

JOURNAL OF THE HOUSE

Sixty-fifth Legislative Assembly

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Bismarck, April 12, 2017

The House convened at 8:00 a.m., with Speaker Bellew presiding.

The prayer was offered by Pastor Bob Caranicas, Good Shepherd Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Kiefert, Kreidt, Mitskog, Oliver, and Simons.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 10, 2017, I have signed the following: HB 1144, HB 1149, HB 1156, HB 1198, HB 1251, HB 1255, and HB 1330.

ANNOUNCEMENT

SPEAKER BELLEW ANNOUNCED that Rep. Weisz will replace Rep. Brandenburg on the Conference Committee on HB 1003.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Engrossed HB 1023 as printed on HJ pages 1579-1580, which motion prevailed on a voice vote.

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 2004 and Engrossed SB 2021, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2004: Reps. Pollert, Meier, Holman

Engrossed SB 2021: Reps. Nathe, Boehning, Brabandt

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SEIBEL MOVED that the conference committee report on Engrossed HB 1120 as printed on HJ page 1594 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RICH S. BECKER MOVED that the conference committee report on Reengrossed HB 1389 as printed on HJ pages 1594-1595 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1389, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1389: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to parental directives.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 77 YEAS, 12 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hatlestad; Headland;

Heinert; Hogan; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Koppelman, B.; Koppelman, K.; Laning; Lefor; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Olson; Owens; Paur; Pollert; Porter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Speaker Bellew

NAYS: Anderson, P.; Delmore; Hanson; Holman; Keiser; Klemin; Longmuir; Nelson, M.; O'Brien; Pyle; Schreiber-Beck; Zubke

ABSENT AND NOT VOTING: Kiefert; Kreidt; Mitskog; Oliver; Simons

Reengrossed HB 1389 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. LONGMUIR MOVED that the conference committee report on Engrossed SB 2316 as printed on HJ page 1595 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HATLESTAD MOVED that the conference committee report on Engrossed SB 2264 as printed on HJ page 1596 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2264, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2264: A BILL for an Act to amend and reenact subsection 2 of section 23-01-05.5 of the North Dakota Century Code, relating to providing notification of the report of death to the next of kin or authorized representative of the deceased.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; 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; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Kiefert; Kreidt; Mitskog; Oliver; Simons

Engrossed SB 2264, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BEADLE MOVED that the conference committee report on Engrossed SB 2253 as printed on HJ page 1597 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2253, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2253: A BILL for an Act to create and enact a new section to chapter 47-09 of the North Dakota Century Code, relating to transfers of land between any federal, state, or local governmental entities; and to provide for retroactive application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; 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; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Kiefert; Kreidt; Mitskog; Oliver; Simons

Engrossed SB 2253, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KLEMIN MOVED that the conference committee report on SB 2161 as printed on HJ page 1597 be adopted, which motion prevailed on a voice vote.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1044.

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 1023, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1023: Reps. Vigasaa; Boehning; Keiser

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 1221: Sens. Armstrong; Myrdal; Nelson

HB 1275: Sens. Davison; Schaible; Kannianen

HB 1369: Sens. Davison; Meyer; Marcellais

HB 1392: Sens. Armstrong; Myrdal; Nelson

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2013, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2013: Sens. Dever; Wanzek; Grabinger

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 2004: Reps. Pollert; Meier; Holman

SB 2021: Reps. Nathe; Boehning; Brabandt

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

MR. PRESIDENT: The Speaker has appointed Rep. Weisz to replace Rep. Brandenburg on

the Conference Committee on HB 1003.

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

MR. SPEAKER: The President has appointed Sen. Osland to replace Sen. D. Larson on the Conference Committee on HB 1041.

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

MR. SPEAKER: The President has appointed Sen. Osland to replace Sen. D. Larson on the Conference Committee on HB 1269.

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

MR. SPEAKER: The President has appointed Sen. Cook to replace Sen. Armstrong on the Conference Committee on SB 2134.

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

MR. SPEAKER: The President has appointed Sen. Armstrong to replace Sen. D. Larson on the Conference Committee on SB 2216.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2183.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1120.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2161, SB 2316.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1389.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2253, SB 2264.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2037, SB 2116, SB 2189.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1045, HB 1204, HB 1216, HB 1334, HB 1339, HB 1390.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2090, SB 2223, SB 2303.

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

MR. SPEAKER: The President has signed: HB 1045, HB 1204, HB 1216, HB 1334, HB 1339, HB 1390.

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

MR. PRESIDENT: The Speaker has signed: HB 1009, HB 1011, HB 1017, HB 1021, HB 1037, HB 1043, HB 1060, HB 1096, HB 1183, HB 1194, HB 1195, HB 1318, HB 1387, HB 1418, HB 1433, HCR 3035.

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

MR. PRESIDENT: The Speaker has signed: HB 1045, HB 1390.

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

MR. PRESIDENT: The Speaker has signed: SB 2090, SB 2223, SB 2303.

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

MR. SPEAKER: The President has signed: SB 2090, SB 2223, SB 2303.

REPORT OF STANDING COMMITTEE

SB 2206, as engrossed and amended: Finance and Taxation Committee (Rep. Headland, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2206, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 1231 and 1232 of the House Journal, Engrossed Senate Bill No. 2206 is amended as follows:

Page 1, line 1, remove "and a new section to chapter 57-20"

Page 1, line 3, remove "and a credit against payments in lieu of taxes paid by"

Page 1, line 4, remove "centrally assessed companies"

Page 1, line 5, after the first comma insert "50-06-20.1, and"

Page 1, line 5, replace "sections 57-15-06 and" with "section"

Page 1, line 7, after the comma insert "the human service grant program,"

Page 1, line 8, after the semicolon insert "to suspend chapter 50-03 and sections 50-06-20.1 and 50-06.2-05 of the North Dakota Century Code, relating to county human services funds, the human services grant program, and county human services levy authority;"

Page 1, line 8, remove "chapter 50-03 and sections 50-06-20.1,"

Page 1, line 9, replace "50-06.2-05, and" with "section"

Page 1, line 9, remove "county human"

Page 1, remove line 10

Page 1, line 11, remove "services, and the"

Page 1, line 11, replace the second "and" with "to provide for a report to the legislative management; to provide an appropriation;"

Page 1, line 11, after "date" insert "; and to provide an expiration date"

Page 3, after line 26, insert:

"SECTION 2. AMENDMENT. Section 11-23-01 of the North Dakota Century Code is amended and reenacted as follows:

11-23-01. Officers required to furnish commissioners with departmental budget.

1. Every officer in charge of any institution, office, or undertaking supported wholly or in part by the county shall file with the board of county commissioners a departmental budget that is prescribed by the state auditor. The departmental budget must include an itemized statement of the estimated amount of money that will be required for the maintenance, operation, or improvement of the institution, office, or undertaking for the ensuing year. The board of county commissioners may require additional information to clarify the departmental budget.
2. a. The departmental budget submitted by the county social service board in ~~2015~~2019 for the ~~2016~~2020 budget may not exceed an amount determined using the departmental budget submitted in ~~2014~~2016 by the county social service board as a starting point, subtracting the reduction in the county's social service funding responsibility for ~~2014~~2016 derived from transferring the county

social service costs identified in this subdivision from the county social service board to the department of human services, and applying to the resulting amount the percentage salary and benefits increase provided by legislative appropriations for state employees for taxable year ~~2015~~²⁰¹⁹. For purposes of this subdivision, the reduction in the county's social service funding responsibility derived from transferring the county social service costs identified in this subdivision from the county social service board to the department of human services includes the following:

- (1) Foster care and subsidized adoption costs that would have been paid by the county after December 31, 2015;
- (2) The county's share of grant costs for medical assistance in the form of payments for care furnished to recipients of therapeutic foster care services which would have been paid by the county after December 31, 2015;
- (3) The county's share of the costs for service payments to the elderly and disabled which would have been paid by the county after December 15, 2015;
- (4) The county's share of salary and benefits for family preservation services pursuant to section 50-06-05.8 which would have been paid by the county after December 31, 2015;
- (5) The county's share of the cost of the electronic benefits transfers for the supplemental nutrition assistance program which would have been paid by the county after December 31, 2015; and
- (6) The computer processing costs which would have been paid by the county after December 31, 2015, which exceed the county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996.

- b. ~~The departmental budget submitted by the county social service board in 2016 for the 2017 budget may not exceed an amount determined using the 2015 departmental budget as a starting point and applying to that amount the percentage salary and benefits increase provided by legislative appropriations for state employees for 2016.~~
- e. ~~The budget must include a statement identifying the total savings to the county as shown by a reduction in the amounts that otherwise would have been paid by the county to the department of human services for the costs identified in subdivision a. The department of human services shall determine the appropriate amount of what each county's costs would have been to help identify each county's total savings.~~

The county share of the human service budget must be funded entirely from the county's property tax levy for that purpose and the county may not use funds from any other source to supplement the human services budget, with the exception that the county may make use of the identifiable amount of other sources the county has used to supplement its human services budget for 2015 and the county may use grant funds that may be available to the county under section 50-06-20.1.

