

## JOURNAL OF THE SENATE

## Sixty-fifth Legislative Assembly

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Bismarck, March 30, 2017

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

The prayer was offered by Reverend Jenny Hallenbeck Orr, McCabe United Methodist Church, Bismarck.

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

A quorum was declared by the President.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM  
VETO MEASURE**

Dear Speaker Bellew:

Pursuant to Article V, Section 9 of the North Dakota Constitution, I have vetoed House Bill 1153 and returned it to the House.

As the chief executive of the state, the Governor is responsible for the administration of state business. Article V, § 7 ND Const. This responsibility includes the duty to fill vacant positions and supervise the conduct of executive and ministerial officers. The Legislature can neither add to nor diminish these constitutional duties.

HB 1153 seeks to restrict the authority of the Governor, *and only the Governor*, to pay recruitment and retention bonuses to cabinet leaders and the Governor's staff. HB 1153 places unprecedented and intentional restrictions on the Governor's ability to fulfill the constitutional duty to recruit and retain cabinet agency directors and key support personnel. These restrictions intrude upon the operations of the executive branch and violate the separation of governmental powers established by the North Dakota Constitution.

The importance of recruitment and retention bonus programs was acknowledged by the Fifty-Seventh Legislative Assembly in enacting Section 54-06-31 of the Century Code. A 2009 amendment added subsection 5, to specifically recognize the importance of recruitment and retention tools for "hard-to-fill occupation[s]", to respond to market forces and competition, or to avoid losing a highly performing incumbent with rare or special skills. Recruiting and retaining experienced and transformational cabinet leaders is an essential step in delivering more efficient government services.

Collectively our seventeen cabinet agencies employ more than 6,000 state workers. These agencies are complex, widely diverse and provide meaningful, specialized, and essential services on behalf of our state citizens. The cabinet agency leadership positions meet the "hard-to-fill" criteria described in NDCC Section 54-06-31 (5).

Further, Cabinet leaders and the Governor's staff are unclassified positions, meaning they are employed "at will." This is different from the vast majority of state employment positions which are "classified" and therefore hold more job protections. As unclassified positions, the Governor's staff and cabinet leaders serve at the pleasure of the Governor. And unlike classified positions, every four years with the election cycle there is increased risk of turnover for these key positions.

To explicitly remove a human resources tool for these specialized, hard-to-fill, and at-will employees will impair the Governor's ability to attract and retain the leadership and staff necessary to effectively execute the duties of the office now and for future governors.

The thriving private sector creates ample competition for attracting and retaining leadership, with more flexibility and higher salary levels than comparable leadership and senior staff roles in the public sector. Any movement to erode the Governor's flexibility will further reduce state government's ability to bring much-needed private sector experience into cabinet

leadership positions.

The proposed restrictions upon this administration set forth in HB 1153 serve no constructive purpose. This bill violates the constitutional exercise of executive authority to manage state agencies and to carefully budget appropriated resources. For these reasons, I have vetoed HB 1153.

As Governor, I understand the importance of strong fiscal policies and have proposed more than \$1.5 billion in reduced spending for the next biennium. We are committed to partnering with the Legislature to achieve these costs reductions, even as we continue to search for new, more cost-effective solutions to delivering services and operating our state.

There are many steps we still need to take to improve the efficiency and performance of state government, but HB 1153 is a step in the wrong direction.

Sincerely,

Doug Burgum  
Governor

#### CONSIDERATION OF VETOED MEASURE

**HB 1153:** AN ACT to amend and reenact section 54-06-31 of the North Dakota Century Code, relating to state employee recruitment and retention bonus programs.

#### ROLL CALL

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 13 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Cook; Dotzenrod; Grabinger; Heckaman; Kilzer; Klein; Larsen, O.; Larson, D.; Lee, G.; Myrdal; Oban; Schaible

**NAYS:** Anderson; Armstrong; Bekkedahl; Burckhard; Campbell; Casper; Clemens; Davison; Dever; Erbele; Hogue; Holmberg; Kannianen; Krebsbach; Kreun; Laffen; Lee, J.; Luick; Marcellais; Mathern; Meyer; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Nelson

The Senate sustained the Governor's veto of HB 1153, as enrolled.

