

JOURNAL OF THE HOUSE

Sixty-fifth Legislative Assembly

* * * * *

Bismarck, April 3, 2017

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

The prayer was offered by Rev. Bob Gray Eagle, Prairie Family Church, Bismarck.

The roll was called and all members were present except Representatives Boehning, Guggisberg, Kasper, Marschall, and Schatz.

A quorum was declared by the Speaker.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Rep. Chuck Axtman

MOTION

REP. VIGESAA MOVED that SB 2206, which is on the Sixth order, be laid over one legislative day, which motion prevailed on a voice vote.

SIXTH ORDER OF BUSINESS

SPEAKER BELLEW DEEMED approval of the amendments to Engrossed SB 2139, SB 2144, SB 2191, Engrossed SB 2203, SB 2224, Engrossed SB 2231, Engrossed SB 2250, SB 2321, Engrossed SB 2340, and Reengrossed SB 2343.

Reengrossed SB 2343, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2139, SB 2144, SB 2191, Engrossed SB 2203, SB 2224, Engrossed SB 2231, Engrossed SB 2250, SB 2321, and Engrossed SB 2340, as amended, were placed on the Fourteenth order of business on today's calendar.

SIXTH ORDER OF BUSINESS

SB 2045, as amended: REP. J. NELSON (Appropriations Committee) MOVED that the amendments on HJ page 1247 be adopted and then be placed on the Fourteenth order of today's calendar with **DO PASS**, which motion prevailed on a verification vote.

SIXTH ORDER OF BUSINESS

SB 2314, as engrossed and amended: REP. KEISER (Energy and Natural Resources Committee) MOVED that the amendments on HJ pages 1251-1252 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

REP. PORTER REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2314, as amended, the roll was called and there were 27 YEAS, 62 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Bosch; Brabandt; Carlson; Damschen; Delzer; Dockter; Grueneich; Headland; Heinert; Howe; Karls; Keiser; Klemin; Laning; Lefor; Louser; Martinson; Meier; Nathe; Porter; Rohr; Satrom; Schmidt; Seibel; Steiner; Streyle

NAYS: Anderson, B.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boschee; Brandenburg; Delmore; Devlin; Dobervich; Ertelt; Guggisberg; Hanson; Hatlestad; Hogan; Holman; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Kading; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Longmuir; Magrum; Maragos; McWilliams; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Pyle; Roers Jones; Ruby, D.; Ruby, M.;

Sanford; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Boehning; Jones; Kasper; Marschall; Schatz

The proposed amendments to Engrossed SB 2314, as amended, failed on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to provide for a legislative management study of a long-term energy plan for the state.

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 13 YEAS, 77 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Delmore; Hatlestad; Hogan; Johnson, M.; Mitskog; Mock; Nelson, J.; O'Brien; Paur; Pyle; Roers Jones; Schneider; Schobinger

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, M.; Oliver; Olson; Owens; Pollert; Porter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Boehning; Kasper; Marschall; Schatz

Engrossed SB 2314 failed.

MOTION

REP. VIGESAA MOVED that pursuant to HR 329, SB 2243, which had amendments passed on the previous Sixth order, not be rereferred to the Appropriations Committee and be placed on the Fourteenth order of today's calendar, but be laid over one legislative day, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2054: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to higher education tuition and fees waivers for law enforcement officers.

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

YEAS: Anderson, P.; Bosch; Boschee; Dobervich; Guggisberg; Heinert; Hogan; Karls; Klemin; Koppelman, K.; Mock; Nathe; Porter; Schneider

NAYS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Ertelt; Grueneich; Hanson; Hatlestad; Headland; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Keiser; Kempenich; Kiefert; Koppelman, B.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; McWilliams; Meier; Mitskog; Monson; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Boehning; Kasper; Marschall; Schatz

Engrossed SB 2054 failed.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to a pilot program to create an incentive for instructors to teach dual-credit courses; and to provide an appropriation.

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 63 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delmore; Delzer; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Klemin; Koppelman, K.; Kreidt; Laning; Longmuir; Maragos; Martinson; Meier; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Sanford; Satrom; Schmidt; Schneider; Schreiber-Beck; Seibel; Skroch; Streyle; Sukut; Trottier; Weisz; Westlind; Zubke

NAYS: Becker, Rick C.; Brabandt; Carlson; Devlin; Ertelt; Headland; Johnston; Kading; Kempenich; Kiefert; Koppelman, B.; Lefor; Louser; Magrum; McWilliams; Monson; Olson; Paur; Ruby, D.; Ruby, M.; Schobinger; Simons; Steiner; Toman; Vetter; Vigasaa; Speaker Bellew

ABSENT AND NOT VOTING: Boehning; Kasper; Marschall; Schatz

Reengrossed SB 2244 passed.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act to create and enact chapters 4.1-18, 4.1-20, 4.1-21, 4.1-22, and 4.1-48 of the North Dakota Century Code, relating to revisions of agriculture laws regarding industrial hemp, soil conservation districts laws, forestry and tree distribution, nurseries, and potato production contracts; to amend and reenact section 57-38-34.6 of the North Dakota Century Code, relating to optional contributions to the trees for North Dakota program trust; 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: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Boehning; Kasper; Marschall; Schatz

Engrossed SB 2029, as amended, passed.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact subsection 1 of section 11-18-05 of the North Dakota Century Code, relating to fees charged by a county recorder for filing mortgage disclosures.

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 85 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke

NAYS: Headland; Keiser; Koppelman, B.; Ruby, D.; Speaker Bellew

ABSENT AND NOT VOTING: Boehning; Kasper; Marschall; Schatz

Engrossed SB 2340, as amended, passed.

SECOND READING OF SENATE BILL

SB 2250: A BILL for an Act to amend and reenact section 15.1-37-06 of the North Dakota Century Code, relating to early childhood education programs.

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, 8 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Zubke; Speaker Bellew

NAYS: Becker, Rick C.; Johnston; Koppelman, B.; Koppelman, K.; Laning; Olson; Simons; Skroch

ABSENT AND NOT VOTING: Boehning; Kasper; Marschall; Schatz; Westlind

Engrossed SB 2250, as amended, passed.

SECOND READING OF SENATE BILL

SB 2321: A BILL for an Act to amend and reenact section 15.1-27-35.3 of the North Dakota Century Code, relating to payments to school districts.

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

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Vetter; Vigasaa; Weisz; Westlind; Zubke

NAYS: Ertelt; Trottier; Speaker Bellew

ABSENT AND NOT VOTING: Boehning; Kasper; Marschall; Schatz

SB 2321, as amended, passed.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to amend and reenact sections 39-12-14.1 and 39-12-20 of the North Dakota Century Code, relating to voluntary settlement of extraordinary road use fee charges and proceeds of sale deposited with the state treasurer; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Delzer; Ertelt; Paur; Simons

ABSENT AND NOT VOTING: Boehning; Kasper; Marschall; Ruby, M.; Schatz

SB 2045, as amended, passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act to provide an appropriation to the attorney general for human trafficking victims treatment and support services; and to provide for reports to the attorney general, legislative assembly, and legislative management.

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

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Becker, Rick C.; Johnston; Olson; Paur; Simons; Trottier

ABSENT AND NOT VOTING: Boehning; Kasper; Marschall; Schatz

Engrossed SB 2203, as amended, passed.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. VIGESAA MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2223, SB 2239, SB 2247, and Engrossed SB 2311, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2223: Reps. Sukut, Bosch, Dobervich

SB 2239: Reps. Westlind, B. Anderson, Dobervich

SB 2247: Reps. Grueneich, Rick C. Becker, M. Nelson

Engrossed SB 2311: Reps. D. Ruby, Louser, Boschee

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Reengrossed HB 1085 as printed on HJ page 960 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on:

Reengrossed HB 1085: Reps. D. Anderson, B. Anderson, Schneider.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2244.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2029, SB 2203, SB 2250, SB 2321, SB 2340.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2042, SB 2088, SB 2316.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2276.

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 2045.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2054.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2314.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1347.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1427, HCR 3016.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1001, HB 1007, HB 1010, HB 1275.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1001

Page 1, line 2, replace "and" with "to amend and reenact section 54-07-04 of the North Dakota Century Code, relating to the salary of the governor;"

Page 1, line 2, after "report" insert "; to provide for retroactive application; to provide a contingent expiration date; and to declare an emergency"

Page 1, replace lines 11 through 16 with:

| | | | |
|--------------------------------|---------------|------------|---------------|
| "Salaries and wages | \$3,735,049 | (\$46,547) | \$3,688,502 |
| Operating expenses | 343,710 | (45,254) | 298,456 |
| Contingencies | 5,000 | 5,000 | 10,000 |
| Rough rider awards | <u>10,800</u> | <u>0</u> | <u>10,800</u> |
| Total general fund | \$4,094,559 | (\$86,801) | \$4,007,758 |
| Full-time equivalent positions | 18.00 | 0.00 | 18.00" |

Page 1, line 18, replace "\$50,086" with "\$46,457"

Page 1, line 19, replace "\$1,249" with "\$1,241"

Page 2, after line 11, insert:

"SECTION 5. GOVERNOR'S SALARY AND FRINGE BENEFIT FUNDING.

The salaries and wages line item in section 1 of this Act includes the sum of \$347,424 from the general fund which may only be used for salary and fringe benefit payments to the governor during the biennium beginning July 1, 2017, and ending June 30, 2019. Any portion of this sum which is not used for salary and fringe benefit payments to the governor must be canceled at the end of the biennium pursuant to section 54-44.1-11.

SECTION 6. AMENDMENT. Section 54-07-04 of the North Dakota Century Code is amended and reenacted as follows:

54-07-04. Salary of governor.

The annual salary of the governor is ~~one hundred twenty-nine thousand ninety-one dollars through June 30, 2016, and one hundred thirty-two thousand nine hundred sixty-four dollars thereafter~~ one dollar.

SECTION 7. RETROACTIVE APPLICATION. Section 6 of this Act applies retroactively to December 15, 2016.

SECTION 8. CONTINGENT EXPIRATION DATE. Section 6 of this Act is effective until the secretary of state notifies the legislative council that an individual who did not hold the office of governor as of December 15, 2016, has filed an oath of office to assume the office of governor, or until December 14, 2020, whichever date is earlier.

SECTION 9. EMERGENCY. Sections 6, 7, and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1001 - Governor's Office - Senate Action**

| | Base Budget | House Version | Senate Changes | Senate Version |
|-----------------------|----------------|------------------|-------------------|-------------------|
| Salaries and wages | \$3,735,049 | \$3,542,131 | \$146,371 | \$3,688,502 |
| Operating expenses | 343,710 | 298,456 | | 298,456 |
| Contingencies | 5,000 | 10,000 | | 10,000 |
| Rough Rider Awards | 10,800 | 10,800 | | 10,800 |
| Total all funds | \$4,094,559 | \$3,861,387 | \$146,371 | \$4,007,758 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$4,094,559 | \$3,861,387 | \$146,371 | \$4,007,758 |
| FTE | 18.00 | 17.00 | 1.00 | 18.00 |

Department No. 101 - Governor's Office - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Restores 1 FTE Position ² | Total Senate Changes |
|-----------------------|---|---|-------------------------|
| Salaries and wages | (\$3,629) | \$150,000 | \$146,371 |
| Operating expenses | | | |
| Contingencies | | | |
| Rough Rider Awards | | | |
| Total all funds | (\$3,629) | \$150,000 | \$146,371 |
| Less estimated income | 0 | 0 | 0 |
| General fund | (\$3,629) | \$150,000 | \$146,371 |
| FTE | 0.00 | 1.00 | 1.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also adjusted to reflect the revised premium rate.