- d.c. The department of human services shall develop a process to review a request from a county social service board for any proposed increase in staff needed as a result of significantly increased

caseloads for state-funded human services programs, if the increase in staff would result in the county exceeding the budget limitation established under this subsection. As part of its review process, the department shall review countywide caseload information and consider the option of multicounty sharing of staff. If the department approves a request for a proposed increase in staff, the county budget limitation established under subdivision b may be increased by the amount determined necessary by the department to fund the approved additional staff."

Page 5, after line 28, insert:

"SECTION 5. AMENDMENT. Section 50-06-05.8 of the North Dakota Century Code is amended and reenacted as follows:

50-06-05.8. Department to assume certain costs of certain social service programs.

Notwithstanding section 50-06.2-05, or any other provision in title 50 to the contrary, and in addition to the programs identified in section 50-06-20, the department of human services shall pay the local expenses of administration incurred by a county after December 31, 2015~~2019~~, for family preservation programs; a county's share of the cost of the electronic benefits transfers for the supplemental nutrition assistance program incurred after December 31, 2015~~2019~~; and the computer processing costs incurred by the county after December 31, 2015~~2019~~, which exceed the county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996.

SECTION 6. AMENDMENT. Section 50-06-20.1 of the North Dakota Century Code is amended and reenacted as follows:

50-06-20.1. Human services grant program - Eligible counties - Reports.

1. ~~If the authority for counties to use emergency expenditures to address an emergency created by unusual and unanticipated demands on the counties' human services fund under chapter 50-03 is eliminated, the~~The department shall establish~~administer~~ a grant program to assist certain counties. An eligible county is one that historically has utilized the emergency expenditures process set forth in chapter 50-03 and which is adjacent to or part of an Indian reservation in this state, which contains Indian trust lands within the service area of a federally recognized Indian tribe which are occupied by enrolled members of that tribe, or which includes the state hospital created pursuant to subsection 8 of section 12 of article IX of the Constitution of North Dakota.
2. The grant program established in this section must be implemented through rulemaking under chapter 28-32. The department ~~may adopt emergency rules, without application of the grounds for emergency rulemaking otherwise required under section 28-32-03, to set out the policies and procedures for the disbursement of grants and may not~~ award more than one million nine hundred thousand dollars during the first year of a biennium, and no more than two million dollars during the second year of a biennium. The department shall notify a county of its approved funding no later than September first of each year of the biennium. The department shall issue an annual payment to counties receiving funds under this chapter in January of each year of the biennium.
3. The department shall report to the budget section annually and to the appropriations committees of the ~~sixty-fifth~~sixty-seventh legislative assembly and each succeeding legislative assembly on the funding approved under this section."

Page 7, line 6, after "**50-34-01.**" insert "**State-paid economic assistance and social service pilot program - Application - Report.**"

1. The department of human services shall administer a statewide pilot program for state funding of staffing and administrative costs related to the administration of economic assistance and social service programs.
2. Payments must be distributed to service areas pursuant to the formula in section 50-34-05 with the first formula payment distributions commencing in January 2018.
3. Services areas shall cooperate with the department of human service to adopt administrative and operational cost savings methodologies and determine options for consolidations.
4. The director shall appoint a committee to study the operation of the pilot program and develop a plan for the permanent implementation of the formula established in section 50-34-05.
5. Before November 1, 2018, the department of human services shall report to the legislative management on the status of the pilot program and the development of a plan for permanent implementation of the formula established in section 50-34-05. The implementation plan must include recommendations for caseloads and outcomes for social services, designated child welfare services, and economic assistance; considerations regarding the delivery of county social services to ensure appropriate and adequate levels of service continue; options for efficiencies and aggregation; analysis of the potential reduction in social service offices, organizations, and staff due to consolidations; the timeline for transitioning county social service staff to the department of human services; and considerations for oversight and chain of command within social services and human services. The implementation plan must be submitted to the sixty-sixth legislative assembly as part of the department of human services budget request and identify the estimated biennial cost of the plan.

50-34-02."

Page 7, line 15, remove "Economic assistance adjusted base year gross expenditures" means an amount"

Page 7, remove lines 16 and 17

Page 7, line 18, remove "5."

Page 7, remove lines 20 through 22

Page 7, line 23, replace **"50-34-02"** with **"50-34-03"**

Page 7, line 25, replace "50-34-07" with "50-34-05"

Page 7, line 27, replace ". Beginning" with ". and for calendar year 2019 on or before"

Page 7, line 28, remove ". and on or before June first of each year thereafter, the director shall"

Page 7, line 29, remove "notify each service area of its formula payment for the subsequent calendar year"

Page 8, line 5, replace "50-34-07" with "50-34-05"

Page 8, line 21, replace "50-34-08" with "50-34-06"

Page 8, remove lines 22 through 30

Page 9, remove lines 1 through 28

Page 10, line 10, remove "a."

Page 10, line 13, remove "adjusted"

Page 10, remove lines 14 through 18

Page 10, line 22, remove "a."

Page 10, line 25, remove "adjusted"

Page 10, remove lines 26 through 30

Page 11, remove lines 1 through 31

Page 12, remove lines 1 through 3

Page 12, line 4, replace "50-34-07" with "50-34-05"

Page 12, line 7, remove "weighted"

Page 12, line 10, remove "weighted"

Page 12, line 13, remove "as follows:"

Page 12, line 14, replace "a. For calendar year 2018 formula payment calculations, the"
with "to ensure the service area's"

Page 12, line 14, remove "must"

Page 12, line 15, replace "be" with "is"

Page 12, line 15, remove "two"

Page 12, line 15, replace "ten" with "five"

Page 12, line 16, remove "adjusted"

Page 12, line 17, remove "adjusted"

Page 12, remove lines 18 through 31

Page 13, remove lines 1 through 30

Page 14, remove lines 1 through 6

Page 14, line 7, replace "50-34-08" with "50-34-06"

Page 14, line 18, replace "50-34-09" with "50-34-07"

Page 14, line 20, replace "50-34-08" with "50-34-06"

Page 14, line 21, replace "50-34-08" with "50-34-06"

Page 14, line 26, remove "and on January first of each year thereafter."

Page 14, line 27, replace "50-34-08" with "50-34-06"

Page 14, line 28, replace "50-34-02" with "50-34-03"

Page 15, remove lines 1 through 30

Page 16, remove lines 1 through 11

Page 16, line 12, replace "50-34-11" with "50-34-08"

Page 17, remove lines 18 through 31

Page 18, replace lines 1 through 12 with:

"SECTION 10. AMENDMENT. Subsection 3 of section 57-15-01.1 of the North Dakota Century Code is amended and reenacted as follows:

3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
 - a. Reduced by an amount equal to the sum determined by application of the base year's calculated mill rate for that taxing district to the final base year taxable valuation of any taxable property and property exempt by local discretion or charitable status which is not included in the taxing district for the budget year but was included in the taxing district for the base year.
 - b. Increased by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final budget year taxable valuation of any taxable property or property exempt by local discretion or charitable status which was not included in the taxing district for the base year but which is included in the taxing district for the budget year.
 - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district. For purposes of this subdivision, an expired temporary mill levy increase does not include a school district general fund mill rate exceeding one hundred ten mills which has expired or has not received approval of electors for an extension under subsection 2 of section 57-64-03.
 - d. ~~If the base year is a taxable year before 2013, reduced~~Reduced by the amount of state aid under chapter 15.1-27, which is determined by multiplying the budget year taxable valuation of the school district by the lesser of:
 - (1) ~~The~~the base year mill rate of the school district minus sixty mills; or
 - (2) ~~Fifty~~fifty mills, if the base year is a taxable year before 2013.
 - e. ~~If~~Reduced by the base year human services county levy in dollars if the base year is a taxable year ~~before 2016~~after 2018, the base year human services county levy in dollars must be reduced to the amount of the county social service board budget levy for the budget year as determined under section 11-23-01."

Page 21, line 18, remove "sum of the following."

Page 21, line 19, remove "(a) The"

Page 21, line 20, replace "50-34-02" with "50-34-03"

Page 21, line 21, remove ";and"

Page 21, remove lines 22 through 30

Page 22, replace lines 1 thorough 17 with:

"SECTION 13. AMENDMENT. Subdivision c of subsection 1 of section 57-20-07.1 of the North Dakota Century Code is amended and reenacted as follows:

- c. Provide information identifying the property tax savings provided by the state of North Dakota. The tax statement must include a line item that is entitled "legislative tax relief" and identifies the dollar amount of property tax savings realized by the taxpayer under chapter 15.1-27 ~~and under~~ section 57-20-07.2 for taxable years before 2018, and chapter 50-34 for taxable years 2018 and 2019. For purposes of this subdivision, legislative tax relief under chapter 15.1-27 is determined by multiplying the taxable value for the taxable year for each parcel shown on the tax statement by the number of mills of mill levy reduction grant under chapter 57-64 for the 2012 taxable year plus the number of mills determined by subtracting from the 2012 taxable year mill rate of the school district in which the parcel is located the lesser of:

- (1) Fifty mills; or
- (2) The 2012 taxable year mill rate of the school district minus sixty mills.

