

JOURNAL OF THE HOUSE

Sixty-sixth Legislative Assembly

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Bismarck, March 27, 2019

The House convened at 1:00 p.m., with Speaker Klemin presiding.

The prayer was offered by Pastor Larry Giese, Missouri Slope Care Center, Bismarck.

The roll was called and all members were present except Representatives Bellew, Louser, O'Brien, and Schobinger.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Vigesaa, Chairman)** has carefully examined the Journal of the Fifty-second and Fifty-third Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1312, after line 38, insert:

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

MR. SPEAKER: The President has signed: SB 2153, SB 2257, SB 2312."

Page 1327, after line 13, insert:

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

MR. PRESIDENT: The Speaker has signed: HMR 7001"

REP. VIGESAA MOVED that the report be adopted, which motion prevailed on a voice vote.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 25, 2019, I have signed the following: HB 1097.

Also, on March 26, 2019, I have signed the following: HB 1065, HB 1129, HB 1141, HB 1143, HB 1193, HB 1209, HB 1223, HB 1224, HB 1263, and HB 1470.

MOTION

REP. VIGESAA MOVED that SB 2139 be rereferred to the **Energy and Natural Resources Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2139 was rereferred.

MOTION

REP. VIGESAA MOVED in accordance with Joint Rule 204, that the House request return of SB 2195 from the Senate for the purpose of reconsideration, which motion prevailed on a voice vote.

MOTION

REP. VIGESAA MOVED the passage of SCR 4008, which is on the Consent Calendar.

SECOND READING OF HOUSE RESOLUTION ON CONSENT CALENDAR

SCR 4008: A concurrent resolution urging the United States Department of Agriculture to use official government estimates when reporting world grain supplies.

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

SCR 4008 was declared adopted on a voice vote.

SIXTH ORDER OF BUSINESS

SPEAKER KLEMIN DEEMED approval of the amendments to Engrossed SB 2216, Engrossed SB 2221, SB 2328, and Engrossed SB 2344.

Engrossed SB 2216, Engrossed SB 2221, SB 2328, and Engrossed SB 2344, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2343: A BILL for an Act to amend and reenact sections 5-01-14 and 5-01-21 of the North Dakota Century Code, relating to licensing of microbrew pubs and brewer taproom licenses.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

SB 2343 passed.

SECOND READING OF SENATE BILL

SB 2254: A BILL for an Act to create and enact a new section to chapter 17-04 of the North Dakota Century Code, relating to liens and wind energy property rights.

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 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Ertelt; Karls; Magrum

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

SB 2254 passed.

SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to amend and reenact section 20.1-03-07.1 and subsection 30 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses.

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 18 YEAS, 72 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Anderson, P.; Boe; Brandenburg; Damschen; Delzer; Devlin; Ertelt; Guggisberg; Headland; Holman; Johnson, C.; Nelson, J.; Nelson, M.; Ruby, D.; Schauer; Vigasaa; Weisz

NAYS: Adams; Anderson, B.; Beadle; Becker; Blum; Bosch; Boschee; Buffalo; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Hager; Hanson; Hatlestad; Heinert; Hoverson; Howe; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

SB 2201 failed.

SECOND READING OF SENATE BILL

SB 2122: A BILL for an Act to create and enact a new section to chapter 49-02 of the North Dakota Century Code, relating to an applicant paying the cost of publishing notice.

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 84 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Becker; Ertelt; Holman; McWilliams; Nelson, M.; Simons

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

SB 2122 passed.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to create and enact a new subsection to section 23.1-04-08 of the North Dakota Century Code, relating to the duties and responsibilities of the department of environmental quality; to amend and reenact section 23.1-01-11, subsection 6 of section 23.1-04-15, and section 23.1-08-10 of the North Dakota

Century Code, relating to the duties and responsibilities of the department of environmental quality; to repeal section 23.1-06-03 and chapters 23.1-09 and 61-30 of the North Dakota Century Code, relating to the duties and responsibilities of the department of environmental quality; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Ertelt; Skroch

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

Engrossed SB 2109 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to create and enact a new subsection to section 23.1-08-23 of the North Dakota Century Code, relating to citizen suit and intervention; to amend and reenact section 23.1-08-04 of the North Dakota Century Code, relating to coal combustion residuals; to provide a penalty; and to provide an effective date.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

SB 2108 passed.

SECOND READING OF SENATE BILL

SB 2107: A BILL for an Act to create and enact a new section to chapter 23.1-01 of the North Dakota Century Code, relating to the certification of environmental laboratories; to repeal section 61-28.1-07 of the North Dakota Century Code, relating to certification of laboratories; and to provide an effective date.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

SB 2107 passed.

SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to create and enact two new subsections to section 50-06-05.1 and two new sections to chapter 50-06 of the North Dakota Century Code, relating to duties of the department of human services, creation of a children's cabinet, and creation of a commission on juvenile justice; to repeal section 50-06-43 of the North Dakota Century Code, relating to the children's behavioral health task force; to provide a report to the legislative management; and to provide an expiration date.

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 81 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Becker; Delzer; Ertelt; Hoverson; Johnston; Magrum; McWilliams; Paur; Simons

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

Engrossed SB 2313, as amended, passed.

SECOND READING OF SENATE BILL

SB 2245: A BILL for an Act to amend and reenact sections 50-11.1-02 and 50-11.1-04, subsection 10 of section 50-11.1-06.2, subsection 1 of section 50-11.1-07.2, sections 50-11.1-07.3 and 50-11.1-07.5, and subsection 3 of section 50-11.1-17 of the North Dakota Century Code, relating to early childhood services.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

Engrossed SB 2245, as amended, passed.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to amend and reenact section 12.1-36-01 of the North Dakota Century Code, relating to female genital mutilation; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

SB 2222, as amended, passed.

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 76 YEAS, 14 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Becker; Ertelt; Hoverson; Johnson, C.; Johnston; Kading; Magrum; McWilliams;

Paur; Ruby, D.; Ruby, M.; Simons; Toman; Vetter

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

Engrossed SB 2196, as amended, passed.