² One FTE position and related funding removed by the House is restored.

This amendment also adds a section providing the salary of the Governor is \$1 as of December 15, 2016. The section expires on December 14, 2020, or when a new Governor files an oath of office with the Secretary of State, whichever is earlier. A section is also added to require the Governor's office to turn back any unused 2017-19 biennium salaries and wages funding for the Governor's position at the end of the biennium.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1007

Page 1, line 2, after "rights" insert "; and to amend and reenact sections 14-02.4-15 and 34-14-09 of the North Dakota Century Code, relating to discriminatory practices in public services and employee claims for wages"

Page 1, replace lines 12 through 16 with:

| | | | |
|-----------------------|-------------|------------|--------------|
| "Salaries and wages | \$2,423,746 | (\$8,762) | \$2,414,984 |
| Operating expenses | 361,327 | (32,409) | 328,918 |
| Total all funds | \$2,785,073 | (\$41,171) | \$2,743,902 |
| Less estimated income | 437,832 | 2,084 | 439,916 |
| Total general fund | \$2,347,241 | (\$43,255) | \$2,303,986" |

Page 1, line 19, replace "\$40,068" with "\$37,165 from the general fund"

Page 1, line 20, replace "\$1,249" with "\$1,241"

Page 1, after line 20, insert:

"SECTION 3. AMENDMENT. Section 14-02.4-15 of the North Dakota Century Code is amended and reenacted as follows:

14-02.4-15. Public services - Discriminatory practices.

1. It is a discriminatory practice for a person engaged in the provision of public services to fail to provide to ~~a person~~ an individual access to the use of and benefit thereof, or to give adverse or unequal treatment to ~~a person~~ an individual in connection therewith because of the ~~person's individual's~~ individual's race, color, religion, sex, national origin, age, physical or mental disability, or status with respect to marriage or public assistance.
2. Subsection 1 does not apply to:
 - a. An individual committed to the legal and physical custody of the department of corrections and rehabilitation; or
 - b. An individual confined in a correctional facility, as defined in section 12-44.1-01.

SECTION 4. AMENDMENT. Section 34-14-09 of the North Dakota Century Code is amended and reenacted as follows:

34-14-09. Employees' remedies - Limitation on wages collectible.

1. An employee may file with the department a claim for wages due under this chapter or under chapter 34-06 ~~with the department not later than if the filing is made within~~ two years from the date the wages are due and the amount of the wages claimed due is at least two hundred dollars. For purposes of this section, wages are due at each regular payday immediately following the work period during which wages were earned. ~~Whenever If the department denies the claim for wages due because the amount claimed is less than two hundred dollars, the department shall inform the claimant of the opportunity for the claimant to pursue the claim in small claims court under chapter 27-08.1~~
2. If the labor commissioner determines that wages have not been paid and that the unpaid wages constitute an enforceable claim, the commissioner, upon request of the employee, may take an assignment in trust for the wages or a claim for liquidated damages in amounts the commissioner deems valid and enforceable without being bound by any of the technical rules respecting the validity of any assignments and may bring any legal action necessary to collect the claim. With the consent of the assigning employee at the time of the assignment, the commissioner may settle and adjust the claim to the same extent as the assigning employee.
3. The limitation of action under section 34-01-13 is tolled by the filing of a claim with the commissioner until the commissioner determines the claim is not enforceable or the commissioner reassigns the claim to the employee. ~~With the consent of the assigning employee at the time of the assignment, the commissioner may settle and adjust the claim to the same extent as the assigning employee."~~

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1007 - Labor Commissioner - Senate Action

Base

House

Senate

Senate

| | Budget | Version | Changes | Version |
|-----------------------|-------------|-------------|-----------|-------------|
| Salaries and wages | \$2,423,746 | \$2,417,887 | (\$2,903) | \$2,414,984 |
| Operating expenses | 361,327 | 328,918 | | 328,918 |
| Total all funds | \$2,785,073 | \$2,746,805 | (\$2,903) | \$2,743,902 |
| Less estimated income | 437,832 | 439,916 | 0 | 439,916 |
| General fund | \$2,347,241 | \$2,306,889 | (\$2,903) | \$2,303,986 |
| FTE | 15.00 | 14.00 | 0.00 | 14.00 |

Department No. 406 - Labor Commissioner - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Total Senate Changes |
|-----------------------|---|-------------------------|
| Salaries and wages | (\$2,903) | (\$2,903) |
| Operating expenses | | |
| Total all funds | (\$2,903) | (\$2,903) |
| Less estimated income | 0 | 0 |
| General fund | (\$2,903) | (\$2,903) |
| FTE | 0.00 | 0.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also adjusted to reflect the revised premium rate.

This amendment also:

- Amends North Dakota Century Code Section 14-02.4-15 to preclude correctional system inmates from filing complaints with the Department of Labor and Human Rights.
- Amends Section 34-14-09 to provide that an employee may file a wage complaint with the department for disputes of \$200 or more. The department is to refer an employee to the appropriate small claims court if the wage dispute is under \$200.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1010

Page 1, replace lines 14 through 17 with:

| | | | |
|--------------------------------|------------------|------------------|------------------|
| "Salaries and wages | \$8,943,097 | (\$285,502) | \$8,657,595 |
| Operating expenses | <u>2,512,042</u> | <u>(332,265)</u> | <u>2,179,777</u> |
| Total special funds | \$11,455,139 | (\$617,767) | \$10,837,372 |
| Full-time equivalent positions | 49.50 | (2.50) | 47.00" |

Page 1, line 19, replace "\$134,513" with "\$124,767"

Page 1, line 20, replace "\$1,249" with "\$1,241"

Page 2, line 4, replace "\$13,837,850" with "\$16,571,207"

Page 2, line 7, replace "\$13,076,768" with "\$15,659,791"

Page 2, line 8, replace "\$761,082" with "\$911,416"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1010 - Insurance Department - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|--------------------|----------------|------------------|-------------------|-------------------|
| Salaries and wages | \$8,943,097 | \$8,501,479 | \$156,116 | \$8,657,595 |

| | | | | |
|------------------------|--------------|--------------|-------------|--------------|
| Operating expenses | 2,512,042 | 2,179,777 | | 2,179,777 |
| Fire department grants | 16,571,207 | 13,837,850 | 2,733,357 | 16,571,207 |
| Total all funds | \$28,026,346 | \$24,519,106 | \$2,889,473 | \$27,408,579 |
| Less estimated income | 28,026,346 | 24,519,106 | 2,889,473 | 27,408,579 |
| General fund | \$0 | \$0 | \$0 | \$0 |
| FTE | 49.50 | 46.00 | 1.00 | 47.00 |

Department No. 401 - Insurance Department - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Restores FTE Position ² | Adds Funding for the North Dakota Firefighter's Association ³ | Restores Funding for Fire Department Grants ⁴ | Total Senate Changes |
|------------------------|---|---------------------------------------|--|--|-------------------------|
| Salaries and wages | (\$9,746) | \$165,862 | | | \$156,116 |
| Operating expenses | | | | | |
| Fire department grants | | | 150,334 | 2,583,023 | 2,733,357 |
| Total all funds | (\$9,746) | \$165,862 | \$150,334 | \$2,583,023 | \$2,889,473 |
| Less estimated income | (9,746) | 165,862 | 150,334 | 2,583,023 | 2,889,473 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 1.00 | 0.00 | 0.00 | 1.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 is also adjusted to reflect the change.

² Funding of \$165,862 and 1 FTE position removed by the House are restored.

³ Funding is increased by \$150,334, to provide a total of \$911,416 from the insurance tax distribution fund for the North Dakota Firefighter's Association. The House provided \$761,082 from the insurance tax distribution fund for the North Dakota Firefighter's Association. Section 4 is also adjusted to reflect the change. This funding increase results in decreased estimated general fund revenue of \$150,334 for the 2017-19 biennium.

⁴ Funding of \$2,583,023 is restored, to provide a total of \$15,659,791 from the insurance tax distribution fund for payments to fire departments. The House provided \$13,076,768 from the insurance tax distribution fund for payments to fire departments. Section 4 is also adjusted to reflect the change. This funding increase results in decreased estimated general fund revenue of \$2,583,023 for the 2017-19 biennium.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1275

Page 1, line 2, remove "parochial or private school"

Page 1, line 2, after "activities" insert "for public and nonpublic schools"

Page 1, line 10, remove "Notwithstanding any other provision of law, neither the North Dakota high school"

Page 1, remove lines 11 through 14

Page 1, line 15, replace "parochial school" with "A student of a public or nonpublic school may not be prohibited"

Page 1, line 15, replace "before" with "at"

Page 1, line 16, replace "the public, parochial, or private" with "a public or nonpublic"

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1018, HB 1201, HB 1369.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1018

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

Page 1, line 2, remove "; to provide for legislative intent; and to declare an emergency"

Page 1, replace lines 12 and 13 with:

| | | | |
|---------------------|--------------|-----------|--------------|
| "Salaries and wages | \$13,604,636 | \$234,970 | \$13,839,606 |
| Operating expenses | 3,986,308 | (100,414) | 3,885,894" |

Page 1, replace lines 17 through 19 with:

| | | | |
|-----------------------|------------------|------------------|------------------|
| "Total all funds | \$20,554,692 | (\$481,539) | \$20,073,153 |
| Less estimated income | <u>3,299,901</u> | <u>(144,106)</u> | <u>3,155,795</u> |
| Total general fund | \$17,254,791 | (\$337,433) | \$16,917,358" |

Page 1, line 22, replace "\$208,926" with "\$193,789"

Page 1, line 22, replace "\$191,055" with "\$177,213"

Page 1, line 23, replace "\$1,249" with "\$1,241"

Page 3, remove lines 1 through 8

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1018 - State Historical Society - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|--------------------------|------------------|------------------|-------------------|-------------------|
| Salaries and wages | \$13,604,636 | \$13,367,315 | \$472,291 | \$13,839,606 |
| Operating expenses | 3,986,308 | 3,850,894 | 35,000 | 3,885,894 |
| Capital assets | 1,770,294 | 1,747,653 | | 1,747,653 |
| Grants | 900,000 | 600,000 | | 600,000 |
| Cultural heritage grants | <u>293,454</u> | | | |
| Total all funds | \$20,554,692 | \$19,565,862 | \$507,291 | \$20,073,153 |
| Less estimated income | <u>3,299,901</u> | <u>3,157,090</u> | <u>(1,295)</u> | <u>3,155,795</u> |
| General fund | \$17,254,791 | \$16,408,772 | \$508,586 | \$16,917,358 |
| FTE | 78.00 | 75.00 | 0.00 | 75.00 |

Department No. 701 - State Historical Society - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Adds Funding for Salaries and Wages ² | Adds Funding for the Operation of the Welk Homestead ³ | Total Senate Changes |
|--------------------------|---|--|---|-------------------------|
| Salaries and wages | (\$15,137) | \$437,428 | \$50,000 | \$472,291 |
| Operating expenses | | | 35,000 | 35,000 |
| Capital assets | | | | |
| Grants | | | | |
| Cultural heritage grants | | | | |
| Total all funds | (\$15,137) | \$437,428 | \$85,000 | \$507,291 |
| Less estimated income | <u>(1,295)</u> | <u>0</u> | <u>0</u> | <u>(1,295)</u> |
| General fund | (\$13,842) | \$437,428 | \$85,000 | \$508,586 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 is also adjusted to reflect the change.

