

JOURNAL OF THE HOUSE

Sixty-sixth Legislative Assembly

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Bismarck, March 29, 2019

The House convened at 12:30 p.m., with Speaker Klemin presiding.

The prayer was offered by Pastor Rich Wyatt, Living Hope Nazarene Church, Bismarck.

The roll was called and all members were present except Representatives Bellew, Boschee, Jones, Louser, Mitskog, O'Brien, and Simons.

A quorum was declared by the Speaker.

MOTION

REP. VIGESAA MOVED pursuant to House Rule 324, to suspend the rules for the purpose of temporarily amending the deadline for referrals of Senate bills to the **House Appropriations Committee**, which motion prevailed on a voice vote.

MOTION

REP. VIGESAA MOVED that House Rule 329(4) be amended temporarily to replace fifty-sixth legislative day with fifty-eighth legislative day for all bills except SB 2148, which motion prevailed on a voice vote.

MOTION

REP. VIGESAA MOVED the passage of SCR 4003, which is on the Consent Calendar.

SECOND READING OF HOUSE RESOLUTION ON CONSENT CALENDAR

SCR 4003: A concurrent resolution declaring the fourth Saturday in July as "National Day of the Cowboy".

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

SCR 4003 was declared adopted on a voice vote.

SIXTH ORDER OF BUSINESS

SPEAKER KLEMIN DEEMED approval of the amendments to SB 2281 and Engrossed SCR 4016.

SB 2281 and Engrossed SCR 4016, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2197: A BILL for an Act to amend and reenact subsection 4 of section 6-09-15.5 and subsection 1 of section 6-09.11-03 of the North Dakota Century Code, relating to loans for family farmers.

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

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Magrum; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Paulson; Paur;

Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Strinden; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Becker; Ertelt; Kading; Owens; Toman

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Louser; Mitskog; O'Brien; Simons; Skroch

Engrossed SB 2197 passed.

SECOND READING OF SENATE BILL

SB 2256: A BILL for an Act to amend and reenact section 16.1-06-09 of the North Dakota Century Code, relating to the required form for measures to amend the constitution and the manner of placing the measures on ballots.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 76 YEAS, 10 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

NAYS: Anderson, P.; Dobervich; Guggisberg; Hanson; Holman; Hoverson; Johnson, C.; Nelson, M.; Steiner; Vetter

ABSENT AND NOT VOTING: Bellew; Boe; Boschee; Jones; Louser; Mitskog; O'Brien; Simons

SB 2256, as amended, passed.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to a corridors of commerce program and fund.

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 82 YEAS, 4 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

NAYS: Anderson, P.; Dobervich; Ertelt; Guggisberg

ABSENT AND NOT VOTING: Bellew; Boe; Boschee; Jones; Louser; Mitskog; O'Brien; Simons

Reengrossed SB 2268, as amended, passed.

SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to create and enact section 36-01-36 of the North Dakota Century Code, relating to animal identification program records; to amend and reenact section 36-01-32 of the North Dakota Century Code, relating to the development and maintenance of animal tracking databases; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Louser; Mitskog; O'Brien; Simons

Engrossed SB 2239, as amended, passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2328: A BILL for an Act to create and enact a new chapter to title 4.1 of the North Dakota Century Code, relating to the agricultural products utilization commission; to repeal chapter 54-60.3 of the North Dakota Century Code, relating to the agricultural products utilization commission; and to provide a report.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Louser; Mitskog; O'Brien; Simons

SB 2328, as amended, passed.

SECOND READING OF SENATE BILL

SB 2221: A BILL for an Act to amend and reenact section 44-04-18.6 of the North Dakota Century Code, relating to exempting records of communications between legislators and public employees from open records laws.

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 82 YEAS, 5 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Becker; Devlin; Ertelt; Holman; Nelson, M.

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Louser; Mitskog; O'Brien; Simons

Engrossed SB 2221, as amended, passed.