SECOND READING OF SENATE BILL

SB 2113: A BILL for an Act to create and enact a new section to chapter 50-10.2 of the North Dakota Century Code, relating to authorized electronic monitoring of facility residents; to amend and reenact sections 12.1-31-14 and 50-10.2-01 of the North Dakota Century Code, relating to authorized electronic monitoring of facility residents and privacy; 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 51 YEAS, 39 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, D.; Anderson, P.; Beadle; Becker; Bosch; Boschee; Buffalo; Damschen; Dobervich; Dockter; Eidson; Ertelt; Grueneich; Guggisberg; Hager; Hanson; Heinert; Holman; Johnson, C.; Johnson, M.; Johnston; Jones; Kading; Kempenich; Kiefert; Lefor; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Paulson; Porter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Satrom; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Steiner; Toman; Trottier; Vetter; Zubke; Speaker Klemin

NAYS: Anderson, B.; Blum; Boe; Brandenburg; Delzer; Devlin; Fegley; Fisher; Hatlestad; Headland; Hoverson; Howe; Johnson, D.; Karls; Kasper; Keiser; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Owens; Paur; Pollert; Pyle; Richter; Sanford; Schatz; Skroch; Strinden; Tveit; Vigesaa; Weisz; Westlind

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

Engrossed SB 2113, as amended, passed.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to amend and reenact subsection 1 of section 50-11.1-04, section 50-11.1-07.8, subsection 1 of section 50-11.1-17, and subsection 2 of section 50-25.1-11 of the North Dakota Century Code, relating to regulation of early childhood services and claims of child abuse and neglect.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

Engrossed SB 2043, as amended, passed.

SECOND READING OF SENATE BILL

SB 2186: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to school safety and crisis reporting programs; 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 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Ertelt; Magrum; McWilliams; Simons

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

Engrossed SB 2186, as amended, passed.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Ertelt; Magrum; Simons; Skroch

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

Engrossed SB 2149, as amended, passed.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to create and enact a new section to chapter 15.1-13, a new

section to chapter 15.1-18, and a new section to chapter 43-51 of the North Dakota Century Code, relating to occupational licensure of military members and military spouses; and to amend and reenact sections 15.1-13-13, 15.1-13-17, 43-51-01, and 43-51-11.1 of the North Dakota Century Code, relating to occupational licensure of military members and spouses.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

Engrossed SB 2306, as amended, passed.

SECOND READING OF SENATE BILL

SB 2230: A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to public school board membership in a school district located on tribal land; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Bellew; Louser; O'Brien; Schobinger

SB 2230, as amended, passed and the emergency clause was declared carried.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House respectfully requests the return of: SB 2195.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate accedes to the House request for the return of: SB 2195.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1268, HB 1368,

HB 1513.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1268

Page 1, line 1, after "reenact" insert "sections 11-28.3-09 and 23-46-04 and"

Page 1, line 2, after "service" insert "and emergency medical services financial assistance"

Page 1, line 2, after the semicolon insert "and"

Page 1, line 3, remove "; to provide an"

Page 1, line 4, remove "effective date; and to declare an emergency"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 11-28.3-09 of the North Dakota Century Code is amended and reenacted as follows:

11-28.3-09. Emergency medical service policy - Levy - Financial report.

1. The board of directors shall establish a general emergency medical service policy for the district and shall annually estimate the probable expense for carrying out that policy. The estimate shall be certified by the president and secretary to the proper county auditor or county auditors, on or before June thirtieth of each year. In the year for which the levy is sought, a board of directors of a rural ambulance service district seeking approval of a property tax levy under this chapter must file with the county auditor of the counties within the rural ambulance service district, at a time and in a format prescribed by the county auditors, a financial report for the preceding calendar year showing the ending balances of each fund held by the rural ambulance service district during that year. The board or boards of county commissioners may levy a tax not to exceed the mill rate approved by the electors of the district under section 11-28.3-04, and in no event exceeding a mill rate of ~~ten~~fifteen mills upon the taxable property within the district for the maintenance of the rural ambulance service district for the fiscal year as provided by law. A rural ambulance service district may be dissolved by approval of electors of the district as provided in section 11-28.3-13.
2. The tax levied for a rural ambulance service district shall be:
 - 1- a. Collected as other taxes are collected in the county.
 - 2- b. Turned over to the secretary-treasurer of the rural ambulance service district, who shall be bonded in the amount of at least five thousand dollars.
 - 3- c. Deposited by the secretary-treasurer in a state or national bank in a district account.
 - 4- d. Paid out upon warrants drawn upon the district account by authority of the board of directors of the district, bearing the signature of the secretary-treasurer and the countersignature of the president.
3. In no case shall the amount of the tax levy exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense, including the amount of principal and interest upon the indebtedness of the district for the ensuing year. The district may include in its operating budget no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated emergency medical services sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent emergency medical services sinking fund may be in addition to the actual annual operating budget, but the total of

the annual operating budget and the annual ten percent emergency medical services sinking fund shall not exceed the amount of revenue that would be generated by application of the maximum mill levy approved by the electors.

SECTION 2. AMENDMENT. Section 23-46-04 of the North Dakota Century Code is amended and reenacted as follows:

23-46-04. State financial assistance for emergency medical services - Confidential information - Annual allocation.

Emergency medical services operations that request financial assistance from the state must provide requested fiscal information to the state department of health for use in financial assistance determinations. All information provided to the department under this section is confidential. The state department of health shall determine annually the allocation amount of state financial assistance for each emergency medical services funding area based on the department's determination of:

- 1- ~~The~~ the minimum annual funding necessary to operate the emergency medical services operation or service designated to operate in the ambulance funding area, based on the financial needs unique to each emergency medical services funding area.
- 2- ~~Required local matching funds commensurate with at least ten dollars per capita within the emergency medical services funding area.~~

Page 1, line 12, after "health" insert ", in consultation with the emergency medical services advisory council,"

Page 1, line 15, after "\$60,000" insert ", or other base amount established by the department,"

Page 1, line 17, replace "\$1,100" with "the average cost of a run"

Page 1, line 21, replace "\$850" with "the average amount of reimbursement for a run"

Page 2, remove lines 8 and 9

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1368

Page 1, line 20, replace "committee" with "board"

Page 1, line 21, replace "committee" with "board"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1513

Page 1, line 1, after "Act" insert "to create and enact a new subdivision to subsection 3 of section 54-35-26 of the North Dakota Century Code, relating to the review of economic development tax incentives; and"

Page 1, line 2, remove "; to"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "recruitment tax credit; and to provide an effective date"

Page 1, after line 6, insert:

"SECTION 1. A new subdivision to subsection 3 of section 54-35-26 of the North Dakota Century Code is created and enacted as follows:

Family care credit."