² Adds \$437,428 from the general fund for salaries and wages. The House underfunded salaries and wages \$437,428 from the general fund. The Senate version does not underfund salaries and wages.

³ Funding is restored for the operation of the Welk Homestead Historic Site. The House removed funding for the operation of the Welk Homestead Historic Site.

The Senate removed sections added by the House providing legislative intent regarding the Double Ditch Historic Site repairs and an emergency measure.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1201

In lieu of the amendments adopted by the Senate as printed on pages 798 and 799 of the Senate Journal and in lieu of the amendments as printed on pages 955 and 956 of the Senate Journal, Engrossed House Bill No. 1201 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of carbon monoxide alarms."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CARBON MONOXIDE ALARMS. During the 2017-18 interim, the legislative management shall consider studying the fire code and how the existing regulations apply to carbon monoxide alarms, the need for residential rental property to be equipped with carbon monoxide alarms, and the costs associated with installing carbon monoxide alarms in residential rental property. The study must include the types of education and outreach being used by local fire departments to educate communities and school children about the dangers of carbon monoxide poisoning. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

ReNUMBER accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1369

Page 4, line 2, after "or" insert "in person or by electronic mail or fax"

Page 11, line 26, after "office" insert ", or provides the necessary documentation by electronic mail or fax,"

ReNUMBER accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1004, HB 1009, HB 1016, HB 1221, HB 1269, HB 1321.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1004

Page 1, replace lines 10 through 17 with:

| | | | |
|---|--------------|-------------|--------------|
| "Salaries and wages | \$11,655,646 | \$346,975 | \$12,002,621 |
| Operating expenses | 1,176,806 | (14,023) | 1,162,783 |
| North Dakota university system information technology security audits | 200,000 | (200,000) | 0 |
| Information technology consultants | 250,000 | (250,000) | 0 |
| Total all funds | \$13,282,452 | (\$117,048) | \$13,165,404 |

| | | | |
|-----------------------|-------------|------------|--------------|
| Less estimated income | 3,505,870 | (94,383) | 3,411,487 |
| Total general fund | \$9,776,582 | (\$22,665) | \$9,753,917" |

Page 1, line 20, replace "\$163,134" with "\$146,005"

Page 1, line 20, replace "\$123,788" with "\$109,510"

Page 1, line 21, replace "\$1,249" with "\$1,241"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1004 - State Auditor - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|---|----------------|------------------|-------------------|-------------------|
| Salaries and wages | \$11,655,646 | \$11,714,840 | \$287,781 | \$12,002,621 |
| Operating expenses | 1,176,806 | 1,136,039 | 26,744 | 1,162,783 |
| University system IT security audits | 200,000 | | | |
| Information technology consultants | 250,000 | | | |
| Total all funds | \$13,282,452 | \$12,850,879 | \$314,525 | \$13,165,404 |
| Less estimated income | 3,505,870 | 3,414,338 | (2,851) | 3,411,487 |
| General fund | \$9,776,582 | \$9,436,541 | \$317,376 | \$9,753,917 |
| FTE | 59.80 | 57.80 | 0.00 | 57.80 |

Department No. 117 - State Auditor - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Restores Salaries and Wages Underfunded ² | Restores Funding for Operating Expenses ³ | Total Senate Changes |
|---|---|---|---|-------------------------|
| Salaries and wages | (\$17,129) | \$304,910 | | \$287,781 |
| Operating expenses | | | 26,744 | 26,744 |
| University system IT security audits | | | | |
| Information technology consultants | | | | |
| Total all funds | (\$17,129) | \$304,910 | \$26,744 | \$314,525 |
| Less estimated income | (2,851) | 0 | 0 | (2,851) |
| General fund | (\$14,278) | \$304,910 | \$26,744 | \$317,376 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

² A portion of the \$462,085 of general fund salaries and wages underfunding approved by the House is restored to provide salaries and wages underfunding of \$157,175 from the general fund.

³ Funding is restored for agencywide reductions in operating expenses made by the House.

This amendment also amends Section 2 of the bill to update the amounts appropriated for increases in employee health insurance premiums.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1009

Page 1, remove lines 13 through 23

Page 2, replace line 1 with:

| | | | |
|--|-------------------|------------------|-------------------|
| "Salaries and wages | \$12,534,265 | (\$161,316) | \$12,372,949 |
| Operating expenses | 6,419,121 | 1,025,215 | 7,444,336 |
| Capital assets | 8,000 | 5,000 | 13,000 |
| Grants | 8,392,774 | 545,000 | 8,937,774 |
| Board of animal health | 1,006,773 | (141,055) | 865,718 |
| Wildlife services | 1,401,257 | 6,743 | 1,408,000 |
| Crop harmonization board | 75,000 | 0 | 75,000 |
| Pipeline restoration and reclamation oversight program | <u>400,000</u> | <u>(200,000)</u> | <u>200,000</u> |
| Total all funds | \$30,237,190 | \$1,079,587 | \$31,316,777 |
| Less estimated income | <u>20,276,053</u> | <u>1,931,623</u> | <u>22,207,676</u> |
| Total general fund | \$9,961,137 | (\$852,036) | \$9,109,101" |

Page 2, line 4, replace "\$208,923" with "\$188,477"

Page 2, line 4, replace "\$114,802" with "\$101,972"

Page 2, line 5, replace "\$1,249" with "\$1,241"

Page 2, line 6, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-SIXTH LEGISLATIVE ASSEMBLY"

Page 2, line 7, after "biennium" insert "and the 2017-19 biennium one-time funding items included in the appropriation in section 1 of this Act"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1009 - Department of Agriculture - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|--------------------------------------|-------------------|-------------------|----------------|-------------------|
| Salaries and wages | \$12,534,265 | \$12,387,671 | (\$14,722) | \$12,372,949 |
| Operating expenses | 6,419,121 | 7,444,336 | | 7,444,336 |
| Capital assets | 8,000 | 13,000 | | 13,000 |
| Grants | 8,392,774 | 8,937,774 | | 8,937,774 |
| State Board of Animal Health | 1,006,773 | 865,718 | | 865,718 |
| Wildlife services | 1,401,257 | 1,408,000 | | 1,408,000 |
| Crop Harmonization Board | 75,000 | 75,000 | | 75,000 |
| Pipeline restoration and reclamation | 400,000 | 200,000 | | 200,000 |
| Total all funds | \$30,237,190 | \$31,331,499 | (\$14,722) | \$31,316,777 |
| Less estimated income | <u>20,276,053</u> | <u>22,214,433</u> | <u>(6,757)</u> | <u>22,207,676</u> |
| General fund | \$9,961,137 | \$9,117,066 | (\$7,965) | \$9,109,101 |
| FTE | 77.00 | 73.00 | 0.00 | 73.00 |

Department No. 602 - Department of Agriculture - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Total Senate Changes |
|--------------------------------------|---|----------------------|
| Salaries and wages | (\$14,722) | (\$14,722) |
| Operating expenses | | |
| Capital assets | | |
| Grants | | |
| State Board of Animal Health | | |
| Wildlife services | | |
| Crop Harmonization Board | | |
| Pipeline restoration and reclamation | | |
| Total all funds | (\$14,722) | (\$14,722) |
| Less estimated income | <u>(6,757)</u> | <u>(6,757)</u> |

| | | |
|--------------|-----------|-----------|
| General fund | (\$7,965) | (\$7,965) |
| FTE | 0.00 | 0.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also adjusted to reflect the revised premium rate.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1016

Page 1, remove lines 14 through 24

Page 2, replace lines 1 and 2 with:

| | | | |
|------------------------------------|-------------------|-------------------|-------------------|
| "Salaries and wages | \$6,640,086 | \$26,439 | \$6,666,525 |
| Operating expenses | 3,685,547 | (159,613) | 3,525,934 |
| Capital assets | 249,046 | 32,975,000 | 33,224,046 |
| Grants | 509,514 | (190,961) | 318,553 |
| Civil air patrol | 311,773 | (12,193) | 299,580 |
| Tuition, recruiting, and retention | 2,517,500 | 100,000 | 2,617,500 |
| Air guard contract | 8,054,554 | 44,028 | 8,098,582 |
| Army guard contract | 59,870,605 | (2,152,661) | 57,717,944 |
| Veterans' cemetery | 811,486 | 69,798 | 881,284 |
| Reintegration program | <u>1,903,743</u> | <u>(642,359)</u> | <u>1,261,384</u> |
| Total all funds | \$84,553,854 | \$30,057,478 | \$114,611,332 |
| Less estimated income | <u>66,864,852</u> | <u>31,309,926</u> | <u>98,174,778</u> |
| Total general fund | \$17,689,002 | (\$1,252,448) | \$16,436,554" |

Page 2, replace lines 7 through 14 with:

| | | | |
|-----------------------|--------------------|---------------------|-------------------|
| "Salaries and wages | \$12,441,232 | \$159,887 | \$12,601,119 |
| Operating expenses | 8,905,310 | (1,616,859) | 7,288,451 |
| Capital assets | 740,000 | (171,000) | 569,000 |
| Grants | 18,673,247 | (1,784,088) | 16,889,159 |
| Disaster costs | <u>108,165,484</u> | <u>(56,719,643)</u> | <u>51,445,841</u> |
| Total all funds | \$148,925,273 | (\$60,131,703) | \$88,793,570 |
| Less estimated income | <u>137,518,175</u> | <u>(58,224,473)</u> | <u>79,293,702</u> |
| Total general fund | \$11,407,098 | (\$1,907,230) | \$9,499,868" |

Page 2, replace lines 19 through 21 with:

| | | | |
|---------------------------|--------------------|---------------------|--------------------|
| "Grand total general fund | \$29,096,100 | (\$3,159,678) | \$25,936,422 |
| Grand total special funds | <u>204,383,027</u> | <u>(26,914,547)</u> | <u>177,468,480</u> |
| Grand total all funds | \$233,479,127 | (\$30,074,225) | \$203,404,902" |

Page 2, line 24, replace "\$638,219" with "\$591,978"

Page 2, line 24, replace "\$253,000" with "\$234,453"

Page 2, line 25, replace "\$1,249" with "\$1,241"

Page 2, line 26, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-SIXTH LEGISLATIVE ASSEMBLY"

Page 2, line 27, after "biennium" insert "and the 2017-19 biennium one-time funding items in the appropriation in section 1 of this Act"

Page 3, after line 15, insert:

"The 2017-19 biennium one-time funding amounts are not a part of the entity's base budget for the 2019-21 biennium. The adjutant general shall report to the appropriations committees of the sixty-sixth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2017, and ending June 30, 2019."