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#### CONSIDERATION OF AMENDMENTS

**HB 1221, as engrossed: SEN. ARMSTRONG (Judiciary Committee) MOVED** that the amendments on SJ pages 1001-1003 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1221:** A BILL for an Act to amend and reenact subsection 4 of section 12-60-07 and section 12-63-04 of the North Dakota Century Code, relating to powers, duties, and functions of the bureau of criminal investigation and powers and duties of the peace officer standards and training board.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1221, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1016, as engrossed: SEN. HOGUE (Appropriations Committee) MOVED** that the amendments on SJ pages 997-1000 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide a transfer; and to provide exemptions.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1016, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1004, as engrossed: SEN. OEHLKE (Appropriations Committee) MOVED** that the amendments on SJ pages 994-995 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 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, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1004, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1269, as engrossed: SEN. ARMSTRONG (Judiciary Committee) MOVED** that the amendments on SJ pages 1003-1008 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1269:** 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 sentencing for aggravated assault; 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, sections 19-03.1-22.3 and 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, ingesting a controlled substance, 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, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1269, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1009, as engrossed: SEN. BOWMAN (Appropriations Committee) MOVED** that the amendments on SJ pages 996-997 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to provide for a transfer; and to amend and reenact sections 4.1-16-06 and 4.1-16-07 of the North Dakota Century Code, relating to beekeeper license fees.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1009, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1321: SEN. CAMPBELL (Transportation Committee) MOVED** that the amendments on SJ pages 1008-1009 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1321:** A BILL for an Act to amend and reenact subsection 4 of section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations for vehicles on highways other than the interstate system.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nelson

HB 1321, as amended, passed.

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**CONSIDERATION OF AMENDMENTS**

**HB 1041, as reengrossed and amended: SEN. ARMSTRONG (Appropriations Committee) MOVED** that the amendments on SJ pages 1000-1001 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1041:** A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to presumptive probation; to amend and reenact sections 12-44.1-32, 12-54.1-01, 12-59-08, 12.1-17-13, and 12.1-23-05, subsection 2 of section 12.1-32-02, subsection 3 of section 12.1-32-07, section 19-03.1-22.3, subsection 1 of section 19-03.1-22.5, subsections 5 and 7 of section 19-03.1-23, subdivision a of subsection 1 of section 19-03.1-23.1, section 19-03.4-03, subdivision f of subsection 5 of section 39-08-01, subsection 2 of section 39-20-01, subsection 17 of section 50-06-05.1, and section 50-09-29 of the North Dakota Century Code, relating to sentence reduction credit, medical paroles, domestic violence offender treatment, grading of theft offenses, credit for time spent in custody, terms and conditions of probation, controlled substances and controlled substance paraphernalia, and the supplemental nutrition assistance program; to provide a penalty; to provide for the creation of a pretrial services program pilot project within the department of corrections and rehabilitation; to provide a report to the legislative management; to provide for a report to the legislative assembly; to provide an appropriation; to provide an effective date; and to declare an emergency.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed HB 1041, as amended, passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1170:** A BILL for an Act to create and enact chapter 29-31.2 of the North Dakota Century Code, relating to criminal forfeitures; to amend and reenact subsection 4 of section 4-24-12, subsection 4 of section 5-01-16, sections 12.1-06.1-05 and 12.1-06.1-06, subsection 7 of section 12.1-23-16, subsection 4 of section 12.1-28-02, section 19-03.1-36, subsection 1 of section 27-20-03, sections 39-03-18, 39-08-01.3, 39-30-04, 40-11-13, 54-12-14, and 57-36-14, subsection 2 of section 57-36-33, section 62.1-01-02, and subsection 2 of section 62.1-05-01 of the North Dakota Century Code, relating to forfeiture remedies, forfeiture of property, forfeiture funds of motor vehicles, forfeitures for violation of ordinances, seizure procedures, and forfeiture procedures; and to repeal sections 19-03.1-36.1, 19-03.1-36.2, 19-03.1-36.3, 19-03.1-36.4, 19-03.1-36.5, 19-03.1-36.6, 19-03.1-36.7, and 28-01-20, and chapters 29-31.1 and 32-14 of the North Dakota Century Code, relating to forfeiture proceedings, forfeiture disposition, seizure and transfer of forfeitable property, and actions to recover forfeitures.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1170 failed.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3016:** A concurrent resolution requesting the Legislative Management to consider studying the desirability of moving city and other local elections from the primary election in June in even-numbered years to the general election in November in even-numbered years.

