

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

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Bismarck, February 8, 2019

The Senate convened at 12:30 p.m., with President Sanford presiding.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Church, Bismarck.

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

A quorum was declared by the President.

## MOTION

**SEN. KLEIN MOVED** that after action taken on the Sixth order, SB 2128, SB 2342, and SB 2039 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2213: SEN. ANDERSON (Political Subdivisions Committee) MOVED** that the amendments on SJ page 445 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2001: SEN. HOGUE (Appropriations Committee) MOVED** that the amendments on SJ pages 439-441 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2263, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ page 445 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2322: SEN. BURCKHARD (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 446 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2182: SEN. MARCELLAIS (Education Committee) MOVED** that the amendments on SJ pages 443-444 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2260: SEN. SCHAIBLE (Energy and Natural Resources Committee) MOVED** that the amendments on SJ page 445 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2128: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ page 427 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed on a voice vote.

## SECOND READING OF SENATE BILL

**SB 2128:** A BILL for an Act to provide a statement of legislative intent regarding state employee compensation adjustments.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Dotzenrod; Grabinger; Heckaman; Hogan; Larson, D.; Lee, J.; Marcellais; Mathern; Oban; Piepkorn; Robinson

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

**ABSENT AND NOT VOTING:** Lee, G.

Engrossed SB 2128 failed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2342: SEN. COOK (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 446-447 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2342:** A BILL for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to regulation of airboats to prevent excessive noise; 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 37 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Elkin; Kannianen; Larsen, O.; Marcellais; Meyer; Myrdal; Oban; Roers, J.; Unruh

**ABSENT AND NOT VOTING:** Lee, G.

Engrossed SB 2342 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2039: SEN. DAVISON (Appropriations Committee) MOVED** that the amendments on SJ pages 441-443 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2039:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the development and implementation of a skilled workforce scholarship program; to provide a continuing appropriation; and to provide for a transfer.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lee, G.

Engrossed SB 2039 passed.

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**SECOND READING OF SENATE BILL**

**SB 2334:** A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the creation of a senior year tuition waiver program for students attending North Dakota university system institutions.

**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 7 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Heckaman; Hogan; Kreun; Mathern; Meyer; Oban

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

**ABSENT AND NOT VOTING:** Lee, G.

SB 2334 failed.

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**SECOND READING OF SENATE BILL**

**SB 2297:** A BILL for an Act to provide an appropriation for capital projects of various state departments and institutions; to authorize the industrial commission to issue and sell evidences of indebtedness for capital projects; 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; 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, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lee, G.

Engrossed SB 2297 passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2249:** A BILL for an Act to create and enact sections 15-11-40 and 57-51.1-07.9 of the North Dakota Century Code, relating to the state energy research center and the state energy research center fund; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lee, G.

Engrossed SB 2249 passed.

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**SECOND READING OF SENATE BILL**

**SB 2196:** A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to creation of a drug fatalities review panel.

**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; 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, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lee, G.

Engrossed SB 2196 passed.

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**SECOND READING OF SENATE BILL**

**SB 2176:** A BILL for an Act to provide for a road train pilot program; to provide for a legislative management study of a road train pilot program; to provide an expiration 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 42 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Grabinger; Larson, D.; Marcellais; Vedaa

**ABSENT AND NOT VOTING:** Lee, G.

Engrossed SB 2176 passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2295:** A BILL for an Act to create and enact a new section to chapter 61-05 of the North Dakota Century Code, relating to limitations on the creation and jurisdiction of irrigation districts; and to amend and reenact sections 61-09-01 and 61-09-03 of the North Dakota Century Code, relating to permitting an irrigation district to assess lands requiring drainage as a result of irrigation works.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 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, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lee, G.

SB 2295 passed.

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#### SECOND READING OF SENATE BILL

**SB 2354:** A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to restoration of real property as a measure of damages.

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

**YEAS:** Heckaman; Marcellais

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

**ABSENT AND NOT VOTING:** Lee, G.

SB 2354 failed.

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#### SECOND READING OF SENATE BILL

**SB 2289:** A BILL for an Act to create and enact chapter 50-25.3 of the North Dakota Century Code, relating to family visitation rights.

#### MOTION

**SEN. J. LEE MOVED** that Engrossed SB 2289 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 14, after "care" insert "or"

Renumber accordingly

#### 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; 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, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lee, G.

Reengrossed SB 2289 passed.

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

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

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

**ABSENT AND NOT VOTING:** Lee, G.

SB 2241 passed.

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### SECOND READING OF SENATE BILL

**SB 2234:** A BILL for an Act to amend and reenact section 15-11-30 of the North Dakota Century Code, relating to the boundaries of property the state board of higher education may sell to fraternal societies.

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

**YEAS:** Holmberg; Larsen, O.

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

**ABSENT AND NOT VOTING:** Lee, G.

SB 2234 failed.

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### SECOND READING OF SENATE BILL

**SB 2183:** A BILL for an Act to create and enact section 20.1-06-14.1 of the North Dakota Century Code, relating to the sale, transportation, and use of live white sucker bait on the Red River of the North.

### 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; 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, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lee, G.

SB 2183 failed.

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

**SB 2274:** A BILL for an Act to amend and reenact subsection 3 of section 38-08-08 of the North Dakota Century Code, relating to integration of fractional tracts; and to provide a penalty.

#### **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; 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, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Lee, G.

SB 2274 failed.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4009:** A concurrent resolution directing the Legislative Management to consider studying the feasibility and desirability of the water resource boards in each drainage basin forming a joint water resource board to plan and construct water conveyance projects based on basinwide needs.

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

SCR 4009 was declared adopted on a voice vote.

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#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4011:** A concurrent resolution urging the student bodies of the University of North Dakota and North Dakota State University to design and implement a new football rivalry trophy.

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

SCR 4011 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, and your favorable consideration is requested on: SB 2110, SB 2214, SB 2215, SB 2276, SB 2318, SB 2331, SB 2347, SCR 4014.

#### **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 1035, HB 1036, HB 1060, HB 1195, HB 1203, HB 1224, HB 1316, HB 1391, HB 1401, HB 1475.

#### 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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 11, 2019, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2011: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert "; and to amend and reenact subsection 5 of section 10-04-03 of the North Dakota Century Code, relating to collection of fees, civil penalties, and other moneys collected under the Securities Act"

Page 1, replace lines 9 through 16 with:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$1,848,667	\$315,896	\$2,164,563
Operating expenses	<u>506,047</u>	<u>23,514</u>	<u>529,561</u>
Total all funds	\$2,354,714	\$339,410	\$2,694,124
Less estimated income	<u>170,000</u>	<u>2,524,124</u>	<u>2,694,124</u>
Total general fund	\$2,184,714	(\$2,184,714)	\$0
Full-time equivalent positions	9.00	1.00	10.00

**SECTION 2. AMENDMENT.** Subsection 5 of section 10-04-03 of the North Dakota Century Code is amended and reenacted as follows:

5. A special fund is established in the state treasury and designated as the securities department special fund. All fees, civil penalties, or other moneys collected under this chapter must be deposited in the general fund of the state treasury securities department special fund, except funds permitted to be deposited into the investor education and technology fund under subsection 4 or civil penalties collected from enforcement actions for the purpose of distribution to aggrieved investors, which may be deposited in the investor restitution fund. Funds in the investor restitution fund are appropriated to the securities commissioner on a continuing basis for distribution to aggrieved investors.
  - a. The moneys deposited in the securities department special fund are reserved for use by the securities department to defray the expenses of the department in the discharge of administrative and regulatory powers and duties of the department as prescribed by law. Deposits under this subdivision are subject to the applicable laws relating to the appropriations of state funds and to the deposit and expenditure of state moneys. The securities commissioner is responsible for the proper expenditure of these moneys as provided by law.
  - b. The office of management and budget shall transfer any balance in the securities department special fund in excess of the amounts necessary for department expenditures pursuant to the department's biennial appropriation to the general fund."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2011 - Securities Department - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$1,848,667	\$315,896	\$2,164,563
Operating expenses	506,047	23,514	529,561
Total all funds	\$2,354,714	\$339,410	\$2,694,124
Less estimated income	170,000	2,524,124	2,694,124
General fund	\$2,184,714	(\$2,184,714)	\$0
FTE	9.00	1.00	10.00

**Department 414 - Securities Department - Detail of Senate Changes**

	Adds Funding for Salary and Benefit Increases <sup>1</sup>	Adds Financial Technology Research and Investigation Position <sup>2</sup>	Adds Funding for Microsoft Office 365 <sup>3</sup>	Changes Agency from General Fund to Special Funds <sup>4</sup>	Total Senate Changes
Salaries and wages	\$106,602	\$209,294			\$315,896
Operating expenses		23,000	\$514		23,514
Total all funds	\$106,602	\$232,294	\$514	\$0	\$339,410
Less estimated income	0	0	0	2,524,124	2,524,124
General fund	\$106,602	\$232,294	\$514	(\$2,524,124)	(\$2,184,714)
FTE	0.00	1.00	0.00	0.00	1.00

<sup>1</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund
Salary increase	\$61,982
Health insurance increase	44,620
Total	\$106,602

<sup>2</sup> Funding for 1 FTE financial technology research and investigation position (\$209,294) and related operating expenses (\$23,000) is added.

<sup>3</sup> Adds funding for Microsoft Office 365 licensing.

<sup>4</sup> Changes the agency to a special fund agency.

Adds a section amending subsection 5 of Section 10-04-03 of North Dakota Century Code, relating to collection of fees, civil penalties, and other moneys collected under the Securities Act to facilitate the change from being a general fund agency to a special fund agency, resulting in a decrease of \$2,184,714 of departmental collections deposited in the general fund.

