

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, January 27, 2021

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

The prayer was offered by Pastor Paul Letvin, Submerge Church, Fargo.

The roll was called and all members were present.

A quorum was declared by the President.

## MOTION

**SEN. KLEIN MOVED** that SB 2226 be returned to the Senate floor from the **Human Services Committee** and be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed.

Pursuant to Sen. Klein's motion, SB 2226 was rereferred.

## MOTION

**SEN. KLEIN MOVED** that SB 2267 be returned to the Senate floor from the **Education Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**SEN. KLEIN REQUESTED** the unanimous consent of the Senate to withdraw SB 2267. There being no objection, it was so ordered by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2147: SEN. OBAN (Education Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2159: SEN. KREUN (Industry, Business and Labor Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2248: SEN. K. ROERS (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2165: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments 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 2141:** A BILL for an Act to amend and reenact sections 15-62.5-01, 15-62.5-03, 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.7, 15.1-21-08.1, 15.1-21-19, and 15.1-21-20 of the North Dakota Century Code, relating to student assessment scores and vendor references; to repeal section 15.1-21-17 of the North Dakota Century Code, relating to interim assessments; to provide for a superintendent of public instruction study; and to provide for a legislative management report.

## ROLL CALL

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

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

Engrossed SB 2141 passed.

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

**SB 2199:** A BILL for an Act to amend and reenact subsection 5 of section 25-03.1-34.2 of the North Dakota Century Code, relating to interstate contracts for the treatment of mental illness or substance use disorders.

#### **ROLL CALL**

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

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

SB 2199 passed.

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

**SB 2175:** A BILL for an Act to amend and reenact subsection 3 of section 15.1-13-17 and sections 43-51-01, 43-51-11, 43-51-11.1, and 43-51-11.2 of the North Dakota Century Code, relating to occupational licensure of members of the military and military spouses; and to provide for a report.

#### **ROLL CALL**

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

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

SB 2175 passed.

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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 2069, SB 2149, SB 2252.

#### **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 1117, HB 1160, HB 1220, HB 1221, HB 1242, HB 1258.

#### **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.,

Thursday, January 28, 2021, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2034: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2034 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "a"

Page 1, line 9, remove "set of"

Page 1, line 9, after "hypothetical" insert "facts"

Page 1, line 9, replace "actual facts" with "prospective conduct"

Page 1, line 20, after "are" insert "substantially"

Page 1, line 20, replace the second "facts" with "conduct"

Page 2, line 2, replace "or in another medium readily available" with "that is accessible"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2041: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2060: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2060 was placed on the Sixth order on the calendar.

Page 1, line 2, remove ", 43-06-16"

Page 13, remove lines 15 through 27

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2083: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2083 was placed on the Sixth order on the calendar.

Page 6, line 2, remove "and"

Page 6, line 3, remove the overstrike over "~~and, as an ad hoc member, the designee~~"

Page 6, remove the overstrike over line 4

Page 6, line 5, remove the overstrike over "~~or neglect~~"

Page 9, line 22, overstrike "the subject of the" and insert immediately thereafter "a"

Page 9, line 22, remove "meets the"

Page 9, line 23, replace "definition" with "includes an allegation or report"

Page 9, line 23, after "neglect" insert "as defined"

Page 9, line 26, after "instruction" insert ", the school district administrator."

Page 9, line 26, after "and" insert "the president or chairman of the"

Page 13, after line 3, insert:

- "9. If a report alleges institutional child abuse or neglect involving a public or private school, the department or the department's authorized agent shall conduct a child protection assessment. If practical, the department or the department's authorized agent shall provide notice of the onset of a child protection assessment to the public or private school. A public or private school may complete an investigation into any conduct reported or alleged to constitute institutional child abuse or neglect at the school's institution concurrently with a child protection assessment. If a public or private school conducts an investigation concurrently with a child protection assessment, the department or the department's authorized agent and the public or private school shall coordinate the planning and execution of the child protection assessment and public or private school investigation efforts to avoid a duplication of fact finding efforts and multiple interviews if practical."

Page 18, after line 10, insert:

- "j. A public or private school that is the subject of a report of institutional child abuse or neglect, provided the identity of the persons reporting or supplying the information under this chapter is protected, except if the individuals reporting or supplying information are employees of the public or private school."

Page 18, after line 25, insert:

- "4. If a public or private school is the subject of a report of institutional child abuse or neglect, any records and information obtained, created, generated, or gathered by the public or private school in response to the report or during an investigation by the public or private school of the alleged conduct set forth in the report, are confidential until the state child protection team makes a determination in accordance with section 50-25.1-04.1 whether institutional child abuse or neglect is indicated."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2124: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2124 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "special"

Page 1, line 3, remove the first "and"

Page 1, line 18, replace "section" with "subsection"

Page 2, line 10, replace "subdivision" with "subdivisions"

Page 2, line 10, after "b" insert "and c"

Page 2, line 15, remove "A declared state of disaster or emergency may be extended for an additional"

Page 2, line 16, replace "thirty days beyond the initial thirty days if" with "If"

Page 2, line 19, after "declaration" insert ", the declared state of disaster or emergency remains in effect through the sixtieth day after the original declaration, unless terminated or extended by a concurrent resolution of the legislative assembly"

Page 2, line 19, after the underscored period insert:

"c."

Page 2, line 20, after "terminate" insert "or extend"

Page 2, line 21, replace "c." with "d."

Page 2, line 25, replace "d." with "e."

Page 2, line 28, replace "e." with "f."

Page 4, line 19, replace "The governor" with "During a declared state of disaster or emergency, a public official or executive branch employee"

Page 4, line 19, replace "issue an executive order under this section which restricts" with "withhold, direct, or require"

Page 4, line 20, after "money" insert "in a manner or for a purpose other than the manner or purpose for which the money was"

Page 4, line 20, after "assembly" insert ", emergency commission, or budget section"

Page 5, line 3, remove "**special**"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2128: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2128 was placed on the Sixth order on the calendar.

Page 1, line 2, after "trusts" insert "; and to declare an emergency"

Page 2, after line 2, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2130: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2130 was placed on the Sixth order on the calendar.

Page 2, line 11, after "mandating" insert "that"

Page 3, line 13, replace "may" with "must"

Page 3, line 15, replace "may" with "must"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2132: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "suspending a" with "the"

Page 1, line 8, remove the overstrike over "~~expires~~"

Page 1, line 8, remove "is suspended"

Page 1, line 8, remove the underscored comma

Page 1, line 9, remove "and until sixty days after release."

Page 1, line 10, remove "The"

Page 1, remove lines 11 through 13

Page 1, line 22, remove the overstrike over "expiration"

Page 1, line 22, remove "suspension"

Page 1, line 23, remove the overstrike over "expiration"

Page 1, line 23, remove "suspension"

Page 1, after line 24 insert:

- "5. The child support agency shall notify the obligor and obligee of the expiration of a monthly support obligation under this section, including a description of how the obligation can be re-established after the obligor is released from incarceration.
6. If a monthly support obligation has expired under this section and is still being enforced by the child support agency when the obligor is released from incarceration, the child support agency shall re-establish a monthly support obligation as provided in this chapter without requiring a request or application for services.

Renumber accordingly

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

**SB 2134: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "25-01.3-01,"

Page 1, line 1, after "25-01.3-06" insert a comma

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 25-01.3-01 of the North Dakota Century Code is amended and reenacted as follows:

#### **25-01.3-01. Definitions.**

In sections 25-01.3-01 through 25-01.3-12, unless the context otherwise requires:

1. "Abuse" means:
  - a. Willful use of offensive, abusive, or demeaning language by a caretaker that causes mental anguish of any person with developmental disabilities;
  - b. Knowing, reckless, or intentional acts or failures to act which cause injury or death to a developmentally disabled or mentally ill person or which placed that person at risk of injury or death;
  - c. Rape or sexual assault of a developmentally disabled or mentally ill person;

- d. Corporal punishment or striking of a developmentally disabled or mentally ill person;
  - e. Unauthorized use or the use of excessive force in the placement of bodily restraints on a developmentally disabled or mentally ill person; and
  - f. Use of bodily or chemical restraints on a developmentally disabled or mentally ill person which is not in compliance with federal or state laws and administrative regulations.
- 2. "Advocacy" means action to assist or represent a person or group of persons with developmental disabilities or mental illnesses in securing their rights, obtaining needed services, investigating complaints, and removing barriers to identified needs.
  - 3. "Advocate" means an employee of the project.
  - 4. "Caretaker" means a person, organization, association, or facility who has assumed legal responsibility or a contractual obligation for the care of a person with developmental disabilities or mental illness, or a parent, spouse, sibling, other relative, or person who has voluntarily assumed responsibility for the person's care.
  - 5. "Committee" means the committee on protection and advocacy.
  - 6. "Complaint" means an allegation of a violation of human or legal rights, or a lack of needed services, which is not a report of abuse, neglect, or exploitation.
  - 7. "Developmental disability" is a disability as defined in section 25-01.2-01.
  - 8. "Eligibility for services" means persons eligible for services of the project, including:
    - a. An adult with developmental disabilities.
    - b. An adult suffering from a mental illness who is an inpatient or resident in a facility rendering care or treatment, even if the location of the person is unknown.
    - c. An adult suffering from a mental illness who is in the process of being admitted to a facility rendering care or treatment, including persons being transported to such a facility.
    - d. An adult suffering from a mental illness who within the last ninety days was an inpatient or resident of a facility rendering care or treatment.
    - e. A child with developmental disabilities or a child with mental illness who meets the criteria of subdivision b, c, or d is eligible for advocacy services.
    - f. A child with developmental disabilities or mental illness who is not an abused or neglected child as defined in chapter 50-25.1 is eligible for protective services.
  - 9. "Exploitation", when committed by a caretaker or relative of, or any person in a fiduciary relationship with, a person with developmental disabilities or mental illness, means:
    - a. The taking or misuse of property or resources of a person with developmental disabilities or mental illness by means of undue influence, breach of fiduciary relationship, deception, harassment, criminal coercion, theft, or other unlawful or improper means;

- b. The use of the services of a person with developmental disabilities or mental illness without just compensation; or
  - c. The use of a person with developmental disabilities or mental illness for the entertainment or sexual gratification of others under circumstances that cause degradation, humiliation, or mental anguish to the person with developmental disabilities or mental illness.
10. "Facility" means a school, residence center, group home, nursing home, foster home, boarding home, or other facility operated by any public or private agency, organization, or institution, which provides services to a person with developmental disabilities or mental illness.
11. "Individually identifiable health information" and "personal representative" have the meaning set forth in title 45, Code of Federal Regulations, part 160, section 103 and part 164, section 5-02, subsection g, respectively.
12. "Mental health professional" means a mental health professional as defined in section 25-03.1-02.
13. "Mental illness" means significant mental illness or emotional impairment as determined by a mental health professional.
14. "Neglect" means:
- a. Inability of a person with developmental disabilities or mental illness to provide food, shelter, clothing, health care, or services necessary to maintain the mental and physical health of that person;
  - b. Failure by any caretaker of a person with developmental disabilities or mental illness to meet, either by commission or omission, any statutory obligation, court order, administrative rule or regulation, policy, procedure, or minimally accepted standard for care of persons with developmental disabilities or mental illnesses;
  - c. Negligent act or omission by any caretaker which causes injury or death to a person with developmental disabilities or mental illness or which places that person at risk of injury or death;
  - d. Failure by any caretaker, who is required by law or administrative rule, to establish or carry out an appropriate individual program or treatment plan for a person with developmental disabilities or mental illness;
  - e. Failure by any caretaker to provide adequate nutrition, clothing, or health care to a person with developmental disabilities or mental illness;
  - f. Failure by any caretaker to provide a safe environment for a person with developmental disabilities or mental illness; and
  - g. Failure by any caretaker to maintain adequate numbers of appropriately trained staff at a facility providing care and services for persons with developmental disabilities or mental illnesses.
15. "Other appropriate remedies" means remedies achieved through alternative dispute resolution, such as discussion, education, conciliation, and mediation.
16. "Project" means the protection and advocacy project.
- ~~16-17.~~ "Protective services" means actions to assist persons with developmental disabilities or mental illnesses who are unable to manage their own



resources or to protect themselves from abuse, neglect, exploitation, or other hazards.

- 47-18. "Report" means a verbal or written communication, including an anonymous communication, alleging the abuse, neglect, or exploitation of a person with developmental disabilities or mental illness."

Page 3, line 14, remove "education and"

Page 3, line 14, after "compliance" insert "and other appropriate remedies"

Page 4, line 6, remove "education"

Page 4, line 7, remove "and"

Page 4, line 7, after "compliance" insert "and other appropriate remedies"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2166: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 2, after "penalty" insert "; and to declare an emergency"

Page 3, line 3, replace the first underscored comma with "or"

Page 3, line 3, remove ", or fourth"

Page 3, line 4, replace "fifth" with "fourth"

Page 7, after line 17, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2178: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2178 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2181: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2181 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 12 of section 23-01-05 and section 37-17.1-05 of the North Dakota Century Code, relating to the state health officer's authority and the governor's authority during a declared disaster or emergency; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Subsection 12 of section 23-01-05 of the North Dakota Century Code is amended and reenacted as follows:

12. Issue any orders relating to disease control measures deemed necessary to prevent the spread of communicable disease. Disease control measures may include special immunization activities and decontamination measures. Written orders issued under this section shall have the same effect as a physician's standing medical order. The state health officer may apply to the district court in a judicial district where a communicable disease is present for an injunction canceling public events or closing places of business. On application of the state health officer showing the necessity of such cancellation, the court may issue an ex parte preliminary injunction, pending a full hearing.
  - a. Notwithstanding any other provision of law, an order issued pursuant to this subsection may not:
    - (1) Substantially burden a person's exercise of religion unless the order is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest;
    - (2) Treat religious conduct more restrictively than any secular conduct of reasonably comparable risk, unless the government demonstrates through clear and convincing scientific evidence that a particular religious activity poses an extraordinary health risk; or
    - (3) Treat religious conduct more restrictively than comparable secular conduct because of alleged economic need or benefit.
  - b. A person claiming to be aggrieved by a violation of subdivision a may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief, including costs and reasonable attorney's fees.

**SECTION 2. AMENDMENT.** Section 37-17.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**37-17.1-05. The governor and disasters or emergencies - Penalty.**

1. The governor is responsible to minimize or avert the adverse effects of a disaster or emergency.
2. Under this chapter, the governor may issue executive orders and proclamations, and amend or rescind them. Executive orders, proclamations, and regulations have the force of law.
3. A disaster or emergency must be declared by executive order or proclamation of the governor if the governor determines a disaster has occurred or a state of emergency exists. The state of disaster or emergency shall continue until the governor determines that the threat of an emergency has passed or the disaster has been dealt with to the extent that emergency conditions no longer exist. The legislative assembly by concurrent resolution may terminate a state of disaster or emergency at any time. All executive orders or proclamations issued under this subsection must indicate the nature of the disaster or emergency, the area or areas threatened, the conditions which have brought it about or which make possible termination of the state of disaster or emergency. An executive order or proclamation must be disseminated promptly by means calculated to bring its contents to the attention of the general public, unless the circumstances attendant upon the disaster or emergency prevent or impede such dissemination, and it must be promptly filed with the department of emergency services, the secretary of state, and the county or city auditor of the jurisdictions affected.

4. An executive order or proclamation of a state of disaster or emergency shall activate the state and local operational plans applicable to the political subdivision or area in question and be authority for the deployment and use of any forces to which the plan or plans apply and for use or distribution of any supplies, equipment, and materials and facilities assembled, stockpiled, or arranged to be made available pursuant to this chapter or any other provision of law relating to a disaster or emergency.
5. During the continuance of any state of disaster or emergency declared by the governor, the governor is commander in chief of the emergency management organization and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement embodied in appropriate executive orders or emergency operational plans, but nothing herein restricts the governor's authority to do so by orders issued at the time of the disaster or emergency.
6. In addition to any other powers conferred upon the governor by law, the governor may:
  - a. Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in managing a disaster or emergency.
  - b. Utilize all available resources of the state government as reasonably necessary to manage the disaster or emergency and of each political subdivision of the state.
  - c. Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities.
  - d. Subject to any applicable requirements for compensation under section 37-17.1-12, commandeer or utilize any private property if the governor finds this necessary to manage the disaster or emergency.
  - e. Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if the governor deems this action necessary for the preservation of life or other disaster or emergency mitigation, response, or recovery.
  - f. Prescribe routes, modes of transportation, and destinations in connection with an evacuation.
  - g. Control ingress and egress in a designated disaster or emergency area, the movement of persons within the area, and the occupancy of premises therein.
  - h. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, not including ammunition.
  - i. Make provision for the availability and use of temporary emergency housing.
  - j. Make provisions for the control, allocation, and the use of quotas for critical shortages of fuel or other life and property sustaining commodities.
  - k. Designate members of the highway patrol, North Dakota national guard, or others trained in law enforcement, as peace officers.

7. Any person who willfully violates any provision of an executive order or proclamation issued by the governor pursuant to this chapter is guilty of an infraction.
8. Authorize the adjutant general to recall to state active duty, on a volunteer basis, former members of the North Dakota national guard. Those recalled must possess the qualifications required by the disaster or emergency. Recall under this subsection is effective only for the duration of the disaster or emergency and recalled personnel will be released from state active duty upon competent authority that the requirement of their service under this subsection has passed. Compensation for personnel recalled under this subsection will be based upon section 37-07-05.
9. Notwithstanding any other provision of law, an order, proclamation, rule, or regulation issued pursuant to this section may not:
  - a. Substantially burden a person's exercise of religion unless the order is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest;
  - b. Treat religious conduct more restrictively than any secular conduct of reasonably comparable risk, unless the government demonstrates through clear and convincing scientific evidence that a particular religious activity poses an extraordinary health risk; or
  - c. Treat religious conduct more restrictively than comparable secular conduct because of alleged economic need or benefit.
10. A person claiming to be aggrieved by a violation of subsection 9 may assert that violation as a claim or defense in a judicial proceeding and obtain appropriate relief, including costs and reasonable attorney's fees."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2182: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2182 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2185: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2186: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2186 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2205: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2205 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2210: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2210 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2222: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2222 was

placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2233: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2233 was placed on the Sixth order on the calendar.

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

Page 1, line 3, after "management" insert "; and to provide a continuing appropriation"

Page 1, line 8, remove ". or a committee designated by the supreme court."

Page 1, line 11, remove ". or the committee"

Page 1, line 12, remove "designated by the supreme court."

Page 1, line 15, remove ". or the committee"

Page 1, line 16, remove "designated by the supreme court."

Page 2, line 1, remove ". or the committee designated by the supreme court."

Page 2, line 4, remove ". or the committee designated by the supreme court."

Page 2, line 12, remove "or the committee designated by the"

Page 2, line 13, remove "supreme court"

Page 2, line 19, remove "or the committee designated by the"

Page 2, line 20, remove "supreme court"

Page 2, line 23, remove ". or the committee designated by the supreme court."

Page 2, line 28, remove ". or the committee designated by the supreme"

Page 2, line 29, remove "court."

Page 2, line 30, after "payment" insert "of forty-five thousand dollars to be paid"

Page 2, line 30, remove ". each in an amount equal to ninety percent of the"

Page 2, remove line 31

Page 3, remove line 1

Page 3, line 2, remove "the annual installments for the five-year period"

Page 3, line 10, remove ". or the committee"

Page 3, line 11, remove "designated by the supreme court."

Page 3, line 14, remove ". or the committee designated by the supreme"

Page 3, line 15, remove "court."

Page 3, line 16, remove ". or the"

Page 3, line 17, remove "committee designated by the supreme court."

Page 3, line 29, remove ". or the committee"

Page 3, line 30, remove "designated by the supreme court."

Page 4, line 4, remove ". or the committee designated by the supreme court."

Page 4, line 6, replace "**Recruitment**" with "**Attorney recruitment**"

Page 4, line 6, after "**fund**" insert "**- Continuing appropriation**"

Page 4, replace lines 7 through 11 with "The attorney recruitment assistance program fund is established in the state treasury. Payments collected under section 27-02.2-08 must be deposited in the attorney recruitment assistance program fund. The funds deposited in the attorney recruitment assistance program fund are appropriated to the judicial branch on a continuing basis for the purpose of making attorney payments under the recruitment assistance program."

Page 4, line 14, remove ". or the committee designated by the"

Page 4, line 15, remove "supreme court"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2234: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2234 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2243: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2246: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2246 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2259: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2259 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2261: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2261 was placed on the Sixth order on the calendar.

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

Page 1, line 17, after "contract" insert "that is an itemized listing of goods and services that will be received based on the contract"

Page 3, line 21, overstrike "amount may not exceed"

Page 3, line 22, overstrike "the amount" and insert immediately thereafter "itemized funeral service contract"

Page 3, line 22, overstrike "and" and insert immediately thereafter "is"

Page 4, after line 10, insert:

**"SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2264: Judiciary Committee (Sen. Larson, 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 2265: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2265 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2273: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2273 was placed on the Eleventh order on the calendar.

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

**Shanda Morgan, Secretary**