SECOND READING OF SENATE BILL

SB 2216: A BILL for an Act to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 15-19-01, 15-19-02, 15-19-02.1, 15-19-06, 15-19-08, and 15-20.1-03 of the North Dakota Century Code, relating to distance education; and to repeal sections 15-19-03 and 15-19-04 of the North Dakota Century Code, relating to authorization of enrollments to the center for distance education by a superintendent of a school and advertising.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Louser; Mitskog; O'Brien; Simons

Engrossed SB 2216, as amended, passed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4015: A concurrent resolution to amend and reenact section 9 of article III and

section 16 of article IV of the Constitution of North Dakota, relating to petitions, legislative measures, and voter approval for constitutional amendments.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Louser; Mitskog; O'Brien

Engrossed SCR 4015 was declared lost on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2215: A BILL for an Act to create and enact a new section to chapter 15.1-01 of the North Dakota Century Code, relating to the creation of the kindergarten through grade twelve education coordination council; to amend and reenact subsections 1 and 2 of section 15.1-07-33, subsection 2 of section 28-32-01, and subsection 1 of section 54-59-33 of the North Dakota Century Code, relating to the student information system, the definition of administrative agency, and the statewide longitudinal data system committee; and to repeal sections 54-59-17 and 54-59-18 of the North Dakota Century Code, relating to the educational technology council.

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 70 YEAS, 17 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Becker; Damschen; Delzer; Ertelt; Kading; Karls; Laning; Magrum; Meier; Nelson, M.; Rohr; Ruby, M.; Schatz; Simons; Skroch; Steiner; Toman

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Koppelman, B.; Louser; Mitskog; O'Brien

Engrossed SB 2215, as amended, passed.

SECOND READING OF SENATE BILL

SB 2073: A BILL for an Act to create and enact chapter 27-20.1 of the North Dakota Century Code, relating to guardianships of children; to amend and reenact subsection 11 of section 27-20-02, section 27-20-03, subsection 1 of section 27-20-06, sections

27-20-46, 27-20-48.1, and subsection 1 of section 27-20-49 of the North Dakota Century Code, relating to guardianships of children; and to repeal sections 27-20-48.2, 27-20-48.3, and 27-20-48.4 of the North Dakota Century Code, relating to guardianships of children.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Ertelt; Magrum; Simons

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Louser; Mitskog; O'Brien

SB 2073, as amended, passed.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact sections 30.1-27-01, 30.1-27-02, 30.1-27-05, 30.1-27-06, 30.1-27-07, 30.1-27-08, 30.1-27-09, and 30.1-27-11 of the North Dakota Century Code, relating to guardianship of minors; and to repeal sections 30.1-27-03, 30.1-27-04, 30.1-27-10, and 30.1-27-12 of the North Dakota Century Code, relating to guardianships of minors.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Ertelt; Magrum; Simons

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Louser; Mitskog; O'Brien

SB 2072, as amended, passed.

SECOND READING OF SENATE BILL

SB 2162: A BILL for an Act to amend and reenact subsection 16 of section 53-06.1-01, subdivisions a and d of subsection 1 of section 53-06.1-03, subsection 2 of section

53-06.1-11.1, and subsection 3 of section 53-06.1-14 of the North Dakota Century Code, relating to the local permits and prize limits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 63 YEAS, 24 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, D.; Anderson, P.; Beadle; Becker; Brandenburg; Buffalo; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Hager; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Karls; Kasper; Keiser; Kiefert; Koppelman, B.; Koppelman, K.; Longmuir; Magrum; Marschall; Martinson; McWilliams; Mock; Monson; Nathe; Nelson, J.; Owens; Paulson; Paur; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Vetter; Westlind; Zubke

NAYS: Anderson, B.; Blum; Boe; Bosch; Damschen; Delzer; Devlin; Grueneich; Guggisberg; Holman; Kempenich; Kreidt; Laning; Lefor; Meier; Nelson, M.; Pollert; Rohr; Schatz; Schobinger; Tveit; Vigasaa; Weisz; Speaker Klemin

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Kading; Louser; Mitskog; O'Brien

SB 2162, as amended, passed.

SECOND READING OF SENATE BILL

SB 2347: A BILL for an Act to provide for liability for false medical assistance claims and to provide for a Medicaid fraud control unit; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 2 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Ertelt; Magrum

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Kading; Louser; Mitskog; O'Brien

Engrossed SB 2347, as amended, passed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution directing the Legislative Management to considering studying the distribution and transportation of food in the state necessary to the lives of individuals in rural communities, and the roles of state entities in facilitating the movement of food to rural areas of the state.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 68 YEAS,

19 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Becker; Blum; Ertelt; Grueneich; Headland; Johnson, C.; Johnston; Koppelman, B.; Koppelman, K.; Marschall; McWilliams; Nathe; Paur; Porter; Simons; Steiner; Toman; Vetter; Zubke

ABSENT AND NOT VOTING: Bellew; Boschee; Jones; Kading; Louser; Mitskog; O'Brien

SCR 4013 was declared adopted on a recorded roll call vote.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2138, SB 2197, SCR 4003, SCR 4013.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2072, SB 2073, SB 2162, SB 2181, SB 2195, SB 2215, SB 2216, SB 2217, SB 2221, SB 2256, SB 2268, SB 2328, SB 2344, SB 2347, SB 2358.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2239.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SCR 4015.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1053, HB 1111, HB 1163, HB 1219, HB 1308, HB 1313, HB 1381, HCR 3018, HCR 3023, HCR 3027, HCR 3033.

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

MR. SPEAKER: The Senate has passed, unchanged: HCR 3004, HCR 3025.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1042.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1040, HB 1171, HB 1205, HB 1382, HB 1395, HB 1502.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1040

Page 1, line 4, after the first semicolon insert "and"

Page 1, line 4, remove "; and to provide an expiration date"

Page 2, line 20, replace "five hundred thousand" with "two million"

Page 4, line 10, remove "(effective for the first two taxable years beginning after December 31, 2018)"

Page 4, line 11, remove "- EXPIRATION DATE"

Page 4, line 11, remove "the first two"

Page 4, line 12, remove ", and is ineffective after that date"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1171

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the development and implementation of a skilled workforce scholarship program; to provide a continuing appropriation; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

Skilled workforce scholarship program - Skilled workforce scholarship fund - State board of higher education - Continuing appropriation.

1. There is created in the state treasury the skilled workforce scholarship fund. The fund consists of moneys transferred into the fund by the legislative assembly, matching funds received, and scholarship repayments. Moneys in the fund are appropriated to the state board of higher education on a continuing basis for the purpose of providing grants to institutions of higher education related to skilled workforce scholarships. Institutions of higher education include institutions under the control of the state board of higher education, North Dakota nonpublic accredited institutions of higher education, and tribally controlled community colleges.
2. The state board of higher education shall develop policies to administer a skilled workforce scholarship program in cooperation with the Bank of North Dakota and the workforce education advisory council. The purpose of the skilled workforce scholarship program is to attract and retain students for professional or technical skills in high demand in this state.
3. The state board of higher education and the workforce education advisory council shall compile a list of qualifying educational programs by August first of each year. Qualifying educational programs must be able to be completed within four semesters or eight quarters and pertain to the technical skills in high demand in this state.
4. Individuals enrolled in a qualifying educational program in this state may apply for a scholarship under this section. Scholarships are limited to the amount charged each quarter or semester by the educational institution for the tuition, fees, books, and supplies required for the qualifying educational program. The scholarships may supplement any other scholarship or grant financial aid received by a student to assist the student with the costs of the qualifying educational program.
5. To be eligible for a scholarship under this section, a student must maintain a 2.5 cumulative grade point average, based on a 4.0 grading system. A student may not receive scholarships under this section for more than the equivalent of four semesters of full-time enrollment or eight quarters of full-time enrollment. Upon completion of a qualifying educational program, a student who received a scholarship under this section shall remain and work in this state for a minimum of three years.
6. An individual shall repay the scholarship pursuant to the terms in the individual's scholarship award agreement if the individual fails to maintain a 2.5 cumulative grade point average while enrolled, discontinues attendance before the completion of any semester or quarter for which a

scholarship has been received, or fails to remain and work in this state for at least three years following degree or certificate completion.

7. Each quarter or semester, the state board of higher education shall distribute grants to institutions of higher education to provide the amounts necessary for the scholarships awarded to the students enrolled in each institution. The state board of higher education may distribute grants only to the extent that the private sector has provided one dollar of matching funds for each dollar of funding provided by the state.

SECTION 2. TRANSFER - BANK OF NORTH DAKOTA - SKILLED WORKFORCE SCHOLARSHIP FUND. The Bank of North Dakota shall transfer the sum of \$10,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the skilled workforce scholarship fund during the biennium beginning July 1, 2019, and ending June 30, 2021."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1205

Page 1, line 3, replace "or" with ", a"

Page 1, line 3, after "fractionator" insert ", or qualified associated infrastructure"

Page 1, line 5, remove "and"

Page 1, line 6, after "date" insert "; and to provide an expiration date"

Page 1, after line 15, insert:

"SECTION 2. AMENDMENT. Subsection 2 of section 57-39.2-04.15 of the North Dakota Century Code is amended and reenacted as follows:

2. On or before June 30, 2019~~2023~~, the owner of the fertilizer or chemical processing plant must receive from the state department of health an air quality permit or a notice that the air quality permit application is complete. The owner shall provide this documentation to the tax commissioner to qualify for the exemption under this section. Denial, expiration, or revocation of a permit terminates the exemption under this section."

Page 1, line 18, replace "or" with an underscored boldfaced comma

Page 1, line 19, after "fractionator" insert ", or qualified associated infrastructure"

Page 1, line 21, replace "or" with an underscored comma

Page 1, line 21, after "fractionator" insert ", or qualified associated infrastructure"

Page 2, line 3, after "plant" insert "or qualified associated infrastructure"

Page 2, line 4, after "plant" insert "or qualified associated infrastructure"

Page 2, line 7, remove "plant"

Page 2, line 22, after "c." insert "'Qualified associated infrastructure' means:

- (1) Natural gas liquid pipelines built to supply mixed natural gas liquids to the qualified fractionator;
- (2) Storage facilities for mixed natural gas liquids that will be processed by the qualified fractionator;

- (3) Storage facilities for purity natural gas liquids, including ethane, propane, butane, and C-five plus, that are produced by the qualified fractionator;
- (4) Disposal facilities built for the qualified fractionator and for onsite purchasers of the fractionator's processed end-product;
- (5) Rail upgrades required for the qualified fractionator and onsite purchasers to access rail transportation; and
- (6) Roads developed for the qualified fractionator, storage facilities, and onsite customers.

d."

Page 2, line 26, replace "d." with "e."

Page 2, line 29, replace "e." with "f."

Page 3, line 3, replace "or" with an underscored comma

Page 3, line 4, after "fractionator" insert ", or qualified associated infrastructure"

Page 3, after line 7, insert:

"SECTION 6. EFFECTIVE DATE - EXPIRATION DATE. If, by July 1, 2019, the legislative council has not received certification from the chief of the environmental health section of the state department of health that all authority, powers, and duties from the environmental health section of the state department of health have been transferred to the department of environmental quality, section 2 of this Act becomes effective on July 1, 2019, and remains in effect until the date certification is received, after which section 2 of this Act is ineffective. If the certification is received before July 1, 2019, section 2 of this Act does not become effective.

Section 1 of this Act become effective on July 1, 2019, if the legislative council has received certification from the chief of the environmental health section of the state department of health that all authority, powers, and duties from the environmental health section of the state department of health have been transferred to the department of environmental quality. If the certification is not received by July 1, 2019, section 1 of this Act becomes effective on the date certification is received."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1382

Page 1, line 6, remove "**Prior consent**"

Page 1, line 7, replace "If a" with "A"

Page 1, line 7, after "pharmacy" insert "that"

Page 1, line 7, remove the underscored comma

Page 1, line 8, remove "the pharmacy"

Page 1, line 8, remove "not"

Page 1, line 8, replace "unless the pharmacy" with "if:"

a. The pharmacy"

Page 1, line 9, after "representative" insert "for each renewal prescription or refill; or"

- b. After notice of a forthcoming delivery, the patient does not inform the pharmacy the patient does not want the refill"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1395

Page 2, line 4, replace "all treatment recommended as a result of those evaluations" with "treatment recommendations as ordered by the court as a condition of probation"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1502

Page 2, line 8, overstrike "events" and insert immediately thereafter "event days"

Page 2, line 12, overstrike "Participation by a"

Page 2, overstrike line 13

Page 2, line 14, overstrike "agriculture does not count against the"

Page 2 line 14, remove "forty"

Page 2, line 14, overstrike "events limitation."

Page 3, line 7, replace "twenty-five" with "twelve"

Page 3, line 8, replace "94635.3" with "42000"

Page 3, line 18, replace "five" with "two"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1190, HB 1332, HB 1346, HB 1374, HB 1467.

SENATE AMENDMENTS TO HOUSE BILL NO. 1190

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

Page 1, line 1, after "5-01-17" insert "and 5-01-20"

Page 1, line 2, after "licenses" insert "and direct sales by licensed wineries"

Page 2, line 9, remove the overstrike over "~~special events~~"

Page 2, line 9, remove "event"

Page 2, line 12, overstrike "To participate in a pride of Dakota event sponsored by the"

Page 2, line 13, overstrike "department of agriculture, a domestic winery shall obtain"

Page 2, line 13, remove "an event"

Page 2, overstrike line 14

Page 2, line 15, overstrike "department of agriculture does not count against the"

Page 2, line 15, remove "forty"

Page 2, line 15, overstrike "events"

Page 2, line 16, overstrike "limitation."

Page 2, line 27, after "4." insert "A domestic winery may purchase wine in bulk from within and outside the state, excluding label approved containers and not to exceed four thousand gallons [15142 liters] per calendar year.

5."

Page 3, after line 4, insert:

"SECTION 2. AMENDMENT. Section 5-01-20 of the North Dakota Century Code is amended and reenacted as follows:

5-01-20. Direct sale by licensed wineries.

1. A licensed winery that produces no more than ~~fifty~~twenty-five thousand gallons [~~18927194635~~ liters] of wine per year may sell and deliver, onsite or offsite, the wine produced by the winery directly to licensed retailers. The licensed winery may sell and deliver wine onsite to a licensed retailer who presents the retailer's license or a photocopy of the license. The winery may deliver the wine offsite if the winery:
 - a. Uses the winery's equipment, trucks, and employees to deliver the wine;
 - b. Contracts with a licensed distributor to ship and deliver the wine to the retailer; or
 - c. Contracts with a common carrier to ship and deliver the wine to the retailer directly from the winery or the winery's bonded warehouse.
2. The shipments delivered by a winery's equipment, trucks, and employees in a year may not exceed four thousand five hundred cases. A case may not exceed 2.38 gallons [9 liters].
3. Individual shipments delivered by common carrier may not exceed three cases a day for each licensed retailer. The shipments delivered by a common carrier in a year may not exceed ~~four~~three thousand five hundred cases. A case may not exceed 2.38 gallons [9 liters]."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1332

Page 1, line 23, after "4." insert "The plan submitted by the school to the superintendent of public instruction is a security system plan as defined in section 44-04-24 and a public health and security plan as defined in section 44-04-25. The plan continues to be an exempt record after the required disclosures of the plan under this section.

5."

Page 2, line 1, replace "5." with "6."

Page 2, line 3, replace "6." with "7."

Page 2, line 7, replace "7." with "8."

Page 2, line 27, remove "at the time of an"

Page 2, line 28, replace "incident requiring an action by" with "while serving as"

Page 2, line 29, replace "8." with "9."

Page 3, line 3, replace "9." with "10."

Page 3, line 6, replace "10." with "11."

Page 3, line 8, replace "11." with "12."

Page 3, line 11, replace "7" with "8"

Page 3, line 13, replace "6" with "7"

Page 3, line 13, replace "7" with "8"

Page 3, line 16, replace "12." with "13."

Page 3, line 19, replace "13." with "14."

Page 3, line 21, replace "14." with "15."

Page 3, line 23, replace "15." with "16."

Page 3, line 26, replace "16." with "17."

Page 3, line 30, replace "17." with "18."

Page 4, line 1, replace "18." with "19."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1346

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

Page 1, line 1, after "15.1-27-23" insert ", and 15.1-27-35"

Page 1, line 2, after "districts" insert ", average daily membership calculation,"

Page 1, line 12, remove the overstrike over "~~in consultation with district teachers~~"

Page 1, line 20, overstrike "A" and insert immediately thereafter "For the first two days of professional development required under subdivision d of subsection 1, a"

Page 2, after line 18, insert:

"5. If a school district intends to operate under a school calendar that consists of four days of instruction per week, the school district shall apply to and be approved for a waiver by the superintendent of public instruction."

Page 3, after line 19, insert:

"SECTION 3. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

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

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the ~~greater of:~~
 - a. ~~The school district's calendar; or~~
 - b. ~~One hundred eighty-two.~~
2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:

- a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;
 - b. The two days set aside for professional development activities under section 15.1-06-04; and
 - c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.
3. For purposes of calculating average daily membership:
- a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1374

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the medical assistance pharmacy management program; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 50-24.1 of the North Dakota Century Code is created and enacted as follows:

Pharmacy management program.

The department shall establish a pharmacy management program to be used by the medical assistance program for Medicaid expansion for prescription drug coverage. The department shall process claims through the department's existing pharmacy claims system and Medicaid management information system and provide the contracted managed care plan with a daily pharmacy claims file for Medicaid expansion recipients.

SECTION 2. EFFECTIVE DATE. This Act becomes effective January 1, 2020."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1467

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding agricultural issues in the state.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - AGRICULTURAL ISSUES - GRAIN BUYERS, ROVING GRAIN BUYERS, GRAIN HANDLING FACILITIES, FERTILIZER, SOIL AMENDMENTS, SEED, AND FUEL. During the 2019-20 interim, the legislative management shall consider studying agricultural issues in the state, including studying grain buyers, roving grain buyers, grain brokers, and grain handling facilities under title 60; and issues related to prepayment for fertilizer, soil amendments, seed, and fuel in situations of insolvency. The study must include a review of the current law, industry practices, and background checks relating to grain buyers, roving grain buyers, grain brokers, and handling facilities and a review of any potential efficiencies that may exist, methods of maintaining financial security during the grain buying process including consideration of facility operating capital to ensure adequate solvency during licensing, and the process of confidential financial and physical audits. The study also must include a review of the law pertaining to grain handling facility asset lists to determine if changes are required to ensure producers are protected from facility insolvency if an end product is refined and no longer reflects the original product, the indemnity fund under title 60, and grain handling facility bonding requirements. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1546.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1546

Page 1, line 2, after the first semicolon insert "to amend and reenact section 2 of chapter 132 of the 2007 Session Laws, relating to the implementation of the prohibition of the performance of abortions;"

Page 1, after line 19, insert:

"SECTION 2. AMENDMENT. Section 2 of chapter 132 of the 2007 Session Laws is amended and reenacted as follows:

SECTION 2. EFFECTIVE DATE. This Act becomes effective on the ~~date the legislative council approves by motion the recommendation of the attorney general to the legislative council that it is reasonably probable that this Act would be upheld as constitutional~~ thirtieth day after:

1. The adoption of an amendment to the United States Constitution which, in whole or in part, restores to the states the authority to prohibit abortion; or
2. The attorney general certifies to the legislative council the issuance of the judgment in any decision of the United States Supreme Court which, in whole or in part, restores to the states authority to prohibit abortion."

Page 1, line 20, remove "date the"

Page 1, replace lines 21 through 23 with "thirtieth day after the adoption of an amendment to the United States Constitution which, in whole or in part, restores to the states the authority to prohibit abortion, or on the thirtieth day after the attorney general certifies to the legislative council:

1. The issuance of the judgment in any decision of the United States Supreme Court or the United States Court of Appeals for the Eighth Circuit which would allow enforcement of section 1 of this Act; or
2. The issuance of the judgment in any decision of the United States Supreme Court which, in whole or in part, restores to the states authority to prohibit abortion."

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 1125.

SENATE AMENDMENTS TO HOUSE BILL NO. 1125

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

Page 1, after line 21, insert:

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

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1501.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1501

Page 1, line 2, remove "and"

Page 1, line 4, after "members" insert "; and to declare an emergency"

Page 1, line 9, after the third "the" insert "governor, in consultation with the"

Page 1, line 10, after "instruction" insert an underscored comma

Page 1, line 11, replace "a forensic, fiscal, or performance" with "an"

Page 2, line 5, replace "official" with "school board member"

Page 2, line 5, replace "official's" with "individual's"

Page 2, line 7, replace "official" with "school board member"

Page 2, line 8, replace "political subdivision or" with "school"

Page 2, line 9, replace "official" with "member"

Page 2, line 9, remove "political subdivision"

Page 2, line 10, replace "or" with "school"

Page 2, line 10, replace "official" with "member"

Page 2, after line 13 insert:

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

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1278.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1496.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1054, HB 1101, HB 1124, HB 1175, HB 1203, HB 1354, HB 1401, HB 1415, HB 1422, HB 1507, HB 1515, HCR 3031,

HCR 3041, HCR 3052, HCR 3054, HCR 3056.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2107, SB 2108, SB 2109, SB 2122, SB 2254, SB 2343, SCR 4008.

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

MR. SPEAKER: The President has signed: HB 1054, HB 1101, HB 1124, HB 1175, HB 1203, HB 1354, HB 1401, HB 1415, HB 1422, HB 1507, HB 1515, HCR 3031, HCR 3041, HCR 3052, HCR 3054, HCR 3056.

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

MR. SPEAKER: The Senate has overridden the Governor's veto on SB 2244. The vote was 41 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING, and your favorable consideration is requested.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:15 p.m., Monday, April 1, 2019, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2041: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "repeal subsection 6 of section 21-03-06 of the North Dakota Century"

Page 1, line 4, replace "Code, relating to the issuance of bonds by the governing body of a park district" with "amend and reenact subsection 4 of section 40-49-12 of the North Dakota Century Code, relating to special assessments imposed by a park district"

Page 1, line 9, remove "to"

Page 1, line 10, replace "acquire, lay out, and improve" with "for maintenance of"

Page 1, line 10, remove ", and"

Page 1, line 11, remove "to acquire land for these purposes"

Page 1, line 21, after the underscored period insert "For purposes of this subsection, "maintenance" means improvements to property which maintain the useful life of the property, the restoration of property to its previous condition, or incidental repairs or improvements to property."

SECTION 2. AMENDMENT. Subsection 4 of section 40-49-12 of the North Dakota Century Code is amended and reenacted as follows:

4. Levy special assessments on all property especially benefited by the purchase, opening, establishment, and improvement of such parks or boulevards and of ways or streets about the same. For purposes of this section, an especially benefited property is a property that will receive a benefit from the improvement that is to be paid by special assessment which is different from the general benefit that will be conferred on properties located outside of the special assessment improvement district."

Page 1, remove lines 22 and 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2058: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2058 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 1285-1287 of the House Journal, Senate Bill No. 2058 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 subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the director of the game and fish department; to provide an appropriation; to provide for a transfer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 17 of section 20.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

17. Carry out a private land habitat and access improvement program by:
 - a. Entering cost-sharing, habitat enhancement, and access agreements with landowners or agencies working on private land to help defray all or a portion of their share of local, state, or federally sponsored conservation practices considered beneficial to fish and wildlife.
 - b. Leasing and developing fish and wildlife habitat or sport fishing areas on private land. Except for purposes of ~~subdivisions~~ subdivisions i and j, public access to leased land may not be prohibited.
 - c. Carrying out practices or designating an individual to carry out practices or authorizing or having the designee authorize landowners to carry out practices that will alleviate depredations caused by predatory animals and big game animals.
 - d. Publishing a brochure on an annual basis describing areas funded from the game and fish department private land habitat and access improvement fund which are open to public access in this state.
 - e. Receiving advice from the game and fish advisory board concerning expenditures from the game and fish department private land habitat and access improvement fund.
 - f. Working with livestock producers experiencing chronic deer depredation problems to develop site-specific deer depredation management plans.
 - g. Giving first consideration to producers impacted by deer foraging on stored winter forage when purchasing winter deer management supplies.
 - h. Making available the sum of one million dollars from each biennial game and fish department appropriation to be used to provide feeding and other winter management practices to alleviate depredation caused by big game animals. Any unexpended funds under this subdivision, up to two million dollars, are not subject to section 54-44.1-11 and may be carried forward for expenditure in future bienniums.
 - i. Making available the sum of one hundred thousand dollars from each biennial game and fish department appropriation to be used for food plots on private property for the purpose of providing winter

feed. These food plots are not subject to public access considerations.

- j. Assisting interested landowners in improving soil health and water quality and creating wildlife habitat.

SECTION 2. GENERAL FUND APPROPRIATION AND TRANSFER - PRIVATE LAND HABITAT AND ACCESS IMPROVEMENT FUND - GAME AND FISH DEPARTMENT.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, which the director of the office of management and budget shall transfer to the private land habitat and access improvement fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
2. There is appropriated out of any moneys in the private land habitat and access improvement fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of assisting interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 3. GENERAL FUND APPROPRIATION AND TRANSFER - SPECIAL ROADS FUND - DEPARTMENT OF TRANSPORTATION.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, which the director of the office of management and the budget shall transfer to the special roads fund for the period beginning with the effective date of this Act, and ending June 30, 2021.
2. There is appropriated out of any moneys in the special roads fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the department of transportation for the purpose of recreational road access, for the period beginning with the effective date of this Act, and ending June 30, 2021.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the private land habitat and access improvement fund, the sum of \$500,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of implementing the private land habitat and access improvement program to assist interested landowners in improving soil health and water quality and creating wildlife habitat, for the period beginning with the effective date of this Act, and ending June 30, 2021. This appropriation is a one-time funding item.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2212, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2212 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "authorization for" with "the inspection of production and royalty payment records by"

Page 1, line 2, remove "to impose a civil penalty"

Page 1, line 3, remove "for failure to produce records"

Page 2, line 12, remove ", the board shall send a letter to the person"

Page 2, replace lines 13 through 21 with ":

- a. The records in subsection 1 must be sent electronically, or in a manner acceptable to the board, to a location designated by the board.
 - b. Notwithstanding subsection 2, at the discretion of the board, a proceeding brought under this section may be brought in the district court of Burleigh County or in the county in which the oil or gas well is located.
4. If the board of university and school lands is successful in any proceeding brought under this section, the district court shall allow the board to recover court costs; reasonable costs, fees, disbursements, and expenses incurred by the board in inspecting the copying the oil and gas production and royalty payment records of the person obligated to pay royalties under the lease; and reasonable attorney's fees.
- a. The district court also shall assess a civil penalty of two thousand dollars per day for each day the person obligated to pay royalties under the lease failed to send the oil and gas royalty payment and production records to the board in accordance with subsection 1.
 - b. The civil penalty under subdivision a ceases to accrue on the date the proceedings are initiated under subsection 1."

Renumber accordingly

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

Buell J. Reich, Chief Clerk