**REPORT OF STANDING COMMITTEE**

**SB 2014: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 2, after "advocacy" insert "; and to provide a report to the legislative assembly"

Page 1, replace lines 10 through 16 with:

	Base Level	Adjustments or Enhancements	Appropriation
Protection and advocacy operations	\$6,447,600	\$863,866	\$7,311,466
Total all funds	\$6,447,600	\$863,866	\$7,311,466
Less estimated income	3,488,601	504,729	3,993,330
Total general fund	\$2,958,999	\$359,137	\$3,318,136
Full-time equivalent positions	27.50	1.00	28.50

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Polycom machine	\$0	\$8,000
Accrued leave payments	0	132,550
Total all funds	\$0	\$140,550
Total other funds	0	68,000
Total general funds	\$0	\$72,550

The 2019-21 biennium one-time funding amounts are not part of the entity's base budget for the 2021-23 biennium. The protection and advocacy project shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2014 - Protection and Advocacy Project - Senate Action**

	<u>Base Budget</u>	<u>Senate Changes</u>	<u>Senate Version</u>
Protection and advocacy operations	\$6,447,600	\$863,866	\$7,311,466
Total all funds	\$6,447,600	\$863,866	\$7,311,466
Less estimated income	3,488,601	504,729	3,993,330
General fund	\$2,958,999	\$359,137	\$3,318,136
FTE	27.50	1.00	28.50

**Department 360 - Protection and Advocacy Project - Detail of Senate Changes**

	<u>Adjusts Funding for Base Payroll Changes<sup>1</sup></u>	<u>Adds Funding for Salary and Benefit Increases<sup>2</sup></u>	<u>Adds 1 FTE Olmstead Commission Position<sup>3</sup></u>	<u>Adds Funding for Operating Expenses<sup>4</sup></u>	<u>Adds One-Time Funding<sup>5</sup></u>	<u>Total Senate Changes</u>
Protection and advocacy operations	(\$80,945)	\$288,980	\$238,929	\$276,352	\$140,550	\$863,866
Total all funds	(\$80,945)	\$288,980	\$238,929	\$276,352	\$140,550	\$863,866
Less estimated income	124,158	158,707	74,615	79,249	68,000	504,729
General fund	(\$205,103)	\$130,273	\$164,314	\$197,103	\$72,550	\$359,137
FTE	0.00	0.00	1.00	0.00	0.00	1.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$71,909	\$87,671	\$159,580
Health insurance increase	58,364	71,036	129,400
Total	\$130,273	\$158,707	\$288,980

<sup>3</sup> Funding of \$238,929, of which \$164,314 is from the general fund, is added for 1 FTE Olmstead Commission related position.

<sup>4</sup> Funding of \$276,352, of which \$197,103 is from the general fund, is added for operating expenses, primarily related to professional service fees, repairs, and travel expenses.

<sup>5</sup> One-time funding is added as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Polycom machine	\$8,000	\$0	\$8,000
Accrued leave payments	64,550	68,000	132,550
Total	\$72,550	\$68,000	\$140,550

**REPORT OF STANDING COMMITTEE**

**SB 2046: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2046 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2047: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2047 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2049: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2049 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "2021" with "2019"

Page 1, line 18, replace "2021" with "2019"

Page 1, line 19, replace "2021" with "2019"

Page 2, line 16, replace "2021" with "2019"

Page 2, line 17, replace "2021" with "2019"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2124: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2124 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "four" with "five"

Page 1, line 4, remove "and"

Page 1, line 4, after "14-09-19" insert ", 14-10-05, and 14-15-01"

Page 1, line 5, after "sections" insert "14-15-11, 14-15-12, and"

Page 1, line 5, after the second comma insert "subsection 3 of section 14-15-13, sections"

Page 1, line 6, replace the second "and" with ", 27-20-02,"

Page 1, line 7, remove "subsection 7 of section"

Page 1, line 7, remove "sections"

Page 1, line 7, after "27-20-30" insert a comma

Page 1, line 8, after "sections" insert "27-20-38,"

Page 1, line 8, after "27-20-44" insert ", 27-20-45, 27-20-47"

Page 1, line 24, after "57-20-07.1" insert ", subsection 3 of section 57-20-07.3"

Page 2, line 6, after the first semicolon insert "to provide a penalty;"

Page 2, line 6, after the third semicolon insert "to provide an expiration date;"

Page 3, line 28, after "chapters" insert "14-15."

Page 3, line 29, after "27-20" insert an underscored comma

Page 4, line 2, after the first "the" insert "host"

Page 6, line 5, remove "zone"

Page 6, line 5, overstrike "budget" and insert immediately thereafter "zone's indirect costs"

Page 6, line 24, remove "board of county commissioners. If the board of county"

Page 6, replace lines 25 through 27 with "human service zone board for review. The human service zone director shall work with the department to achieve equitable compensation for all human service zone team members within the human service zone. The human service zone director shall notify appropriate host county staff of all staffing changes for administrative purposes."

3. For purposes of this section, "host county" means the county within the human service zone in which the human service zone administrative office is located and in which the human service zone team members are employed.

Page 9, after line 19, insert:

**"SECTION 9. AMENDMENT.** Section 14-10-05 of the North Dakota Century Code is amended and reenacted as follows:

**14-10-05. Assignment of children prohibited - Penalty.**

No person, other than the parents, may assume the permanent care and custody of a child, unless authorized so to do by an order or decree of a court having jurisdiction, except that a parent, upon giving written notice to the department of human services and human service zone, may place that person's own child in the home of the child's grandparent, uncle, or aunt for adoption or guardianship by the person receiving the child. The child must be considered abandoned if proceedings for the adoption or guardianship of the child are not initiated by such relative within one year following the date of notice of placement. No parent may assign or otherwise transfer the parent's rights or duties with respect to the care and custody of the parent's child. Any such transfer or assignment, written or otherwise, is void. This section does not affect the right of the parent to consent in writing to the legal adoption of the parent's child, but such written consent does not operate to transfer any right in the child in the absence of a decree by a court having jurisdiction. Any person who violates the provisions of this section is guilty of a class A misdemeanor.

**SECTION 10. AMENDMENT.** Section 14-15-01 of the North Dakota Century Code is amended and reenacted as follows:

**14-15-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Abandon" means:
  - a. As to a parent of a child not in the custody of that parent, failure by the noncustodial parent significantly without justifiable cause to:
    - (1) Communicate with the child; or
    - (2) Provide for the care and support of the child as required by law.
  - b. As to a parent of a child in that parent's custody:
    - (1) To leave the child for an indefinite period without making firm and agreed plans, with the child's immediate caregiver, for the parent's resumption of physical custody;

- (2) Following the child's birth or treatment at a hospital, to fail to arrange for the child's discharge within ten days after the child no longer requires hospital care; or
  - (3) To willfully fail to furnish food, shelter, clothing, or medical attention reasonably sufficient to meet the child's needs.
2. "Adult" means an individual who is not a minor.
3. "Agency" means an entity licensed under chapter 50-12 to place minors for adoption.
4. "Child" means a son or daughter, whether by birth or adoption.
5. "Court" means the district court of this state, and when the context requires means the court of any other state empowered to grant petitions for adoption.
6. "Department" means the department of human services.
7. "Genetic parent" means the biological mother or adjudicated mother of the adopted child, or the presumed father or adjudicated father of the adopted child under chapter 14-20.
8. "Genetic sibling" means individuals with genetic relationship of sister, brother, half-sister, or half-brother.
9. "Human service zone" means a county or consolidated group of counties administering human services within a designed area in accordance with an agreement or plan approved by the department.
10. "Identifying" includes full name, address, date of birth, telephone number, or anything that may lead to the identity of any previously undisclosed individual.
- ~~10-11.~~ "Investigation" includes information obtained regarding the child's history, a preplacement adoption assessment of the prospective adoptive family, and an evaluation of the child's placement in the adoptive home.
- ~~11-12.~~ "Minor" means an individual under the age of eighteen years.
- ~~12-13.~~ "Nonidentifying adoptive information" means:
  - a. Age of genetic parent in years at the birth of the adopted child.
  - b. Heritage of genetic parent.
  - c. Educational attainments, including the number of years of school completed by genetic parent at the time of birth of the adopted child.
  - d. General physical appearance of genetic parent at the time of birth of the adopted child, including the height, weight, color of hair, eyes, skin, and other information of a similar nature.
  - e. Talents, hobbies, and special interests of genetic parents.
  - f. Existence of any other children born to either genetic parent.
  - g. Reasons for child being placed for adoption or for termination of parental right.
  - h. Religion of genetic parent.
  - i. Vocation of genetic parent in general terms.

- j. Health history of genetic parents and blood relatives in a manner prescribed by the department.
  - k. Such further information which, in the judgment of the agency, will not be detrimental to the adoptive parent or the adopted individual requesting the information, but the additional information may not identify genetic parents by name or location.
- ~~13~~.14. "Relative" means any individual having the following relationship to the minor by marriage, blood, or adoption: brother, sister, stepbrother, stepsister, first cousin, uncle, aunt, or grandparent.
- 14.15. "Stepparent" means an individual who is married to a parent of a child who has not adopted the child."