Page 4, line 16, remove ", contingent upon the adjutant general"

Page 4, remove line 17

Page 4, line 18, remove "assignment in association with the Grand Forks air force base"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1016 - Summary of Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|-------------------------------------|----------------|------------------|-------------------|-------------------|
| Adjutant General | | | | |
| Total all funds | \$84,553,854 | \$114,563,814 | \$47,518 | \$114,611,332 |
| Less estimated income | 66,864,852 | 98,195,447 | (20,669) | 98,174,778 |
| General fund | \$17,689,002 | \$16,368,367 | \$68,187 | \$16,436,554 |
| Department of Emergency Services | | | | |
| Total all funds | \$148,925,273 | \$88,659,329 | \$134,241 | \$88,793,570 |
| Less estimated income | 137,518,175 | 79,300,727 | (7,025) | 79,293,702 |
| General fund | \$11,407,098 | \$9,358,602 | \$141,266 | \$9,499,868 |
| Bill total | | | | |
| Total all funds | \$233,479,127 | \$203,223,143 | \$181,759 | \$203,404,902 |
| Less estimated income | 204,383,027 | 177,496,174 | (27,694) | 177,468,480 |
| General fund | \$29,096,100 | \$25,726,969 | \$209,453 | \$25,936,422 |

House Bill No. 1016 - Adjutant General - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|------------------------------------|----------------|------------------|-------------------|-------------------|
| Salaries and wages | \$6,640,086 | \$6,673,161 | (\$6,636) | \$6,666,525 |
| Operating expenses | 3,685,547 | 3,492,934 | 33,000 | 3,525,934 |
| Capital assets | 249,046 | 33,224,046 | | 33,224,046 |
| Grants | 509,514 | 318,553 | | 318,553 |
| Civil air patrol | 311,773 | 299,787 | (207) | 299,580 |
| Tuition, recruiting, and retention | 2,517,500 | 2,617,500 | | 2,617,500 |
| Air guard contract | 8,054,554 | 8,089,803 | 8,779 | 8,098,582 |
| Army guard contract | 59,870,605 | 57,703,081 | 14,863 | 57,717,944 |
| Veterans' Cemetery | 811,486 | 882,321 | (1,037) | 881,284 |
| Reintegration program | 1,903,743 | 1,262,628 | (1,244) | 1,261,384 |
| Total all funds | \$84,553,854 | \$114,563,814 | \$47,518 | \$114,611,332 |
| Less estimated income | 66,864,852 | 98,195,447 | (20,669) | 98,174,778 |
| General fund | \$17,689,002 | \$16,368,367 | \$68,187 | \$16,436,554 |
| FTE | 155.00 | 155.00 | 0.00 | 155.00 |

Department No. 540 - Adjutant General - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Restores Funding for Maintenance and Repairs ² | Total Senate Changes |
|------------------------------------|---|--|-------------------------|
| Salaries and wages | (\$6,636) | | (\$6,636) |
| Operating expenses | | 33,000 | 33,000 |
| Capital assets | | | |
| Grants | | | |
| Civil air patrol | (207) | | (207) |
| Tuition, recruiting, and retention | | | |
| Air guard contract | (6,221) | 15,000 | 8,779 |
| Army guard contract | (15,137) | 30,000 | 14,863 |
| Veterans' Cemetery | (1,037) | | (1,037) |
| Reintegration program | (1,244) | | (1,244) |
| Total all funds | (\$30,482) | \$78,000 | \$47,518 |
| Less estimated income | (20,669) | 0 | (20,669) |
| General fund | (\$9,813) | \$78,000 | \$68,187 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 is also adjusted to reflect the change.

² Funding of \$78,000 from the general fund for maintenance and repairs is restored. The House had reduced funding for maintenance and repairs by \$178,000 from the general fund.

House Bill No. 1016 - Department of Emergency Services - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|-----------------------|----------------|------------------|-------------------|-------------------|
| Salaries and wages | \$12,441,232 | \$12,465,927 | \$135,192 | \$12,601,119 |
| Operating expenses | 8,905,310 | 7,288,451 | | 7,288,451 |
| Capital assets | 740,000 | 569,000 | | 569,000 |
| Grants | 18,673,247 | 16,889,159 | | 16,889,159 |
| Disaster costs | 108,165,484 | 51,446,792 | (951) | 51,445,841 |
| Total all funds | \$148,925,273 | \$88,659,329 | \$134,241 | \$88,793,570 |
| Less estimated income | 137,518,175 | 79,300,727 | (7,025) | 79,293,702 |
| General fund | \$11,407,098 | \$9,358,602 | \$141,266 | \$9,499,868 |
| FTE | 79.00 | 79.00 | 0.00 | 79.00 |

Department No. 542 - Department of Emergency Services - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Restores Funding for Salaries and Wages ² | Total Senate Changes |
|-----------------------|---|---|-------------------------|
| Salaries and wages | (\$14,808) | \$150,000 | \$135,192 |
| Operating expenses | | | |
| Capital assets | | | |
| Grants | | | |
| Disaster costs | (951) | | (951) |
| Total all funds | (\$15,759) | \$150,000 | \$134,241 |
| Less estimated income | (7,025) | 0 | (7,025) |
| General fund | (\$8,734) | \$150,000 | \$141,266 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 is also adjusted to reflect the change.

² Funding of \$150,000 from the general fund for salaries and wages is restored. The House had reduced salaries and wages funding by \$200,000 from the general fund.

This amendment also removes contingency language from Section 9 to allow the Adjutant General to spend the money carried over from the 2015-17 biennium in the tuition, recruiting, and retention line item without certifying to the Office of Management and Budget that the National Guard has received a new assignment in association with the Grand Forks Air Force Base.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1221

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 4 of section 12-60-07 and section 12-63-04 of the North Dakota Century Code, relating to powers, duties, and functions of bureau of criminal investigation and powers and duties of the peace officer standards and training board.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 12-60-07 of the North Dakota Century Code is amended and reenacted as follows:

4. The bureau shall assist the sheriffs and other peace officers in establishing a system for the apprehension of criminals and detection of crime. The assistance must include offering guidelines and training for the proper handling of confidential informants.

SECTION 2. AMENDMENT. Section 12-63-04 of the North Dakota Century Code is amended and reenacted as follows:

12-63-04. Board - Powers - Duties - Authority.

The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, and approve the examinations for licensing under this chapter.

1. The board shall:
 - a. Prescribe the criteria for certification of basic, advanced, and specialized peace officer training curriculum, instructors, and schools;
 - b. Certify curriculum, instructors, schools, and officers that have met the training certification criteria;
 - c. Establish the curriculum for basic and advanced peace officer training; and
 - d. Prescribe minimum standards of sidearm training and certification for peace officers before they may carry a sidearm.
2. The board shall keep records and minutes necessary to carry out its functions. The board may:
 - a. Issue subpoenas, examine witnesses, administer oaths, and investigate allegations of practices violating the provisions of this chapter or rules adopted by the board.
 - b. Examine, under oath, any applicant for licensing.
 - c. Examine, under oath, any licensed peace officer during a hearing to suspend, revoke, or to not renew a license of a peace officer.
 - d. ~~Adopt rules relating to the professional conduct of peace officers and to implement the requirements of this chapter, including rules relating to professional licensure, continuing education, and ethical standards of practice, for persons holding a license to practice peace officer duties.~~
3. The board shall adopt rules relating to the professional conduct of licensed peace officers and to implement the requirements of this chapter, including rules:
 - a. Relating to professional licensure and continuing education;
 - b. Establishing ethical standards of practice; and
 - c. Establishing standards for proper confidential informant handling procedures and setting limits on officer conduct in recruiting an individual to operate as a confidential informant."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1269

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 12.1-32-09.1 of the North Dakota Century Code, relating to sentencing for aggravated assault; to amend and reenact subdivision k of subsection 3 of section 12.1-23-05, subsection 5 of section 12.1-32-01, subdivision b of subsection 1 of section 12.1-32-02.1, sections 19-03.1-22.3 and 19-03.1-23, subsection 2 of section 19-03.1-23.1, section 19-03.1-23.4, paragraph 3 of subdivision e of subsection 1 of section 19-03.1-36, subdivision e of subsection 5 of section 19-03.1-36, subsection 1 of section 19-03.1-45, and subsection 29 of section 40-05-02 of the North Dakota Century Code, relating to grading of theft offenses, illegal possession of prescription capsules, pills, or tablets, possession of marijuana, ingesting a controlled substance, and misdemeanor marijuana convictions being excluded as prior offenses for purposes of determining mandatory terms of imprisonment; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision k of subsection 3 of section 12.1-23-05 of the North Dakota Century Code is amended and reenacted as follows:

- k. The property stolen is a prescription drug as defined in section 43-15.3-01, except when the quantity stolen is five or fewer capsules, pills, or tablets.

SECTION 2. AMENDMENT. Subsection 5 of section 12.1-32-01 of the North Dakota Century Code is amended and reenacted as follows:

- 5. Class A misdemeanor, for which a maximum penalty of ~~one year's~~ imprisonment for three hundred sixty days, a fine of three thousand dollars, or both, may be imposed.

SECTION 3. AMENDMENT. Subdivision b of subsection 1 of section 12.1-32-02.1 of the North Dakota Century Code is amended and reenacted as follows:

- b. The offender possesses or has within immediate reach and control a dangerous weapon, explosive, destructive device, or firearm while in the course of committing any felony offense under subsection 1, ~~23~~, or ~~78~~ of section 19-03.1-23.

SECTION 4. A new subsection to section 12.1-32-09.1 of the North Dakota Century Code is created and enacted as follows:

An offender who is convicted of a class C felony in violation of section 12.1-17-02, or an attempt to commit the offense, and who has received a sentence of imprisonment or a sentence of imprisonment upon revocation of probation before August 1, 2015, is eligible to have the offender's sentence considered by the parole board.

SECTION 5. AMENDMENT. Section 19-03.1-22.3 of the North Dakota Century Code is amended and reenacted as follows:

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

A person who intentionally ingests, inhales, injects, or otherwise takes into the body a controlled substance, unless the substance was obtained directly from a practitioner or pursuant to a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, is guilty of a class B misdemeanor if the controlled substance is marijuana. Otherwise, the offense is a class A misdemeanor. The venue for a violation of this section exists in either the jurisdiction in which the controlled substance was ingested, inhaled, injected, or otherwise taken into the body or the jurisdiction in which the controlled substance was detected in the body of the accused.

SECTION 6. AMENDMENT. Section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-23. Prohibited acts A - Mandatory terms of imprisonment and fines - Unclassified offenses - Penalties.