Page 1, line 10, remove the overstrike over "~~Family care tax credit under section 57-38-01.20.~~"

Page 1, line 11, remove the overstrike over "b."

Page 1, line 12, remove the overstrike over "e."

Page 1, line 12, remove "b."

Page 1, line 13, remove the overstrike over "d."

Page 1, line 13, remove "c."

Page 1, line 14, remove the overstrike over "e."

Page 1, line 14, remove "d."

Page 1, line 15, remove the overstrike over "f."

Page 1, line 15, remove "e."

Page 1, remove the overstrike over lines 17 and 18

Page 1, line 19, remove the overstrike over "i."

Page 1, line 21, remove "f."

Page 1, line 22, replace "g." with "j."

Page 1, line 23, replace "h." with "k."

Page 2, line 1, replace "i." with "L"

Page 2, line 3, replace "j." with "m."

Page 2, line 7, replace "k." with "n."

Page 2, line 9, replace "L" with "o."

Page 2, remove lines 10 through 13

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1270, HB 1302.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1364.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1032, HB 1035, HB 1046, HB 1144, HB 1280, HB 1311, HB 1316, HB 1318, HB 1349, HB 1367, HB 1377, HB 1405, HB 1475, HB 1503, HCR 3011, HCR 3015, HCR 3051.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2065, SB 2081, SB 2085, SB 2087, SB 2182, SB 2198, SB 2210, SB 2305, SB 2339, SB 2361, SCR 4007.

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

MR. SPEAKER: The President has signed: HB 1032, HB 1035, HB 1046, HB 1144, HB 1280, HB 1311, HB 1316, HB 1318, HB 1349, HB 1367, HB 1377, HB 1405, HB 1475, HB 1503, HCR 3011, HCR 3015, HCR 3051.

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

MR. PRESIDENT: The Speaker has signed: SB 2065, SB 2081, SB 2085, SB 2087, SB 2182, SB 2198, SB 2210, SB 2305, SB 2339, SB 2361, SCR 4007.

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

MR. SPEAKER: The President has signed: SB 2065, SB 2081, SB 2085, SB 2087, SB 2125, SB 2165, SB 2182, SB 2184, SB 2198, SB 2210, SB 2305, SB 2314, SB 2331, SB 2339, SB 2361, SCR 4007.

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

MR. SPEAKER: The President has signed: SMR 8001.

MOTION

REP. VIGESAA MOVED that the absent members be excused, which motion prevailed on a voice vote.

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 28, 2019, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2072: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2072 was placed on the Sixth order on the calendar.

Page 3, line 10, replace "an attorney promptly to act as" with "a"

Page 3, line 10, after the first "litem" insert "promptly"

Page 3, line 21, remove "attorney serving as"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2073: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2073 was placed on the Sixth order on the calendar.

Page 4, line 13, replace "an attorney" with "a"

Page 4, line 14, remove "subsection 1 of"

Page 5, line 1, remove "attorney"

Page 5, line 2, replace "a lay" with "an alternative"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2094, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2094 was placed on the Sixth order on the calendar.

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

Page 1, line 3, after "43-17-01" insert ", 43-17-02,"

Page 1, line 4, after the second "medicine" insert "; to provide for a hyperbaric oxygen therapy pilot program; to provide an appropriation; and to provide for a report to legislative management"

Page 2, after line 8, insert:

"SECTION 2. AMENDMENT. Section 43-17-02 of the North Dakota Century Code is amended and reenacted as follows:

43-17-02. Persons exempt from the provisions of chapter.

The provisions of this chapter do not apply to the following:

1. Students of medicine or osteopathy who are continuing their training and performing the duties of a resident in any hospital or institution maintained and operated by the state, an agency of the federal government, or in any residency program accredited by the accreditation council on graduate medical education, provided that the North Dakota board of medicine may adopt rules relating to the licensure, fees, qualifications, activities, scope of practice, and discipline of such persons.
2. The domestic administration of family remedies.
3. Dentists practicing their profession when properly licensed.
4. Optometrists practicing their profession when properly licensed.
5. The practice of christian science or other religious tenets or religious rules or ceremonies as a form of religious worship, devotion, or healing, if the person administering, making use of, assisting in, or prescribing, such religious worship, devotion, or healing does not prescribe or administer drugs or medicines and does not perform surgical or physical operations, and if the person does not hold out to be a physician or surgeon.
6. Commissioned medical officers of the armed forces of the United States, the United States public health service, and medical officers of the veterans administration of the United States, in the discharge of their official duties, and licensed physicians from other states or territories if called in consultation with a person licensed to practice medicine in this state.
7. Doctors of chiropractic duly licensed to practice in this state pursuant to the statutes regulating such profession.
8. Podiatrists practicing their profession when properly licensed.
9. Any person rendering services as a physician assistant, if such service is rendered under the supervision, control, and responsibility of a licensed physician. However, sections 43-17-02.1 and 43-17-02.2 do apply to physician assistants. The North Dakota board of medicine shall prescribe rules governing the conduct, licensure, fees, qualifications, discipline, activities, and supervision of physician assistants. Physician assistants may not be authorized to perform any services which must be performed by persons licensed pursuant to chapters 43-12.1, 43-13, 43-15, and 43-28 or services otherwise regulated by licensing laws, notwithstanding the fact that medical doctors need not be licensed specifically to perform the services contemplated under such chapters or licensing laws.
10. A nurse practicing the nurse's profession when properly licensed by the North Dakota board of nursing.
11. ~~A person rendering fluoroscopy services as a radiologic technologist if the service is rendered under the supervision, control, and responsibility of a licensed physician and provided that the North Dakota board of medicine prescribes rules governing the conduct, permits, fees, qualifications, activities, discipline, and supervision of radiologic technologists who provide those services.~~

- 42- A naturopath duly licensed to practice in this state pursuant to the statutes regulating such profession.
- ~~43-12.~~ An individual duly licensed to practice medical imaging or radiation therapy in this state under chapter 43-62.
- ~~44-13.~~ An acupuncturist duly licensed to practice in this state pursuant to the statutes regulating such profession."