Page 9, line 22, overstrike "or" and insert immediately thereafter "and"

Page 9, line 22, overstrike "respondent" and insert immediately thereafter "respondents"

Page 9, after line 22, insert:

**"SECTION 12. AMENDMENT.** Section 14-15-11 of the North Dakota Century Code is amended and reenacted as follows:

**14-15-11. Notice of petition - Investigation and hearing.**

1. a. After the filing of a petition to adopt a minor, the court shall fix a time and place for hearing the petition. At least twenty days before the date of hearing, notice of the filing of the petition and of the time and place of hearing must be given by the petitioner to the department and human service zone; any agency or individual whose consent to the adoption is required by this chapter but who has not consented; an individual whose consent is dispensed with upon any ground mentioned in subdivisions a, b, f, h, i, and j of subsection 1 of section 14-15-06 but who has not consented; and any individual identified by the court as a biological parent or a possible biological parent of the minor, upon making inquiry to the extent necessary and appropriate, as in proceedings under section 27-20-45, unless the individual has relinquished parental rights or the individual's parental rights have been previously terminated by a court. The notice to the department and human service zone must be accompanied by a copy of the petition.
- b. Notice of the filing of a petition to adopt an adult must be given by the petitioner at least twenty days before the date of the hearing to each living parent of the adult to be adopted.
2. An investigation must be made by a licensed child-placing agency to inquire into the conditions and antecedents of a minor sought to be adopted and of the petitioner for the purpose of ascertaining whether the adoptive home is a suitable home for the minor and whether the proposed adoption is in the best interest of the minor.
3. A written report of the investigation must be filed with the court by the investigator before the petition is heard.
4. The report of the investigation must contain a review of the child's history; a preplacement adoption assessment of the petitioner, including a criminal history record investigation of the petitioner; and a postplacement evaluation of the placement with a recommendation as to the granting of the petition for adoption and any other information the court requires regarding the petitioner or the minor.
5. An investigation and report is not required in cases in which a stepparent is the petitioner or the individual to be adopted is an adult. The

department and human service zone, when required to consent to the adoption, may give consent without making the investigation. If the petitioner is a relative other than a stepparent of the minor, the minor has lived with the petitioner for at least nine months, no allegations of abuse or neglect have been filed against the petitioner or any member of the petitioner's household, and the court is satisfied that the proposed adoptive home is appropriate for the minor, the court may waive the investigation and report required under this section.

6. The department and human service zone, when required to consent to the adoption, may request the licensed child-placing agency to conduct further investigation and to make a written report thereof as a supplemental report to the court.
7. After the filing of a petition to adopt an adult, the court by order shall direct that a copy of the petition and a notice of the time and place of the hearing be given to any individual whose consent to the adoption is required but who has not consented and to each living parent of the adult to be adopted. The court may order an appropriate investigation to assist it in determining whether the adoption is in the best interest of the individuals involved.
8. Notice must be given in the manner appropriate under the North Dakota Rules of Civil Procedure for the service of process in a civil action in this state or in any manner the court by order directs. Proof of the giving of the notice must be filed with the court before the petition is heard.

**SECTION 13. AMENDMENT.** Section 14-15-12 of the North Dakota Century Code is amended and reenacted as follows:

**14-15-12. Required residence of minor.**

1. A final decree of adoption may not be issued and an interlocutory decree of adoption does not become final, until the minor to be adopted, other than a stepchild of the petitioner, has lived in the adoptive home:
  - a. For at least six months after placement by an agency;
  - b. For six months after placement by a parent in accordance with an identified relinquishment under chapter 14-15.1;
  - c. As a foster child for at least six months and has been placed for adoption by an agency; or
  - d. For at least six months after the department and human service zone or the court has been informed of the custody of the minor by the petitioner, and the department and human service zone or the court has had an opportunity to observe or investigate the adoptive home.
2. If a child who has been placed for adoption dies before the six-month residency requirement of subsection 1 is met, the court may grant the final decree of adoption upon a finding that a proper and legitimate reason exists for granting the final decree.

**SECTION 14. AMENDMENT.** Section 14-15-12.1 of the North Dakota Century Code is amended and reenacted as follows:

**14-15-12.1. Health insurance requirements for adoptees.**

The department or child-placing agency involved in an adoption action may at any time before a final decree of adoption, if legal custody of the individual to be adopted is not held by the department, a county social service board, a child-placing agency, or an equivalent office or agency outside the state, require the petitioner for the adoption of another individual to show proof that a health insurance policy is in effect which provides coverage for the individual to be adopted. If proof of health

insurance coverage is submitted by the petitioner, no further bond of any kind may be required by the department or a county social service board in regard to health coverage of the individual to be adopted."

Page 9, line 28, after the second comma insert "human service zone."

Page 10, after line 2, insert:

**"SECTION 16. AMENDMENT.** Subsection 3 of section 14-15-13 of the North Dakota Century Code is amended and reenacted as follows:

3. If at the conclusion of the hearing, the court determines that the required consents have been obtained and that the adoption is in the best interest of the individual to be adopted, the court may:
  - a. Issue a final decree of adoption; or
  - b. Issue an interlocutory decree of adoption which by its own terms automatically becomes a final decree of adoption on a day specified in the decree, that day may not be less than six months nor more than one year after the minor was placed in the adoptive home by an agency or after the department and human service zone or the court was informed of the custody of the minor by the petitioner, unless sooner vacated by the court for good cause shown. In an interlocutory decree of adoption, the court shall provide for observation, investigation, and further report on the adoptive home during the interlocutory period."

Page 13, line 7, overstrike "Each"

Page 13, line 7, remove "human service zone director or the"

Page 13, line 8, replace "director's designee" with "The department of human services"

Page 13, line 13, replace "human service zone" with "department of human services"

Page 13, line 19, remove "human service"

Page 13, line 20, replace "zone director or the director's designee" with "department of human services"

Page 14, line 17, replace the second "a" with "an agreement or"

Page 15, line 17, remove the overstrike over "county social"

Page 15, line 17, remove "human"

Page 15, line 17, remove the overstrike over "board" and insert immediately thereafter "or human service"

Page 16, after line 17, insert:

**"SECTION 24. AMENDMENT.** Section 27-20-02 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-02. Definitions.**

As used in this chapter:

1. "Abandon" means:
  - a. As to a parent of a child not in the custody of that parent, failure by the noncustodial parent significantly without justifiable cause:
    - (1) To communicate with the child; or

- (2) To provide for the care and support of the child as required by law; or
- b. As to a parent of a child in that parent's custody:
  - (1) To leave the child for an indefinite period without making firm and agreed plans, with the child's immediate caregiver, for the parent's resumption of physical custody;
  - (2) Following the child's birth or treatment at a hospital, to fail to arrange for the child's discharge within ten days after the child no longer requires hospital care; or
  - (3) To willfully fail to furnish food, shelter, clothing, or medical attention reasonably sufficient to meet the child's needs.
2. "Abandoned infant" means a child who has been abandoned before reaching the age of one year.
3. "Aggravated circumstances" means circumstances in which a parent:
  - a. Abandons, tortures, chronically abuses, or sexually abuses a child;
  - b. Fails to make substantial, meaningful efforts to secure treatment for the parent's addiction, mental illness, behavior disorder, or any combination of those conditions for a period equal to the lesser of:
    - (1) One year; or
    - (2) One-half of the child's lifetime, measured in days, as of the date a petition alleging aggravated circumstances is filed;
  - c. Engages in conduct prohibited under sections 12.1-20-01 through 12.1-20-08 or chapter 12.1-27.2, in which a child is the victim or intended victim;
  - d. Engages in conduct that constitutes one of the following crimes, or of an offense under the laws of another jurisdiction which requires proof of substantially similar elements:
    - (1) A violation of section 12.1-16-01, 12.1-16-02, 12.1-16-03, or 14-09-22 in which the victim is another child of the parent;
    - (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the parent; or
    - (3) A violation of section 12.1-17-02 in which the victim is a child of the parent and has suffered serious bodily injury;
  - e. Engages or attempts to engage in conduct, prohibited under sections 12.1-17-01 through 12.1-17-04, in which a child is the victim or intended victim;
  - f. Has been incarcerated under a sentence for which the latest release date is:
    - (1) In the case of a child age nine or older, after the child's majority; or
    - (2) In the case of a child, after the child is twice the child's current age, measured in days;

- g. Subjects the child to prenatal exposure to chronic or severe use of alcohol or any controlled substance as defined in chapter 19-03.1 in a manner not lawfully prescribed by a practitioner; or
    - h. Allows the child to be present in an environment subjecting the child to exposure to a controlled substance, chemical substance, or drug paraphernalia as prohibited by section 19-03.1-22.2.
- 4. "Child" means an individual who is:
  - a. Under the age of eighteen years and is not married; or
  - b. Under the age of twenty years with respect to a delinquent act committed while under the age of eighteen years.
- 5. "Custodian" means a person, other than a parent or legal guardian, who stands in loco parentis to the child or a person to whom legal custody of the child has been given by order of a court.
- 6. "Delinquent act" means an act designated a crime under the law, including local ordinances or resolutions of this state, or of another state if the act occurred in that state, or under federal law, and the crime does not fall under subdivision c of subsection 19.
- 7. "Delinquent child" means a child who has committed a delinquent act and is in need of treatment or rehabilitation.
- 8. "Deprived child" means a child who:
  - a. Is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals, and the deprivation is not due primarily to the lack of financial means of the child's parents, guardian, or other custodian;
  - b. Has been placed for care or adoption in violation of law;
  - c. Has been abandoned by the child's parents, guardian, or other custodian;
  - d. Is without proper parental care, control, or education as required by law, or other care and control necessary for the child's well-being because of the physical, mental, emotional, or other illness or disability of the child's parent or parents, and that such lack of care is not due to a willful act of commission or act of omission by the child's parents, and care is requested by a parent;
  - e. Is in need of treatment and whose parents, guardian, or other custodian have refused to participate in treatment as ordered by the juvenile court;
  - f. Was subject to prenatal exposure to chronic or severe use of alcohol or any controlled substance as defined in chapter 19-03.1 in a manner not lawfully prescribed by a practitioner;
  - g. Is present in an environment subjecting the child to exposure to a controlled substance, chemical substance, or drug paraphernalia as prohibited by section 19-03.1-22.2.
  - h. Is a victim of human trafficking as defined in title 12.1.
- 9. "Detention" means a physically secure facility with locked doors and does not include shelter care, attendant care, or home detention.
- 10. "Director" means the director of juvenile court or the director's designee.

