

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

\* \* \* \* \*

Bismarck, February 15, 2019

The Senate convened at 12:30 p.m., with President Sanford presiding.

The prayer was offered by Pastor Allen Finger, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present except Senators Burckhard and Davison.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Twenty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 404, Line 19, replace "**Sen. Rust**" with "**Sen. Schaible**"

**SEN. ANDERSON MOVED** that the report be adopted, which motion prevailed.

## MOTION

**SEN. KLEIN MOVED** that Senate Rule 329 be amended, replacing "twenty-eighth legislative day" with "thirtieth legislative day", which motion prevailed.

## MOTION

**SEN. KLEIN MOVED** that SB 2265, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2148: SEN. HOGUE (Special Committee on Ethics) MOVED** that the amendments on SJ pages 609-612 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2148 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2020: SEN. G. LEE (Appropriations Committee) MOVED** that the amendments on SJ pages 602-606 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## SECOND READING OF SENATE BILL

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to amend and reenact section 61-02-79 of the North Dakota Century Code, relating to the authorization of a Bank of North Dakota line of credit; to provide for Red River valley water supply requirements; to provide an exemption; to provide for a report to the legislative management; and to provide a statement of legislative intent.

## REQUEST

**SEN. LUICK REQUESTED** that the Senate divide Engrossed SB 2020, which request was granted.

**DIVISION A:** Remainder of the Bill

**DIVISION B:** Remove Section 5 which includes lines 8 through 15

## REQUEST

**SEN. J. LEE REQUESTED** a recorded roll call vote on Division A of Engrossed SB 2020,

which request was granted.

#### ROLL CALL

The question being on the final adoption of Division A of Engrossed SB 2020, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Davison

Division A of Engrossed SB 2020 was adopted on a recorded roll call vote.

#### REQUEST

**SEN. J. LEE REQUESTED** a recorded roll call vote on Division B of Engrossed SB 2020, which request was granted.

#### ROLL CALL

The question being on the final adoption of Division B of Engrossed SB 2020, the roll was called and there were 40 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Dever; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Clemens; Cook; Dotzenrod; Larsen, O.; Luick

**ABSENT AND NOT VOTING:** Burckhard; Davison

Division B of Engrossed SB 2020 was adopted on a recorded roll call vote.

#### ROLL CALL

The question being on the final passage of the amended bill, which includes Division A and Division B, which have been read, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Luick

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2020 passed.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2044: SEN. UNRUH (Energy and Natural Resources Committee) MOVED** that the amendments on SJ page 608 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2044:** A BILL for an Act to amend and reenact section 12.1-21-06 of the North Dakota Century Code, relating to tampering with or damaging a critical infrastructure facility or a public service; 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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Grabinger; Marcellais; Mathern

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2044 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2007: SEN. POOLMAN (Appropriations Committee) MOVED** that the amendments on SJ pages 601-602 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of labor and human rights; and to provide for a report to the legislative assembly.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2007 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2095: SEN. HOGUE (Appropriations Committee) MOVED** that the amendments on SJ page 609 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2095:** A BILL for an Act to amend and reenact section 37-17.1-27 of the North Dakota Century Code, relating to the process of expending funds from the disaster relief 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais;

Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2095 passed.

\*\*\*\*\*

#### **CONSIDERATION OF AMENDMENTS**

**SB 2154: SEN. K. ROERS (Human Services Committee) MOVED** that the amendments on SJ pages 612-613 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### **SECOND READING OF SENATE BILL**

**SB 2154:** A BILL for an Act to create and enact chapter 23-49 of the North Dakota Century Code, relating to hospital discharge policies.

#### **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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2154 passed.

\*\*\*\*\*

#### **CONSIDERATION OF AMENDMENTS**

**SB 2358: SEN. UNRUH (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 617-618 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### **SECOND READING OF SENATE BILL**

**SB 2358:** A BILL for an Act to provide for a legislative management study regarding the use of the term "watercourse" in the North Dakota Century Code.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Larsen, O.