1. Except as authorized by this chapter, it is unlawful for ~~any~~ a person to willfully, as defined in section 12.1-02-02, manufacture, deliver, or possess with intent to manufacture or deliver, a controlled substance, or to deliver, distribute, or dispense a controlled substance by means of the internet, but ~~any~~ a person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. ~~Any~~ A person who violates this subsection with respect to:
 - a. A controlled substance classified in schedule I or II which is a narcotic drug, or methamphetamine, is guilty of a class ~~A~~ B felony and must be sentenced:
 - (1) For a second offense, to imprisonment for at least ~~five~~ three years.
 - (2) For a third or subsequent offense, to imprisonment for ~~twenty~~ ten years.
 - b. Any other controlled substance classified in schedule I, II, or III, or a controlled substance analog is guilty of a class B felony. Except for a person who manufactures, delivers, or possesses with the intent to manufacture or deliver marijuana, any person found guilty under this subdivision must be sentenced:
 - (1) For a second offense, to imprisonment for at least ~~three~~ two years.
 - (2) For a third or subsequent offense, to imprisonment for ~~ten~~ five years.
 - c. A substance classified in schedule IV, is guilty of a class C felony and must be sentenced:
 - (1) For a second offense, to imprisonment for at least ~~six~~ three months.
 - (2) For a third offense, to imprisonment for at least ~~one year~~ six months.
 - (3) For a fourth or subsequent offense, to imprisonment for ~~five~~ three years.
 - d. A substance classified in schedule V, is guilty of a class A misdemeanor.
2. A prior misdemeanor conviction under subsection 8 or a prior conviction under subsection 3 or 4 of section 19-03.4-03 may not be considered a prior offense under subsections 1 and 4.
3. Except as authorized by this chapter, it is unlawful for any person to willfully, as defined in section 12.1-02-02, create, deliver, distribute, or dispense a counterfeit substance by means of the internet or any other means, or possess with intent to deliver, a counterfeit substance by means of the internet or any other means, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection. Any person who violates this subsection with respect to:
 - a. ~~A counterfeit substance classified in schedule I or II which is a narcotic drug, is guilty of a class A felony.~~

- ~~b.~~ ~~Any other~~ A counterfeit substance classified in schedule I, II, or III, is guilty of a class B felony.
 - ~~e.b.~~ A counterfeit substance classified in schedule IV, is guilty of a class C felony.
 - ~~d.c.~~ A counterfeit substance classified in schedule V, is guilty of a class A misdemeanor.
- ~~3-4.~~ For second or subsequent offenders, in addition to any other penalty imposed under this section, a person who violates this chapter, except a person who manufactures, delivers, or possesses with the intent to manufacture or deliver marijuana, is subject to, and the court shall impose, the following penalties to run consecutively to any other sentence imposed:
 - a. ~~Any~~ A person, eighteen years of age or older, who violates this section by willfully manufacturing, delivering, or possessing with intent to manufacture or deliver a controlled substance in or on, or within one thousand feet [300.48 meters] of the real property comprising a public or private elementary or secondary school or a public career and technical education school is subject to an ~~eight-year~~ four-year term of imprisonment.
 - b. If the defendant was at least twenty-one years of age at the time of the offense, and delivered a controlled substance to a person under the age of eighteen, the defendant must be sentenced to imprisonment for at least ~~eight~~ four years. It is not a defense that the defendant did not know the age of a person protected under this subdivision.
- ~~4-5.~~ A person at least eighteen years of age who solicits, induces, intimidates, employs, hires, or uses a person under eighteen years of age to aid or assist in the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance for the purpose of receiving consideration or payment for the manufacture or delivery of any controlled substance is guilty of a class B felony and must be sentenced:
 - a. For a second or subsequent offense, to imprisonment for at least ~~five~~ three years.
 - b. It is not a defense to a violation of this subsection that the defendant did not know the age of a person protected under this subsection.
- ~~5.~~ A
- ~~6.~~ Except for a prior conviction equivalent to a misdemeanor violation of subsection 8 or a prior conviction under subsection 3 or 4 of section 19-03.4-03, a violation of this chapter or a law of another state or the federal government which is equivalent to an offense under this chapter committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsections 1, ~~34~~, and ~~45~~. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.
- ~~6-7.~~ It is unlawful for a person to willfully, as defined in section 12.1-02-02:
 - a. Serve as an agent, intermediary, or other entity that causes the internet to be used to bring together a buyer and seller to engage in the delivery, distribution, or dispensing of a controlled substance in a manner not authorized by this chapter; or

- b. Offer to fill or refill a prescription for a controlled substance based solely on a consumer's completion of an online medical questionnaire.

A person who violates this subsection is guilty of a class C felony.

- ~~7-8.~~ a. It is unlawful for any person to willfully, as defined in section 12.1-02-02, possess a controlled substance or a controlled substance analog unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of the practitioner's professional practice, or except as otherwise authorized by this chapter, but any person who violates section 12-46-24 or 12-47-21 may not be prosecuted under this subsection.
- b. Except as otherwise provided in this subsection, any person who violates this subsection is guilty of a class C felony.
- c. If, at the time of the offense the person is in or on, or within one thousand feet [300.48 meters] of the real property comprising a public or private elementary or secondary school or a public career and technical education school, the person is guilty of a class B felony, unless the offense involves one ounce [28.35 grams] or less of marijuana. ~~Any-~~
- d. A person who violates this subsection regarding possession of one ounce [28.35 grams] or less of marijuana is guilty of a class B misdemeanor.
- e. A person who violates this subsection regarding possession of five or fewer capsules, pills, or tablets of a schedule II, III, IV, or V controlled substance or controlled substance analog is guilty of a class A misdemeanor.
- ~~8-9.~~ 8-9. Except as provided by section 19-03.1-45, a court may order a person who violates this chapter or chapter 19-03.4 to undergo a drug addiction evaluation by a licensed addiction counselor. The evaluation must indicate the prospects for rehabilitation and whether addiction treatment is required. If ordered, the evaluation must be submitted to the court before imposing punishment for a felony violation or a misdemeanor violation. A court shall order a person who violates subdivision e of subsection 8 to undergo the drug addiction evaluation.
- ~~9-10.~~ 9-10. If a person pleads guilty or is found guilty of a first offense regarding possession of one ounce [28.35 grams] or less of marijuana and a judgment of guilt is entered, a court, upon motion, shall seal the court record of that conviction if the person is not subsequently convicted within two years of a further violation of this chapter. Once sealed, the court record may not be opened even by order of the court.

SECTION 7. AMENDMENT. Subsection 2 of section 19-03.1-23.1 of the North Dakota Century Code is amended and reenacted as follows:

- 2. The offense is:
 - ~~a.~~ a. A class AA felony if the violation of section 19-03.1-23 is designated as a class A felony.
 - ~~b.~~ b. A class A felony if the violation of section 19-03.1-23 is designated as a class B felony.
 - ~~c.~~ c. A class B felony if the violation of section 19-03.1-23 is designated as a class C felony.

- ~~d.c.~~ A class C felony if the violation of section 19-03.1-23 is designated as a class A misdemeanor.

SECTION 8. AMENDMENT. Section 19-03.1-23.4 of the North Dakota Century Code is amended and reenacted as follows:

19-03.1-23.4. Overdose prevention and immunity.

An individual is immune from criminal prosecution under sections 19-03.1-22.1, 19-03.1-22.3, 19-03.1-22.5, subsection 7 of section 19-03.1-23, subsection 3 of section 19-03.2-03, and section 19-03.4-03 if in good faith that individual contacted law enforcement or emergency medical services and reported that the individual was or that seeks medical assistance for another individual was in need of emergency medical assistance due to a drug overdose. To receive immunity under this section, the individual receiving immunity must have remained on the scene until assistance arrived, cooperated with emergency medical services and law enforcement personnel in the medical treatment of the reported drug overdosed individual, and the overdosed individual must have been in need of emergency medical services. The maximum number of individuals that may be immune for any one occurrence is three individuals a condition a layperson would reasonably believe to be a drug overdose requiring immediate medical assistance. Neither the individual who experiences a drug-related overdose and is in need of emergency medical assistance nor the cooperating individual seeking medical assistance may be charged or prosecuted for the criminal offenses listed in this section or for the sharing of controlled substances among those present. Immunity from prosecution under this section is not applicable for a violation under section 19-03.1-23.1 does not apply unless the evidence for the charge or prosecution was obtained as a result of the drug-related overdose and the need for emergency medical assistance. Good faith does not include seeking medical assistance during the course of the execution of an arrest warrant or search warrant or during a lawful search.

SECTION 9. AMENDMENT. Paragraph 3 of subdivision e of subsection 1 of section 19-03.1-36 of the North Dakota Century Code is amended and reenacted as follows:

- (3) A conveyance is not subject to forfeiture for a violation of subsection ~~7~~ of section 19-03.1-23 or subsection 3 of section 19-03.2-03.

SECTION 10. AMENDMENT. Subdivision e of subsection 5 of section 19-03.1-36 of the North Dakota Century Code is amended and reenacted as follows:

- e. Use the property, including controlled substances, imitation controlled substances, and plants forfeited under subsections 6 and 7, in enforcement of this chapter. However, in a case involving the delivery of a forfeited controlled substance by a law enforcement officer or a person acting as an agent of a law enforcement officer, no prosecution or conviction for simple possession of a controlled substance under subsection ~~6~~ of section 19-03.1-23 may be based upon the forfeited controlled substances supplied by the law enforcement officer or the officer's agent.

SECTION 11. AMENDMENT. Subsection 1 of section 19-03.1-45 of the North Dakota Century Code is amended and reenacted as follows:

1. If a person has pled guilty or has been found guilty of a felony violation of subsection ~~7~~ of section 19-03.1-23, if that person has not previously pled guilty or been found guilty of any offense involving the use, possession, manufacture, or delivery of a controlled substance or of any other felony offense of this or another state or the federal government, the court shall impose a period of probation up to the length authorized under section 12.1-32-06.1 with a suspended execution of a sentence of imprisonment, a sentence to probation, or an order deferring imposition of sentence.

SECTION 12. AMENDMENT. Subsection 29 of section 40-05-02 of the North Dakota Century Code is amended and reenacted as follows:

29. Marijuana possession. To prohibit by ordinance any person, except a person operating a motor vehicle, from possessing not more than one-half ounce [14.175 grams] of marijuana, as defined by section 19-03.1-01, within the jurisdiction of a city, and to prescribe the punishment, provided the penalty assessed is subject to subsection 910 of section 19-03.1-23."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1321

In lieu of the amendments as printed on page 932 of the Senate Journal, House Bill No. 1321 is amended as follows:

Page 1, line 1, after the first "of" insert "section"

Page 1, line 2, replace "and the movement of agricultural products during harvest" with "for vehicles on highways other than the interstate system"

Page 1, line 6, after "4." insert "a."

Page 1, line 7, overstrike "a specific motor vehicle" and insert immediately thereafter ":

- (1) A farmer's farm vehicle or a motor carrier hired by a farmer"

Page 1, line 11, after "~~from~~" insert ":

- (a) From"

Page 1, line 11, remove the overstrike over "~~the field of harvest to the point of initial storage~~"

Page 1, line 11, after "site" insert "or to the first point of sale and transfer of possession"

Page 1, line 12, replace ". and for the" with ":

- (b) From the point of initial storage to the first point of sale and transfer of possession during the current year's harvest; or

- (2) A specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854 kilograms]. The permits must provide only for the"

Page 1, line 14, after the period insert:

"b."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1041.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1041

In lieu of the amendments adopted by the Senate as printed on pages 872-874 of the Senate Journal, Reengrossed House Bill No. 1041 is amended as follows:

Page 1, line 4, replace "subsections" with "subsection"

Page 1, line 4, remove "and 6"

Page 1, line 7, replace "section 43-45-06" with "subsection 2 of section 39-20-01"

Page 1, line 11, remove "addiction counseling services,"

Page 1, line 14, remove "and"

Page 1, line 14, after "assembly" insert "; to provide an appropriation; to provide an effective date; and to declare an emergency"

Page 3, line 26, remove overstrike over "one"

Page 3, line 26, remove "two"

Page 3, line 26, remove "five hundred"

Page 6, remove lines 26 through 30

Page 7, remove lines 1 through 30

Page 8, remove lines 1 through 5

Page 8, after line 8 insert:

"1."

Page 8, line 11, remove "involving domestic violence; an offense"

Page 8, line 11, replace "section 12.1-17-07.1" with "chapters 12.1-06.2, 12.1-08, and 12.1-09, section 12.1-16-03"

Page 8, line 11, remove "chapter"

Page 8, line 12, replace "12.1-41, or sections" with "chapters 12.1-17, 12.1-18, and 12.1-22, section 12.1-23-02.1, chapter 12.1-25, an offense subject to registration under section 12.1-32-15, chapter 12.1-36, or section"

Page 8, line 12, replace "or 14-09-22" with ", including attempt, serving as an accomplice to an offense, or conspiracy to commit the offense"

Page 8, line 12, after the underscored semicolon insert "an attempt to commit"

Page 8, line 13, after "weapon" insert "or serving as an accomplice or in a conspiracy to commit an offense involving a firearm or dangerous weapon"

Page 8, line 13, remove "The sentencing court may"

Page 8, remove lines 14 and 15

Page 8, line 16, remove "aggravating factors on the record at the time of sentencing."

Page 8, after line 19, insert:

"2. This section does not apply to an offense committed under subsection 1 of section 12.1-22-02.

3. This section does not apply if the sentencing court finds there are aggravating factors present to justify a departure from presumptive probation. The sentencing court shall state the aggravating factors on the record at the time of sentencing. Aggravating factors include:

a. That the individual has plead guilty to, or has been found guilty of, a felony offense or class A misdemeanor offense prior to the date of

the commission of the offense or offenses charged in the complaint, information, or indictment;

- b. The age and vulnerability of the victim, whether the individual was in a position of responsibility or trust over the victim, or whether the individual abused a public position of responsibility or trust; or
- c. If the individual used threats or coercion in the commission of the offense."

Page 12, replace lines 16 through 26 with:

"SECTION 15. AMENDMENT. Subsection 2 of section 39-20-01 of the North Dakota Century Code is amended and reenacted as follows:

- 2. The test or tests must be administered at the direction of a law enforcement officer only after placing the individual, ~~except individuals mentioned in section 39-20-03,~~ under arrest and informing that individual that the individual is or will be charged with the offense of driving or being in actual physical control of a vehicle upon the public highways while under the influence of intoxicating liquor, drugs, or a combination thereof. For the purposes of this chapter, the taking into custody of a child under section 27-20-13 or an individual under twenty-one years of age satisfies the requirement of an arrest. The law enforcement officer shall determine which of the tests is to be used."

Page 16, after line 29, insert:

"SECTION 20. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES.

There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$110,916, or so much of the sum as may be necessary, and \$1,532,785 from federal funds, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing sections 16 and 17 of this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 21. EFFECTIVE DATE. Sections 7 and 8 of this Act become effective January 1, 2018.

SECTION 22. EMERGENCY. Sections 1 through 6, 9 through 14, and 16 and 17 of this Act are declared to be an emergency measure."

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1006, HB 1019, HB 1155.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1006

Page 1, replace lines 16 through 23 with:

| | | | |
|---------------------------|--------------|---------------|---------------|
| "Salaries and wages | \$21,528,135 | \$685,869 | \$22,214,004 |
| Operating expenses | 7,628,262 | (878,967) | 6,749,295 |
| Capital assets | 16,000 | (10,000) | 6,000 |
| Homestead tax credit | 18,690,000 | (3,890,000) | 14,800,000 |
| Disabled veterans' credit | 7,175,091 | 935,109 | 8,110,200 |
| Total all funds | \$55,037,488 | (\$3,157,989) | \$51,879,499 |
| Less estimated income | 125,000 | 0 | 125,000 |
| Total general fund | \$54,912,488 | (\$3,157,989) | \$51,754,499" |

Page 2, line 2, replace "\$380,646" with "\$353,067"

Page 2, line 3, replace "\$1,249" with "\$1,241"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1006 - State Tax Commissioner - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|---------------------------|----------------|------------------|-------------------|-------------------|
| Salaries and wages | \$21,528,135 | \$21,601,583 | \$612,421 | \$22,214,004 |
| Operating expenses | 7,628,262 | 6,749,295 | | 6,749,295 |
| Capital assets | 16,000 | 6,000 | | 6,000 |
| Homestead tax credit | 18,690,000 | 16,000,000 | (1,200,000) | 14,800,000 |
| Disabled veterans' credit | 7,175,091 | 6,910,200 | 1,200,000 | 8,110,200 |
| Total all funds | \$55,037,488 | \$51,267,078 | \$612,421 | \$51,879,499 |
| Less estimated income | 125,000 | 125,000 | 0 | 125,000 |
| General fund | \$54,912,488 | \$51,142,078 | \$612,421 | \$51,754,499 |
| FTE | 136.00 | 133.00 | 0.00 | 133.00 |

Department No. 127 - State Tax Commissioner - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Adds Funding for Salaries and Wages ² | Rebalances Funding for Tax Credit Programs ³ | Total Senate Changes |
|---------------------------|---|--|--|-------------------------|
| Salaries and wages | (\$27,579) | \$640,000 | | \$612,421 |
| Operating expenses | | | | |
| Capital assets | | | | |
| Homestead tax credit | | | (1,200,000) | (1,200,000) |
| Disabled veterans' credit | | | 1,200,000 | 1,200,000 |
| Total all funds | (\$27,579) | \$640,000 | \$0 | \$612,421 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | (\$27,579) | \$640,000 | \$0 | \$612,421 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is adjusted to reflect this change.

² Funding of \$640,000 from the general fund is added to restore funding for 4 FTE auditor positions that had been reduced as part of the 2015-17 biennium budget reductions.

³ Funding of \$1.2 million is transferred from the homestead tax credit program to the disabled veterans' tax credit program to align the appropriations with the anticipated funding needs for the 2017-19 biennium.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1019

Page 1, line 4, remove "to authorize the"

Page 1, line 5, remove "transfer of Dakota institute inventory;"

Page 1, line 5, after the second semicolon insert "to provide for a legislative management study;"

Page 1, replace lines 18 through 23 with:

| | | | |
|---------------------------------|--------------|-------------|--------------|
| "Administration | \$3,043,722 | \$625,006 | \$3,668,728 |
| Park operations and maintenance | 19,877,931 | 692,627 | 20,570,558 |
| Recreation | 6,407,120 | 632,434 | 7,039,554 |
| Total all funds | \$29,328,773 | \$1,950,067 | \$31,278,840 |

| | | | |
|-----------------------|-------------------|------------------|-------------------|
| Less estimated income | <u>14,517,835</u> | <u>3,871,726</u> | <u>18,389,561</u> |
| Total general fund | \$14,810,938 | (\$1,921,659) | \$12,889,279" |

Page 2, replace lines 11 through 14 with:

| | | | |
|--------------------------------------|------------------|------------------|--------------------|
| "Lewis and Clark interpretive center | <u>\$918,279</u> | <u>\$332,408</u> | <u>\$1,250,687</u> |
| Total all funds | \$918,279 | \$332,408 | \$1,250,687 |
| Less estimated income | <u>0</u> | <u>362,019</u> | <u>362,019</u> |
| Total general fund | \$918,279 | (\$29,611) | \$888,668" |

Page 2, replace lines 19 through 21 with:

| | | | |
|---------------------------|-------------------|------------------|-------------------|
| "Grand total general fund | \$16,702,916 | (\$2,048,640) | \$14,654,276 |
| Grand total special funds | <u>14,517,835</u> | <u>4,233,745</u> | <u>18,751,580</u> |
| Grand total all funds | \$31,220,751 | \$2,185,105 | \$33,405,856" |

Page 2, line 28, replace "\$188,889" with "\$181,775"

Page 2, line 28, replace "\$7,085" with "\$6,572"

Page 2, line 29, replace "\$1,249" with "\$1,241"

Page 3, line 22, after "**GRANT**" insert "**EXEMPTION - GRANT TO STATE HISTORICAL SOCIETY.**"

Page 3, line 23, after "funding" insert "received"

Page 3, line 24, replace "authorized by the sixty-fourth legislative assembly" with "during the 2015-17 biennium"

Page 3, line 24, remove "the purpose of"

Page 3, line 25, after "state" insert ". Notwithstanding section 4 of chapter 54 of the 2015 Session Laws, the parks and recreation department shall use this \$1,000,000 to provide a grant to the state historical society for defraying the expenses of double ditch historic site repairs for the biennium beginning July 1, 2017, and ending June 30, 2019"

Page 4, line 5, after "Laws" insert ", and continued in the 2015-17 biennium pursuant to section 9 of chapter 53 of the 2015 Session Laws,"

Page 4, after line 12, insert:

"SECTION 9. EXEMPTION - 2015-17 MATCHING FUNDS REQUIREMENT - INTERNATIONAL PEACE GARDEN. Notwithstanding the provisions of section 9 of chapter 53 of the 2015 Session Laws, relating to matching requirements, the International Peace Garden may spend up to \$100,000 of the funds appropriated in subdivision 2 of section 30 of chapter 15 of the 2013 Session Laws and continued in the 2015-17 biennium, without raising dollar-for-dollar matching funds prior to spending the funds, for the purpose of completing the demolition project of the peace towers, for the period beginning with the effective date of this Act and ending June 30, 2017."

Page 4, line 14, after "Laws" insert ", and any unexpended funds of up to \$950,000 of one-time funding for park enhancements included in the natural resources line item in section 34 of chapter 49 of the 2015 Session Laws, designated for the Lewis and Clark interpretive center,"

Page 4, line 26, remove "developing a plan for continued monitoring and patrolling of the trail"

Page 4, line 27, replace "systems, and to determine the feasibility of establishing an interpretive center" with "designing and implementing a radio communication system for continued monitoring and patrolling of the trail systems, and providing matching funds for grant-funded trail development projects in the Pembina Gorge"

Page 6, replace lines 15 through 21 with:

"SECTION 16. LEGISLATIVE MANAGEMENT STUDY - TRANSFER OF DAKOTA INSTITUTE INVENTORY. During the 2017-18 interim, the legislative management shall consider studying the feasibility and desirability of transferring the name Dakota institute and all rights, title, interests, and copyrights and up to eighty percent of any remaining inventory of any Dakota institute publication, book, or other document or production, regardless of format to Bismarck state college. The study must consider allowing Bismarck state college to transfer any rights, title, interests, copyrights, inventory of any of the Dakota institute's publications, books, or other documents or productions, regardless of format, to the author or producer of the document or production. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-sixth legislative assembly."