Page 2, line 23, after "consultation" insert "on a diagnosis for a patient to a physician licensed in the state."

Page 3, line 10, replace "valid" with "bona fide"

Page 4, after line 23, insert:

**"SECTION 6. APPROPRIATION - HYPERBARIC OXYGEN THERAPY
PILOT PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT.**

1. There is appropriated out of any moneys in the tobacco prevention and control trust fund in the state treasury, not otherwise appropriated, the sum of \$335,000, or so much of the sum as may be necessary, to the state department of health for the purpose of contracting with a third party to implement a hyperbaric oxygen therapy pilot program, for the biennium beginning July 1, 2019, and ending June 30, 2021.
2. The department shall contract with an entity with experience implementing studies using hyperbaric oxygen for traumatic brain injuries to conduct a pilot program for treatment of moderate to severely brain-injured North Dakotans using an established protocol of hyperbaric oxygen therapy provided by an entity with experience in treating traumatic brain injury using medical-grade hyperbaric chambers pressurized with one hundred percent oxygen. The goals of the study include demonstrating improvement in brain-eye function using RightEye, significant improvement in quality of life of injured patients, significant improvement in cognitive abilities of injured patients, and financial savings and increased revenues for the state, including possible savings for medical assistance and workers' compensation and a positive impact on income tax revenues. The pilot program design must be established in consultation with a third-party physician.
3. During the 2019-21 biennium, the department shall make periodic reports to the legislative management on the status of the pilot program and whether the goals are being realized."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2124, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2124 was placed on the Sixth order on the calendar.

Page 2, line 7, after the first semicolon insert "to provide for a report;"

Page 2, line 8, after the first semicolon insert "to provide for the transfer of employees;"

Page 4, line 5, replace "of the host county in which" with "within"

Page 4, line 6, remove "office is located shall act as the legal adviser of the human"

Page 4, replace lines 7 and 8 with ", by way of agreement, shall designate a singular state's attorneys office, within or outside the human service zone, to act as legal adviser of the human service zone. The host county state's attorney shall serve as the legal"

adviser if no agreement is reached. The agreement may not limit a state's attorneys individual discretion in court filings and representation."

Page 4, line 12, after "zone" insert ", unless a different agreement is established by the affected state's attorney"

Page 4, line 14, overstrike "13 or 14" and insert immediately thereafter "12 or 13"

Page 6, line 27, after "compensation" insert "and salary increases"

Page 11, line 10, replace "designed" with "designated"

Page 39, line 31, overstrike the first "or"

Page 39, line 31, remove the overstrike over "county social"

Page 39, line 31, remove "human"

Page 39, line 31, remove the overstrike over "board" and insert immediately thereafter ", or human service"

Page 57, line 28, remove "and"

Page 57, line 29, after "members" insert ", and agree to seek approval from the department regarding hiring or dismissal of county social services or human service zone employees"

Page 58, line 30, after the second "positions" insert "or a human service zone team member's separation from employment"

Page 60, remove lines 22 and 23

Page 60, line 24, replace "k." with "j."

Page 60, line 26, replace "l." with "k."

Page 60, after line 27 insert:

"l. Whether the human service zone board is constituted of individuals that represent the population of the human service zone."

Page 61, line 2, after "thereafter" insert "through a process developed by the department"

Page 61, line 23, after "department" insert "through a process developed by the department"

Page 63, line 21, after "department" insert "through a process developed by the department"

Page 66, line 17, replace "As necessary" with "If applicable"

Page 66, line 18, after "programs" insert "under the director of the department and"

Page 66, line 18, replace "substantially similar" with "the"

Page 66, line 18, replace ", benefits, or objectives" with "of enhancing quality, effectiveness, and efficiency of programs and services"

Page 66, line 19, after "11." insert "Cooperate with the department or other human service zones in revising human service zone operations to reflect department guidelines or best practices that may be based on recommendations from experimental or pilot programs.

12."

Page 66, line 23, replace "12." with "13."

Page 66, line 25, replace "13." with "14."

Page 67, line 7, after "hire" insert "or separate from employment"

Page 67, line 9, after "positions" insert "by the department"

Page 67, line 16, replace "in partnership with" with "as agreed upon by"

Page 67, line 16, after "compensation" insert "and salary increases"

Page 68, line 20, after "zone" insert ", agreement."

Page 68, line 20, after "plan" insert "which may include requiring the reconstituting of the human service zone board or rehiring of a human service zone director as part of a new or modified agreement or plan"

Page 68, line 28, after "panel" insert ". The department shall approve or disapprove of the recommendation for the human service zone director from the human service zone board and interview panel before the human service zone board takes action to hire the human service zone director"

Page 70, line 8, remove ", state elected"

Page 70, line 9, remove "officials."

Page 70, line 9, overstrike "sex"

Page 70, line 9, remove ", race, and ethnicity must be fairly"

Page 70, remove line 10

Page 72, line 13, replace "Hire, supervise." with "Supervise"

Page 72, line 14, after "department" insert ". Hire the human service zone director with the express approval of the department"

Page 126, line 6, after the first "and" insert "salary"

Page 126, line 6, after "increases" insert ". The department may limit future salary increases for human service zone team members who received a salary increase from the county commissioners or county social service board for calendar year 2018 or 2019 which was above the salary increase provided by the legislative assembly for state employees or who receive a wage above equitable compensation"

Page 126, line 23, after "director" insert ", during the period between January 1, 2020, and December 31, 2021."

Page 126, line 24, after the first "department" insert ", during the period between January 1, 2020, and December 31, 2021"

Page 135, after line 15, insert:

"SECTION 140. REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY - DEPARTMENT OF HUMAN SERVICES. The department of human services shall submit to the appropriations committees of the sixty-seventh legislative assembly a report with metrics that include the cost per unit of work for transactional services or caseloads and other performance metrics as available. The department of human services shall submit trends in these metrics for selected programs or geographies that have undergone concentrated process improvement efforts under pilot projects or otherwise in collaboration with the department."