11. "Fit and willing relative or other appropriate individual" means a relative or other individual who has been determined, after consideration of an assessment that includes a criminal history record investigation under chapter 50-11.3, to be a qualified person under chapter 30.1-27, and who consents in writing to act as a legal guardian.
12. "Home" when used in the phrase "to return home" means the abode of the child's parent with whom the child formerly resided.
13. "Host county" means the county within the human service zone in which the human service zone administrative office is located and in which the human service zone team members are employed.
14. "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the department.
15. "Juvenile court" means the district court of this state.
- ~~14-16.~~ "Juvenile drug court" means a program established in a judicial district consisting of intervention and assessment of juveniles involved in forms of substance abuse; frequent drug testing; intense judicial and probation supervision; individual, group, and family counseling; substance abuse treatment; educational opportunities; and use of sanctions and incentives.
- ~~15-17.~~ "Permanency hearing" means a hearing, conducted with respect to a child who is in foster care, to determine the permanency plan for the child which includes:
  - a. Whether and, if applicable, when the child will be returned to the parent;
  - b. Whether and, if applicable, when the child will be placed for adoption and the state will file a petition for termination of parental rights;
  - c. Whether and, if applicable, when a fit and willing relative or other appropriate individual will be appointed as a legal guardian;
  - d. Whether and, if applicable, to place siblings in the same foster care, relative, guardianship, or adoptive placement, unless it is determined that the joint placement would be contrary to the safety or well-being of any of the siblings;
  - e. Whether and, if applicable, in the case of siblings removed from their home who are not jointly placed, to provide for frequent visitation or other ongoing interaction between the siblings, unless it is determined to be contrary to the safety or well-being of any of the siblings;
  - f. In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, whether and, if applicable, when the child, aged sixteen or older, will be placed in another planned permanent living arrangement. The court shall:
    - (1) Ask the child whether the child has a desired permanency outcome of another planned permanent living arrangement,
    - (2) Make a judicial determination explaining why another planned permanent living arrangement is the best permanency plan for the child, and

- (3) Identify the compelling reasons it continues not to be in the best interest of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative;
- g. In the case of a child who has been placed in foster care outside the state in which the home of the parents is located, or if the parents maintain separate homes, outside the state in which the home of the parent who was the child's primary caregiver is located, whether out-of-state placements have been considered. If the child is currently in an out-of-state placement, the court shall determine whether the placement continues to be appropriate and in the child's best interests; and
- h. In the case of a child who has attained age fourteen, the services needed to assist the child to make the transition to successful adulthood.
- ~~16-18.~~ "Protective supervision" means supervision ordered by the court of children found to be deprived or unruly.
- ~~17-19.~~ "Relative" means:
- a. The child's grandparent, great-grandparent, sibling, half-sibling, aunt, great-aunt, uncle, great-uncle, nephew, niece, or first cousin;
- b. An individual with a relationship to the child, derived through a current or former spouse of the child's parent, similar to a relationship described in subdivision a;
- c. An individual recognized in the child's community as having a relationship with the child similar to a relationship described in subdivision a; or
- d. The child's stepparent.
- ~~18-20.~~ "Shelter care" means temporary care of a child in physically unrestricted facilities.
- ~~19-21.~~ "Unruly child" means a child who:
- a. Is habitually and without justification truant from school;
- b. Is habitually disobedient of the reasonable and lawful commands of the child's parent, guardian, or other custodian and is ungovernable or who is willfully in a situation dangerous or injurious to the health, safety, or morals of the child or others;
- c. Has committed an offense applicable only to a child, except for an offense committed by a minor fourteen years of age or older under subsection 2 of section 12.1-31-03 or an equivalent local ordinance or resolution;
- d. Has committed an offense in violation of section 5-01-08; or
- e. Is under the age of fourteen years and has purchased, possessed, smoked, or used tobacco, tobacco-related products, electronic smoking devices, or alternative nicotine products in violation of subsection 2 of section 12.1-31-03; and
- f. In any of the foregoing instances is in need of treatment or rehabilitation.

As used in this subsection, "electronic smoking devices" and "alternative nicotine products" have the same meaning as in section 12.1-31-03.

~~20-22.~~ "Willfully" has the meaning provided in section 12.1-02-02."

Page 17, replace lines 1 through 17 with:

**"SECTION 26. AMENDMENT.** Section 27-20-20.1 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-20.1. Petition to terminate parental rights - When brought - Definitions.**

1. A petition to terminate parental rights may be made as provided under this section and section 27-20-45.
2. Except as provided in subsection 3, a petition for termination of parental rights must be filed:
  - a. If the child has been in foster care, in the custody of the department or county social service board, or, in cases arising out of an adjudication by the court that a child is an unruly child, the division of juvenile services, for at least four hundred fifty out of the previous six hundred sixty nights;
  - b. Within sixty days after a court of competent jurisdiction has found the child to be an abandoned infant; or
  - c. Within sixty days after a court of competent jurisdiction has convicted the child's parent of one of the following crimes, or of an offense under the laws of another jurisdiction which requires proof of substantially similar elements:
    - (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subsection 1 of section 14-09-22 in which the victim is another child of the parent;
    - (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the parent; or
    - (3) A violation of section 12.1-17-02 in which the victim is a child of the parent and has suffered serious bodily injury.
3. A petition for termination of parental rights need not be filed if:
  - a. The child is being cared for by a relative approved by the department in collaboration with the county social service board;
  - b. The department or county social service board has documented in the case plan a compelling reason for determining that filing such a petition would not be in the child's best interests and has notified the court that the documentation is available for review by the court; or
  - c. The department or county social service board has determined:
    - (1) Reasonable efforts to preserve and reunify the family are required under section 27-20-32.2 to be made with respect to the child;
    - (2) The case plan provides such services are necessary for the safe return of the child to the child's home; and
    - (3) Such services have not been provided consistent with time periods described in the case plan.
4. For purposes of subsection 2, a child in foster care entered foster care on the earlier of:

- a. The date of the court's order if the court:
    - (1) Made a finding that the child has been subjected to child abuse or neglect;
    - (2) Determined that it is unsafe or contrary to the welfare of the child to remain in the home; and
    - (3) Granted custody of the child to the department or county social service board or, in cases arising out of an adjudication by the court that a child is an unruly child, the division of juvenile services; or
  - b. The date that is sixty days after:
    - (1) The date of a hearing under section 27-20-17 which results in retaining a child in shelter care;
    - (2) The date of an order in a dispositional hearing under which a child is placed in foster care; or
    - (3) The date a child is placed in foster care voluntarily and with the consent of the child's parent.
5. For purposes of subsection 2, a child leaves foster care when:
- a. The court enters an order:
    - (1) Denying a petition to grant care, custody, and control of the child to the ~~department~~county social service board or the division of juvenile services;
    - (2) Terminating an order that granted custody of the child to the ~~department~~the county social service board, or the division of juvenile services; or
    - (3) Appointing a legal guardian under section 27-20-48.1;
  - b. The court order under which the child entered foster care ends by operation of law;
  - c. The child is placed in a parental home by the court or a legal custodian other than the division of juvenile services and the legal custodian lacks authority to remove the child without further order of the court; or
  - d. The child is placed in a parental home by the division of juvenile services.
6. For purposes of subsection 2, a child is not in foster care on any night during which the child is:
- a. On a trial home visit;
  - b. Receiving services at the youth correctional center pursuant to an adjudication of delinquency; or
  - c. Absent without leave from the place in which the child was receiving foster care.
7. For purposes of this section:
- a. "A finding that the child has been subjected to child abuse or neglect" means:

- (1) A finding of deprivation made under chapter 27-20; or
  - (2) A conviction of a person, responsible for a child's welfare, for conduct involving the child, under chapter 12.1-16 or sections 12.1-17-01 through 12.1-17-04 or 12.1-20-01 through 12.1-20-08.
- b. "Compelling reason" means a recorded statement that reflects consideration of:
- (1) The child's age;
  - (2) The portion of the child's life spent living in the household of a parent of the child;
  - (3) The availability of an adoptive home suitable to the child's needs;
  - (4) Whether the child has special needs; and
  - (5) The expressed wishes of a child age ten or older.
- c. "Department" means the department of human services or its designee, including any county social service board.

**SECTION 27. AMENDMENT.** Section 27-20-20.1 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-20.1. Petition to terminate parental rights - When brought - Definitions.**

1. A petition to terminate parental rights may be made as provided under this section and section 27-20-45.
2. Except as provided in subsection 3, a petition for termination of parental rights must be filed:
  - a. If the child has been in foster care, in the custody of the department, human service zone, or county social service board, or, in cases arising out of an adjudication by the court that a child is an unruly child, the division of juvenile services, for at least four hundred fifty out of the previous six hundred sixty nights;
  - b. Within sixty days after a court of competent jurisdiction has found the child to be an abandoned infant; or
  - c. Within sixty days after a court of competent jurisdiction has convicted the child's parent of one of the following crimes, or of an offense under the laws of another jurisdiction which requires proof of substantially similar elements:
    - (1) A violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03, or subsection 1 of section 14-09-22 in which the victim is another child of the parent;
    - (2) Aiding, abetting, attempting, conspiring, or soliciting a violation of section 12.1-16-01, 12.1-16-02, or 12.1-16-03 in which the victim is a child of the parent; or
    - (3) A violation of section 12.1-17-02 in which the victim is a child of the parent and has suffered serious bodily injury.
3. A petition for termination of parental rights need not be filed if:

- a. The child is being cared for by a relative approved by the department ~~in collaboration with the county social service board~~ and human service zone;
  - b. The department, human service zone, or county social service board has documented in the case plan a compelling reason for determining that filing such a petition would not be in the child's best interests and has notified the court that the documentation is available for review by the court; or
  - c. The department or county social service board before January 1, 2021, or the human service zone has determined:
    - (1) Reasonable efforts to preserve and reunify the family are required under section 27-20-32.2 to be made with respect to the child;
    - (2) The case plan provides such services are necessary for the safe return of the child to the child's home; and
    - (3) Such services have not been provided consistent with time periods described in the case plan.
4. For purposes of subsection 2, a child in foster care entered foster care on the earlier of:
- a. The date of the court's order if the court:
    - (1) Made a finding that the child has been subjected to child abuse or neglect;
    - (2) Determined that it is unsafe or contrary to the welfare of the child to remain in the home; and
    - (3) Granted custody of the child to the department, human service zone, or county social service board or, in cases arising out of an adjudication by the court that a child is an unruly child, the division of juvenile services; or
  - b. The date that is sixty days after:
    - (1) The date of a hearing under section 27-20-17 which results in retaining a child in shelter care;
    - (2) The date of an order in a dispositional hearing under which a child is placed in foster care; or
    - (3) The date a child is placed in foster care voluntarily and with the consent of the child's parent.
5. For purposes of subsection 2, a child leaves foster care when:
- a. The court enters an order:
    - (1) Denying a petition to grant care, custody, and control of the child to the ~~county social service board~~ human service zone or the division of juvenile services;
    - (2) Terminating an order that granted custody of the child to the ~~department, the county social service board,~~ human service zone or the division of juvenile services; or
    - (3) Appointing a legal guardian under section 27-20-48.1;

- b. The court order under which the child entered foster care ends by operation of law;
  - c. The child is placed in a parental home by the court or a legal custodian other than the division of juvenile services and the legal custodian lacks authority to remove the child without further order of the court; or
  - d. The child is placed in a parental home by the division of juvenile services.
6. For purposes of subsection 2, a child is not in foster care on any night during which the child is:
- a. On a trial home visit;
  - b. Receiving services at the youth correctional center pursuant to an adjudication of delinquency; or
  - c. Absent without leave from the place in which the child was receiving foster care.
7. For purposes of this section:
- a. "A finding that the child has been subjected to child abuse or neglect" means:
    - (1) A finding of deprivation made under chapter 27-20; or
    - (2) A conviction of a person, responsible for a child's welfare, for conduct involving the child, under chapter 12.1-16 or sections 12.1-17-01 through 12.1-17-04 or 12.1-20-01 through 12.1-20-08.
  - b. "Compelling reason" means a recorded statement that reflects consideration of:
    - (1) The child's age;
    - (2) The portion of the child's life spent living in the household of a parent of the child;
    - (3) The availability of an adoptive home suitable to the child's needs;
    - (4) Whether the child has special needs; and
    - (5) The expressed wishes of a child age ten or older.
  - c. "Department" means the department of human services or its designee, including any county social service board.
  - d. "Human service zone" means a county or consolidated group of counties administering human services within a designated area in accordance with an agreement or plan approved by the department."

Page 19, line 1, after "the" insert "human service zone and the"

Page 19, line 10, after "The" insert "human service zone and the"

Page 20, after line 10, insert:

**"SECTION 31. AMENDMENT.** Section 27-20-38 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-38. Rights and duties of legal custodian.**

A custodian to whom legal custody has been given by the court under this chapter has:

1. The right to the physical custody of the child and the right to determine the nature of the care, placement, and treatment of the child, including ordinary medical care as well as medical or surgical treatment for a serious physical condition or illness which in the opinion of a licensed physician requires prompt treatment, except for any limits the court may impose.
2. The right and duty to provide for the care, protection, training, and education and the physical, mental, and moral welfare of the child, subject to the conditions and limitations of the order and to the remaining rights and duties of the child's parents or guardian.
3. A duty within thirty days after the removal of a child from the custody of the parent or parents of the child for the purpose of placement into foster care, to exercise due diligence to identify and provide notice to the following relatives: all parents of a sibling of the child entering foster care who have legal custody of the sibling, all adult grandparents, and any other adult suggested by the parents, subject to exceptions due to family or domestic violence, that:
  - a. Specifies that the child has been or is being removed from the custody of the parent or parents of the child;
  - b. Explains the options the relative has under federal, state, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
  - c. Describes the requirements and standards to become a foster family home and the additional services and supports that are available for children placed in that home; and
  - d. Describes how the relative of the child may enter into an agreement with the department and county social service board to receive a subsidized guardianship payment.
4. For purposes of this section, "sibling of the child entering foster care" means:
  - a. A brother or sister who has at least one biological or adoptive parent in common;
  - b. A fictive brother or sister with a significant bond as identified by the child or parent; or
  - c. A child that would have been considered a sibling but for the termination or other disruption of parental rights, including a death of a parent.

**SECTION 32. AMENDMENT.** Section 27-20-38 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-38. Rights and duties of legal custodian.**

A custodian to whom legal custody has been given by the court under this chapter has:

1. The right to the physical custody of the child and the right to determine the nature of the care, placement, and treatment of the child, including ordinary medical care as well as medical or surgical treatment for a serious physical condition or illness which in the opinion of a licensed

- physician requires prompt treatment, except for any limits the court may impose.
2. The right and duty to provide for the care, protection, training, and education and the physical, mental, and moral welfare of the child, subject to the conditions and limitations of the order and to the remaining rights and duties of the child's parents or guardian.
  3. A duty within thirty days after the removal of a child from the custody of the parent or parents of the child for the purpose of placement into foster care, to exercise due diligence to identify and provide notice to the following relatives: all parents of a sibling of the child entering foster care who have legal custody of the sibling, all adult grandparents, and any other adult suggested by the parents, subject to exceptions due to family or domestic violence, that:
    - a. Specifies that the child has been or is being removed from the custody of the parent or parents of the child;
    - b. Explains the options the relative has under federal, state, and local law to participate in the care and placement of the child, including any options that may be lost by failing to respond to the notice;
    - c. Describes the requirements and standards to become a foster family home and the additional services and supports that are available for children placed in that home; and
    - d. Describes how the relative of the child may enter into an agreement with the department and ~~county social service board~~ human service zone to receive a subsidized guardianship payment.
  4. For purposes of this section, "sibling of the child entering foster care" means:
    - a. A brother or sister who has at least one biological or adoptive parent in common;
    - b. A fictive brother or sister with a significant bond as identified by the child or parent; or
    - c. A child that would have been considered a sibling but for the termination or other disruption of parental rights, including a death of a parent."

Page 20, after line 31, insert:

**"SECTION 34. AMENDMENT.** Section 27-20-45 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-45. Proceeding for termination of parental rights.**

1. The petition must comply with section 27-20-21 and state clearly that an order for termination of parental rights is requested and that the effect will be as stated in section 27-20-46.
2. If both of the natural parents of the child are not named in the petition either as petitioner or as respondent, the court shall cause inquiry to be made of the petitioner and other appropriate persons in an effort to identify an unnamed parent. The inquiry must include, to the extent necessary and appropriate, all of the following:
  - a. Whether any man is presumed to be the father of the child under chapter 14-20.

- b. Whether the natural mother of the child was cohabiting with a man at the time of conception or birth of the child.
  - c. Whether the natural mother of the child has received from any man support payments or promises of support with respect to the child or in connection with her pregnancy.
  - d. Whether any person has formally or informally acknowledged or declared that person's possible parentage of the child.
  - e. Whether any person claims any right to custody of the child.
3. The court shall add as respondent to the petition and cause to be served with a summons any person identified by the court as an unnamed parent, unless the person has relinquished parental rights, or parental rights have been previously terminated by a court.
  4. If the court, after inquiry, is unable to identify an unnamed parent and no person has appeared in the proceeding claiming to be an unnamed parent of the child or to have any right of custody of the child, the court shall enter an order terminating all parental rights of the unnamed parent with reference to the child and the parent and child relationship.
  5. If a petition for termination of parental rights is made by a parent of the child under this section or if a parent consents to termination of parental rights under section 27-20-44, that parent is entitled under section 27-20-26 to legal counsel during all stages of a proceeding to terminate the parent and child relationship.
  6. Subject to the disposition of an appeal, upon the expiration of thirty days after an order terminating parental rights is issued under this section, the order cannot be questioned by any person, including the petitioner, in any manner, or upon any ground, including fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction of the parties or of the subject matter, unless the person retained custody of the child.
  7. At least ten days before the petition is heard, the clerk of district court or juvenile court shall provide a copy of the petition and summons, if any, to the county social service board and the department of human services.

**SECTION 35. AMENDMENT.** Section 27-20-45 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-45. Proceeding for termination of parental rights.**

1. The petition must comply with section 27-20-21 and state clearly that an order for termination of parental rights is requested and that the effect will be as stated in section 27-20-46.
2. If both of the natural parents of the child are not named in the petition either as petitioner or as respondent, the court shall cause inquiry to be made of the petitioner and other appropriate persons in an effort to identify an unnamed parent. The inquiry must include, to the extent necessary and appropriate, all of the following:
  - a. Whether any man is presumed to be the father of the child under chapter 14-20.
  - b. Whether the natural mother of the child was cohabiting with a man at the time of conception or birth of the child.
  - c. Whether the natural mother of the child has received from any man support payments or promises of support with respect to the child or in connection with her pregnancy.

- d. Whether any person has formally or informally acknowledged or declared that person's possible parentage of the child.
  - e. Whether any person claims any right to custody of the child.
3. The court shall add as respondent to the petition and cause to be served with a summons any person identified by the court as an unnamed parent, unless the person has relinquished parental rights, or parental rights have been previously terminated by a court.
  4. If the court, after inquiry, is unable to identify an unnamed parent and no person has appeared in the proceeding claiming to be an unnamed parent of the child or to have any right of custody of the child, the court shall enter an order terminating all parental rights of the unnamed parent with reference to the child and the parent and child relationship.
  5. If a petition for termination of parental rights is made by a parent of the child under this section or if a parent consents to termination of parental rights under section 27-20-44, that parent is entitled under section 27-20-26 to legal counsel during all stages of a proceeding to terminate the parent and child relationship.
  6. Subject to the disposition of an appeal, upon the expiration of thirty days after an order terminating parental rights is issued under this section, the order cannot be questioned by any person, including the petitioner, in any manner, or upon any ground, including fraud, misrepresentation, failure to give any required notice, or lack of jurisdiction of the parties or of the subject matter, unless the person retained custody of the child.
  7. At least ten days before the petition is heard, the clerk of district court or juvenile court shall provide a copy of the petition and summons, if any, to the ~~county social service board~~ human service zone and the department of human services.