Page 6, line 22, remove "The sum of \$1,000,000 for developing recreation"

Page 6, remove line 23

Page 6, line 24, replace "section 1" with "Section 9"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1019 - Parks and Recreation Department - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|--|----------------|------------------|-------------------|-------------------|
| Administration | \$3,043,722 | \$3,669,483 | (\$755) | \$3,668,728 |
| Park operations and maintenance | 19,877,931 | 20,576,055 | (5,497) | 20,570,558 |
| Recreation | 6,407,120 | 7,039,985 | (431) | 7,039,554 |
| International Peace Garden | 973,699 | 876,329 | | 876,329 |
| Lewis and Clark Interpretive Center | 918,279 | 1,251,118 | (431) | 1,250,687 |
| Total all funds | \$31,220,751 | \$33,412,970 | (\$7,114) | \$33,405,856 |
| Less estimated income | 14,517,835 | 18,752,093 | (513) | 18,751,580 |
| General fund | \$16,702,916 | \$14,660,877 | (\$6,601) | \$14,654,276 |
| FTE | 66.00 | 62.50 | 0.00 | 62.50 |

Department No. 750 - Parks and Recreation Department - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Total Senate Changes |
|--|---|-------------------------|
| Administration | (\$755) | (\$755) |
| Park operations and maintenance | (5,497) | (5,497) |
| Recreation | (431) | (431) |
| International Peace Garden | | |
| Lewis and Clark Interpretive Center | (431) | (431) |
| Total all funds | (\$7,114) | (\$7,114) |
| Less estimated income | (513) | (513) |
| General fund | (\$6,601) | (\$6,601) |
| FTE | 0.00 | 0.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is adjusted to reflect this change.

This amendment also:

- Adjusts a section to direct the department to provide a \$1 million grant to the State Historical Society for the Double Ditch Historic Site repairs using funds received by the Parks and Recreation Department from the State Water Commission during the 2015-17 biennium.
- Adjusts a section to exempt any funds included in the International Peace Garden line item for repair of the Peace Tower in Section 9 of Chapter 53 of the 2015 Session Laws, from provisions of North Dakota Century Code Section 54-44.1-11, relating to cancellation of unexpended funds, and to allow \$100,000 of the funds to be used for the completion of the demolition project of the Peace Towers without meeting matching funds requirements.
- Adjusts a section to allow carryover of one-time funding of \$950,000 for the Lewis and Clark Interpretive Center.
- Adjusts a section relating to the use of \$116,000 of carryover funding relating to the Pembina Gorge area.
- Changes the section relating to the Dakota Institute inventory to a study of the inventory.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1155

Page 3, after line 2, insert:

"f. For purposes of this subsection, the calculation of total percentage general fund allotments made under section 54-44.1-12 must be based on total general fund allotments after any allotment exemption granted by the director of the budget compared to total general fund appropriations."

Page 3, line 24, overstrike the comma

Page 3, line 24, overstrike "that appropriations to the department of public instruction for state"

Page 3, overstrike lines 25 and 26

Page 3, line 27, overstrike "fund"

Page 3, line 27, remove the overstrike over "as follows:"

Page 4, after line 2, insert:

"a. The following appropriations may be allotted only to the extent that the allotment can be offset by transfers from the foundation aid stabilization fund:

- (1) General fund appropriations to the department of public instruction for state school aid, transportation aid, and special education aid; and
- (2) General fund appropriations to the department of career and technical education for grants to school districts.

b. The director of the budget may exempt the following appropriations from up to one percent of an allotment each biennium:

- (1) General fund appropriations to the department of corrections and rehabilitation; and
- (2) General fund appropriations to the department of human services for direct care programs."

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1425.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1170.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1244, HB 1329.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1085, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1085: Reps. D. Anderson; B. Anderson; Schneider

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

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

HB 1045: Sens. Cook; Laffen; Dotzenrod

HB 1166: Sens. Unruh; Bekkedahl; Dotzenrod

HB 1194: Sens. Luick; Osland; Nelson

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

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

HB 1204: Sens. Unruh; Kreun; Oban

HB 1339: Sens. D. Larson; Anderson; J. Lee

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2026, SB 2027, SB 2028, SB 2181, SB 2186, SB 2210, SB 2245, SB 2248, SB 2295, SB 2301, and SCR 4003.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2099, SB 2141, SB 2196, SB 2202, SB 2261, SB 2262, SB 2286, SB 2322, SB 2327, and SB 2342.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2033, SB 2039, SB 2041, SB 2047, SB 2135, SB 2149, SB 2189, SB 2253, and SB 2264, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2033: Sens. Anderson; J. Lee; Piepkorn

SB 2039: Sens. J. Lee; Kreun; Heckaman

SB 2041: Sens. Anderson; Clemens; Heckaman

SB 2047: Sens. Schaible; Cook; Kreun

SB 2135: Sens. Poolman; Hogue; Marcellais

SB 2149: Sens. Armstrong; D. Larson; Nelson

SB 2189: Sens. O. Larsen; Kreun; Piepkorn

SB 2253: Sens. Burckhard; Kannianen; Dotzenrod

SB 2264: Sens. O. Larsen; Clemens; Heckaman

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2052, SB 2090, SB 2116, SB 2161, SB 2166, SB 2183, SB 2216, SB 2270, SB 2303, and SB 2313, and the President has appointed as a conference committee to act with a like

committee from the House on:

SB 2052: Sens. J. Lee; Anderson; Heckaman
SB 2090: Sens. D. Larson; Osland; Nelson
SB 2116: Sens. O. Larsen; Kreun; Piepkorn
SB 2161: Sens. Anderson; Clemens; Piepkorn
SB 2166: Sens. Cook; Unruh; Dotzenrod
SB 2183: Sens. Bekkedahl; Vedaa; Marcellais
SB 2216: Sens. Myrdal; Luick; D. Larson
SB 2270: Sens. Kreun; Roers; Schaible
SB 2303: Sens. D. Larson; Osland; Nelson
SB 2313: Sens. Unruh; Armstrong; Oban

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

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

SB 2223: Reps. Sukut; Bosch; Dobervich
SB 2239: Reps. Westlind; B. Anderson; Dobervich
SB 2247: Reps. Grueneich; Rick C. Becker; M. Nelson
SB 2311: Reps. D. Ruby; Louser; Boschee

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1159, HB 1206, HB 1210, HB 1288, HB 1291, HB 1323, HB 1338, HB 1352.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2026, SB 2027, SB 2028, SB 2107, SB 2181, SB 2186, SB 2210, SB 2245, SB 2248, SB 2295, SB 2301, SCR 4003.

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

MR. SPEAKER: The President has signed: HB 1097, HB 1110, HB 1116, HB 1134, HB 1150, HCR 3014.

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

MR. SPEAKER: The President has signed: HB 1159, HB 1206, HB 1210, HB 1288, HB 1291, HB 1323, HB 1338, HB 1352.

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

MR. PRESIDENT: The Speaker has signed: HB 1097, HB 1110, HB 1116, HB 1134, HB 1150, HCR 3014.

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

MR. PRESIDENT: The Speaker has signed: HB 1159, HB 1206, HB 1210, HB 1288, HB 1291, HB 1323, HB 1338, HB 1352.

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

MR. PRESIDENT: The Speaker has signed: SB 2026, SB 2027, SB 2028, SB 2107, SB 2181, SB 2186, SB 2210, SB 2245, SB 2248, SB 2295, SB 2301, SCR 4003.

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

MR. SPEAKER: The President has signed: SB 2026, SB 2027, SB 2028, SB 2107, SB 2181, SB 2186, SB 2210, SB 2245, SB 2248, SB 2295, SB 2301, SCR 4003.

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

MR. SPEAKER: The President has signed: SB 2053, SB 2136, SB 2151, SB 2193, SB 2195, SB 2201, SB 2283, SB 2300, SB 2330.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 3, 2017: HB 1097, HB 1110, HB 1116, HB 1134, HB 1150, HB 1159, HB 1206, HB 1210, HB 1288, HB 1291, HB 1323, HB 1338, HB 1352.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 3, 2017: HCR 3014.

MOTION

REP. VIGESAA MOVED that the absent members be excused, which motion prevailed.

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 8:30 a.m., Tuesday, April 4, 2017, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2006, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2006 was placed on the Sixth order on the calendar.

Page 1, replace line 12 with:

| | | | |
|---------------------|-------------|------------|--------------|
| "Salaries and wages | \$1,447,637 | (\$16,415) | \$1,431,222" |
|---------------------|-------------|------------|--------------|

Page 1, replace lines 15 through 17 with:

| | | | |
|-----------------------|-------------------|------------------|-------------------|
| "Grants | <u>7,434,500</u> | <u>(284,500)</u> | <u>7,150,000</u> |
| Total all funds | \$11,242,517 | (\$357,105) | \$10,885,412 |
| Less estimated income | <u>10,308,017</u> | <u>(322,605)</u> | <u>9,985,412"</u> |

Page 1, after line 19, insert:

"SECTION 2. HEALTH INSURANCE INCREASE. The salaries and wages line item in section 1 of this Act includes the sum of \$18,583 from other funds for increases in employee health insurance premiums from \$1,130 to \$1,241 per month."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2006 - Aeronautics Commission - House Action**

| | Base Budget | Senate Version | House Changes | House Version |
|-----------------------|-------------------|------------------|----------------|------------------|
| Salaries and wages | \$1,447,637 | \$1,432,674 | (\$1,452) | \$1,431,222 |
| Operating expenses | 2,060,380 | 2,204,190 | | 2,204,190 |
| Capital assets | 300,000 | 100,000 | | 100,000 |
| Grants | <u>7,434,500</u> | <u>7,000,000</u> | <u>150,000</u> | <u>7,150,000</u> |
| Total all funds | \$11,242,517 | \$10,736,864 | \$148,548 | \$10,885,412 |
| Less estimated income | <u>10,308,017</u> | <u>9,836,864</u> | <u>148,548</u> | <u>9,985,412</u> |
| General fund | \$934,500 | \$900,000 | \$0 | \$900,000 |
| FTE | 7.00 | 7.00 | 0.00 | 7.00 |

Department No. 412 - Aeronautics Commission - Detail of House Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Adds Funding for Grants ² | Total House Changes |
|-----------------------|---|--------------------------------------|---------------------|
| Salaries and wages | (\$1,452) | | (\$1,452) |
| Operating expenses | | | |
| Capital assets | | | |
| Grants | | <u>150,000</u> | <u>150,000</u> |
| Total all funds | (\$1,452) | \$150,000 | \$148,548 |
| Less estimated income | <u>(1,452)</u> | <u>150,000</u> | <u>148,548</u> |
| General fund | \$0 | \$0 | \$0 |

FTE

0.00

0.00

0.00

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

² Special funds spending authority is increased by \$150,000 as a result of House Bill No. 1217. House Bill No. 1217 removes a discount of up to 50 percent on aircraft registration fees.

A section is added identifying the cost of the health insurance premium increase.

REPORT OF STANDING COMMITTEE

SB 2025, as reengrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Reengrossed SB 2025 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 19 with:

| | | | |
|---------------------------------|-------------|-------------|-------------|
| "Veterans' affairs | \$1,379,982 | (\$211,967) | \$1,168,015 |
| Agent orange | 50,000 | (50,000) | 0 |
| State approving agency | 288,018 | (16,020) | 271,998 |
| Grants - transportation program | 0 | 1,719,520 | 1,719,520 |
| Transport vans | 0 | 37,200 | 37,200 |
| Total all funds | \$1,718,000 | \$1,478,733 | \$3,196,733 |
| Less estimated income | 288,018 | 1,803,553 | 2,091,571 |
| Total general fund | \$1,429,982 | (\$324,820) | \$1,105,162 |
| Full-time equivalent positions | 9.00 | (2.00) | 7.00 |

SECTION 2. HEALTH INSURANCE INCREASES. The salaries and wages line item in section 1 of this Act includes the sum of \$18,581, of which \$15,431 is from the general fund, for increases in employee health insurance premiums from \$1,130 to \$1,241 per month."

