

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, March 24, 2021

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

The prayer was offered by Pastor Matt Anderson, Surprise Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**MOTION**

**SEN. KLEIN MOVED** that Engrossed HB 1298, which is on the Sixth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1298 was rereferred.

**MOTION**

**SEN. KLEIN MOVED** that after action taken on the Sixth order, Engrossed HB 1002, Engrossed HB 1014, Engrossed HB 1011, and Engrossed HB 1007 be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1112: SEN. LARSON (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1279, as engrossed: SEN. D. LARSEN (Transportation Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1420, as engrossed: SEN. LEE (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order **WITHOUT RECOMMENDATION**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1501, as engrossed: SEN. MEYER (Finance and Taxation Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**CONSIDERATION OF AMENDMENTS**

**HB 1002, as engrossed: SEN. RUST (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF HOUSE BILL**

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state; and to provide an exemption.

**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 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein;

Krebsbach; Kreun; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Heitkamp; Larsen, D.; Larsen, O.

Engrossed HB 1002, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1014, as engrossed: SEN. MATHERN (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

#### ROLL CALL

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

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

**NAYS:** Larsen, O.

Engrossed HB 1014, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1011, as engrossed: SEN. KREBSBACH (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the securities department.

#### 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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1011, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1007, as engrossed: SEN. POOLMAN (Appropriations Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which

motion prevailed on a voice vote.

### SECOND READING OF HOUSE BILL

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of labor and human rights; and to provide a 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 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Larsen, D.; Larsen, O.; Myrdal

Engrossed HB 1007, as amended, passed.

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### SECOND READING OF HOUSE BILL

**HB 1090:** A BILL for an Act to amend and reenact sections 50-24.4-01, 50-24.4-08, 50-24.4-10, 50-24.4-15, and 50-24.4-19 of the North Dakota Century Code, relating to nursing home rates.

### 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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1090 passed.

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### SECOND READING OF HOUSE BILL

**HB 1152:** A BILL for an Act to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to cigar bars and lounges.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 23 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bell; Clemens; Conley; Dever; Elkin; Heitkamp; Hogue; Holmberg; Kannianen; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Meyer; Myrdal; Patten; Poolman; Schaible; Vedaa; Wobbema

**NAYS:** Bakke; Bekkedahl; Burckhard; Davison; Dwyer; Erbele; Fors; Heckaman; Hogan; Klein; Lemm; Luick; Marcellais; Mathern; Oban; Oehlke; Piepkorn; Roers, J.; Roers, K.; Rust; Sorvaag; Wanzek; Wardner; Weber

HB 1152 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1130:** A BILL for an Act to create and enact sections 40-18-14.1, 40-18-14.2, 40-18-14.3, 40-18-14.4, and 40-18-14.5 of the North Dakota Century Code, relating to the authority of the municipal court to execute judgments.

**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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1130, as amended, passed.

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**SECOND READING OF HOUSE BILL**

**HB 1294:** A BILL for an Act to create and enact a new section to chapter 12-44.1 and section 12-60-16.12 of the North Dakota Century Code, relating to the confidentiality of booking photos and the unauthorized dissemination of criminal history record information; to amend and reenact subsection 2 of section 44-04-18.7 of the North Dakota Century Code, relating to criminal information; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Holmberg; Klein; Larsen, O.

Engrossed HB 1294 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1426:** A BILL for an Act to create and enact section 43-11-02.1 of the North Dakota Century Code, relating to certification of niche beauty services providers; and to amend and reenact sections 43-11-01 and 43-11-02 of the North Dakota Century Code, relating to exemptions to regulation by the state board of cosmetology and definitions relating to the regulation of cosmetology.

**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 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Kannianen; Larsen, O.; Meyer; Myrdal

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

Engrossed HB 1426 failed.

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### SECOND READING OF HOUSE BILL

**HB 1206:** A BILL for an Act to amend and reenact sections 57-40.6-01, 57-40.6-05, and 57-40.6-06, subsection 3 of section 57-40.6-07, subsections 3 and 4 of section 57-40.6-10, sections 57-40.6-12 and 57-40.6-13, and subdivision c of subsection 8 of section 57-40.6-14 of the North Dakota Century Code, relating to emergency services communication systems.

### 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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1206, as amended, passed.

