

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

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Bismarck, April 3, 2019

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

The prayer was offered by Pastor Nathan Chapman, Evangel, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

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

page 1073, line 12, delete "(6 YEAS, 1 NAYS," , replace with "(7 YEAS, 0 NAYS,"

page 1181, line 7, remove ", Bismarck", replace with ", Reno, Nevada"

page 1207, line 11, remove "and has"

page 1207, line 12, remove "committee recommendation of DO PASS,"

page 1207, line 31, remove "and has"

page 1207, line 32, remove "committee recommendation of DO NOT PASS,"

page 1208, line 3, remove "and has"

page 1208, line 4, remove "committee recommendation of DO PASS,"

page 1208, line 24, remove "and has"

page 1208, line 25, remove "committee recommendation of DO PASS,"

page 1208, line 47, remove "and has"

page 1208, line 48, remove "committee recommendation of DO PASS,"

page 1209, line 17, remove "and has"

page 1209, line 18, remove "committee recommendation of DO PASS,"

page 1209, line 42, remove "and has"

page 1209, line 43, remove "committee recommendation of DO PASS,"

page 1210, line 12, remove "and has"

page 1210, line 13, remove, "committee recommendation of DO PASS,"

page 1210, line 35, remove, "and has"

page 1210, line 36, remove "committee recommendation of DO PASS,"

page 1211, line 6, remove "and has"

page 1211, line 7, remove "committee recommendation of DO PASS,"

page 1211, line 27, remove "and has"

page 1211, line 28, remove "committee recommendation of DO PASS,"

page 1212, line 3, remove "and has"

page 1212, line 4, remove "committee recommendation of DO PASS,"

page 1212, line 23, remove "and has"

page 1212, line 24, remove "committee recommendation of DO PASS,"

page 1212, line 43, remove "and has"

page 1212, line 44, remove "committee recommendation of DO PASS,"

page 1213, line 12, remove "and has"

page 1213, line 13, remove "committee recommendation of DO PASS,"

page 1213, line 33, remove "and has"

page 1213, line 34, remove "committee recommendation of DO PASS,"

page 1214, line 6, remove "and has"

page 1214, line 7, remove "committee recommendation of DO PASS,"

page 1214, line 25, remove "and has"

page 1214, line 26, remove "committee recommendation of DO PASS,"

page 1214, line 45, remove "and has"

page 1214, line 46, remove "committee recommendation of DO PASS,"

page 1215, line 16, remove "and has"

page 1215, line 17, remove "committee recommendation of DO PASS,"

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

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

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to SB 2035 as printed on SJ page 894, in the House amendments to Reengrossed SB 2037 as printed on SJ pages 1025-1026, in the House amendments to Engrossed SB 2040 as printed on SJ page 840, in the House amendments to SB 2078 as printed on SJ page 894, in the House amendments to SB 2090 as printed on SJ pages 1067-1068, in the House amendments to Engrossed SB 2100 as printed on SJ pages 894-895, in the House amendments to Reengrossed SB 2146 as printed on SJ page 1089, in the House amendments to Engrossed SB 2342 as printed on SJ page 1069, and in the House amendments to Engrossed SB 2358 as printed on SJ pages 1169-1170 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 2035:** Sens. Anderson, D. Larson, Kannianen.

**Reengrossed SB 2037:** Sens. J. Roers, Kreun, Piepkorn.

**Engrossed SB 2040:** Sens. Cook, Kannianen, Patten.

**SB 2078:** Sens. Kannianen, D. Larson, Dotzenrod.

**SB 2090:** Sens. Kreun, Unruh, Piepkorn.

**Engrossed SB 2100:** Sens. J. Roers, Kreun, Piepkorn.

**Reengrossed SB 2146:** Sens. Burckhard, Anderson, Kannianen.

**Engrossed SB 2342:** Sens. Cook, J. Roers, Piepkorn.

**Engrossed SB 2358:** Sens. Kreun, Unruh, Piepkorn.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1366, Engrossed HB 1412, Engrossed HB 1429, Engrossed HB 1454, and Engrossed HB 1513, which motion prevailed.

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

**Engrossed HB 1366:** Sens. J. Roers, Kreun, Piepkorn

**Engrossed HB 1412:** Sens. Schaible, J. Roers, Piepkorn

**Engrossed HB 1429:** Sens. Schaible, Elkin, Oban

**Engrossed HB 1454:** Sens. Davison, Fors, Marcellais

**Engrossed HB 1513:** Sens. Unruh, Meyer, Dotzenrod

#### **CONSIDERATION OF AMENDMENTS**

**HB 1383, as reengrossed: SEN. UNRUH (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 1192-1194 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 1383:** A BILL for an Act to create and enact a new section to chapter 4.1-01 and a new section to chapter 49-22 of the North Dakota Century Code, relating to the creation of an environmental impact mitigation fund and to mitigating direct environmental impacts; to amend and reenact subsection 1 of section 4.1-01-18 and sections 49-22-05.1 and 49-22-09 of the North Dakota Century Code, relating to the federal environmental law impact review committee, exclusion and avoidance areas and the factors considered by the public service commission when evaluating and designating sites, corridors, and routes; to provide for a report; and to provide a continuing appropriation.