Page 135, line 20, replace "two hundred twenty-three" with "thirty-three"

Page 135, line 26, replace "a" with ":

a. A"

Page 135, after line 29, insert:

"b. An increase in county social services employees or human service zone team members delivering human services programs, services, or functions."

Page 136, line 13, replace "two hundred twenty-three" with "thirty-three"

Page 136, remove lines 16 through 21

Page 136, line 22, replace "c." with "a."

Page 136, remove lines 25 through 29

Page 137, remove lines 1 through 3

Page 137, line 4, replace "g." with "b."

Page 137, line 4, replace "One hundred four" with "Sixteen"

Page 137, line 5, remove "the supplemental nutrition"

Page 137, remove lines 6 and 7

Page 137, line 8, replace "related activities" with "long-term care eligibility determination"

Page 137, remove lines 9 through 11

Page 137, line 12, replace "i." with "c."

Page 137, line 12, replace "Ten" with "Three"

Page 137, line 14, replace "two hundred twenty-eight" with "thirty-three"

Page 137, after line 17, insert:

"SECTION 142. TRANSFER OF EMPLOYEES - HEALTH INSURANCE COVERAGE.

1. The following full-time equivalent positions of a county or human service zone become full-time equivalent positions of the department of human services upon notice of transfer to the human service zone director or county commissioners:
 - a. Four full-time equivalent positions to serve as human service zone operational directors to provide supervision and technical assistance to the human service zones.
 - b. Twenty-seven full-time equivalent child care licensing positions.
 - c. Two full-time equivalent adoption assistance eligibility determination and adoption case management or related administration positions.
 - d. Sixty-four full-time equivalent home and community-based services case management positions.
 - e. Three full-time equivalent positions to assist with the human service zones, human service zone plans, or formula payments, or to relieve human service zones of miscellaneous duties, including estate recovery.
 - f. Seven full-time equivalent positions to serve as quality control to the human service zones.

2. Of the one hundred seven full-time equivalent positions in this section, the department of human services may adjust or increase full-time equivalent positions as transfers from one or more host counties for management support to administer the powers and duties transferred.
3. Any employee who becomes a state employee under this section or section 141 is entitled to receive a salary in an amount not less than the salary received as an employee of the county or host county.
4. The department may limit future salary increases for an employee who is transferred under this section or section 141 who received a salary increase from their former county commissioners or county social service board for the calendar years 2018 or 2019 above the salary increase provided by the legislative assembly for state employees or who receive a wage above equitable compensation.
5. Each year of county or host county employment of an employee who is transferred under this section or section 141 will be considered a year of state employment for purposes of section 54-06-14.
6. Before the transfer of the full-time equivalent position from the county or host county to the department of human services, the county or host county shall pay the employer's share of any premium that is necessary to continue any existing health insurance coverage for an employee who is transferred under this section for one month after the effective date of this transfer.
7. Any equipment, including technology-related equipment, furnishings, and supplies in the control and custody of a county or human service zone on the effective date of an employment transfer from the county or host county to the department of human services under this section or section 141, may be transferred to the control and custody of the department of human services if requested.
8. Any position added to the department of human services under this section would be position transfers from the human service zone and may not result in:
 - a. A net addition of positions delivering human services programs, services, or functions under the appropriation provided in Senate Bill No. 2012, as approved by the sixty-sixth legislative assembly.
 - b. An increase in county social services employees or human service zone team members delivering human services programs, services, or functions."

Page 137, line 18, replace "Section" with "Sections"

Page 137, line 18, after "64" insert "and 142"

Page 137, line 18, replace "becomes" with "become"

Page 137, line 21, after "139" insert ", 140"

Page 137, line 22, replace "140" with "141"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2215, as reengrossed: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2215 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "sections 15-19-02 and 15-19-06, subsection 1" with "subsections 1 and 2"

Page 1, line 5, remove "the center for distance education,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, replace "Three" with "Four"

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party, selected by the legislative management" with "majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party from each chamber of the legislative assembly, selected by the respective minority leader of the chamber"

Page 4, line 12, remove "and"

Page 4, line 13, after "association" insert: "; and

(8) A behavioral health representative from the department of human services"

Page 5, line 26, overstrike "acquire PowerSchool"

Page 5, line 27, overstrike "through" and insert immediately thereafter "implement the state student information system administered by"

Page 5, line 29, overstrike "PowerSchool" and insert immediately thereafter "the state student information system"

Page 5, after line 29, insert:

"SECTION 3. AMENDMENT. Subsection 2 of section 15.1-07-33 of the North Dakota Century Code is amended and reenacted as follows:

2. The superintendent of public instruction statewide longitudinal data system committee may exempt a school district from having to ~~acquire~~implement and utilize PowerSchool~~the state student information system~~ if the school district demonstrates ~~that, in:~~
 - a. The district has acquired and is using a student information system determined to be compatible with the statewide longitudinal data system; or
 - b. In accordance with requirements of the bureau of Indian education, the district has acquired and is utilizing a student information system that is determined to be comparable by the superintendent.

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2265, as engrossed: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2265 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15.1-02 and section 15.1-27-04.3 of the North Dakota Century Code, relating to state school aid

local property tax effort and credentialing of title I certified teachers and coordinators;"

Page 1, line 1, after "sections" insert "15.1-06-04, 15.1-07-34,"

Page 1, line 1, replace the second "and" with a comma

Page 1, line 1, after "15.1-27-04.1" insert ", 15.1-27-35, 15.1-29-02.1, 15.1-29-12, and 57-15-14.2"

Page 1, line 2, after "to" insert "teacher professional development days in the school calendar, youth behavioral health training,"

Page 1, line 2, replace "and" with a comma

Page 1, line 3, after "districts" insert ", the calculation of average daily membership, a cross-border attendance contract with South Dakota, the determination of tuition payments, and school district levies"

Page 1, line 4, remove "and"

Page 1, line 4, remove the second "an"

Page 1, line 4, replace "date" with "dates; and to provide an expiration date"

Page 1, after line 5, insert:

"SECTION 1. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Credentials for teachers and coordinators of title I.