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### SECOND READING OF HOUSE BILL

**HB 1185:** A BILL for an Act to amend and reenact sections 39-06-09 and 39-08-13 of the North Dakota Century Code, relating to liability for negligence of a minor driver and accident report forms; to provide a penalty; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1185, as amended, passed and the emergency clause was declared carried.

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### SECOND READING OF HOUSE BILL

**HB 1502:** A BILL for an Act to create and enact a new subsection to section 39-04-37, a new subdivision to subsection 2 of section 39-06.1-06, and a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the amount of statutory fees, entries against driving record, and moving violations; to amend and reenact sections 39-04-55 and 39-06-16, subdivision f of subsection 2 of section 39-06.1-06, subsection 1 of section 39-06.1-08, section 39-06.1-09, subdivision b of subsection 3 of section 39-06.1-10, subsection 2 of section 39-10-26, subsections 1 and 2 of section 39-10-38, and section 39-21-15 of the North Dakota Century Code, relating to the amount of statutory fees and moving violations and entries against driving record; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1502, as amended, passed.

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#### SECOND READING OF HOUSE BILL

**HB 1148:** A BILL for an Act to create and enact a new section to chapter 39-10.1 of the North Dakota Century Code, relating to electric bicycle regulations, manufacturing, and operations; to amend and reenact sections 39-01-01, 39-05-02.2, and 39-10.1-08, subsection 5 of section 39-16-01, subsection 2 of section 39-29-01, and subsection 2 of section 57-40.3-01 of the North Dakota Century Code, relating to the requirements for electric bicycles distributed, manufactured, and operated in the state; 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 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bell; Elkin; Fors; Heitkamp; Kannianen; Larsen, O.; Myrdal; Poolman; Rust

HB 1148, as amended, passed.

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#### SECOND READING OF HOUSE BILL

**HB 1411:** A BILL for an Act to amend and reenact section 20.1-01-08 of the North Dakota Century Code, relating to hunting at night; and to provide a penalty.

#### ROLL CALL

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

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Reengrossed HB 1411 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1124:** A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to evidence-based alcohol and drug education program for individuals under twenty-one years of age who purchase, possess, or consume an alcoholic beverage; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee

recommendation of DO PASS, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Davison; Hogan; Larsen, O.; Marcellais; Mathern; Oban

HB 1124 passed.

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### SECOND READING OF HOUSE BILL

**HB 1105:** A BILL for an Act to amend and reenact sections 12.1-20-12.1 and 23-12-16 of the North Dakota Century Code, relating to breastfeeding; and to provide a penalty.

### ROLL CALL

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

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1105 passed.

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### SECOND READING OF HOUSE BILL

**HB 1043:** A BILL for an Act to create and enact two new sections to chapter 54-66 of the North Dakota Century Code, relating to the ethics commission delegation of duties and advisory opinions; to amend and reenact subsection 2 of section 54-66-01 and sections 54-66-05, 54-66-06, 54-66-07, 54-66-08, 54-66-09, and 54-66-12 of the North Dakota Century Code, relating to ethics commission complaint procedures.

### 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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1043, as amended, passed.

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### SECOND READING OF HOUSE BILL

**HB 1214:** A BILL for an Act to amend and reenact section 57-32-01 of the North Dakota Century Code, relating to taxes imposed on air carrier transportation companies; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

HB 1214 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1461:** A BILL for an Act to create and enact a new section to chapter 16.1-13 and section 44-02-03.1 of the North Dakota Century Code, relating to filling vacancies in offices of members of the legislative assembly; to amend and reenact sections 44-02-03 and 54-03-01.13 of the North Dakota Century Code, relating to filling vacancies in offices of members of the legislative assembly; and to repeal section 16.1-13-10 of the North Dakota Century Code, relating to vacancies in offices of members of the legislative assembly.

#### 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; Bell; 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; Vedaa; Wanzek; Wardner; Weber; Wobbema

HB 1461 passed.

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#### SECOND READING OF HOUSE BILL

**HB 1486:** A BILL for an Act to amend and reenact subsection 5 of section 51-34-01 and sections 51-34-02, 51-34-04, and 51-34-05 of the North Dakota Century Code, relating to limitations on the authorized access to telephone records and the sale or procurement of telephone records; to provide a penalty; and to provide for application.

#### 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 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Larsen, D.; Larsen, O.; Marcellais; Weber

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

Engrossed HB 1486 failed.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3019:** A concurrent resolution directing the Legislative Management to consider



studying the fiscal and safety impacts of United States Fish and Wildlife Service easements in North Dakota on the Department of Transportation, Department of Agriculture, and counties.