SECTION 14. SUSPENSION. Chapter 50-03 and section 50-06-20.1 of the North Dakota Century Code are suspended.

SECTION 15. SUSPENSION. Section 50-06.2-05 of the North Dakota Century Code is suspended."

Page 22, after line 18, insert:

"SECTION 17. FUNDING FOR STATE-PAID ECONOMIC ASSISTANCE AND SOCIAL SERVICES PILOT PROGRAM - APPROPRIATION - DEPARTMENT OF HUMAN SERVICES. A total of \$161,000,000 from the general fund is available to the department of human services for the state-paid economic assistance and social services pilot program for the biennium beginning July 1, 2017, and ending June 30, 2019, as follows:

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$135,000,000 or so much of the sum as may be necessary, to the department of human services for the purpose of defraying the expenses of the state-paid economic assistance and social services pilot program for the biennium beginning July 1, 2017, and ending June 30, 2019.
2. The department of human services shall also use \$26,000,000 from the department of human services' general fund appropriation in House Bill No. 1012, as approved by the sixty-fifth legislative assembly, for the purpose of defraying the expenses of the state-paid economic assistance and social services pilot program for the biennium beginning July 1, 2017, and ending June 30, 2019."

Page 22, line 19, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 22, line 19, remove "Sections 6, 7, 8, 9, 10, and 13 of this Act are effective for"

Page 22, remove lines 20 and 21

Page 22, replace "beginning after December 31, 2017" with "Sections 9, 11, 12, and 15 of this Act are effective for the first two taxable years beginning after December 31, 2016, and are thereafter ineffective. Section 16 of this Act is effective for taxable years beginning after December 31, 2016. Sections 1, 3, 8, and 14 of this Act are effective August 1, 2017, through July 31, 2019, and are thereafter ineffective. Sections 4 and 7 of this Act are effective August 1, 2017, through December 31, 2019, and are thereafter ineffective. Sections 10 and 13 of this Act are effective for taxable years beginning after December 31, 2018. Sections 2 and 6 of this Act

become effective on August 1, 2019. Section 5 of this Act becomes effective on January 1, 2020"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

HB 1025, as engrossed: Your conference committee (Sens. Roers, Schaible, Oban and Reps. D. Anderson, Porter, Mitskog) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1402-1403, adopt amendments as follows, and place HB 1025 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1402 and 1403 of the House Journal and pages 1085 and 1086 of the Senate Journal and that Engrossed House Bill No. 1025 be amended as follows:

Page 1, line 1, after "enact" insert "section 20.1-04-07.1 and"

Page 1, line 2, after the first "to" insert "wild turkey hunting licenses for individuals receiving hunting expeditions from a nonprofit organization and"

Page 4, after line 4, insert:

"SECTION 3. Section 20.1-04-07.1 of the North Dakota Century Code is created and enacted as follows:

20.1-04-07.1. Spring wild turkey licenses - Nonprofit organizations.

The director shall issue four spring wild turkey licenses and permits to hunt wild turkeys to individuals residing in North Dakota who are selected by a nonprofit organization as provided under section 20.1-05.1-01."

Page 5, line 15, remove "and the rocky mountain elk foundation"

Page 5, line 17, remove "and the"

Page 5, line 18, remove "rocky mountain elk foundation"

Page 5, line 21, remove "Fifty percent of all net"

Page 5, remove lines 22 and 23

Page 5, line 24, replace "foundation policies and objectives. All remaining" with "The"

Page 5, line 24, after "proceeds" insert "distributed to the North American wildlife enforcement memorial museum and educational center"

Page 5, line 27, remove "and the"

Page 5, line 28, remove "rocky mountain elk foundation"

Page 6, line 1, remove "and the North American"

Page 6, line 2, remove "wildlife enforcement memorial museum and educational center"

Page 6, line 4, remove "and the North American wildlife enforcement memorial"

Page 6, line 5, remove "museum and educational center"

Page 6, line 7, remove "and fifty percent of all"

Page 6, line 8, replace "net proceeds" with ". The net proceeds distributed to the rocky mountain elk foundation"

Page 6, line 10, remove "All remaining net proceeds must be used for"

Page 6, remove line 11

Page 6, line 12, remove "museum and educational center located at the international peace garden."

Page 6, line 13, remove "and the North American wildlife enforcement memorial"

Page 6, line 14, remove "museum and educational center"

Renumber accordingly

Engrossed HB 1025 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1341, as engrossed: Your conference committee (Sens. Armstrong, D. Larson, Nelson and Reps. Paur, Blum, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1223-1224, adopt amendments as follows, and place HB 1341 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1223 and 1224 of the House Journal and pages 964 and 965 of the Senate Journal and that Engrossed House Bill No. 1341 be amended as follows:

Page 1, line 4, after "schools" insert "; and to provide a penalty"

Page 1, line 23, overstrike "eight" and insert immediately thereafter "four"

Page 2, line 13, after "a" insert "class A misdemeanor for a first offense under this subsection and a"

Page 2, line 13, after "felony" insert "for a second or subsequent offense of this subsection"

Page 2, line 16, remove the overstrike over "~~or a public career and technical education school~~"

Page 2, line 24, after "offense" insert "was committed during a school-sponsored activity or was committed during the hours of six a.m. to ten p.m. if school is in session, the offense"

Page 2, line 25, overstrike the second "or" and immediately thereafter insert an underscored comma

Page 2, line 25, remove the overstrike over "~~; or within~~"

Page 2, line 26, after the overstruck closing bracket insert "three hundred feet [91.4 meters]"

Page 2, line 26, remove the overstrike over "of"

Page 2, line 26, overstrike "child care or"

Page 2, line 27, after the first comma insert "a"

Page 2, line 27, after the second comma insert "or a"

Page 2, line 27, remove the overstrike over "~~public career and~~"

Page 2, line 28, remove the overstrike over "~~technical education school,~~"

Renumber accordingly

Engrossed HB 1341 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HCR 3019: Your conference committee (Sens. Kreun, Cook, Unruh and Reps. Porter, Seibel, Mitskog) recommends that the **SENATE RECEDE** from the Senate

amendments as printed on HJ pages 1196-1197, adopt amendments as follows, and place HCR 3019 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1196 and 1197 of the House Journal and pages 908 and 909 of the Senate Journal and that House Concurrent Resolution No. 3019 be amended as follows:

Page 1, line 1, after "resolution" replace the remainder of the concurrent with "requesting the United States Army Corps of Engineers divest land not needed for the management of the Garrison project area in North Dakota.

WHEREAS, the United States Army Corps of Engineers manages land purchased for the operation of the Garrison project area in North Dakota; and

WHEREAS, Congress and the federal courts have established in federal law that the Pick-Sloan project areas must be managed for flood control, river navigation, hydroelectric power, irrigation, water quality and supply, recreation, and fish and wildlife; and

WHEREAS, the purchasing criteria used by the United States Army Corps of Engineers to acquire land for the Garrison project area required land be purchased based on a rectangular grid line above the reservoir's high water mark, and the rectangular grid size used for purchase criteria could be smaller in some cases and not interfere with recreation and wildlife uses; and

WHEREAS, the United States Army Corps of Engineers should develop a divestment process for the lands by working in cooperation with the North Dakota Board of University and School Lands and the North Dakota Congressional Delegation, if the Garrison project can be managed without tracts of land between the reservoir high water mark and that tract's regular grid take line;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Sixty-fifth Legislative Assembly requests that any land subject to divestment under an agreement between the United States Army Corps of Engineers and the North Dakota Board of University and School Lands include a purchase right for prior owners who own the land the parcels were detached from, their heirs who own the land the parcels were detached from, or successors who own the land the parcels were detached from; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the Under Secretary of Public Works for the United States Army Corps of Engineers and each member of the North Dakota Congressional Delegation."

Renumber accordingly

HCR 3019 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2037, as engrossed: Your conference committee (Sens. Rust, Vedaa, Davison and Reps. Schreiber-Beck, Pyle, Guggisberg) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1053-1054 and place SB 2037 on the Seventh order.

Engrossed SB 2037 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2189, as engrossed: Your conference committee (Sens. O. Larsen, Kreun, Piepkorn and Reps. Porter, D. Anderson, P. Anderson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1024, adopt amendments as follows, and place SB 2189 on the Seventh order:

That the House recede from its amendments as printed on page 1024 of the Senate Journal and page 1178 of the House Journal and that Engrossed Senate Bill No. 2189 be amended as follows:

Page 2, line 28, replace the first "or" with an underscored comma

Page 2, line 29, after "agent" insert ". or a medical or mental health professional when the child comes before the medical or mental health professional in that person's professional capacity."