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2358 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2360: SEN. KANNIANEN (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 618-619 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2360:** A BILL for an Act to amend and reenact subdivision b of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the calculation of income for purposes of the farm residence property tax exemption; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 34 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Clemens; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Klein; Krebsbach; Larsen, O.; Larson, D.; Lee, G.; Luick; Marcellais; Mathern; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Anderson; Bekkedahl; Cook; Dever; Holmberg; Kannianen; Kreun; Lee, J.; Meyer; Roers, J.; Roers, K.

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2360 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2269: SEN. MYRDAL (Agriculture Committee) MOVED** that the amendments on SJ page 615 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2269:** A BILL for an Act to create and enact three new sections to chapter 23-09.5 of the North Dakota Century Code, relating to cottage food production and sale; and to amend and reenact sections 23-09.5-01 and 23-09.5-02 of the North Dakota Century Code, relating to the direct producer to consumer sale of cottage food products.

**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 42 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

**NAYS:** Anderson; Vedaa

**ABSENT AND NOT VOTING:** Burckhard; Davison; Lee, J.

Engrossed SB 2269 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2275, as engrossed: SEN. UNRUH (Appropriations Committee) MOVED** that the

amendments on SJ pages 615-616 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2275:** A BILL for an Act to create and enact section 6-09.4-28 of the North Dakota Century Code, relating to the infrastructure revolving loan fund debt repayments; to amend and reenact sections 6-09-49, 6-09.4-06, and 6-09.4-10, subsection 6 of section 21-03-07, and sections 21-03-19, 57-15-06.6, and 57-47-02 of the North Dakota Century Code, relating to the infrastructure revolving loan fund, borrowing and lending authority, reserve funds, and expanded bonding authority for counties; to repeal section 61-02-78 of the North Dakota Century Code, relating to a revolving loan fund for water projects; to provide a transfer; to provide a continuing appropriation; to provide a bond issuance limitation; and to provide an effective 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Davison

Reengrossed SB 2275 passed.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**SB 2037: SEN. J. ROERS (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 606-608 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF SENATE BILL

**SB 2037:** A BILL for an Act to create and enact chapters 38-23 and 38-24 of the North Dakota Century Code, relating to the disposal and storage of high-level radioactive waste and subsurface storage and retrieval of nonhydrocarbons; to amend and reenact sections 12.1-06.1-01 and 38-19-09 of the North Dakota Century Code, relating to the definition of illegal transportation or disposal of radioactive waste material or hazardous waste and disposition of unusable products; to repeal chapter 23-20.2 of the North Dakota Century Code, relating to the disposal of nuclear waste material; and to provide a penalty.

#### MOTION

**SEN. J. ROERS MOVED** that Engrossed SB 2037 be amended as follows, which motion prevailed on a voice vote.

Page 14, line 23, remove "of a facility"

Renumber accordingly

#### 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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, J.; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Dever; Lee, G.; Marcellais

**ABSENT AND NOT VOTING:** Burckhard; Davison

Reengrossed SB 2037 passed.

\*\*\*\*\*

#### **CONSIDERATION OF AMENDMENTS**

**SB 2212: SEN. PIEPKORN (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 613-614 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### **SECOND READING OF SENATE BILL**

**SB 2212:** A BILL for an Act to amend and reenact section 47-16-39.2 of the North Dakota Century Code, relating to authorization for the board of university and schools lands to impose a civil penalty for failure to produce records; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2212 passed.

\*\*\*\*\*

#### **CONSIDERATION OF AMENDMENTS**

**SB 2307: SEN. MEYER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 616-617 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### **SECOND READING OF SENATE BILL**

**SB 2307:** A BILL for an Act to create and enact a new section to chapter 16.1-02 of the North Dakota Century Code, relating to use of voter lists; and to amend and reenact sections 16.1-01-03, 16.1-02-12, and 16.1-16-01 of the North Dakota Century Code, relating to hours of polling places, information in the central voter file, and election recounts.

#### **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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2307 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2261: SEN. UNRUH (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 614-615 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2261:** A BILL for an Act to create and enact a new section to chapter 49-22 and a new section to chapter 49-22.1 of the North Dakota Century Code, relating to mitigating adverse environmental impacts.