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

HCR 3019 was declared adopted on a voice vote.

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**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, unchanged: HB 1127, HB 1139, HB 1190, HB 1223, HB 1287, HB 1368.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1183.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1437.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1189.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1134, HB 1442.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, unchanged: SB 2091, SB 2102, SB 2197, SB 2249, SB 2251, SB 2264.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2138, SB 2156.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2077, SB 2085, SB 2248.

#### **AMENDMENTS TO ENGROSSED SENATE BILL NO. 2077**

Page 2, line 23, replace "shall" with "may"

Page 2, line 25, remove "for"

Page 2, line 26, replace "all or any part" with "in an amount up to fifty percent"

Renumber accordingly

#### **AMENDMENTS TO ENGROSSED SENATE BILL NO. 2085**

Page 1, line 5, remove the third "and"

Page 1, line 7, after "care" insert "; and to provide for application"

Page 2, after line 14, insert:

**"SECTION 5. APPLICATION.** The department of human services shall stagger implementation of section 3 of this Act so the section applies:

1. On January 1, 2022, to agreements entered between the department of human services and the individual on or after January 1, 2022; and

2. On January 1, 2023, to agreements entered between the department of human services and the individual on or before December 31, 2021."

Renumber accordingly

### AMENDMENTS TO ENGROSSED SENATE BILL NO. 2248

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 23-01-05.2 of the North Dakota Century Code, relating to epinephrine prescription, distribution, possession, or use and immunity from liability.

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

**SECTION 1. AMENDMENT.** Section 23-01-05.2 of the North Dakota Century Code is amended and reenacted as follows:

#### **23-01-05.2. Administration of epinephrine -- Liability** **Epinephrine prescription, distribution, possession, or use - Immunity from liability.**

1. ~~The state health officer shall adopt rules to authorize a layperson to administer epinephrine to an individual who has a severe allergic reaction.~~
2. ~~An individual authorized to administer epinephrine by the state health officer may obtain premeasured doses of epinephrine and the necessary paraphernalia for epinephrine administration from any licensed physician or pharmacist.~~
3. ~~An individual authorized to administer epinephrine by the state health officer, and the employer of such an individual, is not civilly or criminally liable for any act or omission of that individual when acting in good faith while rendering emergency treatment to an individual who has a severe adverse reaction, except when the conduct amounts to gross negligence. As used in this section:~~
  - a. "Epinephrine" means a single-use disposable device that automatically injects a premeasured dose of epinephrine.
  - b. "Health care professional" means a licensed or certified health care professional who is working within the scope of practice for that profession. The term may include a physician, physician assistant, advanced practice registered nurse, and pharmacist acting in the professional's scope of practice.
2. A health care professional acting in good faith may directly or by standing order prescribe, distribute, or dispense epinephrine, if the health care professional provides training to:
  - a. An individual at risk of experiencing a severe allergic reaction; or
  - b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
3. A person acting in good faith may receive or possess epinephrine if that person is:
  - a. An individual at risk of experiencing a severe allergic reaction; or
  - b. A family member, friend, or other person in a position to assist an individual at risk of experiencing a severe allergic reaction.
4. An individual acting in good faith may self-administer epinephrine or administer epinephrine to another individual who the administering individual suspects is at risk of experiencing a severe allergic reaction.

5. A person may receive, possess, or administer epinephrine under subsection 3 or 4, regardless of whether the person is the individual for or the person to which the epinephrine is prescribed, distributed, or dispensed. A person in possession of epinephrine which is acting in good faith may provide training on how to use epinephrine.
6. A health care professional who prescribes, distributes, trains on the use of, or dispenses epinephrine as authorized under this section is not subject to professional discipline for such action. This section does not expand the scope of practice of a health care professional.
7. A person that prescribes, distributes, dispenses, receives, possesses, trains in the use of, or administers epinephrine as authorized under this section is immune from civil and criminal liability for such action. This subsection provides immunity to the person responsible for the site on which the epinephrine is located. Immunity from liability or discipline under this subsection does not apply if the person's actions constitute recklessness, gross negligence, or intentional misconduct."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2165.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2165**

Page 1, line 3, replace "carryforward" with "carried forward"

Page 2, line 6, after "e" insert "b"

Page 2, line 6, remove the overstrike over "~~, beginning July 1,~~"

Page 2, line 6, after "2017" insert "2023"

Page 2, line 6, remove "b"

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2121, SB 2303.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2033, SB 2072, SB 2073, SB 2083, SB 2086, SB 2141, SB 2148, SB 2154, SB 2204, SB 2226, SB 2240.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4001.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1063, HB 1081, HB 1186, HB 1219, HB 1221, HB 1264, HB 1319, HB 1378, HB 1429.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2058, SB 2097, SB 2131, SB 2241, SB 2279.