**SECTION 36. AMENDMENT.** Section 27-20-47 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-47. Disposition upon termination of parental rights.**

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the ~~executive director of the department of human services~~ county social service director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence thereof, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child.

**SECTION 37. AMENDMENT.** Section 27-20-47 of the North Dakota Century Code is amended and reenacted as follows:

**27-20-47. Disposition upon termination of parental rights.**

1. If, upon entering an order terminating the parental rights of a parent, there is no parent having parental rights, the court shall:
  - a. Commit the child to the custody of the ~~county social service~~human service zone director or a licensed child-placing agency willing to accept custody for the purpose of placing the child for adoption or, in the absence thereof, in a foster home;
  - b. Appoint a fit and willing relative or other appropriate individual as the child's legal guardian; or
  - c. Establish some other planned permanent living arrangement.
2. The custodian has the rights of a legal custodian and authority to consent to the child's adoption, marriage, enlistment in the armed forces of the United States, and surgical and other medical treatment.
3. If the child is not placed for adoption within twelve months after the date of the order and a legal guardianship or other planned permanent living arrangement for the child has not been established by a court of competent jurisdiction, the child must be returned to the court issuing the original termination order for entry of further orders for the care, custody, and control of the child."

Page 22, line 1, after the fifth "the" insert "host"

Page 22, line 1, remove "in"

Page 22, line 2, remove "which the human service zone office is located"

Page 27, line 5, after "director" insert "or department of human services"

Page 28, line 3, replace "department of human services" with "human service zone board"

Page 28, line 4, replace "department of human services" with "human service zone board"

Page 28, line 10, after the underscored comma insert "or the director's designee."

Page 29, line 27, remove "human"

Page 29, line 27, overstrike "service"

Page 29, line 27, replace "zone" with "department of human services"

Page 32, line 18, after "2." insert """Host county" means the county within the human service zone in which the human service zone administrative office is located and in which the human service zone team members are employed.

3."

Page 32, line 19, replace the second "a" with "an agreement or"

Page 32, line 21, replace "3." with "4."

Page 32, line 21, replace "department employee" with "human service zone team member"

Page 32, line 22, replace "president" with "presiding officer"

Page 32, line 24, replace "4." with "5."

Page 32, line 27, replace "5." with "6."

Page 33, line 7, replace "6." with "7."

Page 33, line 15, replace "7." with "8."

Page 34, line 16, replace "proposal" with "agreement"

Page 34, line 17, remove "by September 15, 2019"

Page 34, line 17, overstrike ", together with a plan for the creation of"

Page 34, line 18, replace "a human service zone" with "no later than December 1, 2019. The agreement must identify the proposed counties of the human service zone, host county, and identify the human service zone board members. The department shall review and approve all agreements in accordance with section 50-01.1-03. The department may modify the agreements as specified in section 50-01.1-03 or if some of the counties are not included in a human service zone. If counties do not submit an agreement, the department shall create the human service zone"

Page 34, line 18, after "The" insert "board of county commissioners shall submit a"

Page 34, line 18, overstrike "must be prepared"

Page 34, line 19, after "50-01.1-04" insert "by June 1, 2020. The department shall approve the plan in accordance with section 50-01.1-04 by January 1, 2021. The board of county commissioners shall provide quarterly updates as requested by the department to the department after the agreement is approved until the plan is submitted as requested"

Page 34, line 20, replace "proposal" with "agreement and proposed plan"

Page 34, line 27, replace the first "a" with "an agreement and"

Page 35, line 6, remove ", who must remain"

Page 35, replace lines 7 through 20 with ". The counties' plan must specify any role transitions for human service zone team members as well as the procedures for team member grievances, appeals, and disciplinary actions. The counties' plan must also permit the department authority to reduce full-time equivalent positions in combination with a transfer of the positions. The component of the plan developed under this subsection must be consistent with merit system requirements, chapter 54-44.3 and corresponding rules, and the template developed by the department for the human service zone plans under section 50-06-01.4.

10. The counties' plan must specify that reductions in access points may only be made with agreement of the human service zone board, the county commissions of affected counties, and the department.
11. The counties' plan must include information regarding the human service zone's liability coverage for the human service zone board, human service zone director, human service zone team members, human service zone property, and any unique contractual relationships with the state, other human service zones, or other entities.
12. Counties' plan must include a statement of agreement between the human service zone and the department allowing for review of proposed transfers of staff from the human service zone to the department, from the department to the human service zone, or among other human service zones. Approval by human service zone board or the county commissions is not required.
13. Counties' plan must include a description of all unique locally-provided programs and services that the counties are proposing to continue to provide within the human service zone and to be funded under this plan.

14. Counties' agreement and plan must set forth the membership of the human service zone board of a human service zone. The human service zone board may not consist of more than fifteen members, as determined by the boards of county commissioners."

Page 37, line 2, replace "December 1, 2019" with "January 1, 2020"

Page 39, line 28, replace "proposed or budgeted" with "approved by the department"

Page 39, line 29, replace "or" with "and"

Page 40, line 13, replace "and" with "or"

Page 40, line 13, after "department" insert ", or both"

Page 40, line 14, after the first "the" insert "host"

Page 40, after line 17 insert "host"

Page 40, line 18, remove "in which the human service zone office is located"

Page 40, line 20, overstrike "audit" and insert immediately thereafter "establish procedures for the review and approval of"

Page 40, line 21, after "director" insert "or designee"

Page 40, line 23, replace ", for the county in which the human service zone office is located" with "of the host county"

Page 41, line 1, overstrike "3. The"

Page 41, line 1, remove "human service zone"

Page 41, line 1, overstrike "board of a"

Page 41, line 1, remove the second "human"

Page 41, line 1, overstrike "service"

Page 41, line 2, remove "zone"

Page 41, line 2, overstrike "consists of not more than fifteen members, as determined by the plan. The"

Page 41, overstrike line 3

Page 41, line 4, overstrike "appointed by each county within the"

Page 41, line 4, remove "human"

Page 41, line 4, overstrike "service"

Page 41, line 22, remove "zone"

Page 41, line 22, overstrike the period

Page 42, after line 22, insert:

"12. Employ a human service zone director who shall serve as the presiding officer of the human service zone board.

13. Collaborate with the department and other human service zones to ensure the provision of quality, effective, and efficient human services to the citizens of North Dakota."

Page 42, after line 25, insert:

"Human service zone directors:"

Page 42, line 26, replace "department of human services" with "human service zone"

Page 42, line 28, replace "president" with "presiding officer"

Page 43, line 2, replace "county" with "human service zone board"

Page 43, line 2, after the first "of" insert "approved and funded"

Page 43, line 2, remove "approved by the board of"

Page 43, line 3, remove "county commissioners of the county by which the staff position is employed"

Page 43, line 4, replace "county commissioners or other" with "the department and"

Page 43, line 4, after "appropriate" insert "host"

Page 43, line 8, after "commissioners" insert ", the human service zone board."

Page 43, after line 9, insert:

- "7. Shall establish, in partnership with the department, equitable compensation for all human service zone team members within established appropriation.
8. Shall develop a budget for the human service zone in partnership with the department and other human service zone directors to ensure the administration of human services.
9. May serve as a designee of the department to supervise department employees assigned to or located within the human service zone.
10. Are the custodian designees of the executive director of the department for any child in the custody of the department."

Page 43, line 22, after "2." insert "The department shall develop a system of progressive discipline to address performance issues within the human service zone. The system shall reserve the most serious actions for severe or chronic failure to meet the standards adopted under subsection 1.

3. The department shall provide ongoing performance notifications to the human service zone board and human service zone director related to the overall compliance with the standards of administration.

4."

Page 43, after line 29, insert:

- "e. Recommend disciplinary action to the human service zone director or the human service zone board.

**SECTION 70.** A new section to chapter 50-01.1 of the North Dakota Century Code is created and enacted as follows:

**Human service zone director hiring.**

The department must be an active participant in the hiring process of the human service zone director and shall designate at least two individuals to participate on the interview panel."

Page 44, line 2, remove the overstrike over the overstruck colon

Page 44, line 3, remove the overstrike over "4: "Department""

Page 44, line 3, remove ""department""

Page 44, after line 25, insert:

- "2. "Host county" means the county within the human service zone in which the human service zone administrative office is located and in which the human service zone team members are employed."

Page 45, line 8, remove "from the human service zone"

Page 45, line 9, replace the first "board" with "a vice presiding officer and appoint"

Page 45, line 10, replace "president" with "presiding officer"

Page 45, line 26, replace "of forty-five dollars per day, not to exceed twenty-five days in any one year" with "established by the host county commission, upon consultation with the other county commissions in the human service zone, consistent with the rate of compensation for members of other appointed boards within the member counties and not to exceed the compensation and expense reimbursement of members of the legislative assembly"

Page 46, line 21, replace "Audit" with "Establish procedures for the review and approval of"

Page 47, after line 5, insert:

- "5. Hire, supervise, and take other personnel actions related to the human service zone director with direct consultation and involvement from the department. Employment must be consistent with the provisions of any law, rule, order, or regulation of the United States or any federal agency or authority requiring civil service or merit standards or classifications as a condition for providing funds administered by the department. A human service zone director must be hired by April 1, 2020.
6. Hear and act on employee grievances in accordance with the human service zone plan and in compliance with merit system requirements."

Page 49, line 6, after "The" insert "appointing"

Page 49, line 8, replace "president" with "presiding officer"

Page 50, line 15, after the third comma insert "quality control."

Page 51, after line 23, insert:

- "3. By August 1, 2019, the department shall establish a template for the development of human service zone plans, including process and content requirements, access point expectations, client grievances procedures, human resources, and locally funded programs or services and how those services will be addressed.
4. The department shall develop, with assistance from the North Dakota association of counties, a process for consultation and technical assistance for human service zone working groups by August 1, 2019."