**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 39 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Cook; Grabinger; Heckaman; Hogan; Mathern; Oban

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2261 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2308: SEN. MEYER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 617 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

**SECOND READING OF SENATE BILL**

**SB 2308:** A BILL for an Act to create and enact a new section to chapter 16.1-15 of the North Dakota Century Code, relating to counting write-in votes; and to amend and reenact sections 16.1-11-12 and 16.1-12-02.2, subsection 1 of section 16.1-12-04, section 16.1-12-07, and subsection 1 of section 16.1-15-08 of the North Dakota Century Code, relating to ballot formats, write-in votes, and certificates of nomination.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2308 passed.

\*\*\*\*\*

**CONSIDERATION OF AMENDMENTS**

**SB 2236: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments on SJ page 614 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.



**SECOND READING OF SENATE BILL**

**SB 2236:** A BILL for an Act to create and enact chapter 43-64 of the North Dakota Century Code, relating to the licensure and regulation of behavior analyst professionals; to amend and reenact sections 43-32-01, 43-32-02, 43-32-08, 43-32-08.1, 43-32-08.2, 43-32-09, 43-32-12, 43-32-13, 43-32-14, 43-32-16, 43-32-17, 43-32-19.1, 43-32-20, 43-32-27, 43-32-27.1, 43-32-30, 43-57-01, 43-57-03, and 43-57-06, subsection 2 of section 43-57-07, and section 43-57-11, relating to the regulation of applied behavioral analysts of psychologist examiners and to the board of integrative health care; to provide a penalty; and to provide an effective 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Osland; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Davison

Engrossed SB 2236 passed.

\*\*\*\*\*

**MOTION**

**SEN. KLEIN MOVED** that SB 2266 be moved to the top of the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2266:** A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to the adoption of a restraint and seclusion policy by school districts, the prohibition of seclusion, the collection of data, and the reporting of incidents of restraint and seclusion; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 33 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Dever; Dotzenrod; Grabinger; Heckaman; Hogan; Marcellais; Mathern; Oban; Piepkorn; Robinson; Roers, K.

**NAYS:** Anderson; Bekkedahl; Clemens; Cook; Dwyer; Elkin; Erbele; Fors; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Meyer; Myrdal; Oehlke; Osland; Patten; Poolman; Roers, J.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Burckhard; Davison

SB 2266 failed.

\*\*\*\*\*

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2008, SB 2010, SB 2017, SB 2021, SB 2055, SB 2181, SB 2186, SB 2211, SB 2217, SB 2313, SB 2320, SB 2341, SB 2361.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2004, SB 2124, SB 2257, SB 2258.

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

**MR. PRESIDENT:** The House has passed, and your favorable consideration is requested on: HB 1010, HB 1023, HB 1122, HB 1129, HB 1131, HB 1141, HB 1220, HB 1223, HB 1241, HB 1354, HB 1369, HB 1385, HB 1402, HB 1405, HB 1407, HB 1412, HB 1447, HB 1462, HB 1539.

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

**MR. PRESIDENT:** The House has passed, the emergency clause failed, and your favorable consideration is requested on: HB 1363, HB 1530.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Monday, February 18, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2003: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 1, after "general" insert "; to amend and reenact sections 53-12.1-09 and 54-12-11 of the North Dakota Century Code, relating to transfers from the lottery operating fund to the multijurisdictional drug task force grant fund and the salary of the attorney general; to provide an exemption; and to provide for a report"

Page 1, remove lines 8 through 23

Page 2, replace lines 1 and 2 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$41,179,043	\$3,902,881	\$45,081,924
Operating expenses	15,977,281	475,981	16,453,262
Capital assets	2,742,372	529,964	3,272,336
Grants	2,440,000	1,978,440	4,418,440
Litigation fees	150,000	0	150,000
Intellectual property attorney	426,924	17,837	444,761
Medical examinations	660,000	0	660,000
North Dakota lottery	5,336,797	(147,847)	5,188,950
Arrest and return of fugitives	10,000	0	10,000
Gaming commission	7,490	(1)	7,489
Criminal justice information sharing	3,386,645	244,369	3,631,014
Law enforcement	2,901,608	78,136	2,979,744
Human trafficking victims grants	125,000	1,500,000	1,625,000
Forensic nurse examiners grants	0	250,000	250,000
Total all funds	\$75,343,160	\$8,829,760	\$84,172,920
Less estimated income	30,647,320	7,656,426	38,303,746
Total general fund	\$44,695,840	\$1,173,334	\$45,869,174
Full-time equivalent positions	237.00	7.00	244.00"