Renumber accordingly

Engrossed SB 2189 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2116: Your conference committee (Sens. O. Larsen, Kreun, Piepkorn and Reps. Seibel, Westlind, Skroch) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 743 and place SB 2116 on the Seventh order.

SB 2116 was placed on the Seventh order of business on the calendar.

ANNOUNCEMENT

SPEAKER BELLEW ANNOUNCED that the House will stand in recess until 1:00 p.m.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Bellew presiding.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1265, line 20, remove "Reengrossed SB 2343, as amended, was rereferred to the Appropriations Committee"

Page 1265, lines 25 and 36, remove ", as amended" and on line 29 remove " and amended"

Page 1266, line 5, remove " as amended,"

Page 1557, lines 27 and 29, remove " as amended,"

Page 1559, line 23, replace "bill" with "amended bill"

Page 1559, line 39, replace "Engrossed" with "Reengrossed" and remove ", as amended,"

Page 1571, line 8, replace "Nelson, Osland" with "Osland, Nelson"

Page 1575, lines 36 and 44, replace "Reengrossed HB 1221" with "Engrossed HB 1221"

Page 1576, lines 20 and 48, replace "bill" with "amended bill"

Page 1577, line 24, replace "bill" with "amended bill" and on line 39 replace "Engrossed" with "Reengrossed"

Page 1578, line 3, replace "bill" with "amended bill"

Page 1578, line 22, replace "rejected" with "adopted" and on lines 24 and 26 replace "Reengrossed SB 2223" with "Engrossed SB 2223"

Page 1579, lines 4,6, and 27 replace "Engrossed SB 2303" with "SB 2303" and on line 27 insert ", as amended," after "SB 2303"

Page 1592, remove lines 28-30 and after line 27 insert:

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2090 and wishes to inform you that the Senate does now concur

with the House amendments to SB 2090 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2090."

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

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 11, 2017, I have signed the following: HB 1038, HB 1058, HB 1090, HB 1279, HB 1345, HB 1347, HB 1354, HB 1363, HB 1367, HB 1395, HB 1398, HB 1415, and HB 1427.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GRUENEICH MOVED that the conference committee report on SB 2247 as printed on HJ pages 1597-1598 be adopted, which motion prevailed on a voice vote.

SB 2247, as amended, was placed on the Fourteenth order of business.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEVLIN MOVED that the conference committee report on Engrossed SB 2039 as printed on HJ page 1598 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. ROHR MOVED that the conference committee report on Engrossed SB 2033 as printed on HJ page 1595 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2033, as amended, was placed on the Fourteenth order of business.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DAMSCHEN MOVED that the conference committee report on SB 2041 as printed on HJ page 1598 be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2263: A BILL for an Act to amend and reenact section 61-32-03.1 of the North Dakota Century Code, relating to subsurface water management system permits.

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 2 YEAS, 87 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Headland; Maragos

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boehning; 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; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; 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; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Blum; Boe; Kiefert; Kreidt; Seibel

Engrossed SB 2263 failed.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to amend and reenact section 39-01-09 of the North Dakota Century Code, relating to parking meters.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 59 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, P.; Beadle; Becker, Rick C.; Boschee; Brabandt; Dobervich; Grueneich; Guggisberg; Hanson; Hogan; Holman; Howe; Johnson, D.; Johnson, M.; Longmuir; Maragos; Mitskog; Mock; Nelson, J.; O'Brien; Olson; Pyle; Roers Jones; Ruby, D.; Schneider; Schreiber-Beck; Vetter; Zubke

NAYS: Anderson, D.; Becker, Rich S.; Boe; Boehning; Bosch; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Ertelt; Hatlestad; Headland; Heinert; Johnson, C.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Oliver; Owens; Paur; Pollert; Porter; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vigasaa; Weisz; Westlind; Speaker Bellew

ABSENT AND NOT VOTING: Blum; Brandenburg; Kiefert; Kreidt; Nelson, M.; Seibel

SB 2247, as amended, failed.

SECOND READING OF SENATE BILL

SB 2033: A BILL for an Act to amend and reenact subsection 4 of section 43-41-04, sections 43-41-07 and 43-47-06, and subsection 7 of section 43-53-01 of the North Dakota Century Code, relating to licensure requirements for behavioral health professionals; and to provide for a report to the legislative management.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boe; Boehning; Bosch; Boschee; Brabandt; 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; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Blum; Brandenburg; Carlson; Kiefert; Kreidt; Nelson, M.; Seibel

Engrossed SB 2033, as amended, passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PORTER MOVED that the House do concur in the Senate amendments to Engrossed HB 1233 as printed on HJ page 1228, which motion prevailed on a voice vote.

Engrossed HB 1233, as amended, was placed on the Eleventh order of business.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. VIGASAA 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 2139, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2139: Reps. Bosch, Heinert, Roers Jones

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Reengrossed HB 1040 as printed on HJ pages 1491-1492, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1233: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 62.1-04-03 of the North Dakota Century Code, relating to licenses to carry concealed weapons; to amend and reenact subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to possessing a firearm or dangerous weapon at a public gathering; to provide for a legislative management study; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boehning; Bosch; Boschee; Brabandt; 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; Kasper; Keiser; Kempenich; Klemm; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; 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; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Blum; Boe; Brandenburg; Kiefert; Kreidt; Seibel

Reengrossed HB 1233 passed and the emergency clause was declared carried.

SIXTH ORDER OF BUSINESS

SB 2206, as engrossed: REP. HEADLAND (Finance and Taxation Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

REP. MOCK 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 2206, the roll was called and there were 74 YEAS, 16 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Becker, Rick C.; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Hogan; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Klemm; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; McWilliams; Meier; Mitskog; Monson; Nathe; Nelson, J.; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke

NAYS: Anderson, P.; Beadle; Becker, Rich S.; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Holman; Keiser; Martinson; Mock; Nelson, M.; O'Brien; Schneider; Speaker Bellew

ABSENT AND NOT VOTING: Blum; Kiefert; Kreidt; Seibel

The proposed amendments to Engrossed SB 2206 were adopted on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to create and enact chapter 50-34 of the North Dakota Century Code, relating to the transition of funding responsibility for county social services from the counties to the state; to amend and reenact sections 11-23-01, 50-01.2-03.2, 50-06-05.8, 50-06-20.1, and 50-06.2-04, subsection 3 of section 57-15-01.1, section 57-15-06.7, and subdivision c of subsection 1 of section 57-20-07.1 of the North Dakota Century Code, relating to county and multicounty social service board budgets, the human service grant program, county general fund levy limitations, and property tax statements; to suspend chapter 50-03 and sections 50-06-20.1 and 50-06.2-05 of the North Dakota Century Code, relating to county human services funds, the human services grant program, and county human services levy authority; to repeal section 57-20-07.2 of the North Dakota Century Code, relating to the state-paid property tax relief credit; to provide for a report to the legislative management; to provide an appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 15 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boe; Boehning; 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.; Jones; Karls; Kasper; Kempenich; Klemm; Laning; Lefor; Longmuir; Louser; Magrum; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schreiber-Beck; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigasaa; Weisz; Westlund; Zubke

NAYS: Delzer; Ertelt; Johnston; Kading; Keiser; Koppelman, B.; Koppelman, K.; Maragos; Marshall; Martinson; McWilliams; Pollert; Schobinger; Simons; Speaker Bellew

ABSENT AND NOT VOTING: Blum; Kiefert; Kreidt; Seibel

Engrossed SB 2206, as amended, passed.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2206.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2263.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1005.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005

Page 1, replace line 12 with:

| | | | |
|---------------------|-------------|-------------|--------------|
| "Salaries and wages | \$1,427,333 | (\$111,194) | \$1,316,139" |
|---------------------|-------------|-------------|--------------|

Page 1, replace line 15 with:

| | | | |
|---------------------|-------------|-------------|--------------|
| "Total general fund | \$1,856,899 | (\$109,500) | \$1,747,399" |
|---------------------|-------------|-------------|--------------|

Page 1, line 18, replace "\$22,898" with "\$21,239"

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - State Treasurer - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|-------------------------|----------------|------------------|-------------------|-------------------|
| Salaries and wages | \$1,427,333 | \$1,317,798 | (\$1,659) | \$1,316,139 |
| Operating expenses | 200,614 | 251,260 | | 251,260 |
| Coal severance payments | 228,952 | 180,000 | | 180,000 |
| Total all funds | \$1,856,899 | \$1,749,058 | (\$1,659) | \$1,747,399 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | \$1,856,899 | \$1,749,058 | (\$1,659) | \$1,747,399 |
| FTE | 8.00 | 7.00 | 0.00 | 7.00 |

Department No. 120 - State Treasurer - Detail of Senate Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Total Senate Changes |
|-------------------------|-------------------------------------------------------------------------|-------------------------|
| Salaries and wages | (\$1,659) | (\$1,659) |
| Operating expenses | | |
| Coal severance payments | | |
| Total all funds | (\$1,659) | (\$1,659) |
| Less estimated income | 0 | 0 |
| General fund | (\$1,659) | (\$1,659) |
| 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 this change.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1178.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1178

Page 1, line 1, after "to" insert "create and enact a new section to chapter 37-17.3 of the North Dakota Century Code, relating to the creation of a statewide interoperable radio network fund, to"

Page 1, line 1, after "reenact" insert "subsection 1 of section 37-17.3-02.2, subsection 4 of section 54-59-05,"

Page 1, line 2, after the second "the" insert "statewide interoperability executive committee, the powers and duties of the information technology department, the"

Page 1, line 3, after the first "fee" insert a comma

Page 1, line 3, after the second "fee" insert "; to authorize borrowing authority; to provide an appropriation; to provide statements of legislative intent; to provide for a budget section report; and to provide an expiration date"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 37-17.3 of the North Dakota Century Code is created and enacted as follows:

Statewide interoperable radio network fund.