Page 57, line 6, after "zone" insert ", unless otherwise directed or determined by the department"

Page 59, line 13, after "The" insert "executive"

Page 59, line 13, after "director" insert "of the department"

Page 61, line 31, remove "and"

Page 62, line 2, overstrike the period and insert immediately thereafter "; and

- i. Programs and services unique to the human service zone which have been included in the approved human service zone plan.

Page 63, line 15, replace the second "a" with "an agreement or"

Page 68, line 1, after "budget" insert ", approved by the state agency."

Page 69, line 16, replace the second "a" with "an agreement or"

Page 83, line 22, replace the second "a" with "an agreement or"

Page 86, line 11, overstrike "county social service"

Page 86, line 12, overstrike "board" and insert immediately thereafter "human service zone"

Page 87, line 3, overstrike "of human services"

Page 89, line 10, replace the second "a" with "an agreement or"

Page 93, line 4, replace the second "a" with "an agreement or"

Page 94, line 11, overstrike "director of the regional human service center" and insert immediately thereafter "human service zone director who shall serve as presiding officer"

Page 94, line 12, overstrike "with the consent of the"

Page 94, line 13, overstrike "director of the"

Page 94, line 13, remove "human"

Page 94, line 13, overstrike "service"

Page 94, line 13, remove "zone"

Page 94, line 18, overstrike "shall" and insert immediately thereafter "may"

Page 96, line 2, replace the second "a" with "an agreement or"

Page 97, line 27, replace the second "a" with "an agreement or"

Page 97, line 29, replace "department employee" with "human service zone team member"

Page 97, line 30, replace "president" with "presiding officer"

Page 98, line 20, after "**Application**" insert "**- Study**"

Page 98, line 30 replace "the director shall hire the human service zone director." with "During the 2019-20 interim, the department shall consider options for allowing a human service zone to opt in to state employment. The study must identify under what conditions a transition to state employment may be desirable for a human service zone; outline the governance process for choosing to opt in to state employment, including a description of the role of the human service zone board, county commissions, and the department; and include a template and potential timeline for any zone choosing to make the transition to state employment."

Page 100, line 15, after the underscored period insert "The spending authority of the human service zone must be increased based on the approved, adjusted, or modified formula payment."

Page 106, after line 28, insert:

**"SECTION 135. AMENDMENT.** Subsection 3 of section 57-20-07.3 of the North Dakota Century Code is amended and reenacted as follows:

3. The amount of credit is determined by multiplying the company's assessed tax by a fraction, the numerator of which is the total of all formula payments calculated for the subsequent calendar year under section ~~50-34-03~~50-35-03 and the denominator of which is the total statewide ad valorem property tax levied in the prior taxable year."

Page 109, line 3, replace "twenty-eight" with "twenty-three"

Page 109, line 27, replace "twenty-eight" with "twenty-three"

Page 109, line 30, replace "Nineteen" with "Four"

Page 109, line 30, after "zone" insert "operational"

Page 109, line 31, replace "of" with "to provide supervision and technical assistance to"

Page 110, after line 22, insert:

- "i. Ten full-time equivalent positions to serve as quality control to the human service zones."

Page 110, line 27, replace "50" with "64"

Page 110, line 28, replace "117" with "132"

Page 110, line 28, replace "118" with "133"

Page 110, line 28, replace "and 119" with "134, and 135"

Page 110, line 29, replace "46" with "13, 15, 16 through 25, 27 through 30, 32, 33, 35, 37 through 60"

Page 110, line 29, replace "51" with "65"

Page 110, line 29, replace "59" with "74"

Page 110, line 29, replace "61" with "76"

Page 110, line 29, replace "67" with "82"

Page 110, line 29, replace "69" with "84"

Page 110, line 29, replace "76" with "91"

Page 110, line 29, replace "78" with "93"

Page 110, line 29, replace "114" with "129"

Page 110, line 30, replace "116" with "131"

Page 110, line 30, replace "120" with "136"

Page 110, line 30, replace "121" with "137"

Page 110, line 30, replace "123" with "139"

Page 110, line 30, replace "124" with "140"

Page 110, after line 30, insert:

**"SECTION 142. EXPIRATION DATE.** Sections 14, 26, 31, 34, and 36 of this Act are effective through December 31, 2019, and after that date are ineffective."

Page 111, line 1, replace "115" with "130"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2169: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2169 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2195, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2195 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2202: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2202 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2207: Agriculture Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2207 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "a resident of this state and"

Page 1, line 9, after "producer" insert "in the state"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2211: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2211 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 61-33.1-03 of the North Dakota Century Code, relating to the determination of the ordinary high water mark; and to"

Page 1, after line 4, insert:

**"SECTION 1.** A new subsection to section 61-33.1-03 of the North Dakota Century Code is created and enacted as follows:

Upon adoption of the final review findings by the industrial commission, the board of university and school lands may contract with a qualified engineering and surveying firm to analyze the final review findings and determine the acreage on a quarter-quarter basis or government lot basis above and below the ordinary high water mark as delineated by the final review findings of the industrial commission. The acreage determination is final upon approval by the board."

Page 1, line 8, overstrike "final review findings" and insert immediately thereafter "acreage determination"

Page 1, line 8, overstrike "industrial"

Page 1, line 9, overstrike "commission" and insert immediately thereafter "board of university and school lands"

Page 1, line 20, overstrike "final review findings" and insert immediately thereafter "acreage determination"

Page 1, line 20, overstrike "industrial commission" and insert immediately thereafter "board of university and school lands"

Page 1, line 21, remove "may contract with a qualified"

Page 1, remove lines 22 through 24

Page 2, remove line 1

Page 2, line 2, remove "board. After approving the acreage determination, the board"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2224: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2224 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2226: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2226 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2251: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2251 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2264: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2275: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "essential"

Page 1, line 3, replace the first "section" with "sections"

Page 1, line 3, remove "subdivision c of subsection 5 of section 6-09.4-03, and sections"

Page 1, line 4, after "6-09.4-06" insert a comma

Page 1, line 4, after "6-09.4-10" insert ", subsection 6 of section 21-03-07, and sections 21-03-19, 57-15-06.6, and 57-47-02"

Page 1, line 4, remove "essential"

Page 1, line 5, remove ", public finance agency definitions"

Page 1, line 6, remove "and"

Page 1, line 6, after "funds" insert ", and expanded bonding authority for political subdivisions"

Page 2, line 21, replace "**Essential infrastructure**" with "**Infrastructure**"

Page 2, line 21, remove "**- Counties, cities,**"

Page 2, line 22, remove "**and institutions of higher education**"

Page 2, line 23, remove "essential"

Page 2, line 25, replace "counties and cities" with "political subdivisions"

Page 3, line 4, remove "essential"

Page 3, line 12, remove "Notwithstanding any other provision of law, the eligibility requirements for a loan under"

Page 3, remove lines 13 through 30

Page 4, replace lines 1 through 14 with "An applicant shall issue an evidence of indebtedness as authorized by law. An institution of higher education shall identify at least one funding source for the debt repayment, including:

- a. Tuition or fee revenue collected by the institution of higher education:
- b. Distributions of state aid received by the institution of higher education under chapter 15-18.2; or
- c. Other sources of revenue."

Page 4, line 25, replace "county and city" with "political subdivision"

Page 4, line 28, replace "county or city" with "political subdivision"

Page 5, line 9, replace "county and city" with "political subdivision"

Page 5, line 12, replace "county or city" with "political subdivision"

Page 5, remove lines 25 through 30

Page 6, line 26, after "lend" insert "or transfer"

Page 7, line 2, remove "essential"

Page 7, line 3, after "6-09-49" insert ". Bonds issued for this purpose are payable in each biennium solely from amounts the legislative assembly may appropriate for debt service for any biennium or from a reserve fund established for the bonds. This section may not be construed to require the state to appropriate funds sufficient to make debt service payments with respect to the bonds or replenish a related reserve fund. The bonds are not a debt of the department of transportation or the state, and the full faith, credit, and taxing powers of the state are not pledged to the payment of the bonds. The obligation of the public finance authority with respect to the bonds must terminate and the bonds are no longer outstanding as of the date appropriated funds and reserves are not sufficient to pay debt service on the bonds. In addition to providing funds for transfers to the department of transportation, the public finance authority may use the bond proceeds to pay the costs of issuance of the bonds and establish a reserve fund for the bonds"

Page 10, line 1, replace "**Essential infrastructure**" with "**Infrastructure**"

Page 10, line 4, remove "of moneys derived from the earnings of the legacy fund, as"

Page 10, line 5, remove "defined under section 21-10-12."

Page 10, line 6, remove "essential"

Page 10, after line 6, insert:

**"SECTION 5. AMENDMENT.** Subsection 6 of section 21-03-07 of the North Dakota Century Code is amended and reenacted as follows:

6. The governing body of any county may also by resolution adopted by a two-thirds vote dedicate the tax levy authorized by section 57-15-06.6

and subsection 5 of section 57-15-06.7 and may authorize and issue general obligation bonds to be paid by the dedicated levy for the ~~purpose of providing funds for the purchase, construction, reconstruction, or repair of regional or county correction centers, or parks and recreational facilities~~ purposes identified under section 57-15-06.6 and subsection 5 of section 57-15-06.7; provided, that the initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official newspaper, and any owner of taxable property within the county may, within sixty days after publication, file with the county auditor a protest against the adoption of the resolution. Protests must be in writing and must describe the property which is the subject of the protest. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the county, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.

**SECTION 6. AMENDMENT.** Section 21-03-19 of the North Dakota Century Code is amended and reenacted as follows:

**21-03-19. Bonds - Terms.**

Bonds issued under this chapter must be authorized by resolution, bear such date or dates, be in such denomination or denominations, be in such form, be subject to redemption with or without premium, and be subject to such other terms or conditions as in the judgment of the municipality are in the public interest of the municipality, and must provide that the last installment of principal falls due not more than twenty years from the date of the bonds or not more than thirty years for bonds sold to the entities under section 21-03-30. The requirements of this section apply to each new issue of bonds, or if so determined by the governing body, to the bonds of a new issue combined with all of the outstanding bonds of one or more designated issues of bonds previously issued and similarly payable from taxes or other sources of revenues, or both, as the case may be.