The superintendent of public instruction shall create a process to reinstate and recertify title I credentials for individuals in the state who held a valid certification, issued by the department of public instruction, as of July 1, 2018. A school district may advertise employment for a title I certified teacher each year until the position is filled. The board of a school district may authorize the hiring of a teacher who is not certified as a title I teacher for the school year if the school district fails to receive applications from qualified applicants to fill the advertised position by July 1.

SECTION 2. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. A school district shall provide for a school calendar that includes:
 - a. ~~At least one hundred seventy-five days~~nine hundred sixty-two and one-half hours of instruction ~~for elementary school students and one thousand fifty hours of instruction for middle and high school students;~~
 - b. Three holidays, as selected by the board ~~in consultation with district teachers~~ from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;
 - c. No more than two days for:
 - (1) Parent-teacher conferences; or
 - (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and
 - d. ~~At least two~~three days of professional development.

2. a. For the first two days of professional development required by subsection 1, a day of professional development must consist of:
 - (1) Six hours of professional development, exclusive of meals and other breaks, conducted within a single day;
 - (2) Six hours of cumulative professional development conducted under the auspices of a professional learning community; or
 - (3) Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.
- b. If a school district offers a four-hour period of professional development, as permitted in this subsection, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. This subdivision does not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.
3. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction.
4. For purposes of this section, a full day of instruction consists of:
 - a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.
5. Any school district intending to operate under a four-day week must file and be approved for a waiver with the superintendent of public instruction.

SECTION 3. AMENDMENT. Section 15.1-07-34 of the North Dakota Century Code is amended and reenacted as follows:

15.1-07-34. Provision of youth behavioral health training to teachers, administrators, and ancillary staff.

1. Every two years, each school district shall provide a minimum of eight hours of professional development on youth behavioral health to elementary, middle, and high school teachers, and administrators. Each school district shall encourage ancillary and support staff to participate in the professional development. Based on the annual needs assessment of the school district, these hours must be designated from the following categories:
 - a. Trauma;
 - b. Social and emotional learning, including resiliency;
 - c. Suicide prevention;
 - d. Bullying;
 - e. Understanding of the prevalence and impact of youth behavioral health wellness on family structure, education, juvenile services, law enforcement, and health care and treatment providers;

- f. Knowledge of behavioral health symptoms, and risks;
 - g. Awareness of referral sources and evidence-based strategies for appropriate interventions; ~~or~~
 - h. Other evidence-based strategies to reduce risk factors for students; or
 - i. Current or new evidence-based behavior prevention or mitigation techniques.
2. Each school district shall report the professional development hours to the department of public instruction.
 3. The superintendent of public instruction shall collaborate with regional education associations to disseminate information, training materials, and notice of training opportunities to school districts and nonpublic schools."

Page 3, line 3, after the underscored semicolon insert "and"

Page 3, line 4, replace "1.00" with "0.50"

Page 3, line 6, remove "; and"

Page 3, remove lines 7 through 11

Page 3, line 12, remove "students"

Page 3, after line 15, insert:

"SECTION 5. AMENDMENT. Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-03.1. Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:
 - a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
 - b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
 - c. 0.40 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
 - (2) Are enrolled in a program of instruction for English language learners;
 - d. 0.28 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and

- (2) Are enrolled in a program of instruction for English language learners;
- e. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
- f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
- g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
- h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
- i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;
- j. 0.082 the number of students enrolled in average daily membership, in order to support the provision of special education services;
- k. 0.07 the number of full-time equivalent students who:
 - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
 - (2) Are enrolled in a program of instruction for English language learners; and
 - (3) Have not been in the third of six categories of proficiency for more than three years;
- l. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
- m. 0.002 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; ~~and~~
- n. ~~0.50~~ 0.60 the number of students by which the district's September tenth enrollment report exceeds the number of students in the prior year's average daily membership increasing the factor annually by 0.10, not to exceed 1.00; and
- o. For districts paid based on September tenth enrollment in the prior year, 0.50 the number of students determined by deducting the number of students in the prior year's September tenth enrollment from the prior year's average daily membership, increasing the factor

annually by 0.10, not to exceed 1.00. If the prior year's September tenth enrollment exceeds the prior year's average daily membership, then a deduction of 0.50 the number of excess students, increasing the factor annually by 0.10, not to exceed 1.00.

2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership."

Page 3, line 23, overstrike "2012-13" and insert immediately thereafter "2018-19"

Page 3, line 24, overstrike "The district's 2012-13 mill levy reduction grant, as determined in accordance with"

Page 3, overstrike line 25

Page 3, line 26, overstrike "c."

Page 3, line 26, overstrike "that raised by the district's 2012 general fund levy or that"

Page 3, overstrike line 27

Page 3, line 28, overstrike "is less" and insert immediately thereafter "the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment"

Page 3, overstrike lines 29 and 30

Page 4, overstrike line 1

Page 4, line 2, overstrike "program levy;"

Page 4, line 3, overstrike "f." and insert immediately thereafter "c."

Page 4, line 4, replace "2012-13" with "2017-18"

Page 5, line 1, replace "g." with "d."

Page 5, line 2, replace "2012-13" with "2017-18"

Page 5, line 9, overstrike "2012-13" and insert immediately thereafter "2017-18"

Page 5, line 11, overstrike "In"

Page 5, line 11, after "~~2017-18~~" insert "For the"

Page 5, line 11, after "2019-20" insert "school year"

Page 5, line 11, overstrike "multiply the" and insert immediately thereafter "calculate state aid as the greater of:

(1) The"

Page 5, line 12, after "units" insert "multiplied"

Page 5, line 12, overstrike the period

Page 5, overstrike line 13

Page 5, line 14, overstrike "equal to the greater of:" and insert immediately thereafter an underscored semicolon

Page 5, line 15, replace "(1)" with "(2)"

Page 5, line 15, overstrike "eight" and insert immediately thereafter "one"

Page 5, line 17, overstrike "from the previous school year" and insert immediately thereafter ", not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by nine thousand eight hundred thirty-nine dollars"

Page 5, line 18, replace "(2)" with "(3)"

Page 5, line 24, overstrike "In"

Page 5, line 24, after "2018-19" insert "For the"

Page 5, line 24, after "2020-21" insert "school year"

Page 5, line 29, replace "; or" with an underscored semicolon

Page 5, line 30, remove "The amount in paragraph 1 plus the greater of:"

Page 6, line 1, overstrike "(a)"