Page 2, line 3, after "**FUNDING**" insert "- **EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY**"

Page 2, line 4, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 5 through 21 with:

"	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
	SAVIN cost-share program	\$315,000	\$0
	Uniform crime reporting rewrite	280,000	0
	DOS-based deposit system rewrite	100,000	0
	Pipeline protest law enforcement support	200,000	0
	Court-ordered payments	15,872,000	0

Forensic nurse examiner grants	150,000	0
Additional income	250,000	0
SAVIN program enhancements	500,000	0
Criminal history improvement project	0	400,000
Capital assets	0	1,851,956
Undercover vehicles	0	300,000
Finger identification system replacement project	0	316,000
Charitable gaming technology system	0	400,000
Total all funds	\$17,667,000	\$3,267,956
Total other funds	<u>17,567,000</u>	<u>2,967,956</u>
Total general fund	\$100,000	\$300,000

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The attorney general shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

### **SECTION 3. EXEMPTION - ATTORNEY GENERAL REFUND FUND.**

Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund which would otherwise be transferred to the general fund on June 30, 2019.

**SECTION 4. AMENDMENT.** Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

#### **53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.**

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in this section. During each regular session, the attorney general shall present a report to the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;
2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;
3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and
4. Transfer of net proceeds:
  - a. Eighty thousand dollars must be transferred to the state treasurer each quarter for deposit in the gambling disorder prevention and treatment fund;
  - b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;
  - c. Starting July 1, 2007~~2019~~, ~~one~~two hundred five thousand six hundred twenty-five dollars must be transferred to the state treasurer

each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and

- d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund.

**SECTION 5. AMENDMENT.** Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-11. Salary of attorney general.**

The annual salary of the attorney general is ~~one hundred fifty-two thousand four hundred thirty-six dollars through June 30, 2016~~ one hundred sixty thousand one hundred forty-nine dollars through June 30, 2020, and one hundred fifty-seven thousand nine dollars one hundred sixty-four thousand nine hundred fifty-four dollars thereafter.

**SECTION 6. ADDITIONAL INCOME - APPROPRIATION - REPORT.** In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the attorney general for the purposes of defraying the expenses of the office, for the biennium beginning July 1, 2019, and ending June 30, 2021. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section.

**SECTION 7. CRIMINAL HISTORY RECORD CHECKS - FEES.** Any individual or entity requesting a criminal history record check from the bureau of criminal investigation, as a result of legislation enacted by the sixty-sixth legislative assembly, shall pay a reasonable fee established by the attorney general to the attorney general to be deposited in the state's general fund for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 8. EXEMPTION - STATEWIDE AUTOMATED VICTIM INFORMATION AND NOTIFICATION PROGRAM.** The \$815,000 from the general fund appropriated to the attorney general for the statewide automated victim information and notification system as contained in sections 1 and 8 of chapter 3 of the 2017 Session Laws, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the statewide automated victim information and notification program, during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 9. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS - REPORTS.** The human trafficking victims grants line item in section 1 of this Act includes \$1,625,000 from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the biennium beginning July 1, 2019, and ending June 30, 2021. The attorney general may provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-seventh legislative assembly on the use of the funds received and the outcomes of its program. The attorney general shall report to the legislative management during the 2019-20 interim on the status and results of the grant program.

**SECTION 10. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS.** The forensic nurse examiners grants line item in section 1 of this Act includes \$250,000 from the general fund for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs, for the biennium beginning July 1, 2019, and ending June 30, 2021. Any organization that receives a grant under this section shall report to the

attorney general and the appropriations committees of the sixty-seventh legislative assembly on the use of the funds received and the outcomes of its programs. The attorney general shall report to the appropriations committees of the sixty-seventh legislative assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.

