,521,978 | \$63,249,821 | \$272,157 |
| Operating expenses | 40,598,335 | 38,394,458 | (580,173) | 37,814,285 | 37,639,285 | 175,000 |
| Capital assets | 2,895,232 | 3,446,740 | | 3,446,740 | 3,446,740 | |
| Grants | 57,096,760 | 56,135,670 | 3,748,271 | 59,883,941 | 59,883,941 | |
| Tobacco prevention | 6,910,177 | 12,147,741 | 1,498,963 | 13,646,704 | 13,646,704 | |
| WIC food payments | 20,200,000 | 20,200,000 | | 20,200,000 | 20,200,000 | |
| Medical marijuana | | 6,236,376 | (4,675,606) | 1,560,770 | 1,560,770 | |
| Total all funds | \$190,506,422 | \$200,977,092 | (\$902,674) | \$200,074,418 | \$199,627,261 | \$447,157 |
| Less estimated income | 141,970,854 | 155,888,204 | 711,754 | 156,599,958 | 156,344,054 | 255,904 |
| General fund | \$48,535,568 | \$45,088,888 | (\$1,614,428) | \$43,474,460 | \$43,283,207 | \$191,253 |
| FTE | 365.00 | 377.00 | (13.00) | 364.00 | 362.00 | 2.00 |

Department No. 301 - State Department of Health - Detail of Conference Committee Changes

Adjusts Funding Removes 6 FTE Reduces Removes 7 FTE Adds Funding Adds Funding

| | for Health Insurance Increases ¹ | Positions Agencywide ² | Funding for Operating Expenses Agencywide ³ | Medical Marijuana Positions and Adjusts Funding ⁴ | for Federal Ebola Grant ⁵ | for Volkswagen Corporation Settlement Proceeds ⁶ |
|-----------------------|---|-----------------------------------|--|--|--------------------------------------|---|
| Salaries and wages | (\$93,585) | (\$800,544) | | | | |
| Operating expenses | | | (675,000) | | 94,827 | |
| Capital assets | | | | | | |
| Grants | | | | | 948,271 | 2,500,000 |
| Tobacco prevention | (1,037) | | | | | |
| WIC food payments | | | | | | |
| Medical marijuana | (21,278) | | | (4,654,328) | | |
| Total all funds | (\$115,900) | (\$800,544) | (\$675,000) | (\$4,654,328) | \$1,043,098 | \$2,500,000 |
| Less estimated income | (58,973) | (324,808) | (540,000) | (3,707,563) | 1,043,098 | 2,500,000 |
| General fund | (\$56,927) | (\$475,736) | (\$135,000) | (\$946,765) | \$0 | \$0 |
| FTE | 0.00 | (6.00) | 0.00 | (7.00) | 0.00 | 0.00 |

| | Adds Funding for Domestic Violence Offender Treatment Grants ⁷ | Adds Funding for Tobacco Cessation ⁸ | Adds Funding for Local Public Health Unit Tobacco Prevention and Control Grants ⁹ | Total Conference Committee Changes |
|-----------------------|---|---|--|------------------------------------|
| Salaries and wages | | | | (\$894,129) |
| Operating expenses | | | | (580,173) |
| Capital assets | | | | |
| Grants | 300,000 | | | 3,748,271 |
| Tobacco prevention | | 500,000 | 1,000,000 | 1,498,963 |
| WIC food payments | | | | |
| Medical marijuana | | | | (4,675,606) |
| Total all funds | \$300,000 | \$500,000 | \$1,000,000 | (\$902,674) |
| Less estimated income | 300,000 | 500,000 | 1,000,000 | 711,754 |
| General fund | \$0 | \$0 | \$0 | (\$1,614,428) |
| FTE | 0.00 | 0.00 | 0.00 | (13.00) |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month, the same as the House version.

² Six FTE positions are removed, including related funding for salaries and wages. The House removed 8 FTE positions and related funding.

³ Funding for operating expenses is reduced agencywide. The House reduced funding for operating expenses agencywide by \$850,000.

⁴ Seven FTE medical marijuana positions are removed and funding is adjusted based on the fiscal note for Senate Bill No. 2344, as approved by the House and Senate and signed by the Governor, to provide a total of 6 FTE positions and total funding of \$1,560,770, of which \$723,270 is from the general fund and \$837,500 is from the compassionate care fund. This level of funding is the same as the House version.

⁵ Funding is added for a federal Ebola grant anticipated to be received by the department, the same as the House version.

⁶ Funding is added for grants from special funds resulting from a settlement agreement between the United States Department of Justice and the Volkswagen Corporation related to emissions, the same as the House version. The State Department of Health has been designated to receive the funds by the Governor's office.

⁷ Funding is provided from the tobacco prevention and control trust fund for domestic violence offender treatment grants, the same as the House version.

⁸ Funding is provided from the tobacco prevention and control trust fund for tobacco cessation. The House provided the same level of funding for cessation products.

⁹ Funding is provided from the tobacco prevention and control trust fund for grants to local

public health units for tobacco prevention and control programs to provide a total of \$6.5 million for tobacco prevention grants to local public health units, the same as the House version.