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

**MR. PRESIDENT:** The Speaker has signed: SCR 4010.

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

**MR. SPEAKER:** The President has signed: SB 2058, SB 2097, SB 2131, SB 2241, SB 2279.

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

**MR. SPEAKER:** The President has signed: SCR 4010.

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

**MR. SPEAKER:** The President has signed: HB 1063, HB 1081, HB 1186, HB 1219, HB 1221, HB 1264, HB 1319, HB 1378, HB 1429.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1028, HB 1075, HB 1083, HB 1154, HB 1176, HB 1179, HB 1180, HB 1188, HB 1196, HB 1220, HB 1251, HB 1308, HB 1329, HB 1336, HB 1346, HB 1355, HB 1366, HB 1417, HB 1445, HCR 3002.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 24, 2021: SB 2058, SB 2097, SB 2131, SB 2241, SB 2279.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on March 23, 2021, I have signed the following: SB 2044, SB 2062, SB 2070, SB 2087, SB 2098, SB 2112, SB 2116, SB 2119, SB 2149, SB 2191, SB 2199, SB 2207, SB 2237, SB 2238, SB 2277, SB 2291, SB 2294, SB 2297, SB 2330, and SB 2336.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on March 24, 2021: SCR 4010.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 25, 2021, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1005, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1005 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 15 with:

"Salaries and wages	\$1,383,141	\$47,354	\$1,430,495
Operating expenses	192,229	(34,806)	157,423
Coal severance payments	<u>171,000</u>	<u>(53,000)</u>	<u>118,000</u>
Total general fund	\$1,746,370	(\$40,452)	\$1,705,918"

Page 2, line 3, replace "thirteen" with "fourteen"

Page 2, line 4, replace "nine" with "four"

Page 2, line 4, replace "twenty-five" with "eighty-six"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1005 - State Treasurer - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$1,383,141	\$1,429,790	\$705	\$1,430,495
Operating expenses	192,229	145,423	12,000	157,423
Coal severance payments	<u>171,000</u>	<u>118,000</u>		<u>118,000</u>
Total all funds	\$1,746,370	\$1,693,213	\$12,705	\$1,705,918
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$1,746,370	\$1,693,213	\$12,705	\$1,705,918
FTE	7.00	7.00	0.00	7.00

## Department 120 - State Treasurer - Detail of Senate Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Funding for Membership Dues <sup>2</sup>	Total Senate Changes
Salaries and wages	\$705		\$705
Operating expenses		\$12,000	12,000
Coal severance payments			
Total all funds	\$705	\$12,000	\$12,705
Less estimated income	0	0	0
General fund	\$705	\$12,000	\$12,705
FTE	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted to provide for employee salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and an increase of 2 percent on July 1, 2022. The House provided funding for salary increases of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

<sup>2</sup> Funding of \$12,000 is added for membership dues, which were removed to meet the budget reduction guidelines. The House did not add funding for membership dues.

This amendment also provides the statutory changes to increase the State Treasurer's salary. The State Treasurer's annual salary is increased from the current level of \$110,582 to \$112,241, effective July 1, 2021, and to \$114,486, effective July 1, 2022, to reflect the 1.5 percent and 2 percent salary increase respectively. The House provided for a 1.5 percent annual salary increase.

**REPORT OF STANDING COMMITTEE**

**HB 1027, as engrossed: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1027 was placed on the Sixth order on the calendar.

Page 2, line 12, after "section" insert ", with the exception of the 2021-22 and 2022-23 school years, for which the superintendent of public instruction shall calculate each school district's payment based on the district's miles and ridership data from the 2018-19 school year or the previous school year, whichever is greater"

Page 3, line 20, after "districts" insert ", to and from area career and technology centers."

Page 3, line 21, replace "vocational" with "career"

Page 4, line 7, replace "vocational" with "career"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1035, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1035 was placed on the Sixth order on the calendar.