Page 1, remove line 23

Page 2, replace lines 1 and 2 with:

| | | |
|--------------------------|----------|----------|
| "Service dogs | \$50,000 | \$0 |
| Desktop support hardware | 26,895 | 0 |
| Transport vans | 0 | 18,600 |
| Total general fund | \$76,895 | \$18,600 |

The 2017-19 one-time funding amounts are not a part of the entity's base budget for the 2019-21 biennium. The department of veterans' affairs shall report to the appropriations committees of the sixty-sixth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2017, and ending June 30, 2019."

Page 2, line 5, replace "\$50,000" with "\$25,000"

Page 2, line 6, replace "four" with "two"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2025 - Department of Veterans' Affairs - House Action

Base
Budget

Senate
Version

House
Changes

House
Version

| | | | | |
|---------------------------------|-------------|-------------|-------------|-------------|
| Veterans' affairs | \$1,379,982 | \$1,314,224 | (\$146,209) | \$1,168,015 |
| State approving agency | 288,018 | 272,240 | (242) | 271,998 |
| Agent orange | 50,000 | | | |
| Grants - transportation program | | 1,719,520 | | 1,719,520 |
| Service Dogs | | 50,000 | (25,000) | 25,000 |
| Transport vans | | | 37,200 | 37,200 |
| Total all funds | \$1,718,000 | \$3,355,984 | (\$134,251) | \$3,221,733 |
| Less estimated income | 288,018 | 2,091,817 | (246) | 2,091,571 |
| General fund | \$1,429,982 | \$1,264,167 | (\$134,005) | \$1,130,162 |
| FTE | 9.00 | 8.00 | (1.00) | 7.00 |

Department No. 321 - Department of Veterans' Affairs - Detail of House Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Removes 1 FTE Position ² | Adjusts Funding for Service Dogs ³ | Adjusts Funding for Transport Vans ⁴ | Adds One-Time Funding for Transport Vans ⁵ | Total House Changes |
|---------------------------------|--|--|---|---|---|------------------------|
| Veterans' affairs | (\$1,209) | (\$130,000) | | (\$15,000) | | (\$146,209) |
| State approving agency | (242) | | | | | (242) |
| Agent orange | | | | | | |
| Grants - transportation program | | | | | | |
| Service Dogs | | | (25,000) | | | (25,000) |
| Transport vans | | | | 18,600 | 18,600 | 37,200 |
| Total all funds | (\$1,451) | (\$130,000) | (\$25,000) | \$3,600 | \$18,600 | (\$134,251) |
| Less estimated income | (246) | 0 | 0 | 0 | 0 | (246) |
| General fund | (\$1,205) | (\$130,000) | (\$25,000) | \$3,600 | \$18,600 | (\$134,005) |
| FTE | 0.00 | (1.00) | 0.00 | 0.00 | 0.00 | (1.00) |

¹ Funding for employee health insurance in adjusted to reflect the updated premium amount of \$1,241 per month.

² Funding for 1 FTE position and related funding is removed. The Senate also removed 1 FTE position, resulting in a total of 2 FTE positions removed from the base budget.

³ Funding for service dogs training is reduced by \$25,000 from the general fund, to provide a total of \$25,000 for training up to two service dogs to assist North Dakota veterans with posttraumatic stress disorder. The Senate provided \$50,000 to train up to four service dogs. Section 4 is also adjusted to reflect this revised amount.

⁴ Funding of \$15,000 from the general fund is moved from the veterans' affairs line item to a transport vans line item. An additional \$3,600 is also added from the general fund to the transport vans line item.

⁵ One-time funding of \$18,600 is added from the general fund for transport vans, resulting in total funding of \$37,200 for transport vans. The cost to purchase a transport van is approximately \$18,600. As amended by the House, the Department of Veterans' Affairs would have authority to purchase two transport vans during the 2017-19 biennium, using \$18,600 of ongoing funding and \$18,600 of one-time funding. The Senate approved funding of \$15,000 for transport vans.

This amendment also adds a section to identify the amount of funding included in the bill for the increase in employee health insurance premiums.

REPORT OF STANDING COMMITTEE

SB 2156: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2156 was placed on the Sixth order on the calendar.

Page 1, line 2, after "to" insert "definitions, permitting required for underground storage and retrieval or waste disposal facilities, and the"

Page 1, line 2, after "material" insert "; and to provide for a legislative management study"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 23-20.2-02 of the North Dakota Century Code is amended and reenacted as follows:

23-20.2-02. Definitions.

As used in this chapter:

1. "Commission" means the industrial commission of North Dakota.
2. "High-level radioactive waste material" means the highly radioactive material resulting from the reprocessing of spent nuclear fuel, and other highly radioactive material, which contains fission products in sufficient concentrations to require permanent isolation under federal law, including liquid waste produced directly in reprocessing and any solid material derived from the liquid waste.
3. "Person" includes any natural person, corporation, limited liability company, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or other representative of any kind, and includes any department, agency, or instrumentality of the state or of any governmental subdivision thereof.
- ~~3-4.~~ "Underground disposal facility" means any drilled, bored, or excavated device or installation to provide for the subsurface disposal of waste. The term does not include a solid waste management facility authorized under chapter 23-29.
- ~~4-5.~~ "Underground storage and retrieval facility" means any drilled, bored, or excavated device or installation to provide for the subsurface emplacement and recovery of materials.
- ~~5-6.~~ "Waste" includes liquid wastes, gaseous wastes, and solid wastes ~~as defined in section 23-29-03 and all unusable industrial material including spent nuclear fuels and other unusable radioactive material not brought into this state for disposal.~~

SECTION 2. AMENDMENT. Section 23-20.2-04 of the North Dakota Century Code is amended and reenacted as follows:

23-20.2-04. Permit required - Denial of permit - Review.

It is unlawful to commence any operations for the testing, exploration, excavating, drilling, boring, or construction of an underground storage and retrieval facility; an underground waste disposal facility; or the conversion of any existing facility for use in any activity regulated by this chapter, without first securing a permit from the commission. A permit may not be issued until after notice and hearing, and payment of a fee for each permit in an amount to be prescribed by the commission, but not in excess of one thousand dollars. Each permit application must include:

1. A general discussion or description of the activity to be permitted.
2. A detailed description and discussion of the nature of the material to be stored, retrieved, or disposed of.
3. A detailed description and discussion of the mechanical construction and operating procedures of the facility.
4. A justification for the need for the facility to be permitted.

5. A detailed discussion and description of the subsurface geology and hydrology of the area to be affected by the construction and operation of the facility to be permitted.
6. A detailed description and discussion of a monitoring system to be used to ascertain the integrity of the facility and to ensure compliance with the provisions of this chapter.
7. A detailed description and discussion of a reclamation program for the restoration of the surface as nearly as possible to its original condition and productivity upon expiration of the permit or termination of any activities regulated by this chapter.
8. Any other information required by the commission.

The commission may, following the hearing required herein, deny an application and refund the license fee. A person denied a permit may appeal such denial in accordance with the provisions of sections 28-32-42 through 28-32-49. All fees collected pursuant to this section, or penalties collected pursuant to section 23-20.2-06, must be deposited in the general fund in the state treasury. The permit required by this chapter is in addition to all other permits required by law."

Page 1, line 6, after "**of**" insert "**high-level**"

Page 1, line 6, after "**Legislative**" insert "**and local zoning**"

Page 1, line 6, remove "- "

Page 1, line 7, remove "**County and water resource district approval required**"

Page 1, line 9, after "any" insert "**high-level**"

Page 1, line 11, remove "and prior"

Page 1, remove line 12

Page 1, line 13, remove "within the county in which the radioactive waste is proposed to be deposited"

Page 1, remove lines 14 through 17

Page 1, line 18, remove "3."

Page 1, line 18, remove "For purposes of this section, "radioactive""

Page 1, line 18, overstrike "waste material"

Page 1, line 18, remove the underscored quotation

Page 1, line 18, overstrike "means waste"

Page 1, overstrike lines 19 through 21 and insert immediately thereafter "A county's zoning approval may not preclude the disposal development if approved by the legislative assembly, but may regulate the size, scope, and location."

2. A person may not conduct any testing or exploration for the development of a storage or disposal facility for high-level radioactive waste material to be brought into the state unless prior approval has been granted by concurrent resolution passed by the legislative assembly.

SECTION 4. LEGISLATIVE MANAGEMENT STUDY. During the 2017-18 interim, the legislative management shall consider studying, in consultation with the geological division of the department of mineral resources and the environmental health section of the state department of health, whether state and local level regulation of high-level radioactive waste disposal is consistent with applicable

federal regulations; how to ensure the state has proper input into the federal location selection process for high-level radioactive waste material deposits; the mechanisms for calling a special session to approve the depositing of high-level radioactive waste material in the state and the notice of disapproval requirements under federal law; special laws, local laws, and existing code regarding the potential existence of a legislative veto over executive branch authority to determine the size, scope, and location of high-level radioactive waste material deposits in the state and any existing conflicts with the commerce clause; and the feasibility and desirability of developing new statutes and regulations for subsurface disposal of waste and the storage and retrieval of material. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2221, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2221 was placed on the Sixth order on the calendar.

Page 11, line 22, replace "One-fourth" with "One-half"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the percentage of the amount wagered for historic horse racing that is deposited in the general fund from one-fourth of one percent to one-half of one percent.

REPORT OF STANDING COMMITTEE

SB 2272, as reengrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2272, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the House as printed on page 1016 of the House Journal, Reengrossed Senate Bill No. 2272 is further amended as follows:

Page 14, line 4, replace "\$10,000,000" with "\$6,000,000"

Page 14, line 11, remove "as follows:"

Page 14, line 12, replace "a. For Tier 1 funding, the" with ". The"

Page 14, line 13, remove "; or"

Page 14, remove line 14

Page 14, line 15, remove "students and must be at least ten students"

Page 14, line 22, remove the colon

Page 14, line 23, remove "(1)"

Page 14, line 23, remove "for Tier 1 funding; or"

Page 14, line 24, remove "(2) \$2,000 for Tier 2 funding"

Page 15, line 6, replace "\$1,000,000" with "\$500,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides for the following:

- Reduces funding from the foundation aid stabilization fund for rapid enrollment grants from \$10 million to \$6 million and removes Tier 2 schools from being eligible to receive a grant.
- Reduces funding from the foundation aid stabilization fund for English language learner grants from \$1 million to \$500,000.

REPORT OF STANDING COMMITTEE

SB 2298, as engrossed and amended: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2298, as amended, was placed on the Sixth order on the calendar.

Page 2, replace lines 9 and 10 with:

"SECTION 3. CONTINGENT EFFECTIVE DATE. This Act becomes effective on the date the United States Supreme Court issues an opinion overturning Quill v. North Dakota, 504 U.S. 298 (1992), or otherwise confirming a state may constitutionally impose its sales or use tax upon an out-of-state seller in circumstances similar to those specified in section 1 of this Act."

Renumber accordingly

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

Buell J. Reich, Chief Clerk