**SECTION 7. AMENDMENT.** Section 57-15-06.6 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-06.6. County capital projects levy.**

1. The board of county commissioners of each county may levy an annual tax not exceeding ten mills plus any voter-approved additional levy as provided in subsection 8 of section 57-15-06.7 for the purpose of the following capital projects:
  1. a. Constructing and equipping and maintaining structural and mechanical components of regional or county corrections centers or for the purpose of contracting for corrections center space capacity from another public or private entity.
  2. b. Acquiring real estate as a site for public parks and construction and equipping and maintaining structural and mechanical components of recreational facilities under section 11-28-06.
  3. c. Acquiring real estate as a site for county buildings and operations and constructing and equipping and maintaining structural and mechanical components of county buildings and property.
  4. d. Acquiring real estate as a site for county fair buildings and operations and constructing and equipping and maintaining structural and mechanical components of county fair buildings and property as provided in section 4-02-26.
  5. e. Acquiring and developing real estate, capital improvements, buildings, pavement, equipment, and debt service associated with financing for county supported airports or airport authorities.

6. f. Expenditures for the cost of leasing as an alternative means of financing for any of the purposes for which expenditures are authorized under subsections 1 through 5.
- g. Improvement of the county road system, including the acquisition of land, construction of new paved and unpaved roads and bridges, replacement of existing paved and unpaved roads and bridges, and maintenance and repair of existing paved and unpaved roads and bridges.
2. Any voter-approved levy for the purposes specified in this section approved by the electors before January 1, 2015, remains effective through 2024 or the period of time for which it was approved by the electors, whichever is less, under the provisions of law in effect at the time it was approved. After January 1, 2015, approval or reauthorization by electors of increased levy authority under this section may not be effective for more than ten taxable years.

**SECTION 8. AMENDMENT.** Section 57-47-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-47-02. County authorized to borrow - Term - Interest rate.**

Whenever in the judgment of the board of county commissioners all taxes authorized to be levied in any one year for general or special county purposes are insufficient to carry on the primary governmental functions, or to pay the mandatory obligations imposed by law upon a county, then such a county may borrow money in such an amount as the board shall determine to be necessary to meet the deficiencies existing in its general or special funds, or to carry on primary governmental functions, and to pay mandatory obligations. For the purpose of borrowing, a county may issue evidences of indebtedness, which must consist of an agreement by the county to pay a stated sum on a specified date, or on or before a specified date, not more than ~~five~~twenty years in the future, together with interest thereon at a rate or rates resulting in an average annual net interest cost not to exceed twelve percent per annum if sold privately, or with no interest rate ceiling if sold at a public sale or to the state of North Dakota or any of its agencies or instrumentalities. A public sale must comply with the procedures set out in chapter 21-03. There is no requirement for an advertisement for bids if an evidence of indebtedness is sold privately or to the state of North Dakota or any of its agencies or instrumentalities."

Page 10, remove lines 8 through 12

Page 10, line 13, after "**FUND**" insert "**FOR WATER PROJECTS**"

Page 10, line 13, remove "**ESSENTIAL**"

Page 10, line 16, remove "essential"

Page 10, line 21, remove "essential"

Page 10, line 24, replace "twenty" with "thirty"

Page 10, after line 24, insert:

**"SECTION 12. APPROPRIATION - BANK OF NORTH DAKOTA - LINE OF CREDIT.** The Bank of North Dakota may extend a line of credit, not to exceed \$100,000,000, to the infrastructure revolving loan fund established under section 6-09-49. The Bank may access the line of credit, to the extent necessary, the sum of which is appropriated, for the purpose of financing loans under the infrastructure revolving loan fund prior to a bond issuance by the public finance authority, for the biennium beginning July 1, 2019, and ending June 30, 2021. The interest rate associated with the line of credit must be the same as the prevailing interest rate charged by the Bank to North Dakota governmental entities. The Bank

shall repay the line of credit from bond proceeds associated with the bonds issued by the public finance authority to support the infrastructure revolving loan fund.

**SECTION 13. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$26,000,000, or so much of the sum as may be necessary, to the public finance authority for the purpose of debt service repayments associated with bonds issued to support the infrastructure revolving loan fund, for the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 10, line 25, replace "6" with "9"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2279: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2279 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2280: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2280 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2319: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2324: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2335: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2335 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2345: Agriculture Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2345 was placed on the Sixth order on the calendar.

Page 1, line 15, after "than" insert "normal wintering operations for cattle and"

Page 4, line 26, after "than" insert "normal wintering operations for cattle and"

Page 18, line 1, after "than" insert "normal wintering operations for cattle and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2346: Agriculture Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2346 was placed on the Sixth order on the calendar.

Page 1, line 1, after "60-02" insert ", a new section to chapter 60-02.1,"

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

Page 1, line 14, remove "shall"

- Page 2, line 16, replace "producer" with "claimant"
- Page 2, line 17, replace "producer's" with "claimant's"
- Page 2, line 17, after "grain" insert "or sign a waiver"
- Page 2, line 17, after "subdivision b" insert an underscored comma
- Page 2, line 26, replace "sections" with "section"
- Page 2, line 26, remove "or 60-02.1-07"
- Page 2, line 26, replace "must" with "shall"
- Page 2, line 29, after "issuance" insert "or renewal"
- Page 2, line 29, remove "or grain buyer"
- Page 2, line 30, after "issuance" insert "or renewal"
- Page 2, line 30, remove "or grain buyer"
- Page 3, line 4, after "issuance" insert "or renewal"
- Page 3, line 4, remove "or grain buyer"
- Page 3, line 5, after "issuance" insert "or renewal"
- Page 3, line 5, remove "or grain buyer"
- Page 3, line 27, remove the overstrike over "may"
- Page 3, line 27, remove "shall"
- Page 4, line 15, remove "producers"
- Page 4, line 30, remove "producers"
- Page 5, line 2, remove "producers"
- Page 5, line 10, remove "producers"
- Page 5, line 15, remove "producers"
- Page 5, after line 15, insert:

**"SECTION 7.** A new section to chapter 60-02.1 of the North Dakota Century Code is created and enacted as follows:

**Release of records - Confidentiality.**

1. As a condition of licensure under section 60-02.1-07, an applicant shall agree to provide to the commission, upon request, any financial record the commission deems relevant for purposes related to:
  - a. The issuance or renewal of a grain buyer license; or
  - b. An investigation after issuance or renewal of a grain buyer license.
2. As a condition of licensure, an applicant shall file a records release with the commission, authorizing the commission to obtain from any source any financial record the commission deems relevant for purposes related to:
  - a. The issuance or renewal of a grain buyer license; or

- b. An investigation after issuance or renewal of a grain buyer license.
- 3. Any information obtained by the commission under this section is confidential and may be provided only:
  - a. To federal authorities in accordance with federal law;
  - b. To the attorney general, state agencies, and law enforcement agencies for use in the pursuit of official duties; and
  - c. As directed by an order of a court pursuant to a showing of good cause."

Page 6, line 4, remove "producers"

Page 6, line 12, remove "producers"

Page 6, line 22, remove "producers"

Page 7, line 1, remove "producers"

Page 7, line 5, remove "producers"

Page 7, line 8, overstrike "**Credit-sale contracts -**"

Page 7, line 9, replace "one-tenth" with "one-twentieth"

Page 7, line 16, remove "producers"

Page 7, line 19, remove "**producers**"

Page 7, line 21, overstrike "There is created" and insert immediately thereafter "The grain indemnity fund is a special fund"

Page 7, line 21, overstrike the second "the"

Page 7, line 21, remove "grain producers"

Page 7, line 21, overstrike "indemnity"

Page 7, line 22, overstrike the first "fund"

Page 8, line 1, remove "**producers**"

Page 8, line 4, remove "producers"

Page 8, line 4, remove the overstrike over "six"

Page 8, line 4, remove "ten"

Page 8, line 6, remove ". if there is no large claim anticipated against the fund, as determined by"

Page 8, line 7, remove "the public service commission"

Page 8, line 8, remove the overstrike over "three"

Page 8, line 8, remove "six"

Page 8, line 12, remove "**producers**"

Page 8, line 15, remove "producers"

Page 8, line 18, after "2." insert "After August 1, 2019, the person delivered or sold grain to a licensed warehouse or a grain buyer in the state:

3."

Page 8, line 20, overstrike "3." and insert immediately thereafter "4."

Page 8, line 21, after "contract" insert ", noncredit-sale contract, sale, or storage contract"

Page 8, line 24, remove "**producers**"

Page 8, line 27, remove "producers"

Page 8, line 28, after "who" insert "delivered or"

Page 8, line 29, overstrike "under a credit-sale contract"

Page 8, line 30, after "contract" insert ", sale, or storage contract"

Page 9, line 3, remove "**producers**"

Page 9, line 4, remove "producers"

Page 9, line 7, after "contracts" insert ", storage contracts, noncredit-sale contracts, or sales"

Page 9, line 10, remove "**producers**"

Page 9, line 11, remove "producers"

Page 9, line 18, remove "**producers**"

Page 9, line 21, remove "producers"

Page 9, line 25, remove "**producers**"

Page 9, line 30, remove "producers"

Page 10, line 7, remove "producers"

Page 10, line 13, remove "producers"

Page 10, line 18, remove "producers"

Page 10, line 28, remove "producers"

Page 11, line 14, remove "producers"

Page 11, line 22, remove "producers"

Renumber accordingly

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

**SCR 4012: Government and Veterans Affairs Committee (Sen. Davison, Chairman)**

recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).

SCR 4012 was placed on the Eleventh order on the calendar.

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

**Shanda Morgan, Secretary**