Page 6, line 1, overstrike "eight" and insert immediately thereafter "two"

Page 6, line 3, overstrike "from the previous school year"

Page 6, remove line 4

Page 6, line 5, replace "percent in 2020-21 and fifteen percent each year thereafter." with ", not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand one hundred thirty-four dollars"

Page 6, line 6, overstrike "(b)" and insert immediately thereafter "(3)"

Page 6, line 8, replace "five" with "fifteen"

Page 6, line 8, replace "in 2020-21" with "for the 2021-22 school year"

Page 6, line 8, after "each" insert "school"

Page 6, line 9, after "thereafter" insert ", and then the difference added to the amount determined in paragraph 1"

Page 6, line 11, replace "In" with "For the"

Page 6, line 11, after "2019-20" insert "school year"

Page 6, line 11, replace "forty-five" with "five"

Page 6, line 15, replace "In" with "For the"

Page 6, line 15, after "2020-21" insert "school year and each school year thereafter"

Page 6, line 16, replace "fifty" with "ten"

Page 6, line 25, after "percent" insert ", adjusted pursuant to section 15.1-27-04.3"

Page 6, line 29, replace "f" with "c"

Page 6, line 29, replace "g" with "d"

Page 6, line 29, after the period insert: "Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:"

(1) Tuition revenue shall be adjusted as follows:

- (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition revenue received for the provision of an adult farm management program as directed in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
 - (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
- (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in the previous calendar year by the school district for sinking and interest relative to the total mills levied in the previous calendar year by the school district for all purposes."

Page 7, after line 6, insert:

- "7. For purposes of the calculation in subsection 4, each county auditor shall report the following to the superintendent of public instruction on an annual basis:
- a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
 - b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
 - c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

SECTION 7. AMENDMENT. Subdivision a of subsection 4 of section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

- a. Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, ~~except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1-27-04.3; and~~

SECTION 8. Section 15.1-27-04.3 of the North Dakota Century Code is created and enacted as follows:

15.1-27-04.3. Adjustment to state aid - Local property tax effort.

If the amount subtracted from a school district's state aid payment under subdivision a of subsection 4 of section 15.1-27-04.1 is less than the amount generated by sixty mills, the superintendent of public instruction shall adjust the amount subtracted as follows:

- 1. For the 2020-21 school year, increase the amount subtracted by an amount equal to ten percent of the difference between the amount

generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section:

2. For the 2021-22 school year, increase the amount subtracted by an amount equal to twenty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section:
3. For the 2022-23 school year, increase the amount subtracted by an amount equal to forty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section:
4. For the 2023-24 school year, increase the amount subtracted by an amount equal to sixty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section; and
5. For the 2024-25 school year, increase the amount subtracted by an amount equal to eighty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section.

SECTION 9. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:
 - a. ~~The school district's calendar;~~
 - b. ~~One hundred eighty-two.~~
2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:
 - a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;
 - b. ~~The two~~three days set aside for professional development activities under section 15.1-06-04; and
 - c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.
3. For purposes of calculating average daily membership:
 - a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

- b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
- c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 10. AMENDMENT. Section 15.1-29-02.1 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-02.1. Cross-border attendance - Contract with South Dakota.

1. A student who resides in a North Dakota school district contiguous to the South Dakota border may attend school in South Dakota, and a student who resides in a South Dakota school district contiguous to the North Dakota border may attend school in North Dakota, provided the superintendent of public instruction has entered into a contract with the secretary of the South Dakota department of education for the cross-border attendance of eligible students.
2. A contract entered under subsection 1 must set forth:
 - a. An application procedure;
 - b. Causes for denial of an application; and
 - c. The manner and notification of acceptance.
3. A contract entered under subsection 1 must authorize the superintendent of public instruction to count any South Dakota student participating in cross-border attendance under this section for the purposes of determining the amount of state aid to which a school district in this state is entitled. The superintendent of public instruction may not count a North Dakota student participating in cross-border attendance in accordance with the contract for purposes of determining the amount of state aid to which a school district in this state is entitled.
4. A contract entered under subsection 1 must provide that if there are more students from North Dakota than South Dakota participating in cross-border attendance under this section, the superintendent of public instruction shall forward to the secretary of the South Dakota department of education, on behalf of each excess student, an amount annually agreed to by the superintendent and the secretary as reflecting the average cost of education per student in the school districts participating in cross-border attendance in accordance with the contract. The contract must also provide that if there are more students from South Dakota than North Dakota participating in cross-border attendance under this section, the secretary shall forward to the superintendent, on behalf of each excess student, an amount annually agreed to by the superintendent and the secretary as reflecting the average cost of education per student in the school districts participating in cross-border attendance in accordance with the contract. The superintendent shall pay the cost of cross-border attendance from funds appropriated by the legislative assembly for state aid to schools. Payments received by the superintendent under this subsection shall be deposited in the general fund.
5. ~~The superintendent of public instruction shall annually reconcile the number of students from each school district in this state who participate in cross-border attendance under this section with the number of students from school districts in South Dakota who participate in cross-~~

~~border attendance under this section. The superintendent of public instruction shall withhold from each school district's state aid an amount equal to the cost incurred by the state on the part of the school district in permitting the cross-border attendance of students under this section.~~

- 6. A student who requires special education services may participate in cross-border attendance under this section, provided the contract entered under subsection 1 sets forth each school district's and each state's responsibilities for payment of any excess costs incurred as a result of providing the services to the student.
- ~~7.6.~~ Each school district may provide transportation to students participating in cross-border attendance under this section. However, the superintendent of public instruction may include only transportation provided within this state for purposes of determining the state transportation aid to which a district is entitled.
- ~~8.7.~~ Sections 15.1-29-01 through 15.1-29-13 do not apply to students participating in cross-border attendance under this section.

SECTION 11. AMENDMENT. Section 15.1-29-12 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-12. Tuition payments - Determination.