1. A fund known as the statewide interoperable radio network fund must be maintained in the state treasury. Subject to legislative approval and statewide interoperability executive committee approval, moneys in the fund must be used for providing the required state share of funding for expenses associated with the purchase, installation, operation, and maintenance of a statewide interoperable radio network. The fund consists of all moneys transferred into the fund, interest earned on moneys in the fund, payments to the fund, and other fund earnings.
2. The chief information officer of the information technology department may apply for and accept funds, grants, gifts, or services made available for the statewide interoperable radio network by an agency or department of the federal government or any other person. Any funds, grants, or gifts, or moneys received from services received under this section must be deposited in the statewide interoperable radio network fund.
3. Revenue received by a political subdivision in accordance with subsection 2 of section 57-40.6-02 must be remitted to the state treasurer for deposit in the statewide interoperable radio network fund.

SECTION 2. AMENDMENT. Subsection 1 of section 37-17.3-02.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The statewide interoperability executive committee consists of:
 - a. The director of state radio or a designee;
 - b. The director of the division of homeland security or a designee;
 - c. The superintendent of the highway patrol or a designee;
 - d. The adjutant general or a designee;
 - e. The director of the department of transportation or a designee;
 - f. A representative of the North Dakota sheriff's and deputies association;
 - g. A representative of the North Dakota emergency managers association;
 - h. A representative of the North Dakota fire chiefs association;
 - i. A representative of the North Dakota emergency medical services association;
 - j. A representative of the North Dakota police chiefs association;
 - k. A representative of the North Dakota peace officers association;
 - l. A representative of the North Dakota 911 association; and
 - m. The North Dakota chief information officer or a designee;
 - n. The North Dakota Indian affairs commission executive director or a designee; and
 - o. One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management.

SECTION 3. AMENDMENT. Subsection 4 of section 54-59-05 of the North Dakota Century Code is amended and reenacted as follows:

4. May purchase, finance the purchase, or lease equipment, software, or implementation services or replace, including by trade or resale, equipment or software as may be necessary to carry out this chapter. ~~An~~With the exception of agreements entered related to the statewide interoperable radio network, an agreement to finance the purchase of software, equipment, or implementation services may not exceed a period of five years. The department shall submit any intended financing proposal for the purchase of software, equipment, or implementation services under this subsection, which is in excess of one million dollars, to the budget section of the legislative management or the legislative assembly before executing a financing agreement. If the budget section or the legislative assembly does not approve the execution of a financing agreement, the department may not proceed with the proposed financing arrangement. ~~The~~With the exception of financing for the statewide interoperable radio network, the department may finance the purchase of software, equipment, or implementation services only to the extent the purchase amount does not exceed seven and one-half percent of the amount appropriated to the department during that biennium."

Page 1, line 22, remove "dedicated to the political subdivision obligation to"

Page 1, line 23, remove "the statewide interoperability radio network and"

Page 1, line 23, remove "governing joint powers"

Page 1, remove line 24

Page 2, line 1, replace "interoperability radio network" with "state treasurer for deposit in the statewide interoperable radio network fund in accordance with section 1 of this Act for implementing a statewide interoperable radio network"

Page 3, after line 28, insert:

"SECTION 6. STATEWIDE INTEROPERABLE RADIO NETWORK IMPLEMENTATION - FUTURE EXPENDITURES. During the 2017-18 interim, the information technology department shall begin implementation of a statewide interoperable radio network based on findings in the North Dakota statewide interoperable network feasibility study and its recommendations as adopted by the statewide interoperability executive committee. Current and future appropriations and local government contributions for improvement or expansion of state or local public safety land mobile radio systems must be expended in a manner consistent with the recommendations of the statewide interoperability executive committee and only for solutions that are determined by the committee to be interoperable and functional with the statewide system.

SECTION 7. LOAN AUTHORIZATION - APPROPRIATION - STATEWIDE INTEROPERABLE RADIO NETWORK - BUDGET SECTION REPORTS. The information technology department may obtain a loan, subject to budget section approval, from the Bank of North Dakota in an amount not to exceed \$15,000,000, the sum of which is appropriated to the information technology department, for the purpose of defraying the expenses of the statewide interoperable radio network for the biennium beginning July 1, 2017, and ending June 30, 2019. The term of the loan may not exceed six years. The loan authorized in this section must be repaid from funds available in the statewide interoperable radio network fund. During the 2017-18 interim, the information technology department shall provide status reports to the budget section regarding the implementation and progress of the statewide interoperable radio network.

SECTION 8. LEGISLATIVE INTENT - RADIO FREQUENCIES. By September 30, 2018, all North Dakota entities operating a public-safety answering point shall relinquish legal rights to any radio frequency required for the statewide interoperable radio network trunk system, allowing these frequencies to be utilized by the state of North Dakota for the use of this network.

SECTION 9. LEGISLATIVE INTENT - STATEWIDE INTEROPERABLE RADIO NETWORK CONSOLIDATION. It is the intent of the sixty-fifth legislative assembly that during the 2017-18 interim, the information technology department and statewide interoperability executive committee make efforts to consolidate certain functions within the statewide interoperable radio network.

SECTION 10. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

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 1012.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012

Page 1, line 3, after "reenact" insert "subsection 1 of section 23-09.3-01.1, subsection 1 of section 23-16-01.1, and"

Page 1, line 3, after the second "to" insert "the moratorium on basic care, nursing facility bed capacity, and"

Page 1, line 6, replace "a report" with "for reports"

Page 1, remove lines 20 through 24

Page 2, replace lines 1 and 2 with:

| | | | |
|-----------------------|-------------------|-------------------|--------------------|
| "Salaries and wages | \$28,049,386 | \$144,142 | \$28,193,528 |
| Operating expenses | 87,542,966 | 73,025,478 | 160,568,444 |
| Capital assets | 26,000 | (26,000) | 0 |
| Grants | <u>0</u> | <u>204,000</u> | <u>204,000</u> |
| Total all funds | \$115,618,352 | \$73,347,620 | \$188,965,972 |
| Less estimated income | <u>71,324,758</u> | <u>59,038,552</u> | <u>130,363,310</u> |
| Total general fund | \$44,293,594 | \$14,309,068 | \$58,602,662" |

Page 2, replace lines 6 through 13 with:

| | | | |
|-----------------------------|----------------------|--------------------|----------------------|
| "Salaries and wages | \$58,102,898 | \$3,618,130 | \$61,721,028 |
| Operating expenses | 107,383,843 | 17,540,098 | 124,923,941 |
| Capital assets | 0 | 10,000 | 10,000 |
| Grants | 457,953,280 | 7,106,488 | 465,059,768 |
| Grants - medical assistance | <u>2,384,560,568</u> | <u>220,075,998</u> | <u>2,604,636,566</u> |
| Total all funds | \$3,008,000,589 | \$248,350,714 | \$3,256,351,303 |
| Less estimated income | <u>1,995,024,801</u> | <u>156,036,536</u> | <u>2,151,061,337</u> |
| Total general fund | \$1,012,975,788 | \$92,314,178 | \$1,105,289,966" |

Page 2, replace lines 18 through 22 with:

| | | | |
|------------------------|--------------------|------------------|--------------------|
| "Human service centers | \$198,888,443 | (\$1,791,587) | \$197,096,856 |
| Institutions | <u>139,587,498</u> | <u>1,167,951</u> | <u>140,755,449</u> |
| Total all funds | \$338,475,941 | (\$623,636) | \$337,852,305 |
| Less estimated income | <u>132,820,302</u> | <u>6,293,949</u> | <u>139,114,251</u> |
| Total general fund | \$205,655,639 | (\$6,917,585) | \$198,738,054" |

Page 2, replace lines 27 through 30 with:

| | | | |
|--------------------------------|----------------------|--------------------|----------------------|
| "Grand total general fund | \$1,262,925,021 | \$99,705,661 | \$1,362,630,682 |
| Grand total special funds | <u>2,199,169,861</u> | <u>221,369,037</u> | <u>2,420,538,898</u> |
| Grand total all funds | \$3,462,094,882 | \$321,074,698 | \$3,783,169,580 |
| Full-time equivalent positions | 2,211.08 | (45.85) | 2,165.23" |

Page 3, line 2, replace "\$6,376,445" with "\$5,914,453"

Page 3, line 2, replace "\$5,350,004" with "\$4,962,381"

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

Page 4, line 29, replace "\$16,000,000" with "\$37,779,159"

Page 5, line 9, replace "**AND**" with a bold comma

Page 5, line 10, after "**MARGINS**" insert ", **AND INCENTIVES**"

Page 5, line 11, replace "\$329,636" with "\$417,010"

Page 5, line 12, replace "\$329,636" with "\$417,010"

Page 5, line 14, replace the "and" with a comma

Page 5, line 14, after "margins" insert ", and incentives"

Page 5, after line 15, insert:

"SECTION 12. APPROPRIATION - 2015-17 BIENNIUM - SUBSTANCE USE DISORDER VOUCHER PROGRAM. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the department of human services for the purpose of defraying the expenses of the substance use disorder voucher program, for the period beginning with the effective date of this Act, and ending June 30, 2017.