#### **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 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT and NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Grabinger; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Fors; Heckaman; Hogan; Larsen, O.; Oban

Reengrossed HB 1383, as amended, passed.

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#### **CONSIDERATION OF AMENDMENTS**

**HB 1396, as engrossed: SEN. MYRDAL (Judiciary Committee) MOVED** that the amendments on SJ page 1217 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 1396:** A BILL for an Act to create and enact a new subsection to section 12-67-02 of the North Dakota Century Code, relating to electronic monitoring.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS,

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1396, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1461, as engrossed: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments on SJ pages 1217-1218 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 1461:** A BILL for an Act to create and enact a new section to chapter 15.1-32 of the North Dakota Century Code, relating to reading screenings; and to amend and reenact section 15.1-02-16 of the North Dakota Century Code, relating to credentials for reading specialists.

#### ROLL CALL

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1461, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1477, as engrossed: SEN. BAKKE (Judiciary Committee) MOVED** that the amendments on SJ page 1218 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 1477:** A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to prohibiting the sale of flavored e-liquid to minors; to amend and reenact subsection 1 of section 12.1-31-03 of the North Dakota Century Code, relating to prohibiting the sale of tobacco to minors; and to provide a penalty.

#### REQUEST

**SEN. J. LEE REQUESTED** that the Senate divide Engrossed HB 1477, as amended, which request was granted.

**DIVISION A:** Section 1

**DIVISION B:** Section 2

#### ROLL CALL

The question being on the final adoption of Division A of Engrossed HB 1477, as amended, the roll was called and there were 10 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Dotzenrod; Dwyer; Grabinger; Heckaman; Hogan; Marcellais; Mathern; Oban; Robinson

**NAYS:** Anderson; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Elkin; Erbele; Fors; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Division A of Engrossed HB 1477, as amended, failed on a recorded roll call vote.

#### **ROLL CALL**

The question being on the final adoption of Division B of Engrossed HB 1477, as amended, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Fors; Vedaa

Division B of Engrossed HB 1477, as amended, was adopted on a recorded roll call vote.

#### **ROLL CALL**

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Vedaa

Engrossed HB 1477, as amended, passed.

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

**HB 1434:** A BILL for an Act to amend and reenact sections 15.1-12-26 and 15.1-12-27 of the North Dakota Century Code, relating to dissolution of school districts.

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

**YEAS:** Bakke; Bekkedahl; Cook; Dever; Dotzenrod; Dwyer; Erbele; Fors; Heckaman; Hogan; Holmberg; Kannianen; Klein; Krebsbach; Larson, D.; Lee, G.; Lee, J.; Lemm; Marcellais; Mathern; Meyer; Oban; Patten; Piepkorn; Poolman; Robinson; Roers, K.; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Anderson; Burckhard; Clemens; Davison; Elkin; Grabinger; Hogue; Kreun; Larsen, O.; Luick; Myrdal; Oehlke; Roers, J.; Rust; Schaible; Sorvaag

Engrossed HB 1434 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1207:** A BILL for an Act to amend and reenact section 32-15-32 of the North Dakota Century Code, relating to costs awarded to a defendant.

**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 6 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Hogan; Lee, J.; Oban; Patten; Roers, K.; Vedaa

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oehlke; Piepkorn; Poolman; Robinson; Roers, J.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

Engrossed HB 1207 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1534:** A BILL for an Act to amend and reenact subsections 1 and 2 of section 39-08-01, section 39-20-01, and subsection 1 of section 39-20-14 of the North Dakota Century Code, relating to driving under the influence of intoxicating liquor or any other drugs or substances, implied consent, and screening tests; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1534 passed and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1334:** A BILL for an Act to create and enact section 39-08-01.6 of the North Dakota Century Code, relating to sealing a criminal record of a driving under the influence offense.

**ROLL CALL**

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

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

Engrossed HB 1334 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. SCHAIBLE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2217 as printed on SJ page 1165, which motion prevailed on a voice vote.

Engrossed SB 2217, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2217:** A BILL for an Act to provide for a legislative management study of a teacher incentive for leadership program.

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Larsen, O.

Reengrossed SB 2217 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. O. LARSEN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2239 as printed on SJ page 1170, which motion prevailed on a voice vote.

Engrossed SB 2239, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2239:** A BILL for an Act to create and enact section 36-01-36 of the North Dakota Century Code, relating to animal identification program records; to amend and reenact section 36-01-32 of the North Dakota Century Code, relating to the development and maintenance of animal tracking databases; 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; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2239 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. ANDERSON MOVED** that the Senate do concur in the House amendments to Engrossed SB 2043 as printed on SJ page 1131, which motion prevailed on a voice vote.

Engrossed SB 2043, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2043:** A BILL for an Act to amend and reenact subsection 1 of section 50-11.1-04,

section 50-11.1-07.8, subsection 1 of section 50-11.1-17, and subsection 2 of section 50-25.1-11 of the North Dakota Century Code, relating to regulation of early childhood services and claims of child abuse and neglect.