Page 77, line 22, replace "27-02.3-15" with "27-20.3-15"

Page 90, line 23, after "all" insert "less"

Page 92, line 28, remove "in subdivision c"

Page 94, line 10, after "determination" insert "for intellectual or developmental disabilities program management services and a level of care assessment"

Page 94, line 11, remove "of the eligibility determination"

Page 94, line 11, after "court" insert "upon completion. The department of human services shall provide status updates to the court"

Page 94, line 14, after "a" insert "serious and persistent"

Page 94, line 14, replace "health disorder" with "illness"

Page 94, line 15, replace "mental health hospital placement prescreening" with "diagnostic assessment that includes a recommendation for necessary level of care"

Page 94, line 16, replace "twenty-four" with "forty-eight"

Page 94, line 16, replace "and" with ". The person conducting the diagnostic assessment shall file"

Page 94, line 16, remove "must be filed"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1080, as engrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1080 was placed on the Sixth order on the calendar.

Page 2, line 28, replace "six" with "seven"

Page 2, line 31, replace "2015" with "2013"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1096, as engrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1096 was placed on the Sixth order on the calendar.

Page 1, line 3, after the second comma insert "subsection 2 of section 49-22-09.2 as amended in section 1 of House Bill No. 1158, as approved by the sixty-seventh legislative assembly,"

Page 1, line 7, after "facilities" insert "and allocation of moneys paid to mitigate adverse environmental impacts"

Page 4, after line 5, insert:

**"SECTION 3. AMENDMENT.** Subsection 2 of section 49-22-09.2 of the North Dakota Century Code as amended in section 1 of House Bill No. 1158, as approved by the sixty-seventh legislative assembly, is amended and reenacted as follows:

2. The agriculture commissioner shall deposit any moneys paid to mitigate the adverse direct environmental impacts of a proposed site, corridor, route, or facility as follows:
  - a. Fifty percent into the environmental impact mitigation fund; and
  - b. Fifty percent into the federal environmental law impact review fund."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1129, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1129 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1151: 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). HB 1151 was placed on the Sixth order on the calendar.

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

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

Page 1, line 3, after "43-28-01" insert ", 43-28-03, and 43-28-04, and subsection 5 of section 43-28-06"

Page 1, line 3, after the second "the" insert "membership and duties of the state board of dental examiners and the"

Page 1, line 3, after "telehealth" insert "; to provide for application; and to declare an emergency"

Page 2, after line 4, insert:

**"SECTION 2. AMENDMENT.** Section 43-28-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-28-03. State board of dental examiners - Members - Appointment - Terms of office - Oath - Vacancies.**

The state board of dental examiners consists of ~~seven~~nine members appointed by the governor. The membership of the board must include ~~five~~six dentist members, ~~at least one of whom is a board-eligible or board-certified oral and maxillofacial surgeon;~~ one dental hygienist member; ~~one dental assistant member;~~ and one independent consumer member. Appointment to the board is for a term of five years, with terms of office arranged so ~~that one term expires no more than two terms expire~~ on March sixteenth of each year, ~~except that each fifth year there must be two new board members appointed, one of whom is a dentist and the other a dental hygienist and two years later two new board members must be appointed, one of whom is a dentist, and one of whom is a consumer member. The first five-year term of the consumer member commences on July 1, 1993, and continues through March 15, 1998.~~ Each member of the board shall hold office until a successor is appointed and qualified. ~~Persons~~An individual appointed to the board ~~shall qualify~~qualifies by taking the oath required of civil officers. ~~No~~A member may not serve more than ten years or two 5-year terms of office. If a member of the board is absent from two consecutive regular meetings, the board may declare a vacancy to exist. All vacancies on the board must be filled by the governor by appointment.