SECTION 13. LEGISLATIVE INTENT - RESTORATION FUNDING FOR BASIC CARE. It is the intent of the sixty-fifth legislative assembly that the funding appropriated to the department of human services for the restoration of basic care provider rates be prioritized in the following order:

1. Operating margin;
2. Medical leave days; and then
3. Increase to limits."

Page 5, after line 27, insert:

"SECTION 15. LEGISLATIVE INTENT - CARE COORDINATION AGREEMENTS. It is the intent of the sixty-fifth legislative assembly that the department of human services establish requisite agreements with tribal health care organizations that will result in one hundred percent federal funding for eligible medical assistance provided to American Indians through care coordination agreements for the biennium beginning July 1, 2017, and ending July 30, 2019."

Page 5, line 28, remove "**TRAUMATIC**"

Page 5, line 30, replace "apply for a" with "include services for individuals with a brain injury as part of the comprehensive assessment for a Medicaid"

Page 5, line 30, remove "for traumatic brain injury services"

Page 6, line 1, remove "an"

Page 6, line 1, remove "0.5 full-time equivalent position and"

Page 6, line 2, replace "this purpose" with "enhancing services through a Medicaid 1915(i) state plan amendment for individuals with a brain injury for the biennium beginning July 1, 2017, and ending June 30, 2019"

Page 6, after line 8, insert:

"SECTION 18. STAFF OVERTIME FUNDING - UNSPENT APPROPRIATION AUTHORITY. The appropriations in section 1 of this Act, include \$1,832,267, of which \$1,082,857 is from the general fund, for compliance with state and federal laws and regulations relating to staff overtime. Any funding not needed specifically for complying with state or federal overtime regulations may not be spent and must be included in the department's unspent appropriation authority canceled pursuant to section 54-44.1-11, at the end of the 2017-19 biennium."

Page 7, after line 4, insert:

"SECTION 23. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITIES - VARIANCE. It is the intent of the sixty-fifth legislative assembly that during the 2017-19 biennium, the department of human services may authorize a treatment or care center's variance request relating to the treatment or care center's bedrooms or bathrooms, if the department determines the variance does not pose a health or safety risk. It is also the intent that the department of human services adopt rules to establish a variance process that allows the department to grant a variance if the variance will not pose a danger to the health or safety of an individual served by the treatment or care center.

SECTION 24. LEGISLATIVE INTENT - PROCESS AND OUTCOME MEASURES. It is the intent of the sixty-fifth legislative assembly that behavioral health service providers that receive funding from the department of human services submit process and outcome measures to the department for programs and services supported by state funding.

SECTION 25. LEGISLATIVE INTENT - TELEPHONE SUPPORT AND DIRECTORY SERVICES. It is the intent of the sixty-fifth legislative assembly that the vendor of telephone and directory services, under contract with the department of human services, include private behavioral health service providers in the vendor's directory at no cost to the private behavioral health service providers.

SECTION 26. REPORTING REQUIREMENTS - YOUTH ACCESS TO TOBACCO. The operating expenses line item in subdivision 2 of section 1 of this Act includes \$75,000 from the tobacco prevention and control trust fund for costs of complying with youth access to tobacco reporting requirements under title 45, Code of Federal Regulations, part 96, section 130, for the biennium beginning July 1, 2017, and ending June 30, 2019. The state department of health and local public health units shall collect and disclose all required data reporting elements to the department of human services.

SECTION 27. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS. It is the intent of the sixty-fifth legislative assembly that, based on staffing needs, the department of human services transfer full-time equivalent positions as necessary among the department's programs.

SECTION 28. ROBINSON RECOVERY CENTER FUNDING. Notwithstanding the designation of funding for the Robinson recovery center in the appropriation for the department of human services in section 1 of this Act, the department of human services may utilize other providers for substance use disorder treatment services if the current contractor is unable to provide the full capacity of services anticipated under the current contract for the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 29. LEGISLATIVE INTENT - OPERATING EXPENSES. It is the intent of the sixty-fifth legislative assembly that the department of human services analyze its budgetary needs and allocate up to \$1,102,618 from the general fund included in the operating expenses line item in subdivision 1 of section 1 of this Act to other subdivisions within section 1 of this Act based on the department's priorities resulting from its analysis."

Page 7, line 5, replace **"LEGISLATIVE MANAGEMENT"** with **"DEPARTMENT OF HUMAN SERVICES"**

Page 7, line 6, after **"PROGRAMS"** insert **" - REPORTS TO LEGISLATIVE MANAGEMENT"**

Page 7, line 7, replace "legislative management" with "department of human services"

Page 7, line 7, replace "consider studying" with "study"

Page 7, replace lines 19 through 22 with:

- "e. Prepare and distribute a request for proposal to managed care organizations.
- f. Develop a proposed plan, cost estimates, and timeline for implementing managed care, and submit the plan as part of the department's 2019-21 budget request."

Page 7, line 23, replace "legislative management" with "department of human services"

Page 7, line 23, after "shall" insert "provide periodic updates and"

Page 7, line 24, remove "sixty-sixth"

Page 7, line 25, replace "legislative assembly" with "legislative management"

Page 7, after line 25, insert:

"SECTION 31. LEGISLATIVE MANAGEMENT STUDY - HOME- AND COMMUNITY-BASED SERVICES. During the 2017-18 interim, the legislative management shall consider studying the quality and availability of home- and community-based services for individuals across the state who have developmental disabilities. The study must identify whether there are gaps in service and make recommendations to address identified gaps. The study also must include an evaluation of the funding, mission, and caseload at the life skills and transition center, including the center's transition plan and the number of clients determined eligible for community placement. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly.

SECTION 32. LEGISLATIVE MANAGEMENT STUDY - STATE HOSPITAL LAND. During the 2017-18 interim, the legislative management shall consider studying the use of land at the state hospital to determine the most effective and efficient use of the land. The study must include the feasibility and desirability of selling land owned by the state hospital. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly.

SECTION 33. LEGISLATIVE MANAGEMENT STUDY - BEHAVIORAL HEALTH AND DEVELOPMENTAL DISABILITIES SERVICES. During the 2017-18 interim, the legislative management shall consider studying state and federal laws and regulations relating to the care and treatment of individuals with developmental disabilities or behavioral health needs. The study must include a review of the following:

1. The state's services and delivery systems, including whether changes are necessary to maintain compliance with state and federal laws and regulations;
2. Efforts by other states to comply with the 1999 Olmstead v. L.C. case, including the planning and implementation process for any new programs;
3. Community- and non-community-based services, including the costs and effectiveness of services;
4. Noncompliance with state and federal laws and regulations, including a review of the fees and penalties for noncompliance;

5. A comparison of voluntary and involuntary compliance with state and federal laws and regulations, including a review of long-term costs and effectiveness;
6. The impact of implementation and expansion of selected programs that were added to address unmet needs, including the impact on costs and effectiveness of new programs;
7. Needed changes to address noncompliance and a timeline for completing changes; and
8. Data on the number of individuals that would be impacted by voluntary compliance efforts, and data on the type of services that may need changing, including housing, peer counseling, outpatient treatment, crisis line access, and transportation services.

The legislative management shall report its findings and recommendations, together with any legislation necessary to implement those recommendations, to the sixty-sixth legislative assembly.

SECTION 34. AMENDMENT. Subsection 1 of section 23-09.3-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Basic care beds may not be added to the state's licensed bed capacity during the period between August 1, ~~2015~~2017, and July 31, ~~2017~~2019, except when:
 - a. A nursing facility converts nursing facility beds to basic care;
 - b. An entity licenses bed capacity transferred as basic care bed capacity under section 23-16-01.1;
 - c. An entity demonstrates to the state department of health and the department of human services that basic care services are not readily available within a designated area of the state or that existing basic care beds within a fifty-mile [80.47-kilometer] radius have been occupied at ninety percent or more for the previous twelve months. In determining whether basic care services will be readily available if an additional license is issued, preference may be given to an entity that agrees to any participation program established by the department of human services for individuals eligible for services under the medical assistance program under title XIX of the Social Security Act [42 U.S.C. 1396 et seq.]; or
 - d. The state department of health and the department of human services grant approval of new basic care beds to an entity. The approved entity shall license the beds within forty-eight months from the date of approval.