#### 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; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2043 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. OBAN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2149 as printed on SJ page 1133, which motion prevailed on a voice vote.

Engrossed SB 2149, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2149:** A BILL for an Act to amend and reenact section 15.1-07-34 of the North Dakota Century Code, relating to behavioral health resource coordinators.

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Larsen, O.

Reengrossed SB 2149 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. K. ROERS MOVED** that the Senate do concur in the House amendments to SB 2222 as printed on SJ page 1135, which motion prevailed on a voice vote.

SB 2222, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2222:** A BILL for an Act to amend and reenact section 12.1-36-01 of the North Dakota Century Code, relating to female genital mutilation; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh;

Vedaa; Wanzek; Wardner

Engrossed SB 2222 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DWYER MOVED** that the Senate do concur in the House amendments to SB 2072 as printed on SJ page 1158, which motion prevailed on a voice vote.

SB 2072, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2072:** A BILL for an Act to amend and reenact sections 30.1-27-01, 30.1-27-02, 30.1-27-05, 30.1-27-06, 30.1-27-07, 30.1-27-08, 30.1-27-09, and 30.1-27-11 of the North Dakota Century Code, relating to guardianship of minors; and to repeal sections 30.1-27-03, 30.1-27-04, 30.1-27-10, and 30.1-27-12 of the North Dakota Century Code, relating to guardianships of minors.

#### 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; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2072 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. VEDAA MOVED** that the Senate do concur in the House amendments to SB 2328 as printed on SJ page 1167, which motion prevailed on a voice vote.

SB 2328, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2328:** A BILL for an Act to create and enact a new chapter to title 4.1 of the North Dakota Century Code, relating to the agricultural products utilization commission; to repeal chapter 54-60.3 of the North Dakota Century Code, relating to the agricultural products utilization commission; and to provide a report.

#### 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; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2328 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DAVISON MOVED** that the Senate do concur in the House amendments to SB 2150 as printed on SJ page 945, which motion prevailed on a voice vote.

SB 2150, as amended, was placed on the Eleventh order of business.

### SECOND READING OF SENATE BILL

**SB 2150:** A BILL for an Act to amend and reenact section 15.1-09.1-12 of the North Dakota Century Code, relating to audits of regional education associations by 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2150 passed.

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### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. ANDERSON MOVED** that the Senate do concur in the House amendments to SB 2241 as printed on SJ page 895, which motion prevailed on a voice vote.

SB 2241, as amended, was placed on the Eleventh order of business.

### SECOND READING OF SENATE BILL

**SB 2241:** A BILL for an Act to provide a legislative management study relating to regulating the installation, maintenance, testing, and repair of sewage treatment systems.

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

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Larsen, O.

Engrossed SB 2241 passed.

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### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. BAKKE MOVED** that the Senate do concur in the House amendments to SB 2203 as printed on SJ page 923, which motion prevailed on a voice vote.

SB 2203, as amended, was placed on the Eleventh order of business.

### SECOND READING OF SENATE BILL

**SB 2203:** A BILL for an Act to amend and reenact section 12.1-31-01.2 of the North Dakota Century Code, relating to sexual assault restraining orders.

### 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; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue;

Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2203 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. UNRUH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2044 as printed on SJ page 1089, which motion prevailed on a voice vote.

Engrossed SB 2044, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2044:** A BILL for an Act to amend and reenact section 12.1-21-06 of the North Dakota Century Code, relating to tampering with or damaging a critical infrastructure facility or a public service; 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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Grabinger; Hogan; Marcellais; Mathern

Reengrossed SB 2044 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DAVISON MOVED** that the Senate do concur in the House amendments to SCR 4004 as printed on SJ page 1091, which motion prevailed on a voice vote.

SCR 4004, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4004:** A concurrent resolution directing the Legislative Management to consider studying the impact of students who experience behavioral health crisis or who engage in intense and aggressive behavior for communication purposes, both of which result in behaviors that make learning environments unsafe for other students, teachers, and other school personnel, and the need to implement a uniform reporting system.

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

Engrossed SCR 4004 was declared adopted on a voice vote.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1334, HB 1434, HB 1477.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, unchanged: HB 1534.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1383, HB 1396,

HB 1461.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1207.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2106, SB 2273.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2106

In lieu of the amendments adopted by the House as printed on page 1172 of the House Journal, Senate Bill No. 2106 is amended as follows:

Page 1, line 3, after the second "to" insert "a continuing appropriation for"

Page 1, line 3, after "donations" insert "received"

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2273

Page 1, line 2, after "12.1-32-15" insert "and subsection 3 of section 50-25.1-02"

Page 1, line 3, remove "and"

Page 1, line 4, after "predators" insert ", and child abuse and neglect"

Page 1, line 13, after the underscored comma insert "or a demand for money."

Page 1, line 15, after the underscored semicolon insert "or"

Page 1, line 17, remove ";or"

Page 1, line 18, remove "(3) A demand for money"

Page 1, line 22, after "individual" insert ", or a demand for money."

Page 1, line 23, after the underscored semicolon insert "or"

Page 2, line 2, remove ";or"

Page 2, line 3, remove "(3) A demand for money"

Page 2, line 5, replace the second "A" with "B"

Page 2, line 6, replace "C felony" with "A misdemeanor"

Page 3, line 21, after "1" insert "and subdivision b of subsection 1 if the offense involves only a demand for money"

Page 13, line 4, after "1" insert "and subdivision b of subsection 1 if the offense involves only a demand for money"

Page 21, after line 18, insert:

**"SECTION 3. AMENDMENT.** Subsection 3 of section 50-25.1-02 of the North Dakota Century Code is amended and reenacted as follows:

3. "Abused child" means an individual under the age of eighteen years who is suffering from abuse as defined in section 14-09-22 caused by a person responsible for the child's welfare and "sexually abused child" means an individual under the age of eighteen years who is subjected by a person responsible for the child's welfare, or by any individual who acts in violation of sections 12.1-20-01 through 12.1-20-07, sections

12.1-20-11 through 12.1-20-12.2, section 1 of this Act, or chapter 12.1-27.2."

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2284.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2043, SB 2044, SB 2072, SB 2149, SB 2150, SB 2203, SB 2217, SB 2222, SB 2239, SB 2241, SB 2328, and SCR 4004.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2035, SB 2037, SB 2040, SB 2078, SB 2090, SB 2100, SB 2146, SB 2342, and SB 2358, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2035:** Sens. Anderson; D. Larson; Kannianen

**SB 2037:** Sens. J. Roers; Kreun; Piepkorn

**SB 2040:** Sens. Cook; Kannianen; Patten

**SB 2078:** Sens. Kannianen; D. Larson; Dotzenrod

**SB 2090:** Sens. Kreun; Unruh; Piepkorn

**SB 2100:** Sens. J. Roers; Kreun; Piepkorn

**SB 2146:** Sens. Burckhard; Anderson; Kannianen

**SB 2342:** Sens. Cook; J. Roers; Piepkorn

**SB 2358:** Sens. Kreun; Unruh; Piepkorn

**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 1113, HB 1125, HB 1190, HB 1252, HB 1418, HB 1432, HB 1501, and HB 1546.

**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 1040, HB 1056, HB 1067, HB 1095, HB 1171, HB 1205, HB 1230, HB 1249, HB 1356, HB 1368, HB 1374, HB 1382, HB 1474, HB 1502, and HB 1533, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1040:** Reps. Grueneich; Fisher; Eidson

**HB 1056:** Reps. B. Koppelman; Louser; Johnston

**HB 1067:** Reps. Longmuir; Strinden; Adams

**HB 1095:** Reps. Laning; Schneider; Rohr

**HB 1171:** Reps. Bosch; D. Ruby; P. Anderson

**HB 1205:** Reps. Grueneich; Steiner; Mitskog

**HB 1230:** Reps. Paur; Becker; M. Nelson

**HB 1249:** Reps. Schreiber-Beck; Strinden; Hager

**HB 1356:** Reps. Pyle; M. Johnson; Fegley

**HB 1368:** Reps. Steiner; Schauer; C. Johnson

**HB 1374:** Reps. Kasper; Keiser; M. Nelson

**HB 1382:** Reps. Kasper; Lefor; Adams

**HB 1474:** Reps. Dockter; B. Koppelman; Guggisberg

**HB 1502:** Reps. D. Ruby; Richter; P. Anderson

**HB 1533:** Reps. Headland; Dockter; Mitskog

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

**MR. SPEAKER:** The Senate has appointed as a conference committee to act with a like committee from the House on:

**HB 1366:** Sens. J. Roers; Kreun; Piepkorn

**HB 1412:** Sens. Schaible; J. Roers; Piepkorn

**HB 1429:** Sens. Schaible; Elkin; Oban

**HB 1454:** Sens. Davison; Fors; Marcellais

**HB 1513:** Sens. Unruh; Meyer; Dotzenrod

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2024, SB 2025, SB 2055, SB 2070, SB 2076, SB 2088, SB 2089, SB 2101, SB 2115, SB 2152, SB 2173, SB 2179, SB 2196, SB 2209, SB 2230, SB 2232, SB 2240, SB 2243, SB 2313, SB 2347.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1033, HB 1058, HB 1064, HB 1098, HB 1115, HB 1126, HB 1161, HB 1179, HB 1195, HB 1199, HB 1248, HB 1279, HB 1332, HB 1345, HB 1347, HB 1362, HB 1369, HB 1406, HB 1444, HB 1462, HB 1471, HCR 3005, HCR 3035.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2024, SB 2025, SB 2055, SB 2070, SB 2076, SB 2088, SB 2089, SB 2101, SB 2115, SB 2152, SB 2173, SB 2179, SB 2196, SB 2209, SB 2230, SB 2232, SB 2240, SB 2243, SB 2313, SB 2347.