**SECTION 3. AMENDMENT.** Section 43-28-04 of the North Dakota Century Code is amended and reenacted as follows:

**43-28-04. Qualifications and appointment of members of the board - Limited vote.**

1. An individual may not be appointed as a dentist member of the board unless that individual:
  - a. Is a dentist licensed and registered under this chapter; and
  - b. Is actively engaged in the practice of dentistry and has been so engaged in this state for at least five years immediately preceding the appointment.
2. An individual may not be appointed as the dental hygienist member of the board unless that individual:
  - a. Is a licensed and registered dental hygienist in accordance with chapter 43-20; and

- b. Is actively engaged in the practice of dental hygiene and has been so engaged in this state for at least five years immediately preceding the dental hygienist's appointment.
3. An individual may not be appointed as the dental assistant member of the board unless that individual:
- a. Is a registered dental assistant in accordance with chapter 43-20; and
  - b. Is actively practicing as a registered dental assistant and has been so practicing in this state for at least five years immediately preceding the dental assistant's appointment.
4. An individual may not be appointed as the independent consumer member of the board unless that individual:
- a. Has been a resident of North Dakota for five years immediately preceding appointment;
  - b. Has no personal ~~or~~ family, or financial relationship with the dental profession; and
  - c. Is not a dentist, a dental hygienist, a dental assistant, a physician, a nurse, or the spouse of an individual engaged in any of those occupations.
- 4-5. The dental hygienist, dental assistant, and independent consumer member of the board shall exercise full voting privileges in all areas except that the dental hygienist may not participate in the clinical examination of dentists for licensure and the dental assistant and independent consumer member may not participate in the clinical examination of dentists or hygienists for licensure.

**SECTION 4. AMENDMENT.** Subsection 5 of section 43-28-06 of the North Dakota Century Code is amended and reenacted as follows:

- 5. Employ and compensate an executive director, who must be an attorney or a dentist, attorneys, investigative staff, and clerical assistants and may perform any other duties imposed upon the board by this chapter."

Page 2, line 13, remove "practicing telehealth shall establish a bona fide relationship with a patient"

Page 2, line 14, replace "before the diagnosis or treatment of the patient." with "may not practice telehealth unless a bona fide dentist-patient relationship is established in person or through telehealth."

Page 2, line 15, replace "and ensure" with "to"

Page 2, line 16, remove "has the ability to verify."

Page 2, line 16, after the second "the" insert "dentist's"

Page 2, line 16, after "identity" insert ", physical location, contact information."

Page 2, line 16, remove "of a dentist providing dental"

Page 2, line 17, remove "services to the patient"

Page 2, line 21, replace "is equivalent to an in-person examination" with "may be performed in accordance with the standard of care required for an in-person dental examination or evaluation. A dentist may not use telehealth to perform an initial examination or evaluation in circumstances in which the standard of care necessitates an in-person dental examination"



Page 2, line 22, after "An" insert "appropriate telehealth examination or evaluation may include an"

Page 2, line 22, replace "or" with "in conjunction with"

Page 2, line 23, replace "for" with "or"

Page 2, line 23, remove "and use of peripherals"

Page 2, line 24, replace "deemed necessary in a like" with "required during an"

Page 2, line 24, remove "meets this"

Page 2, line 25, replace "standard, as does" with "or"

Page 2, line 26, after "intervening" insert "dental"

Page 2, line 26, after the second "the" insert "dental health care"

Page 2, line 27, after "dentist" insert "during a live, two-way telehealth encounter"

Page 2, line 30, after "b." insert "The use of telehealth does not expand the scope of practice for a dental health care provider, and may not be used to circumvent the licensure requirements established for dental health care providers in this state."

- c. A dentist who practices telehealth in this state must have adequate knowledge of the availability and location of local dentists and dental health care providers to provide followup care to a patient following a dental telehealth encounter, including emergent and acute care facilities, in order to enable a patient to receive followup care."

Page 2, line 30, replace "acceptable" with "appropriate"

Page 3, line 1, after "the" insert "treating"

Page 3, line 2, replace "a provider" with "another dentist licensed by the board"

Page 3, line 2, after the first "the" insert "treating"

Page 3, line 2, after the second "the" insert "treating"

Page 3, line 3, remove "In certain types of telehealth utilizing asynchronous"

Page 3, remove lines 4 and 5

Page 3, line 8, after "dental" insert "health care"

Page 3, line 9, remove "may make appropriate referrals of patients not amenable to diagnosis or"

Page 3, remove line 10

Page 3, line 11, replace "emergent care or complementary in-person care" with "practicing telehealth must have procedures for providing in-person services or for the referral of a patient requiring dental services that cannot be provided by telehealth to another dentist who practices in the area of the state and the patient can readily access"

Page 3, replace lines 12 through 23 with:

**"SECTION 6.** A new section to chapter 43-28 of the North Dakota Century Code is created and enacted as follows:

**Prohibition - Waivers.**

A dentist practicing dentistry may not require a patient to sign a form or statement waiving the patient's right to file a complaint against the dentist with an appropriate state entity or shielding the dentist from liability for injury resulting from a dental encounter.