SECTION 35. AMENDMENT. Subsection 1 of section 23-16-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Notwithstanding sections 23-16-06 and 23-16-10, except when a facility reverts basic care beds to nursing facility beds or relicenses nursing facility beds delicensed after July 31, 2011, nursing facility beds may not be added to the state's licensed bed capacity during the period between August 1, ~~2015~~2017, and July 31, ~~2017~~2019. A nursing facility may not delicense nursing facility bed capacity, relicense nursing facility bed capacity, convert licensed nursing bed capacity to basic care bed capacity, revert licensed basic care bed capacity back to nursing facility bed capacity, or otherwise reconfigure licensed nursing facility bed capacity more than one time in a twelve-month period."

Page 8, remove lines 9 and 10

Page 8, line 11, remove "4."

Page 8, line 13, replace "5." with "4."

Page 9, line 2, replace "6." with "5."

Page 9, line 9, replace "7." with "6."

Page 9, line 16, replace "21" with "37"

Page 9, line 20, after the second comma, insert "12,"

Page 9, line 20, replace "15" with "19"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:
House Bill No. 1012 - Summary of Senate Action**

| | Base Budget | House Version | Senate Changes | Senate Version |
|-----------------------|-----------------|------------------|-------------------|-------------------|
| DHS - Management | | | | |
| Total all funds | \$115,618,352 | \$183,107,141 | \$5,858,831 | \$188,965,972 |
| Less estimated income | 71,324,758 | 128,092,518 | 2,270,792 | 130,363,310 |
| General fund | \$44,293,594 | \$55,014,623 | \$3,588,039 | \$58,602,662 |
| DHS - Program/Policy | | | | |
| Total all funds | \$3,008,000,589 | \$3,003,441,602 | \$252,909,701 | \$3,256,351,303 |
| Less estimated income | 1,995,024,801 | 1,904,175,061 | 246,886,276 | 2,151,061,337 |
| General fund | \$1,012,975,788 | \$1,099,266,541 | \$6,023,425 | \$1,105,289,966 |
| DHS - Field Services | | | | |
| Total all funds | \$338,475,941 | \$335,651,282 | \$2,201,023 | \$337,852,305 |
| Less estimated income | 132,820,302 | 138,122,012 | 992,239 | 139,114,251 |
| General fund | \$205,655,639 | \$197,529,270 | \$1,208,784 | \$198,738,054 |
| Bill total | | | | |
| Total all funds | \$3,462,094,882 | \$3,522,200,025 | \$260,969,555 | \$3,783,169,580 |
| Less estimated income | 2,199,169,861 | 2,170,389,591 | 250,149,307 | 2,420,538,898 |
| General fund | \$1,262,925,021 | \$1,351,810,434 | \$10,820,248 | \$1,362,630,682 |

House Bill No. 1012 - DHS - Management - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|-----------------------|----------------|------------------|-------------------|-------------------|
| Salaries and wages | \$28,049,386 | \$23,437,315 | \$4,756,213 | \$28,193,528 |
| Operating expenses | 87,542,966 | 159,465,826 | 1,102,618 | 160,568,444 |
| Capital assets | 26,000 | | | |
| Grants | | 204,000 | | 204,000 |
| Total all funds | \$115,618,352 | \$183,107,141 | \$5,858,831 | \$188,965,972 |
| Less estimated income | 71,324,758 | 128,092,518 | 2,270,792 | 130,363,310 |
| General fund | \$44,293,594 | \$55,014,623 | \$3,588,039 | \$58,602,662 |
| FTE | 147.10 | 122.45 | 28.00 | 150.45 |

Department No. 326 - DHS - Management - Detail of Senate Changes

| | Management ¹ | Total Senate Changes |
|-----------------------|-------------------------|-------------------------|
| Salaries and wages | \$4,756,213 | \$4,756,213 |
| Operating expenses | 1,102,618 | 1,102,618 |
| Capital assets | | |
| Grants | | |
| Total all funds | \$5,858,831 | \$5,858,831 |
| Less estimated income | 2,270,792 | 2,270,792 |
| General fund | \$3,588,039 | \$3,588,039 |
| FTE | 28.00 | 28.00 |

1

Management - Senate Changes:

| | FTE Positions | General Fund | Other Funds | Total |
|-------------------------------------------------------------------------------------------------------------------|---------------|--------------|-------------|-------------|
| 2017-19 Ongoing Funding Changes | | | | |
| Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month | | (\$26,664) | (\$12,933) | (\$39,597) |
| Adds funding for paying employees' accumulated annual and sick leave for eligible employees leaving state service | | 84,610 | 43,811 | 128,421 |
| Adds funding for staff overtime | | 234,364 | 112,189 | 346,553 |
| Adds funding for departmentwide operating expenses | | 1,102,618 | 0 | 1,102,618 |
| Restores departmentwide FTE positions | 28.00 | 2,193,111 | 2,127,725 | 4,320,836 |
| Total changes - Management | 28.00 | \$3,588,039 | \$2,270,792 | \$5,858,831 |

House Bill No. 1012 - DHS - Program/Policy - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|-----------------------------|-----------------|-----------------|----------------|-----------------|
| Salaries and wages | \$58,102,898 | \$60,987,433 | \$733,595 | \$61,721,028 |
| Operating expenses | 107,383,843 | 124,591,049 | 332,892 | 124,923,941 |
| Capital assets | | 10,000 | | 10,000 |
| Grants | 457,953,280 | 463,874,768 | 1,185,000 | 465,059,768 |
| Grants - Medical assistance | 2,384,560,568 | 2,353,978,352 | 250,658,214 | 2,604,636,566 |
| Total all funds | \$3,008,000,589 | \$3,003,441,602 | \$252,909,701 | \$3,256,351,303 |
| Less estimated income | 1,995,024,801 | 1,904,175,061 | 246,886,276 | 2,151,061,337 |
| General fund | \$1,012,975,788 | \$1,099,266,541 | \$6,023,425 | \$1,105,289,966 |
| FTE | 348.50 | 358.50 | 1.00 | 359.50 |

Department No. 328 - DHS - Program/Policy - Detail of Senate Changes

| | Program and Policy ¹ | Total Senate Changes |
|-----------------------------|---------------------------------|----------------------|
| Salaries and wages | \$733,595 | \$733,595 |
| Operating expenses | 332,892 | 332,892 |
| Capital assets | | |
| Grants | 1,185,000 | 1,185,000 |
| Grants - Medical assistance | 250,658,214 | 250,658,214 |
| Total all funds | \$252,909,701 | \$252,909,701 |
| Less estimated income | 246,886,276 | 246,886,276 |
| General fund | \$6,023,425 | \$6,023,425 |
| FTE | 1.00 | 1.00 |

1

Program and Policy - Senate Changes:

| | FTE Positions | General Fund | Other Funds | Total |
|-----------------------------------------------------------------------------------------------------------------------------|---------------|--------------|-------------|-------------|
| 2017-19 Ongoing Funding Changes | | | | |
| Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month | | (\$43,940) | (\$32,239) | (\$76,179) |
| Adds funding for paying employees' accumulated annual and sick leave for eligible employees leaving state service | | 169,458 | 340,113 | 509,571 |
| Adds funding for staff overtime | | 37,447 | 66,675 | 104,122 |
| Economic Assistance | | | | |
| Moves funding added by the House for alternatives to abortion services from children and family services | | 0 | 100,000 | 100,000 |
| Medical Services | | | | |
| Adds funding from the tobacco prevention and control trust fund to replace general fund support of health services | | (21,000,000) | 21,000,000 | 0 |
| Adds funding of \$704,159 from the tobacco prevention and control trust fund and related federal funds for opioid treatment | | 0 | 1,408,318 | 1,408,318 |
| Adds funding for physical, occupational, and speech therapy service provider rate increases to 75 percent | | 56,485 | 56,485 | 112,970 |
| Adds funding to continue Medicaid Expansion for 19 and 20 year olds as managed care | | 1,653,008 | 1,652,962 | 3,305,970 |
| Adds funding to continue the Medicaid Expansion program as managed care at commercial rates | | 13,300,000 | 212,700,000 | 226,000,000 |
| Long-Term Care | | | | |
| Adjusts funding for nursing home incentives | | 1,152,003 | 1,152,003 | 2,304,006 |
| Adds funding for the Fair Labor Standards Act - Home Care Rule funding for | | 2,871,613 | 1,937,248 | 4,808,861 |

qualified service providers

Children and Family Services

Moves funding added by the House for alternatives to abortion services from children and family services 0 (100,000) (100,000)