This amendment also:

- Adds a section to identify additional funding provided for health insurance increases, the same as the House version.
- Amends the section related to funding from the tobacco prevention and control trust fund to provide \$12,878,195 from the tobacco prevention and control trust fund to the State Department of Health for tobacco prevention and related health programs, the same as the House version.
- Adds a section of legislative intent that North Dakota Century Code Chapter 19-24.1 related to medical marijuana, as created by Senate Bill No. 2344, be subject to the requirements of Section 8 of Article III of the Constitution of North Dakota until December 8, 2023, the same as the House version.
- Adds a section of legislative intent that the State Department of Health's newborn screening program collaborate with the cardiac system of care taskforce to provide congenital heart defect educational materials and to explore options for data collection and analysis. This section was not included in the House or Senate version.
- Adds sections to amend Sections 43-28.1-01 and 43-28.1-03 related to the dentists loan repayment program and criteria to be used in selecting qualified dentists, the same as the House version.
- Adds a section to require, as of July 1, 2017, all business-related records belonging to the Comprehensive Tobacco Control Advisory Committee to be transferred to the State Department of Health. The State Department of Health must have access to the business-related records of the Comprehensive Tobacco Control Advisory Committee prior to July 1, 2017, for the purposes of transitioning the operations to the State Department of Health, the same as the House version.
- Adds a section to provide that by July 31, 2017, the State Department of Health develop a statewide tobacco prevention and control plan that is consistent with the five components of the Centers for Disease Control and Prevention Best Practices for Comprehensive Tobacco Control Programs. At least once during the 2017-19 biennium, the State Department of Health must provide for an independent review of the tobacco prevention and control plan to evaluate the effectiveness of the plan and its implementation. Any costs related to the independent review are included in the tobacco prevention control line item and may be paid from the tobacco prevention and control trust fund. The department must report the results of the review to the Legislative Management. This provision was included in the House version, but not the Senate version.
- Provides the section related to the transfer of records from the Comprehensive Tobacco Control Advisory Committee to the State Department of Health is an emergency measure, the same as the House version.

Engrossed SB 2004 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1010, as engrossed: Your conference committee (Sens. Oehlke, Erbele, Grabinger and Reps. Vigesaa, Kempenich, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1274-1275, adopt amendments as follows, and place HB 1010 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1274 and 1275 of the House Journal and pages 1032 and 1033 of the Senate Journal and that Engrossed House Bill No. 1010 be amended as follows:

Page 1, replace lines 14 through 17 with:

| | | | |
|--------------------------------|------------------|------------------|------------------|
| "Salaries and wages | \$8,943,097 | (\$393,530) | \$8,549,567 |
| Operating expenses | <u>2,512,042</u> | <u>(332,265)</u> | <u>2,179,777</u> |
| Total special funds | \$11,455,139 | (\$725,795) | \$10,729,344 |
| Full-time equivalent positions | 49.50 | (3.50) | 46.00" |

Page 1, line 19, replace "\$134,513" with "\$124,767"

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

Page 2, line 4, replace "\$13,837,850" with "\$15,064,086"

Page 2, line 7, replace "\$13,076,768" with "\$14,235,561"

Page 2, line 8, replace "\$761,082" with "\$828,525"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1010 - Insurance Department - Conference Committee Action

| | Base Budget | House Version | Conference Committee Changes | Conference Committee Version | Senate Version | Comparison to Senate |
|------------------------|----------------|------------------|------------------------------------|------------------------------------|-------------------|-------------------------|
| Salaries and wages | \$8,943,097 | \$8,501,479 | \$48,088 | \$8,549,567 | \$8,657,595 | (\$108,028) |
| Operating expenses | 2,512,042 | 2,179,777 | | 2,179,777 | 2,179,777 | |
| Fire department grants | 16,571,207 | 13,837,850 | 1,226,236 | 15,064,086 | 16,571,207 | (1,507,121) |
| Total all funds | \$28,026,346 | \$24,519,106 | \$1,274,324 | \$25,793,430 | \$27,408,579 | (\$1,615,149) |
| Less estimated income | 28,026,346 | 24,519,106 | 1,274,324 | 25,793,430 | 27,408,579 | (1,615,149) |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 49.50 | 46.00 | 0.00 | 46.00 | 47.00 | (1.00) |

Department No. 401 - Insurance Department - Detail of Conference Committee Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Adjusts Funding for FTE Position Removed by the House ² | Restores Funding for the North Dakota Firefighter's Association ³ | Restores Funding for Fire Department Grants ⁴ | Total Conference Committee Changes |
|------------------------|---|--|--|--|---|
| Salaries and wages | (\$9,746) | \$57,834 | | | \$48,088 |
| Operating expenses | | | | | |
| Fire department grants | | | 67,443 | 1,158,793 | 1,226,236 |
| Total all funds | (\$9,746) | \$57,834 | \$67,443 | \$1,158,793 | \$1,274,324 |
| Less estimated income | (9,746) | 57,834 | 67,443 | 1,158,793 | 1,274,324 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 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 is also adjusted to reflect the change.

² Funding is adjusted to restore \$57,834 relating to 1 FTE position removed by the House, to provide for a total reduction of \$108,028 and the removal of 1 FTE licensing specialist position. The House removed the 1 FTE position and \$165,862. The Senate did not remove the funding or the FTE position.

³ Funding of \$67,443 is restored from the House version to provide a total of \$828,525 from the insurance tax distribution fund for the North Dakota Firefighter's Association. The House provided \$761,082 from the insurance tax distribution fund for the North Dakota Firefighter's Association. The Senate provided \$911,416 from the insurance tax distribution fund for the North Dakota Firefighter's Association. Section 4 is also adjusted to reflect the change. This funding adjustment results in increased estimated general fund revenue of \$82,891 for the 2017-19 biennium compared to the Senate version.

⁴ Funding of \$1,158,793 is restored from the House version to provide a total of \$14,235,561 from the insurance tax distribution fund for payments to fire departments. The House provided \$13,076,768 from the insurance tax distribution fund for payments to fire departments. The Senate provided \$15,659,791 from the insurance tax distribution fund for payments to fire departments. Section 4 is also adjusted to reflect the change. This funding adjustment results in increased estimated general fund revenue of \$1,424,230 for the 2017-19 biennium compared to the Senate version.

Engrossed HB 1010 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1403, as engrossed: Your conference committee (Sens. J. Lee, Anderson, Heckaman and Reps. D. Ruby, Kasper, Boschee) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1226-1227 and place HB 1403 on the Seventh order.

Engrossed HB 1403 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. KILZER MOVED that the conference committee report on Engrossed SB 2004 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact sections 43-28.1-01 and 43-28.1-03 and subsection 1 of section 54-27-25 of the North Dakota Century Code, relating to the dentists loan repayment program, criteria to be used in selecting qualified dentists, and the tobacco settlement trust fund; to repeal chapter 23-38 of the North Dakota Century Code, relating to the community health grant program; to authorize transfers; to provide statements of legislative intent; to provide for a report to the 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2004 passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. OEHLKE MOVED that the conference committee report on Engrossed HB 1010 be adopted, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to provide an appropriation for the distribution of funds from the insurance tax distribution fund; to provide a transfer; and to amend and reenact section 18-04-05 of the North Dakota Century Code, relating to payments to

fire departments from the insurance tax distribution fund.

ROLL CALL

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

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

Engrossed HB 1010, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Engrossed HB 1403 be adopted, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that Senate Rule 509 be amended, replacing seventy-first legislative day with seventy-fifth legislative day, which motion prevailed.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1403.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1010.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1201.

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 2004.

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 1040, HB 1275.

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., Friday, April 21, 2017, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1040, as reengrossed: Your conference committee (Sens. J. Lee, Dever, Heckaman and Reps. Weisz, B. Anderson, P. Anderson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1491-1492, adopt amendments as follows, and place HB 1040 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1491 and 1492 of the House Journal and pages 1175 and 1176 of the Senate Journal and that Reengrossed House Bill No. 1040 be amended as follows:

Page 1, line 24, replace "\$200,000" with "\$150,000"

Page 2, after line 6, insert:

"SECTION 4. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - PEER-TO-PEER SUPPORT SERVICES - ALTERNATIVE USE.

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing funds to one or more organizations to provide peer-to-peer support services, for the biennium beginning July 1, 2017, and ending June 30, 2019. Funds provided under this section must be used for providing recovery and peer support services to individuals with behavioral health needs. If the department of human services has other funds available to provide for peer-to-peer support services for the biennium beginning July 1, 2017, and ending June 30, 2019, the department may allocate funds appropriated under this section for providing children's prevention and early intervention behavioral health services as provided for under section 3 of this Act.

SECTION 5. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - FAMILY-TO-FAMILY SUPPORT SERVICES.

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing funds to one or more organizations to provide family-to-family support services, for the biennium beginning July 1, 2017, and ending June 30, 2019. Funds provided under this section must be used for providing support services to families with children who have disabilities or behavioral health needs."

Renumber accordingly

Reengrossed HB 1040 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1275, as engrossed: Your conference committee (Sens. Schaible, Kannianen, Oban and Reps. Karls, K. Koppelman, Simons) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1035-1036, adopt amendments as follows, and place HB 1275 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1275 of the House Journal and pages 1035 and 1036 of the Senate Journal and that Engrossed House Bill No. 1275 be amended as follows:

Page 1, line 2, remove "parochial or private school athletic"

Page 1, line 2, after "activities" insert "for public and nonpublic schools"

Page 1, line 10, remove "Notwithstanding any other provision of law, neither the North Dakota high school"

Page 1, remove lines 11 through 14

Page 1, line 15, replace "parochial school" with "A student of a public or nonpublic school may not be prohibited"

Page 1, line 15, replace "before" with "at"

Page 1, line 16, remove "athletic"

Page 1, line 16, replace "the public, parochial, or private" with "a public or nonpublic"

Renumber accordingly

Engrossed HB 1275 was placed on the Seventh order of business on the calendar.

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

Shanda Morgan, Secretary