**SECTION 7. APPLICATION.** Notwithstanding section 43-28-03, on the effective date of this Act, the term of every member of the state board of dental examiners expires. In making the new appointments, the governor shall appoint the members of the board for staggered terms so no more than two members' terms expire each year. A member appointed under this section may not serve more than two full five-year terms but may serve more than ten years.

**SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1164, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1164 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "that" with "if, by a majority vote, the legislative management determines the executive order"

Page 1, line 18, remove "has been found unconstitutional by a court of competent"

Page 1, line 19, replace "jurisdiction which" with "the executive order"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1201: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1201 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1205, as engrossed: 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). Engrossed HB 1205 was placed on the Sixth order on the calendar.

Page 2, line 4, after "disciplines" insert ", including forensic pathology"

Page 2, line 6, remove ", to"

Page 2, line 7, remove "ensure the committee's composition reflects the racial and ethnic diversity of the state"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1246, as engrossed: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1246 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1339, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1339 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1347, as engrossed: 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). Engrossed HB 1347 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "chapters" with "chapter"

Page 2, line 2, replace ", or sections" with ": section"

Page 2, line 5, remove "12.1-22-02."

Page 2, line 6, after "or" insert "subdivision b of subsection 2 of section 12.1-22-02."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1358, as reengrossed: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1358 was placed on the Sixth order on the calendar.

Page 1, line 22, replace "Bank of North Dakota" with "office of management and budget"

Page 2, line 9, replace "Bank" with "office of management and budget"

Page 2, line 11, remove "to the Bank"

Page 2, line 12, remove "due to oil and gas prices falling"

Page 2, remove line 13

Page 2, line 14, remove "recently adjourned regular or special session of the legislative assembly"

Page 2, line 16, remove "to the Bank"

Page 2, line 19, replace "Bank" with "office of management and budget"

Page 2, line 21, replace "Bank" with "committee"

Page 2, line 23, remove "which exceed the estimated hedging"

Page 2, line 24, remove "costs for the current fiscal year"

Page 2, line 24, replace "the certified" with "any"

Page 2, line 24, after "amount" insert "exceeding twenty million dollars"

Page 2, line 29, replace "\$10,000,000" with "\$20,000,000"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1359, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1359 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1364, as engrossed: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1364 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1391: Human Services Committee (Sen. Lee, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1391 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1430, as engrossed: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1430 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1464, as reengrossed: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1464 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the overstrike over "one"

Page 1, line 11, remove "two"

Page 1, line 11, after "twenty" insert "thirty-five"

Page 1, line 13, replace "one hundred" with "seventy"

Page 1, line 15, replace "fifty" with "thirty-five"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1492: 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). HB 1492 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact section 19-02.1-16.5 of the North Dakota Century Code, relating to limitations on pharmacy benefits managers; to"

Page 1, line 2, after the semicolon insert "to provide a penalty;"

Page 1, after line 4, insert:

**"SECTION 1.** Section 19-02.1-16.5 of the North Dakota Century Code is created and enacted as follows:

**Pharmacy benefits managers - Prohibition on discrimination - Penalty.**

1. As used in this section:
  - a. "Pharmacy" means a pharmacy licensed under the laws of this state.
  - b. "Pharmacy benefits manager" has the same meaning as in section 19-03.6-01.
2. A pharmacy benefits manager may not discriminate against or interfere with a covered entity participating under section 340B of the federal Public Health Service Act [42 U.S.C. 201 et seq.] or a pharmacy under contract with a covered entity under section 340B of the federal Public Health Service Act to provide pharmacy services on behalf of the covered entity.
3. A pharmacy benefits manager may not modify, by contract, provider manual, or other means, the definition of pharmacy as defined in this section, implement discriminating pricing models, or interfere with any section 340B pharmacy service between the covered entity and the contracted pharmacy.

4. Contract and claim information between the covered entity and contracted pharmacy is confidential.
5. A pharmacy benefits manager that violates this section is guilty of a class B misdemeanor for each violation occurrence."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1494, as engrossed: Education Committee (Sen. Schaible, Chairman) recommends DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1494 was placed on the Fourteenth order on the calendar.

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

**Shanda Morgan, Secretary**