Behavioral Health Division

Restores funding for Parent's LEAD program 231,000 0 231,000

Adds funding for the substance use disorder voucher program to provide a total of \$1.5 million 1,125,000 0 1,125,000

Adds funding from the tobacco prevention and control trust fund for tobacco prevention related activities 0 75,000 75,000

Developmental Disabilities

Adds funding for rate adjustments 6,109,044 6,109,045 12,218,089

Adds funding for specialized services for individuals with developmental disability 1.00 250,307 260,666 510,973

Adds federal funding for the Experienced Parent program to provide a total of \$260,000 0 160,000 160,000

Adds funding for corporate guardianship services for individuals with developmental disabilities 112,000 0 112,000

Total changes - Program and policy 1.00 \$6,023,425 \$246,886,276 \$252,909,701

House Bill No. 1012 - DHS - Field Services - Senate Action

| | Base Budget | House Version | Senate Changes | Senate Version |
|-----------------------|---------------|---------------|----------------|----------------|
| Human service centers | \$198,888,443 | \$195,804,854 | \$1,292,002 | \$197,096,856 |
| Institutions | 139,587,498 | 139,846,428 | 909,021 | 140,755,449 |
| Total all funds | \$338,475,941 | \$335,651,282 | \$2,201,023 | \$337,852,305 |
| Less estimated income | 132,820,302 | 138,122,012 | 992,239 | 139,114,251 |
| General fund | \$205,655,639 | \$197,529,270 | \$1,208,784 | \$198,738,054 |
| FTE | 1715.48 | 1655.28 | 0.00 | 1655.28 |

Department No. 349 - DHS - Field Services - Detail of Senate Changes

| | Field Services ¹ | Total Senate Changes |
|-----------------------|-----------------------------|----------------------|
| Human service centers | \$1,292,002 | \$1,292,002 |
| Institutions | 909,021 | 909,021 |
| Total all funds | \$2,201,023 | \$2,201,023 |
| Less estimated income | 992,239 | 992,239 |
| General fund | \$1,208,784 | \$1,208,784 |
| FTE | 0.00 | 0.00 |

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Field Services - Senate Changes:

| | FTE Positions | General Fund | Other Funds | Total |
|--------------------------------------------------------------------------------------------------------------------|---------------|--------------|-------------|-------------|
| 2017-19 Ongoing Funding Changes | | | | |
| Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month | | (\$317,019) | (\$29,197) | (\$346,216) |
| Adds funding for paying employees' accumulated annual and sick leave for eligible employees leaving state services | | 714,757 | 450,890 | 1,165,647 |
| Adds funding for staff overtime | | 811,046 | 570,546 | 1,381,592 |
| Total changes - Field services | 0.00 | \$1,208,784 | \$992,239 | \$2,201,023 |

This amendment also:

1. Adds a section providing that funding of \$1,832,267, of which \$1,082,857 is from the general fund included in the department's budget is for compliance with state and federal laws and regulations relating to staff overtime. Any funds not needed for this purpose must be included in the department's unspent appropriation authority (turnback) at the end of the 2017-19 biennium.
2. Adds a section to allow the department discretion to allocate the 28 full-time equivalent positions restored by the Senate to appropriate department divisions.
3. Adds a section to provide a \$200,000 general fund appropriation as an emergency measure for the substance use disorder voucher program for the 2015-17 biennium.
4. Adds a section to provide a \$174,748 appropriation, of which \$87,374 is from the general fund, as an emergency measure for long-term care incentives beginning June 1, 2017.

5. Adds a section identifying \$75,000 from the tobacco prevention and control trust fund for compliance with youth access to tobacco reporting requirements under Title 45, Code of Federal Regulations, Part 96, Section 130, for the 2017-19 biennium. In addition, the section requires the State Department of Health and the local public health units to collect and disclose all required data reporting elements to the Department of Human Services.
6. Adds a section of legislative intent for the Department of Human Services to establish requisite agreements with tribal health care organizations that will result in 100 percent federal funding for eligible medical assistance provided to American Indians through care coordination agreements for the biennium beginning July 1, 2017, and ending July 30, 2019.
7. Adds a section of legislative intent to provide for the Department of Human Services to analyze its budgetary needs and allocate \$1,102,618 of operating expenses added by the Senate based on the department's priorities from its analysis.
8. Adds a section to provide legislative intent relating to residential care and services for the developmentally disabled to allow the department to grant a variance of the rules to a treatment or care center for a good cause.
9. Adds a section to allow the Department of Human Services to involve other providers for substance use disorder treatment services if the current contractor is unable to provide services anticipated under the current contract for the 2017-19 biennium.
10. Adds a section of legislative intent providing that behavioral health service providers that receive funding from the Department of Human Services submit process and outcome measures for the programs and services receiving state funding.
11. Adds a section of legislative intent providing that a vendor for telephone and directory services under contract with the Department of Human Services include private behavioral health service providers in the vendor's directory at no cost to the private behavioral health service providers.
12. Amends section 13 of House Bill No. 1012 relating to brain injury to provide legislative intent that the Department of Human Services include services for individuals with a brain injury as part of the comprehensive assessment for a Medicaid 1915(i) state plan amendment. This section also allows the department to utilize existing funding available in the department's budget for enhancing services through a Medicaid 1915(i) state plan amendment for individuals with a brain injury.
13. Provides for the department to study options to operate the state medical assistance program and other related programs, as managed care.
14. Adds a section of legislative intent providing for prioritization of basic care provider rates.
15. Amends a section relating to Medicaid Expansion to remove language requiring 19 and 20 year olds to receive coverage through traditional medical assistance.
16. Adds sections to continue the moratoriums on basic care and nursing facility bed capacity.
17. Adds a section to provide for a Legislative Management study relating to home- and community-based services.
18. Adds a section to provide for a Legislative Management study relating to land owned by the State Hospital.
19. Adds a section to provide for a Legislative Management study relating to behavioral health and developmental disabilities services.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1233.

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 1040, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1040: Reps. Weisz; B. Anderson; P. Anderson

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 1023: Sens. Krebsbach; Oehlke; Robinson

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 2139: Reps. Bosch; Heinert; Roers Jones

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

MR. SPEAKER: The President has appointed Sen. Wardner to replace Sen. Dever on the Conference Committee on SB 2013.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2039, SB 2041.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2033.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: SB 2247.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1085, HB 1365.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1361.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1361

In lieu of the amendments as printed on pages 1274-1277 of the Senate Journal, Engrossed House Bill No. 1361 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-20-04 of the North Dakota Century Code, relating to the abstract of a county tax list and a statewide property tax increase report; to repeal section 57-20-05 of the North Dakota Century Code, relating to certification of taxes levied by taxing districts; and to provide for a report to the legislative management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-20-04 of the North Dakota Century Code is amended and reenacted as follows:

57-20-04. Abstract of tax list to be sent to tax commissioner - Reports.

1. The county auditor, on or before December thirty-first following the levy of the taxes, shall ~~make prepare~~ and transmit to the ~~state~~ tax commissioner, ~~in such form as the tax commissioner may prescribe~~, a complete abstract of the tax list of the auditor's county.
2. In addition to the tax list required in subsection 1, the county auditor, on or before December thirty-first following the levy of the taxes, shall prepare and transmit to the tax commissioner a report providing each taxing district's property valuation and property tax levy and any other information the tax commissioner deems necessary to prepare the report required in subsection 3. For taxing districts with property in more than one county, information must be collected and transmitted by the county auditor of the county in which the main office of that taxing district is located.
3. The tax commissioner shall compile information received from the county auditors in subsection 2 and prepare a statewide report of property tax increase. The report must include the annual increase in property taxes levied by each taxing district of the state after adjusting for property that was not taxable in the preceding year and property that is no longer taxable which was taxable in the preceding year. The report must be provided to the legislative management by April first of each year.
4. The tax commissioner shall prescribe the form and manner of providing the reports and certifications required under this section.

5. On or before December 31, 2017, the county auditor shall provide a report to the tax commissioner providing the information identified in subsection 2 for the 2015 and 2016 tax years.

SECTION 2. REPEAL. Section 57-20-05 of the North Dakota Century Code is repealed."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2161, SB 2253, SB 2264, SB 2316.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1204, HB 1216, HB 1334, HB 1339.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2161, SB 2253, SB 2264, SB 2316.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 12, 2017: HB 1045, HB 1390.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 12, 2017: HB 1098, HB 1126, HB 1137, HB 1181, HB 1189, HB 1197, HB 1202, HB 1222, HB 1236, HB 1247, HB 1272, HB 1283, HB 1294, HB 1299, HB 1320.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 12, 2017: HCR 3035.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Thursday, April 13, 2017, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1378, as engrossed: Your conference committee (Sens. Unruh, Cook, Roers and Reps. Beadle, Laning, Dobervich) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1401-1402 and place HB 1378 on the Seventh order.

Engrossed HB 1378 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk