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

Engrossed HCR 3016 was declared adopted on a verification vote.

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**SECOND READING OF HOUSE BILL**

**HB 1427:** A BILL for an Act to provide for a legislative management study of refugee resettlement in North Dakota.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Campbell; Casper; Clemens; Cook; Dever; Hogue; Holmberg; Kannianen; Klein; Kreun; Laffen; Larsen, O.; Lee, G.; Luick; Meyer; Myrdal; Osland; Poolman; Roers; Rust; Unruh; Vedaa; Wanzek

**NAYS:** Burckhard; Davison; Dotzenrod; Erbele; Grabinger; Heckaman; Kilzer; Krebsbach; Larson, D.; Lee, J.; Marcellais; Mathern; Oban; Oehlke; Piepkorn; Robinson; Schaible; Sorvaag; Wardner

**ABSENT AND NOT VOTING:** Nelson

Engrossed HB 1427 passed.

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#### **CONSIDERATION OF MESSAGES FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to SB 2188 as printed on SJ page 783, in the House amendments to SB 2200 as printed on SJ page 810, in the House amendments to Engrossed SB 2223 as printed on SJ pages 847-849, in the House amendments to SB 2239 as printed on SJ pages 695-698, in the House amendments to SB 2247 as printed on SJ pages 721-722, and in the House amendments to Engrossed SB 2311 as printed on SJ page 954 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEES**

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**SB 2188:** Sens. Klein, Burckhard, Roers.

**SB 2200:** Sens. Bekkedahl, Cook, Meyer.

**Engrossed SB 2223:** Sens. Burckhard, Casper, Marcellais.

**SB 2239:** Sens. Casper, Campbell, Nelson.

**SB 2247:** Sens. Rust, Laffen, Clemens.

**Engrossed SB 2311:** Sens. Roers, Campbell, Marcellais.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2283 as printed on SJ page 771, which motion prevailed on a voice vote.

Engrossed SB 2283, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2283:** A BILL for an Act to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to denial of tax incentives to taxpayers delinquent on the payment of state or local taxes; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2283 passed.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ARMSTRONG MOVED** that the Senate do concur in the House amendments to SB 2300 as printed on SJ page 891, which motion prevailed on a voice vote.

SB 2300, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2300:** A BILL for an Act to amend and reenact section 12.1-17-02 of the North Dakota Century Code, relating to aggravated assault of a peace officer; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Engrossed SB 2300 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2330 as printed on SJ page 925, which motion prevailed on a voice vote.

Engrossed SB 2330, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2330:** A BILL for an Act to amend and reenact subsection 2 of section 57-39.5-01 of the North Dakota Century Code, relating to the definition of farm machinery; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2330 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ARMSTRONG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2193 as printed on SJ pages 925-926, which motion prevailed on a voice vote.

Engrossed SB 2193, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2193:** A BILL for an Act to amend and reenact section 11-15-33, subsection 2 of section 15-10-17, and section 40-20-05 of the North Dakota Century Code, relating to jurisdiction of law enforcement officers; 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; 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; Oban;

Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2193 passed and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. POOLMAN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2053 as printed on SJ pages 923-924, which motion prevailed on a voice vote.

Engrossed SB 2053, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2053:** A BILL for an Act to amend and reenact subsection 4 of section 39-03.1-11.2, section 54-52-01, subsections 3 and 4 of section 54-52-17, subsection 4 of section 54-52-28, section 54-52.1-03, subsection 1 of section 54-52.1-03.3, section 54-52.1-03.4, subsection 2 of section 54-52.1-18, section 54-52.6-06, and subsection 2 of section 54-52.6-09 of the North Dakota Century Code, relating to the definitions of retirement and retirement board, eligibility for disability retirement and early retirement benefits under the public employees retirement system, employee enrollment, billing for the retiree health insurance credit, temporary employee participation in the uniform group insurance program failure to maintain a health savings account when the high-deductible health plan is elected, payment of administrative expenses of the defined contribution plan, penalties for employers failing to pay contributions under the defined contribution plan, to provide a contingent effective date; and to provide an expiration date.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2053 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. BURCKHARD MOVED** that the Senate do concur in the House amendments to SB 2136 as printed on SJ page 709, which motion prevailed on a voice vote.

SB 2136, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2136:** A BILL for an Act to amend and reenact section 23-11-05 of the North Dakota Century Code, relating to the appointment of housing authority commissioners.

#### 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; 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; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Nelson

Engrossed SB 2136 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ARMSTRONG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2151 as printed on SJ page 952, which motion prevailed on a voice vote.

Engrossed SB 2151, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2151:** A BILL for an Act to amend and reenact section 23-06.5-17 of the North Dakota Century Code, relating to health care directives.

**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; 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; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2151 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. POOLMAN MOVED** that the Senate do concur in the House amendments to SB 2195 as printed on SJ page 952, which motion prevailed on a voice vote.

SB 2195, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2195:** A BILL for an Act to amend and reenact section 44-04-18.15 of the North Dakota Century Code, relating to exempting donor records from public disclosure under open records laws.

**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; 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; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Nelson

Engrossed SB 2195 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ARMSTRONG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2201 as printed on SJ pages 952-953, which motion prevailed on a voice vote.

Engrossed SB 2201, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2201:** A BILL for an Act to amend and reenact sections 15-10-55 and 15.1-19-25 of the North Dakota Century Code, relating to the freedom of expression of student journalists.

**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; 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; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Nelson

Reengrossed SB 2201 passed.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HCR 3014.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1255, HB 1272, HB 1334, HB 1341, HB 1374, HB 1392, HB 1403, HB 1418.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1233.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1333.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1436.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2099, SB 2141, SB 2163, SB 2189, SB 2271, SB 2322, SB 2335.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2099**

Page 1, line 9, remove the overstrike over ~~""North Dakota immunization advisory committee"~~  
means the group of private"

Page 1, remove the overstrike over lines 10 through 17

Page 1, line 18, remove the overstrike over "e:"

Page 1, line 20, remove the overstrike over "f:"

Page 1, line 20, remove "c."

Page 1, line 23, remove the overstrike over "~~As part of the North Dakota immunization program:~~"

Page 2, line 1, remove the overstrike over "a:"

Page 2, line 11, remove the overstrike over "b. ~~The department~~"

Page 2, line 11, after "~~shall~~" insert "may"

Page 2, line 11, remove the overstrike over "~~establish a program through which the department~~"

Page 2, remove the overstrike over lines 12 through 25

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2141

Page 7, line 28, after "licensed" insert ", certified,"

Page 10, line 27, after the underscored period insert "The board's rule must allow for supervision of board certified behavioral analysts by professionals with equivalent or greater training."

Page 13, line 19, after "fines" insert ", not to exceed five hundred dollars."

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2163

Page 1, line 20, after "guardian" insert "or conservator"

Page 2, line 3, replace the first "and" with an underscored comma

Page 2, line 3, replace "including" with "and"

Page 2, line 4, remove "conservator devoted to the litigation of a claim"

Page 2, line 5, replace "brought under this section" with "guardian ad litem if appointed by the court"

Page 2, line 8, remove "subsection 5 of"

Page 2, line 10, replace "four" with "six"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2189

Page 2, line 29, after the underscored period insert "This section does not preclude a children's advocacy center from allowing a parent or guardian who is not an accused from discussing and accessing the records and digital media."

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2271

Page 1, line 9, replace "twenty-one" with "fifteen business"

Page 1, line 9, remove "Each proposal must be reviewed by, approved,"

Page 1, remove line 10

Page 1, line 11, remove "submitted to a governmental unit."

Page 1, line 12, remove the overstrike over "~~which~~"

Page 1, line 12, remove "~~and make a~~"

Page 1, remove lines 13 and 14

Page 1, line 15, replace "~~qualified provider shall prepare an energy conservation measure report, including~~" with "include"

Page 2, line 11, after the second "the" insert "project, including costs of the"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2322

Page 2, line 15, after the second "a" insert "transaction or"

Page 2, line 18, after "requested" insert "transaction or"

Page 2, line 20, after "requested" insert "transaction or"

Page 2, line 27, after "requested" insert "transaction or"

Page 2, line 29, after "requested" insert "transaction or"

Page 3, line 1, after "a" insert "transaction or"

Page 3, line 3, after the second "the" insert "transaction or"

Page 3, line 6, after "delayed" insert "the transaction or"

Page 3, line 10, after "delayed" insert "the transaction or"

Page 3, line 13, after "jurisdiction" insert "or the commissioner"

Page 3, line 13, after the second "the" insert "transaction or"

Page 3, line 19, after the first "in" insert "the transaction or"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2335

Page 2, line 11, replace "sixty" with "sixty-five"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2135, SB 2196, SB 2261.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2135

Page 1, line 2, replace "appropriation" with "expiration date"

Page 1, line 13, remove "and"

Page 1, line 17, replace the period with "; and

- d. The effect of out-of-state funding on the initiated and referred measure process and whether limits on out-of-state funding are necessary."

Page 2, line 1, after "b." insert "One individual appointed by the secretary of state;

c."

Page 2, line 1, remove "legislative assembly, at least one of whom is a member of"

Page 2, line 2, replace "the minority party, appointed by the legislative management" with "house of representatives, two of whom must be appointed by the majority leader of the house of representatives and one of whom must be appointed by the minority leader of the house of representatives"

Page 2, remove lines 3 and 4

Page 2, line 5, after "Three" insert "members of the senate, two of whom must be appointed by the majority leader of the senate and one of whom must be appointed by the minority leader of the senate;

e. Seven"

Page 2, line 5, after "governor" insert ", two of whom must be past or current members of a sponsoring committee for an initiated or referred measure. The governor shall provide public notice of available citizen positions on the commission and establish a procedure for submission of applications"

Page 2, line 5, after the semicolon insert "and"

Page 2, line 6, replace "e." with "f. Nonvoting members consisting of:

(1)"

Page 2, line 7, replace "f." with "(2)"

Page 2, line 8, replace "g." with "(3)"

Page 2, line 8, after the semicolon insert "and"

Page 2, line 9, replace "h." with "(4)"

Page 2, line 9, remove "; and"

Page 2, line 10, remove "i. One individual appointed by North Dakota United"

Page 2, line 11, after "4." insert "A citizen member appointed to the commission by the governor may not be an elected or appointed official, a member of an organization listed in subdivision f of subsection 3, or an employee of the governor's office.

5. After the closing of the application period for citizen members under subdivision e of subsection 3 has concluded, there must be allotted forty-five days for public review and comment on the applications before the governor appoints the citizen members.

6."

Page 2, line 11, replace "chairman of the legislative management committee" with "appointing authority"

Page 2, line 13, replace "5." with "7."

Page 2, line 14, replace "6." with "8."

Page 2, replace lines 19 through 23 with:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through June 30, 2019, and after that date is ineffective."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2196**

Page 1, line 3, after "appropriation" insert "; to provide for a report to the budget section; to provide for a report to the sixty-sixth legislative assembly"

Page 1, after line 23, insert:

**"SECTION 3. VALLEY CITY STATE UNIVERSITY INTEGRATED CARBON PLANT PROJECT - BUDGET SECTION REPORT - REPORT TO SIXTY-SIXTH LEGISLATIVE ASSEMBLY.** During the 2017-18 interim, the state board of higher education shall provide a report to the budget section of the legislative management regarding the status of the integrated carbon plant project at Valley City state university. The state board of higher education shall also provide a report to the appropriations committees of the sixty-sixth legislative assembly regarding the status of the project."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2261**

Page 2, remove the overstrike over lines 17 through 21

Page 2, line 22, remove the overstrike over "3."

Page 2, line 22, remove "2."

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2145, SB 2187, SB 2328, SCR 4004, SCR 4006.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2053, SB 2136, SB 2151, SB 2193, SB 2195, SB 2201, SB 2283, SB 2300, and SB 2330.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2188, SB 2200, SB 2223, SB 2239, SB 2247, and SB 2311, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2188:** Sens. Klein; Burckhard; Roers

**SB 2200:** Sens. Bekkedahl; Cook; Meyer

**SB 2223:** Sens. Burckhard; Casper; Marcellais

**SB 2239:** Sens. Casper; Campbell; Nelson

**SB 2247:** Sens. Rust; Laffen; Clemens

**SB 2311:** Sens. Roers; Campbell; Marcellais

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1097, HB 1110, HB 1116, HB 1134, and HB 1150.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1045, HB 1166, HB 1194, and HB 1339, and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**HB 1045:** Reps. Headland; Dockter; Mitskog

**HB 1166:** Reps. Dockter; Grueneich; Mitskog

**HB 1194:** Reps. Klemin; Blum; Hanson

**HB 1339:** Reps. B. Koppelman; C. Johnson; Rohr

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2258.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1249.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2258.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2258.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1249.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1128.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1212, HB 1214.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1249.

#### COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 29, 2017, I have signed the following: SB 2094, SB 2098, SB 2110, SB 2115, SB 2117, SB 2125, SB 2147, SB 2168, SB 2176, SB 2199, SB 2212, SB 2230, SB 2249, SB 2269, SB 2288, SB 2290, SB 2308, SB 2325, SB 2326, and SB 2334.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has sustained the Governor's veto on HB 1153. The vote was 13 YEAS, 33 NAYS, 1 ABSENT AND NOT VOTING.

#### MOTION

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

#### MOTION

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 31, 2017, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1001, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1001 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with "to amend and reenact section 54-07-04 of the North Dakota Century Code, relating to the salary of the governor;"

Page 1, line 2, after "report" insert "; to provide for retroactive application; to provide a contingent expiration date; and to declare an emergency"

Page 1, replace lines 11 through 16 with:

"Salaries and wages	\$3,735,049	(\$46,547)	\$3,688,502
Operating expenses	343,710	(45,254)	298,456
Contingencies	5,000	5,000	10,000
Rough rider awards	<u>10,800</u>	<u>0</u>	<u>10,800</u>
Total general fund	\$4,094,559	(\$86,801)	\$4,007,758
Full-time equivalent positions	18.00	0.00	18.00"

Page 1, line 18, replace "\$50,086" with "\$46,457"

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

Page 2, after line 11, insert:

**"SECTION 5. GOVERNOR'S SALARY AND FRINGE BENEFIT FUNDING.**

The salaries and wages line item in section 1 of this Act includes the sum of \$347,424 from the general fund which may only be used for salary and fringe benefit payments to the governor during the biennium beginning July 1, 2017, and ending June 30, 2019. Any portion of this sum which is not used for salary and fringe benefit payments to the governor must be canceled at the end of the biennium pursuant to section 54-44.1-11.

**SECTION 6. AMENDMENT.** Section 54-07-04 of the North Dakota Century Code is amended and reenacted as follows:

**54-07-04. Salary of governor.**

The annual salary of the governor is ~~one hundred twenty nine thousand ninety one dollars through June 30, 2016, and one hundred thirty two thousand nine hundred sixty four dollars thereafter~~ one dollar.

**SECTION 7. RETROACTIVE APPLICATION.** Section 6 of this Act applies retroactively to December 15, 2016.

**SECTION 8. CONTINGENT EXPIRATION DATE.** Section 6 of this Act is effective until the secretary of state notifies the legislative council that an individual who did not hold the office of governor as of December 15, 2016, has filed an oath of office to assume the office of governor, or until December 14, 2020, whichever date is earlier.

**SECTION 9. EMERGENCY.** Sections 6, 7, and 8 of this Act are declared to be an emergency measure."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1001 - Governor's Office - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$3,735,049	\$3,542,131	\$146,371	\$3,688,502
Operating expenses	343,710	298,456		298,456
Contingencies	5,000	10,000		10,000
Rough Rider Awards	10,800	10,800		10,800
Total all funds	\$4,094,559	\$3,861,387	\$146,371	\$4,007,758
Less estimated income	0	0	0	0
General fund	\$4,094,559	\$3,861,387	\$146,371	\$4,007,758
FTE	18.00	17.00	1.00	18.00

**Department No. 101 - Governor's Office - Detail of Senate Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Restores 1 FTE Position <sup>2</sup>	Total Senate Changes
Salaries and wages	(\$3,629)	\$150,000	\$146,371
Operating expenses			
Contingencies			
Rough Rider Awards			
Total all funds	(\$3,629)	\$150,000	\$146,371
Less estimated income	0	0	0
General fund	(\$3,629)	\$150,000	\$146,371
FTE	0.00	1.00	1.00

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

<sup>2</sup> One FTE position and related funding removed by the House is restored.

This amendment also adds a section providing the salary of the Governor is \$1 as of December 15, 2016. The section expires on December 14, 2020, or when a new Governor files an oath of office with the Secretary of State, whichever is earlier. A section is also added to require the Governor's office to turn back any unused 2017-19 biennium salaries and wages funding for the Governor's position at the end of the biennium.

#### REPORT OF STANDING COMMITTEE

**HB 1007, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "rights" insert "; and 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"

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~~ 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 two hundred 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 two hundred 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
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."~~

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1007 - Labor Commissioner - Senate Action**

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

**Department No. 406 - Labor Commissioner - Detail of Senate Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Total Senate 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

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount

of \$1,241 per month. Section 2 of the bill is also 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 \$200 or more. The department is to refer an employee to the appropriate small claims court if the wage dispute is under \$200.

**REPORT OF STANDING COMMITTEE**

**HB 1010, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1010 was placed on the Sixth order on the calendar.

Page 1, replace lines 14 through 17 with:

Salaries and wages	\$8,943,097	(\$285,502)	\$8,657,595
Operating expenses	<u>2,512,042</u>	<u>(332,265)</u>	<u>2,179,777</u>
Total special funds	\$11,455,139	(\$617,767)	\$10,837,372
Full-time equivalent positions	49.50	(2.50)	47.00"

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 "\$16,571,207"

Page 2, line 7, replace "\$13,076,768" with "\$15,659,791"

Page 2, line 8, replace "\$761,082" with "\$911,416"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1010 - Insurance Department - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$8,943,097	\$8,501,479	\$156,116	\$8,657,595
Operating expenses	2,512,042	2,179,777		2,179,777
Fire department grants	<u>16,571,207</u>	<u>13,837,850</u>	<u>2,733,357</u>	<u>16,571,207</u>
Total all funds	\$28,026,346	\$24,519,106	\$2,889,473	\$27,408,579
Less estimated income	<u>28,026,346</u>	<u>24,519,106</u>	<u>2,889,473</u>	<u>27,408,579</u>
General fund	\$0	\$0	\$0	\$0
FTE	49.50	46.00	1.00	47.00

**Department No. 401 - Insurance Department - Detail of Senate Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Restores FTE Position <sup>2</sup>	Adds Funding for the North Dakota Firefighter's Association <sup>3</sup>	Restores Funding for Fire Department Grants <sup>4</sup>	Total Senate Changes
Salaries and wages	(\$9,746)	\$165,862			\$156,116
Operating expenses					
Fire department grants			150,334	2,583,023	2,733,357
Total all funds	(\$9,746)	\$165,862	\$150,334	\$2,583,023	\$2,889,473
Less estimated income	<u>(9,746)</u>	<u>165,862</u>	<u>150,334</u>	<u>2,583,023</u>	<u>2,889,473</u>
General fund	\$0	\$0	\$0	\$0	\$0
	0.00	1.00	0.00	0.00	1.00

FTE

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

<sup>2</sup> Funding of \$165,862 and 1 FTE position removed by the House are restored.

<sup>3</sup> Funding is increased by \$150,334, to provide a total of \$911,416 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. Section 4 is also adjusted to reflect the change. This funding increase results in decreased estimated general fund revenue of \$150,334 for the 2017-19 biennium.

<sup>4</sup> Funding of \$2,583,023 is restored, to provide a total of \$15,659,791 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. Section 4 is also adjusted to reflect the change. This funding increase results in decreased estimated general fund revenue of \$2,583,023 for the 2017-19 biennium.

#### REPORT OF STANDING COMMITTEE

**HB 1023, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1023, as amended, was placed on the Sixth order on the calendar.**

In lieu of the amendments adopted by the Senate as printed on pages 811-813 of the Senate Journal, Engrossed House Bill No. 1023 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation for defraying the expenses of the public employees retirement system; to provide for a transfer; to create and enact a new subsection to section 54-02-04 of the North Dakota Century Code, relating to public employees retirement system payments; to provide for a legislative management study; and to provide for legislative intent.

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

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

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$6,315,360	\$809	\$6,316,169
Operating expenses	2,753,643	(61,422)	2,692,221
Contingencies	<u>250,000</u>	<u>0</u>	<u>250,000</u>
Total special funds	\$9,319,003	(\$60,613)	\$9,258,390
Full-time equivalent positions	34.50	0.00	34.50

**SECTION 2. HEALTH INSURANCE INCREASE.** The salaries and wages line item in section 1 of this Act includes the sum of \$95,431 from other funds for increases in employee health insurance premiums from \$1,130 to \$1,241 per month.