- 1. Except as provided in section 15.1-29-13, a school district sending a student to another district for purposes of education shall pay the full cost of education per student incurred by the admitting district.
- 2.
 - a. The admitting district shall determine the cost of education per student for its kindergarten, elementary, and high school students on the basis of its average daily membership and those expenditures permitted in determining the cost of education per student in section 15.1-27-03.
 - b. To the cost of education per student, the admitting district shall add the latest available statewide average per student cost for extracurricular activities and the state average capital outlay per student. The state average capital outlay per student is determined by dividing the total of all school districts' annual expenditures for sinking and interest funds, tax receipts to the building funds, and general fund expenditures for capital outlay by the average daily membership of the state.
 - c. The admitting district shall subtract the following from the amount arrived at under subdivision b:
 - (1) The per student payment multiplied by the admitting district's school size weighting factor; and
 - (2) Any credit for taxes paid to the admitting district by the student's parent.
 - d. The amount remaining is the full cost of education per student incurred by the admitting district. The tuition amount payable for the individual student is the lesser of:
 - (1) The full cost of education per student incurred by the admitting district; or
 - (2) One hundred fifty percent of the state average full cost of education per student.

- e. Admitting school districts shall charge the tuition amount payable determined in subdivision d multiplied by two hundred percent or four thousand dollars, whichever is greater, if the admitting school district:
- (1) Is located in an oil-producing county;
 - (2) Is eligible to receive gross production tax revenue in lieu of property taxes;
 - (3) Is located in cities with populations over twenty-four thousand;
 - (4) Has a tax base fewer than twenty square miles;
 - (5) Levies greater than sixty mills for local property taxes;
 - (6) Has student enrollments of greater than four thousand;
 - (7) Has average student growth of over two hundred per year over the preceding five years;
 - (8) Uses portable classrooms; and
 - (9) Has enrollment exceeding school facility capacity.
3. This section does not affect the right of a school board to charge and collect tuition from students who are not residents of this state, in accordance with section 15.1-29-02.

SECTION 12. AMENDMENT. Section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14.2. School district levies.

1. ~~For taxable years after 2013, the~~The board of a school district may levy a tax not exceeding the amount in dollars that the school district levied for the prior year, plus twelve percent and the dollar amount of the adjustment required in section 15.1-27-04.3, up to a levy of seventy mills on the taxable valuation of the district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
2. ~~For taxable years after 2013, the~~The board of a school district may levy no more than twelve mills on the taxable valuation of the district, for miscellaneous purposes and expenses. The proceeds of this levy must be deposited into a special fund known as the miscellaneous fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
3. The board of a school district may levy no more than three mills on the taxable valuation of the district for deposit into a special reserve fund, in accordance with chapter 57-19.
4. The board of a school district may levy no more than the number of mills necessary, on the taxable valuation of the district, for the payment of tuition, in accordance with section 15.1-29-15. The proceeds of this levy must be deposited into a special fund known as the tuition fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
5. Nothing in this section limits the board of a school district from levying:
 - a. Mills for a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and

- b. Mills necessary to pay principal and interest on the bonded debt of the district, including the mills necessary to pay principal and interest on any bonded debt incurred under section 57-15-17.1 before July 1, 2013.

SECTION 13. AMENDMENT. Subsection 1 of section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The board of a school district may levy a tax not exceeding sixty mills. For school districts that levied at or above sixty mills the prior year, the levy may not exceed the amount in dollars that the school district levied for the prior year, plus twelve percent ~~and the dollar amount of the adjustment required in section 15.1-27-04.3~~, up to a levy of seventy mills on the taxable valuation of the district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund."

Page 7, line 8, after the first boldfaced hyphen insert "**RAPID ENROLLMENT GRANT**"

Page 8, after line 2, insert:

"SECTION 15. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - FOUNDATION AID STABILIZATION FUND - STATE AUTOMATED REPORTING SYSTEM. There is appropriated out of any moneys in the foundation aid stabilization fund in the state treasury, not otherwise appropriated, the sum of \$1,200,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of updating and redesigning the state automated reporting system application used to gather school district information, for the biennium beginning July 1, 2019, and ending June 30, 2021. The funding provided in this section is considered a one-time funding item.

SECTION 16. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - FOUNDATION AID STABILIZATION FUND - MUSIC EDUCATION GRANTS. There is appropriated out of any moneys in the foundation aid stabilization fund in the state treasury, not otherwise appropriated, the sum of \$1,750,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing music education grants, for the biennium beginning July 1, 2019, and ending June 30, 2021. The department shall provide funding to each school district based on the prior year average daily membership and no more than one-half of the appropriation may be awarded each year of the biennium. School districts may use the music education grants for instruments, equipment, and supplies related to music education. The funding may not be used for salaries and wages. The funding provided in this section is considered a one-time funding item."

Page 8, line 3, after "**APPROPRIATION**" insert "**- DEPARTMENT OF COMMERCE - GENERAL FUND - LITERACY INTERVENTION**"

Page 8, line 9, after the period insert "The funding provided in this section is considered a one-time funding item."

Page 8, after line 9, insert:

"SECTION 18. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - GENERAL FUND - STUDENT BEHAVIORAL HEALTH. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,300,000, or so much of the sum as may be necessary, to the department of human services for the purpose of providing grants to school districts to address student behavioral health needs, for the biennium beginning July 1, 2019, and ending June 30, 2021. To be eligible to receive a grant, a school district must submit a plan to the department detailing the school district's collaboration with other school districts in the region regarding student behavioral health needs and the use of grant funding to develop student behavioral health interventions. The department shall award student behavioral health grants only during the second year of the

2019-21 biennium. A grant to an eligible school district is limited to an amount equal to the nonfederal portion of Medicaid reimbursement received by the school during the first year of the biennium."

Page 8, line 17, replace "1" with "4"

Page 8, line 17, replace "is" with "becomes"

Page 8, line 17, after "effective" insert "on"

Page 8, line 17, after the period insert "Section 5 of this Act becomes effective on July 1, 2021. Section 12 of this Act is effective for taxable years beginning after December 31, 2018. Section 13 of this Act is effective for taxable years beginning after December 31, 2024. Section 7 of this Act becomes effective on July 1, 2025."

Page 8, after line 17, insert:

"SECTION 21. EXPIRATION DATE. Section 8 of this Act is effective through June 30, 2025, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4015, as engrossed: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO NOT PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SCR 4015 was placed on the Fourteenth order on the calendar.

The House stood adjourned pursuant to Representative Vigesaa's motion.

Buell J. Reich, Chief Clerk