**SECTION 11. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM - EXEMPTION - GAMING TAX ALLOCATION.** The estimated income line item in section 1 of this Act includes \$400,000 from the attorney general operating fund for the purpose of purchasing equipment and software for a charitable gaming technology system. Notwithstanding the provisions of section 53-06.1-12, from the deposits designated for deposit in the general fund under subsection 3 of section 53-06.1-12 in fiscal year 2020, the attorney general shall deposit \$400,000 into the attorney general operating fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 12. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT.** The amount appropriated to the attorney general from the general fund for a concealed weapon rewrite project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the 2017-19 biennium, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the concealed weapon rewrite project, during the biennium beginning July 1, 2019, and ending June 30, 2021."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2003 - Attorney General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$41,179,043	\$3,902,881	\$45,081,924
Operating expenses	15,977,281	475,981	16,453,262
Capital assets	2,742,372	529,964	3,272,336
Grants	2,440,000	1,978,440	4,418,440
Litigation fees	150,000		150,000
Intellectual property attorney	426,924	17,837	444,761
Medical examinations	660,000		660,000
North Dakota lottery	5,336,797	(147,847)	5,188,950
Arrest and return of fugitives	10,000		10,000
Gaming commission	7,490	(1)	7,489
Criminal justice information sharing	3,386,645	244,369	3,631,014
Law enforcement	2,901,608	78,136	2,979,744
Human trafficking victims grants	125,000	1,500,000	1,625,000
Additional expenses		250,000	250,000
Forensic nurse examiners grants		250,000	250,000
Total all funds	\$75,343,160	\$9,079,760	\$84,422,920
Less estimated income	30,647,320	7,906,426	38,553,746
General fund	\$44,695,840	\$1,173,334	\$45,869,174
FTE	237.00	7.00	244.00

#### Department 125 - Attorney General - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adjusts Funding for Various FTE Positions <sup>3</sup>	Adds Funding for a Social Security Investigation Program <sup>4</sup>	Adjusts Funding for Salaries <sup>5</sup>	Adds Funding for a Medicaid Fraud Control Unit Program <sup>6</sup>
Salaries and wages	(\$1,854,110)	\$2,209,473	(\$416,589)	\$453,288	\$1,878,462	\$1,333,717
Operating expenses				136,520		398,809
Capital assets				72,080		84,800
Grants						
Litigation fees						
Intellectual property attorney	1,109	16,728				
Medical examinations						
North Dakota lottery	130,243	97,007				
Arrest and return of fugitives						
Gaming commission	(1)					
Criminal justice information sharing	53,532	50,837				
Law enforcement	(73,926)	137,163			14,899	

Human trafficking victims grants						
Additional expenses						
Forensic nurse examiners grants						
Total all funds	(\$1,743,153)	\$2,511,208	(\$416,589)	\$661,888	\$1,893,361	\$1,817,326
Less estimated income	(250,559)	668,601	0	661,888	2,075,818	1,635,593
General fund	(\$1,492,594)	\$1,842,607	(\$416,589)	\$0	(\$182,457)	\$181,733
FTE	0.00	0.00	(3.00)	2.00	0.00	7.00

	Adds Funding for the State Fire Marshal Office <sup>2</sup>	Adjusts Base Level Funding <sup>8</sup>	Adds Funding for Microsoft Office 365 Licenses <sup>3</sup>	Removes Funding from the Tobacco Settlement Trust Fund <sup>10</sup>	Adds Funding for the Lottery Narcotics Task Force <sup>11</sup>	Adds Funding for the Human Trafficking Victims Grant Program <sup>12</sup>
Salaries and wages	\$298,640					
Operating expenses	124,888	(\$953,900)	\$168,000	(\$200,000)	\$1,664	
Capital assets		(2,094,872)				
Grants		1,223,440			755,000	
Litigation fees						
Intellectual property attorney						
Medical examinations						
North Dakota lottery		(375,097)				
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing						
Law enforcement						
Human trafficking victims grants						\$1,500,000
Additional expenses						
Forensic nurse examiners grants						
Total all funds	\$423,528	(\$2,200,429)	\$168,000	(\$200,000)	\$756,664	\$1,500,000
Less estimated income	423,528	(1,223,063)	0	(200,000)	756,664	0
General fund	\$0	(\$977,366)	\$168,000	\$0	\$0	\$1,500,000
FTE	1.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for a Forensic Nurse Examiners Grant Program <sup>13</sup>	Adds Funding for Criminal Justice Information Sharing Improvements <sup>14</sup>	Adds One-Time Funding for a Criminal History Improvement Project <sup>15</sup>	Adds One-Time Funding for Capital Assets <sup>16</sup>	Adds One-Time Funding for Undercover Vehicles <sup>17</sup>	Adds One-Time Funding for Finger Identification System Replacement <sup>18</sup>
Salaries and wages						
Operating expenses			\$400,000			
Capital assets				\$1,851,956	\$300,000	\$316,000
Grants						
Litigation fees						
Intellectual property attorney						
Medical examinations						
North Dakota lottery						
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing		\$140,000				
Law enforcement						
Human trafficking victims grants						
Additional expenses						
Forensic nurse examiners grants	\$250,000					
Total all funds	\$250,000	\$140,000	\$400,000	\$1,851,956	\$300,000	\$316,000
Less estimated income	0	140,000	400,000	1,851,956	0	316,000
General fund	\$250,000	\$0	\$0	\$0	\$300,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for a Charitable Gaming Technology System <sup>19</sup>	Adds One-Time Funding for Additional Income from Other Sources <sup>20</sup>	Total Senate Changes
Salaries and wages			\$3,902,881
Operating expenses	\$400,000		475,981
Capital assets			529,964
Grants			1,978,440
Litigation fees			
Intellectual property attorney			17,837

Medical examinations			(147,847)
North Dakota lottery			(1)
Arrest and return of fugitives			244,369
Gaming commission			78,136
Criminal justice information sharing			1,500,000
Law enforcement			250,000
Human trafficking victims grants			250,000
Additional expenses		\$250,000	250,000
Forensic nurse examiners grants			250,000
Total all funds	\$400,000	\$250,000	\$9,079,760
Less estimated income	400,000	250,000	7,906,426
General fund	\$0	\$0	\$1,173,334
FTE	0.00	0.00	7.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$1,033,650	\$373,193	\$1,406,843
Health insurance increase	808,957	295,408	1,104,365
Total	\$1,842,607	\$668,601	\$2,511,208

<sup>3</sup> The following FTE positions and related funding are adjusted:

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Paralegal	(1.00)	(\$134,989)	\$0	(\$134,989)
Criminal records specialist II	(1.00)	(125,320)	0	(125,320)
Assistant Attorney General	(1.00)	(255,460)	0	(255,460)
Administrative assistant II	(1.00)	(125,320)	0	(125,320)
Forensic scientist	1.00	224,500	0	244,500
	(3.00)	(\$416,589)	\$0	(\$416,589)

<sup>4</sup> Federal funding of \$661,888 and 2 FTE criminal investigator positions are added for a Social Security Administration cooperative disability investigation program. The program will partner state and federal personnel to investigate social security-related fraud.

<sup>5</sup> Funding is adjusted to reduce \$182,457 from the general fund and add \$2,075,818 from other funds, of which \$163,121 is from federal funds, \$83,537 is from the Attorney General operating fund, \$1,419,038 is from the Attorney General refund fund, and \$410,122 is from the Attorney General 24/7 sobriety fund. Including adjustments from base payroll changes, the total reduction from the general fund is \$1,675,051 and the total increase from other funds is \$1,825,259, a net increase of \$150,208.

<sup>6</sup> Funding and FTE positions are added for a Medicaid Fraud Control Unit program. The federal government will pay up to 90 percent of the expenses of the program for the first 3 years. After the first 3 years, the federal government will pay up to 75 percent of the expenses of the program. Of the 7 FTE positions added, 2 are attorney positions, 2 are auditor positions, 2 are criminal investigator positions, and 1 is an administrative assistant position. Funding added is shown below.

	<u>FTE Positions</u>	<u>General Fund</u>	<u>Federal Funds</u>	<u>Total</u>
Salaries and wages	7.00	\$133,372	\$1,200,345	\$1,333,717
Operating expenses	0.00	39,881	358,928	398,809
Capital assets	0.00	8,480	76,320	84,800
Total	7.00	\$181,733	\$1,635,593	\$1,817,326

<sup>7</sup> Funding of \$423,528 is added for 1 FTE Fire Marshal administrative assistant position (\$128,716), 1 previously unfunded Deputy Fire Marshall position (\$169,924), and related operating expenses (\$124,888). Of the total, \$382,488 is from the Attorney General operating fund and \$41,040 is from the reduced cigarette ignition propensity fund.

<sup>8</sup> Base level funding is adjusted as follows:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Adjusts funding for operating expenses	(\$775,404)	(\$843,728)	(\$1,619,132)
Adds federal funding for sex offender sentencing, monitoring, apprehending, registering, and tracking (SMART) operating expenses	0	650,000	650,000
Adds federal funding for the Project Safe Neighborhood program	0	291,232	291,232
Reduces funding for crime laboratory bond payments	(118,512)	0	(118,512)
Reduces funding for capital assets	(83,450)	(1,892,910)	(1,976,360)
Adds federal funding for community-oriented policing grants	0	1,021,237	1,021,237
Reduces funding for other federal grants	0	(73,797)	(73,797)
Reduces funding for North Dakota lottery operating expenses	0	(375,097)	(375,097)
Total	(\$977,366)	(\$1,223,063)	(\$2,200,429)

<sup>9</sup> Funding is added from the general fund for Microsoft Office 365 license expenses.

<sup>10</sup> Funding of \$200,000 is removed from the tobacco settlement trust fund provided during the 2015-17 and 2017-19 bienniums.

<sup>11</sup> Funding of \$756,664 is provided to increase the quarterly transfer from the lottery operating fund to the multijurisdictional drug task force grant fund from \$105,625 to \$200,000 to provide total transfers of \$1.6 million each biennium. This change will reduce general fund revenues. The statutory change is made in a separate section of the bill.

<sup>12</sup> Funding of \$1.5 million is added for the human trafficking victims grants program, to provide a total of \$1,625,000 from the general fund for the 2019-21 biennium. The allowable uses and reporting requirements of the program are identified in a separate section of the bill.

<sup>13</sup> Funding of \$250,000 is added from the general fund for a forensic nurse examiners grant program. The Attorney General received a one-time appropriation of \$150,000 from the strategic investment and improvements fund for this program for the 2017-19 biennium. The reporting requirements of the program are identified in a separate section of the bill.

<sup>14</sup> Funding of \$140,000 is added from the Attorney General refund fund for Criminal Justice Information Sharing projects and improvements, including a common statute table database (\$40,000), portal improvements (\$50,000), and broker interface implementation (\$50,000).

<sup>15</sup> One-time funding of \$400,000 is appropriated from the Attorney General refund fund for a criminal history improvement project.

<sup>16</sup> One-time funding of \$1,851,956 is added from federal funds for capital assets, to provide total funding for capital assets of \$3,272,336 for the 2019-21 biennium.

<sup>17</sup> One-time funding of \$300,000 from the general fund is added for the replacement of 12 Bureau of Criminal Investigation undercover vehicles.

<sup>18</sup> One-time funding of \$316,000 is added for an automated finger identification system replacement project, of which \$158,000 is from the Attorney General refund fund and \$158,000 is from federal funds.

<sup>19</sup> One-time funding of \$400,000 is added from the Attorney General operating fund for the purpose of purchasing equipment and software for a charitable gaming technology system. An exemption is added to the bill to allow the Attorney General to deposit \$400,000 of gaming tax revenue collected during fiscal year 2020 in the Attorney General operating fund rather than depositing the revenue in the general fund as provided for in North Dakota Century Code Section 53-06.1-12.

<sup>20</sup> One-time funding of \$250,000 is added from additional federal or other funds received during the 2019-21 biennium, the same amount provided for the 2017-19 biennium. This amount is appropriated in a separate section of the bill.

This amendment also:

- Removes a section identifying \$200,000 from the tobacco settlement trust fund.
- Adds a section allowing the Attorney General to retain the balance in the Attorney General refund fund for the 2019-21 biennium rather than transferring the balance to



the general fund at the end of the 2017-19 biennium.