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

**MR. SPEAKER:** The President has signed: HB 1033, HB 1058, HB 1064, HB 1098, HB 1115, HB 1126, HB 1161, HB 1179, HB 1195, HB 1199, HB 1248, HB 1279, HB 1332, HB 1345, HB 1347, HB 1362, HB 1369, HB 1406, HB 1444, HB 1462, HB 1471, HCR 3005, HCR 3035.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1042, HB 1053, HB 1111, HB 1163, HB 1219, HB 1308, HB 1313, HB 1381, HCR 3004, HCR 3023, HCR 3025, HCR 3027, HCR 3033.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 3, 2019: SB 2109, SB 2138, SB 2197.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on April 3, 2019: SCR 4003, SCR 4013.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, April 4, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1050: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1050 was placed on the Sixth order on the calendar.

Page 1, line 1, after "section" insert "19-03.1-22.3, subdivision d of subsection 8 of section 19-03.1-23, section"

Page 1, line 1, after "section 19-03.4-03" insert ", and subdivision i of subsection 5 of section 39-08-01"

Page 1, line 2, after "to" insert "the possession and ingestion of marijuana, and"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 19-03.1-22.3 of the North Dakota Century Code is amended and reenacted as follows:

**19-03.1-22.3. Ingesting a controlled substance - Venue for violation - Penalty.**

A

1. Except as provided in subsection 2, a person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class B misdemeanor if the controlled substance is marijuana. Otherwise, the offense is a class A misdemeanor.
2. A person who is under twenty-one years of age and intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance that is marijuana, unless the substance was medical marijuana obtained in accordance with chapter 19-24.1, is guilty of a class B misdemeanor.
3. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

**SECTION 2. AMENDMENT.** Subdivision d of subsection 8 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

- d. A person who violates this subsection regarding possession by possessing:
  - (1) Marijuana in an amount of less than one-half ounce [14.175 grams] is guilty of an infraction.
  - (2) At least one-half ounce [14.175 grams] but not more than one ounce [28.35 grams] of marijuana is guilty of a class B misdemeanor.
  - (3) More than one ounce [28.35 grams] but not more than one-half pound [0.227 kilograms] of marijuana is guilty of a class A misdemeanor.
  - (4) More than one-half pound [0.227 kilograms] of marijuana is guilty of a class C felony."

Page 2, line 6, overstrike "a class B misdemeanor" and insert immediately thereafter "an infraction"

Page 2, line 12, replace "shall" with "may"

Page 2, after line 18, insert:

**"SECTION 4. AMENDMENT.** Subdivision i of subsection 5 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

- i. If the court sentences an individual to the legal and physical custody of the department of corrections and rehabilitation, the department may place the individual in an alcohol treatment program designated by the department. Upon the individual's successful completion of the alcohol treatment program, the department shall release the individual from imprisonment to begin the court-ordered period of probation. If there is not any court-ordered period of probation, the court ~~shall~~may order the individual to serve the remainder of the sentence of imprisonment on supervised probation and the terms and conditions must include participation in the twenty-four seven sobriety program and any terms and conditions of probation previously imposed by the court. Probation under this subsection

may include placement in another facility or treatment program. If an individual is placed in another facility or treatment program after release from imprisonment, the remainder of the individual's sentence of imprisonment must be considered time spent in custody. Individuals incarcerated under this section subsequent to a second probation revocation are not eligible for release from imprisonment upon the successful completion of treatment."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1106, as reengrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1106, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1122, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1122, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1157, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1157 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 43-09-01, 43-09-05, 43-09-09, 43-09-09.2, 43-09-10, 43-09-11, 43-09-12, 43-09-13.2, 43-09-15, 43-09-15.1, 43-09-16, 43-09-18, 43-09-20, 43-09-21, 43-09-22, and 43-09-23 of the North Dakota Century Code, relating to regulation by the state electrical board; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 43-09-01 of the North Dakota Century Code is amended and reenacted as follows:

##### 43-09-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Apprentice electrician" means ~~a person~~ an individual who is learning the trade under the personal supervision of a state-licensed electrician.
2. "Board" means the state electrical board.
3. "Class B electrician" means ~~a person having~~ an individual who has the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work, ~~and shall have~~ who has eighteen months' experience in farmstead or residential wiring, and ~~shall have~~ passed an examination before the state electrical board based upon the national electrical code as it applies to farmstead or residential wiring.
4. "Journeyman electrician" means ~~a person having~~ an individual who has the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment and power limited systems in accordance with the standard rules and regulations governing such work.
5. "Licensee" means an individual who holds a valid license issued by the board.

6. "Master electrician" means a person having an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, lay out, and supervise the installation and repair of electrical wiring apparatus, and equipment for electric light, heat, and power and power limited systems, in accordance with the standard rules and regulations governing such work.
7. "Nonelectrical system" means a class II or class III control circuit system as defined by the national electrical code, as adopted by the board, which is not installed within an area of special occupancies as defined under articles 500 through 517 of the national electrical code, as adopted by the board, which is not for heat, light, or power or for the control of heat, light, or power. Although the board may expand this definition by rule, the board may not narrow this definition.
8. "Power limited electrician" means an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, layout, and supervise the installation and repair of a power limited system.
9. "Power limited system" means a system as defined by the articles contained in chapter 8 of the national electrical code, as adopted by the board. Although the board may adopt rules to expand this definition, the term does not include a nonelectrical system.

**SECTION 2. AMENDMENT.** Section 43-09-05 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-05. Powers and duties of state electrical board - Biennial report.**

The board shall adopt a seal and may adopt reasonable rules to carry out this chapter. The board may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. The board shall appoint qualified inspectors. Upon receipt of notice of completion of any electrical wiring or power limited system installation involving a value of five hundred dollars or more, the inspectors shall inspect the electrical or power limited system installation and approve or condemn that installation. The inspector shall make a report of the inspection on forms prescribed by the board.

**SECTION 3. AMENDMENT.** Section 43-09-09 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-09. License required - Examination - Board to issue license.**

~~Every~~

1. ~~A person, partnership, company, corporation, limited liability company, or association that undertakes or offers~~ may not undertake or plan to undertake with another person to plan, lay out, supervise, install, make additions, make alterations, or make repairs, in the installation of wiring, apparatus, or equipment for electric light, heat, or power or for a power limited system, shall apply to unless licensed by the board for a license.
2. The board shall examine ~~the an~~ applicant for licensure and if, upon a technical and practical examination, the applicant is found to possess the required knowledge and skill and to be versed in the laws of electricity, the applicant shall be issued a license in the class for which the applicant was examined. The license ~~shall~~ must be signed by the president and the secretary of the board and attested by the seal of the board.
3. Each licensee or permitholder shall report that ~~person's~~ individual's licensing or renewals to the electrical inspector, if there is one, in the ~~municipality~~ city in which that ~~person~~ individual operates.

**SECTION 4. AMENDMENT.** Section 43-09-09.2 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-09.2. Advertising prohibited - Exceptions - Liability - Penalty.**

1. Except as provided in this section, if ~~an electrical~~ license is required under section 43-09-09 or by local ordinance, a person may not advertise to contract for electrical services without being licensed as or being associated with a class B ~~electrician~~, master electrician, or power limited electrician, unless that person intends to contract the electrical services with a licensed electrical contractor.
2. If a person associates with a ~~class B or master~~ an electrician under subsection 1 and that association ends, that person is jointly and severally liable for any ~~electrical services~~ contracts entered under that association.
3.
  - a. A person violating this section is guilty of a class B misdemeanor for a first conviction, but no fine in excess of one hundred dollars and no term of imprisonment may be imposed.
  - b. A person violating this section is guilty of a class A misdemeanor for a second or subsequent conviction, but the penalties are as follows:
    - (1) For a second conviction, no fine in excess of one thousand dollars and no term of imprisonment may be imposed.
    - (2) For a third or subsequent conviction, a fine not to exceed one thousand dollars, or imprisonment not to exceed thirty days, or both, may be imposed.

**SECTION 5. AMENDMENT.** Section 43-09-10 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-10. Types of licenses.**

The classes of electricians who may be licensed under section 43-09-09 are:

1. Master electrician.
2. Journeyman electrician.
3. Class B electrician.
4. Power limited electrician.

**SECTION 6. AMENDMENT.** Section 43-09-11 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-11. Qualifications.**

An applicant for an electrician's license must have the following experience and training:

1. For licensure as a master electrician, an applicant must have completed one year's experience as a licensed journeyman electrician.
2. For licensure as a journeyman electrician, an applicant must have:
  - a. Completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment, which experience may not be obtained in less than three years.

- b. Effective for an applicant who registered with the board as an apprentice after January 31, 2008, completed at least one of the following:
  - (1) Successfully completed apprenticeship training approved by the federal bureau of apprenticeship and training and completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment.
  - (2) Successfully completed an appropriate course of study, which may not be less than two years or the equivalent of two years, at a board-approved institution of higher education and completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment. The board may determine equivalent hours of education that may be applied as a credit against the eight thousand hours' experience requirement under this paragraph.
3. For licensure as a class B electrician, eighteen months' experience in farmstead or residential wiring.
4. For licensure as a power limited electrician:
  - a. Hold a valid board-recognized tradesman certification; or
  - b. Possess the necessary work experience and training, as approved by the board.

**SECTION 7. AMENDMENT.** Section 43-09-12 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-12. Examination - Requirements.**

Each applicant for an electrician's license shall pay the examination fee and shall take an oath and submit written evidence that the applicant has had the required experience. ~~If a partnership, corporation, or limited liability company applies for a license, an officer or manager thereof shall make the application and take the oath and submit evidence as to experience.~~

**SECTION 8. AMENDMENT.** Section 43-09-13.2 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-13.2. ~~Electrical inspectors~~Inspectors - License required - Exception.**

~~A person~~An individual employed by the state electrical board or a political subdivision to inspect electrical or power limited system installations must be licensed as a journeyman electrician or master electrician. ~~This section does not apply to an inspector employed by the electrical board or a political subdivision as of July 2, 1989.~~

**SECTION 9. AMENDMENT.** Section 43-09-15 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-15. Renewal of license - Denial, suspension, or revocation of licenses.**

1. An electrician's license may be issued for a term of only one year, but may be renewed without examination upon the payment of the proper fee. If the licensee fails to renew the license for a period of three consecutive years or more, the licensee is required to appear for re-examination. The state electrical board may deny, suspend, revoke, or refuse to renew any license issued or applied for under the provisions of this chapter for any of the following reasons:

- ~~1-a.~~ Failure or refusal to maintain or adhere to the minimum standards set forth in the electrical code referred to in section 43-09-21.
- ~~2-b.~~ Any cause for which the issuance of the license could have been refused had ~~that information~~ then existed and been known to the board.
- ~~3-c.~~ Commitment of any act of gross negligence, incompetency, or misconduct in the practice of ~~a master or journeyman electrician or the business of an electrical contractor~~ the profession regulated under this chapter.
- ~~4-d.~~ Material misstatement, misrepresentation, or fraud in obtaining the license.
- ~~5-e.~~ After due notice, failed or refused to correct, within the specified time, any ~~electrical~~ installation not in compliance with the provisions of this chapter.
- ~~6-f.~~ Failure or refusal to make a deposit or acquire public liability insurance as required by ~~sections 43-09-14 and~~ section 43-09-20.
- ~~7-g.~~ Failure to ~~repay~~ pay or enter into a written contract for repayment, under a payment schedule acceptable to the board, ~~of money disbursed from the fund as provided under section 43-09-14, or failure to make timely payments under a payment contract entered into under the board's policy for administering the undertaking fund~~ any financial obligation to the board.
- ~~8-h.~~ Failure to furnish certification of completion of continuing education as required under section 43-09-15.1.

Any person whose

- ~~2. If an individual's license is denied or whose license is, suspended, or revoked by the board, or who~~ that individual is refused a license by the board, that individual may appeal to the appropriate court.

**SECTION 10. AMENDMENT.** Section 43-09-15.1 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-15.1. Continuing education.**

~~After March 31, 1990, each~~ An applicant for renewal of an electrician's license pursuant to section 43-09-15 must have successfully completed ~~prior thereto at least four hours, and thereafter eight hours each biennium, of continuing education relating to the standards set forth in section 43-09-21 or as otherwise prescribed by the board. The board may not require more than sixteen hours of continuing education in each biennium. The board shall conduct education sessions for licensees each year at not less~~ fewer than six locations throughout the state. Attendance at such sessions, or attendance at other education sessions certified by the board as approved, fulfills the educational requirements of this section. The board may charge a fee ~~to licensees~~ for attendance at the education sessions at an amount to be determined by the board, but not to exceed ten dollars per ~~person~~ attendee for each session.

**SECTION 11. AMENDMENT.** Section 43-09-16 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-16. When license not required.**

The following persons ~~may not be~~ are not required to hold an electrician's license ~~be licensed by and are not subject to regulation by the board under this chapter:~~

1. Employees of public utilities engaged in the manufacture and distribution of electrical energy ~~when~~while engaged in work directly pertaining to the manufacture and distribution of electrical energy. This exemption terminates at the first point of service attachment, except for the installing or testing of electric meters and measuring devices and the maintenance of ~~their service~~electric meters and measuring devices.
2. ~~Employees, independent contractors, or subcontractors of a company that operates or installs telephone and radio communication systems when engaged in work pertaining directly to the installation of telephone and radio communication conductors on premises where the installations are made for use exclusively for the transmission of telephone and radio signals is a telecommunication carrier as defined under section 57-34-01 or that is a satellite or cable systems provider, while acting in the scope of employment or the terms of the contract.~~
3. ~~Employees, independent contractors, or subcontractors of dealers in household appliances, such as room air-conditioners, clothes dryers, dishwashers, freezers, garbage disposals, refrigerators, stoves, washing machines, water heaters, and similar appliances when such employees are~~while installing and connecting such appliances to an existing electrical receptacle.
4. A representative of a manufacturing firm that is installing or modifying controls of wiring solely on industrial machinery that is for use by the firm itself, and performed by or under the direction of a registered professional engineer who issues a state-accepted evaluation, which is to be maintained with the equipment.
5. An individual who is installing a nonelectrical system.
6. An individual who is installing a power limited system that is installed within a residential dwelling or is factory cord connected to an existing receptacle.

**SECTION 12. AMENDMENT.** Section 43-09-18 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-18. Apprentice to master electrician.**

~~Any person~~An individual may serve as an apprentice under a licensed master electrician or power limited electrician, but a master electrician or power limited electrician may not allow an apprentice to work on any installation without personal supervision of a licensed electrician.

**SECTION 13. AMENDMENT.** Section 43-09-20 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-20. ~~Contract for installation of electrical wiring and installation of electrical equipment~~Installations made with master electrician, class B electrician, or power limited electrician - Requirement for liability insurance.**

No

1. A contract, agreement, or undertaking with another person for the installation of electrical wiring or power limited wiring or the installation of electrical or power limited system parts of other apparatus may ~~not~~ be entered into by anyone ~~not other than~~ a master electrician or power limited electrician. A class B electrician, ~~as herein defined, is authorized to~~ may not enter into a contract, undertaking, or agreement for the installation of ~~farmstead~~electrical wiring, except for:
  - a. Farmstead electrical wiring; ~~or residential~~

- b. ~~Residential electrical wiring in one or two family dwellings located in municipalities a city with a population of two thousand five hundred or less population, and the electrician's authority under the contract, undertaking, or agreement is limited to the actual installation by that electrician of farmstead electrical wiring or residential electrical wiring in one or two family dwellings located in municipalities of two thousand five hundred or less population, and the installation of electrical equipment, appliances, and apparatus used on farmsteads and such residences. Before an electrician referred to in this section enters into a contract for installation of electrical wiring, the electrician shall deposit with the board~~ fewer.
2. If a licensee is acting as a contractor, that licensee shall submit to the board evidence of the existence of public liability insurance with a licensed insurance carrier, with policy limits of at least five hundred thousand dollars for a master electrician, and two hundred fifty thousand dollars for a class B electrician.

**SECTION 14. AMENDMENT.** Section 43-09-21 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-21. Standards for electrical wiring, apparatus, and equipment.**

All electrical and power limited wiring, apparatus, or equipment must comply with the rules of the board made under authority of the laws of this state and in conformity with the approved methods of construction for safety to life and property. The regulations in the national electrical code and the national electrical safety code as approved by the American national standards institute are prima facie evidence of these approved methods. ~~Any municipality~~ Although a city may make more stringent requirements by ordinance, application of the ordinance must be limited to individuals licensed by the board under this chapter. An electrical or power limited system installation may not be connected for use until proof has been furnished to the person, firm, corporation, or limited liability company supplying electrical energy that there is compliance with the applicable regulations. The manufacturer of a new manufactured building or modular unit shall make any changes required for the proof within fourteen days from the notice that the building or unit does not comply with the applicable regulations. This section does not apply to the movement of a new manufactured building or modular unit into or within this state before the process of being connected for use.

**SECTION 15. AMENDMENT.** Section 43-09-22 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-22. Inspection of installation - Condemnation.**

1. ~~The board has jurisdiction over and shall provide inspection for all electrical installations. Inspectors~~ The board has jurisdiction over and shall provide inspection for all power limited system installations. If there is a disagreement between an electrician and an inspector over interpretation or over a correction for violation issued by any inspector, the executive director of the board shall review the identified disagreement and render a final decision, which either party may appeal to the board.
2. The executive director of the board, as authorized by the board, may condemn installations hazardous to life and property or may order specific corrections to be made. Inspectors The executive director may order disconnection of service thereto discontinued after notice to the owner of the property. The order is subject to the owner's right of appeal to the board. No ~~A~~ condemned installation may not be reconnected for service until proof has been furnished that the installation has been brought up to the required standards.

3. ~~The board may charge the a master electrician, class B electrician, or power limited electrician~~ responsible for the installation a fee ~~to cover the cost of inspection for inspections~~. ~~Cities~~
4. ~~A city may make provisions for inspection of all electrical work done and power limited systems installed within their the corporate limits of the city. City inspectors~~ A city shall register their names the name of the inspector with the board within ten days after their of appointment. A city may not require inspection of an installation that is outside the jurisdiction of the board.

**SECTION 16. AMENDMENT.** Section 43-09-23 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-23. Criminal penalty - Civil proceedings.**

~~Any person who~~ A person that violates any of the provisions of this chapter is guilty of a class B misdemeanor. In addition to criminal proceedings, the board may commence administrative or civil court proceedings as follows:

1. The board may issue a cease and desist order against a person allegedly making or offering to make ~~electrical~~ installations in violation of section 43-09-09 or 43-09-09.2 based upon information provided to the board by its ~~electrical inspectors~~ or other persons, by investigation reports, affidavits, complaints of witnesses, or oral testimony given to the board at a regular or special board meeting. Violation of the cease and desist order may be considered by the court in issuing a temporary or permanent restraining order and in ordering the payment of costs and attorney's fees in proceedings authorized under this section.
2. The board may apply to the district court in the county in which the violations have occurred for a temporary or permanent injunction under chapter 32-06, enjoining persons from performing, advertising, or contracting for making ~~electrical~~ installations without a valid license issued by the board in violation of section 43-09-09 or 43-09-09.2. The court may not require a written undertaking, security, or bond as a basis for issuing any temporary or permanent restraining order under this section unless the court specifically orders and states the basis for requiring the security. Upon a determination that a violation of section 43-09-09 or 43-09-09.2 has occurred, the court may assess against the defendants the actual costs incurred and reasonable attorney's fees necessary for the investigation and court proceedings against the unlicensed person.
3. After an administrative hearing has been conducted by the board under chapter 28-32, an appeal from an order of the board or from the assessment of costs and attorney's fees may be taken to the district court under chapter 28-32."

Renumber accordingly

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

**Shanda Morgan, Secretary**