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

<u>One-Time Funding Description</u>	<u>2015-17</u>	<u>2017-19</u>
Public employees retirement system - temporary salaries	\$100,000	\$0

Desktop support services	77,370	0
Total special funds	\$177,370	\$0

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

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

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

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

**SECTION 7. LEGISLATIVE INTENT - ELECTRONIC DISTRIBUTION OF MATERIALS.** It is the intent of the sixty-fifth legislative assembly that, by July 1, 2018, the public employees retirement system office create operating efficiencies when feasible by discontinuing the distribution of paper materials, including newsletters and benefit statements. It is further the intent of the sixty-fifth legislative assembly that the public employees retirement system office:

- Develop procedures to electronically distribute materials or provide access to materials through member self-service website applications.
- Consider options to charge members a fee for continued distribution of paper materials to that member."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1023 - Public Employees Retirement System - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$6,315,360	\$6,323,623	(\$7,454)	\$6,316,169
Operating expenses	2,753,643	2,620,799	71,422	2,692,221
Contingencies	250,000	250,000		250,000
Total all funds	\$9,319,003	\$9,194,422	\$63,968	\$9,258,390
Less estimated income	9,319,003	9,194,422	63,968	9,258,390
General fund	\$0	\$0	\$0	\$0
FTE	34.50	33.50	1.00	34.50

**Department No. 192 - Public Employees Retirement System - Detail of Senate Changes**

Adjusts Funding for Health	Restores back FTE position <sup>2</sup>	Restores Funding for Operating	Total Senate Changes
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	Insurance Increases <sup>1</sup>	Expenses <sup>2</sup>		
Salaries and wages	(\$7,454)			(\$7,454)
Operating expenses			71,422	71,422
Contingencies				
Total all funds	(\$7,454)	\$0	\$71,422	\$63,968
Less estimated income	(7,454)	0	71,422	63,968
General fund	\$0	\$0	\$0	\$0
FTE	0.00	1.00	0.00	1.00

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

<sup>2</sup> One FTE position removed by the House is restored.

<sup>3</sup> A portion of the funding reduced by the House for operating expenses is restored as follows:

	Other Funds
Printing and postage costs for newsletter	\$29,752
Printing and postage costs for annual benefit statements	\$33,220
Other postage, printing, and supplies	\$8,450

This amendment also:

- Removes a section that limited the use of funding in the health insurance reserve fund for reducing health insurance premium amounts.
- Removes various sections of North Dakota Century Code that were amended relating to providing for the Director of the Public Employees Retirement System to be appointed by the Governor, removing the Public Employees Retirement System Board, and adjusting the membership and duties of the Employee Benefits Programs Committee.
- Adjusts a section of legislative intent relating to charging members a fee for paper materials.

#### REPORT OF STANDING COMMITTEE

**HB 1244, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1244 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1275, as engrossed: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1275 was placed on the Sixth order on the calendar.

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

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, replace "the public, parochial, or private" with "a public or nonpublic"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1329, as engrossed: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1329 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1406: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1406 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1407, as engrossed: Government and Veterans Affairs Committee (Sen. Poolman, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1407 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1425: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1425 was placed on the Sixth order on the calendar.

Page 1, remove lines 6 through 11

Page 1, line 12, remove "As used in this section:"

Page 1, line 13, remove "a."

Page 1, line 13, remove ", legal code, or system"

Page 1, line 17, replace "act" with "section"

Page 1, remove lines 19 through 24

Page 2, remove lines 1 and 2

Page 2, line 7, remove "following"

Page 2, line 8, remove ": due"

Page 2, remove lines 9 and 10

Page 2, line 11, remove "Constitution of North Dakota"

Page 2, line 18, remove "following"

Page 2, line 19, remove ": due process, equal protection."

Page 2, remove line 20

Page 2, line 21, remove "privacy or marriage as specifically defined by the Constitution of North Dakota"

Page 2, line 26, remove "of the nonclaimant in the foreign forum"

Page 2, line 27, replace "with respect to the matter in dispute, then it is the public policy of this state that" with an underscored comma

Page 3, line 14, replace "statute" with "section"

Renumber accordingly

**FIRST READING OF HOUSE BILL**

**HB 1436:** A BILL for an Act to amend and reenact sections 54-35-02.4, 54-52.1-04,

54-52.1-04.2, and 54-52.1-04.3 of the North Dakota Century Code, relating to the employee benefits program committee, public employee uniform group insurance health benefits coverage, and to provide for a retirement board line of credit; to provide a continuing appropriation; to provide for application; and to provide statements of legislative intent.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

**Shanda Morgan, Secretary**