- Amends section 54-12-11 related to the salary of the Attorney General.
- Amends section 53-12.1-09 to increase the quarterly transfer from the lottery operating fund to the multijurisdictional drug task force grant fund from \$105,625 to \$200,000 to provide total transfers of \$1.6 million each biennium.
- Adds a section requiring any person or entity requesting a criminal history record check from the Bureau of Criminal Investigation to pay a reasonable fee established by the Attorney General to the Attorney General to be deposited in the general fund.
- Adds a section allowing the Attorney General to continue unexpended 2017-19 funding for the statewide automated victim information and notification program into the 2019-21 biennium.
- Adds a section identifying \$1,625,000 from the general fund for human trafficking victim grants and requires reports be provided to the Attorney General, the appropriations committees of the 2021 Legislative Assembly, and the Legislative Management.
- Adds a section identifying \$250,000 from the general fund for forensic nurse examiners grants and requiring reports be provided to the Attorney General and the appropriations committees of the 2021 Legislative Assembly.
- Adds a section identifying \$400,000 from the Attorney General operating fund for the purpose of purchasing equipment and software for a charitable gaming technology system and to require the Attorney General to deposit \$400,000 of gaming tax revenue collected during fiscal year 2020 into the Attorney General operating fund during the 2019-21 biennium rather than depositing the revenue in the general fund.
- Adds a section allowing the Attorney General to continue unexpended 2015-17 funding that was continued into the 2017-19 biennium for a concealed weapon rewrite project into the 2019-21 biennium.

#### REPORT OF STANDING COMMITTEE

**SB 2016: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with "to amend and reenact sections 37-07.1-03 and 37-07.2-01 of the North Dakota Century Code, relating to the national guard tuition waiver and national guard tuition grants;"

Page 1, line 2, after "transfer" insert "; to provide for a report; to provide a statement of legislative intent; to provide an exemption; and to declare an emergency"

Page 1, remove lines 12 through 24

Page 2, replace lines 1 and 2 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$6,666,525	\$147,083	\$6,813,608
Operating expenses	3,525,934	(758,613)	2,767,321
Capital assets	224,046	0	224,046
Grants	318,553	(107,637)	210,916
Civil air patrol	299,580	4,295	303,875
Tuition, recruiting, and retention	2,617,500	2,164,572	4,782,072
Air guard contract	8,098,582	443,544	8,542,126
Army guard contract	57,717,944	(10,818,059)	46,899,885
Veterans' cemetery	881,284	91,388	972,672
Reintegration program	1,261,384	(213,635)	1,047,749
Camp Grafton expansion	0	600,000	600,000
Total all funds	\$81,611,332	(\$8,447,062)	\$73,164,270
Less estimated income	65,174,778	(10,426,348)	54,748,430
Total general fund	\$16,436,554	\$1,979,286	\$18,415,840"

Page 2, replace lines 5 through 15 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$12,551,119	(\$1,226,414)	\$11,324,705
Operating expenses	6,988,451	2,379,149	9,367,600
Capital assets	0	660,000	660,000
Grants	16,889,159	(615,734)	16,273,425
Disaster costs	51,445,841	(18,992,521)	32,453,320
Radio communications	0	785,000	785,000
Total all funds	\$87,874,570	(\$17,010,520)	\$70,864,050
Less estimated income	78,424,702	(16,757,646)	61,667,056
Total general fund	\$9,449,868	(\$252,874)	\$9,196,994"

Page 2, replace lines 18 through 23 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$25,886,422	\$1,726,412	\$27,612,834
Grand total special funds	143,599,480	(27,183,994)	116,415,486
Grand total all funds	\$169,485,902	(\$25,457,582)	\$144,028,320
Full-time equivalent positions	234.00	(10.00)	224.00"

Page 2, line 24, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY"

Page 2, line 25, after "biennium" insert "and the 2019-21 biennium one-time funding items included in section 1 of this Act"

Page 2, remove lines 28 through 31

Page 3, replace lines 1 and 2 with:

"Emergency response equipment	569,000	660,000
Camp Grafton expansion	0	600,000
Uninterruptible power supply battery replacement	0	20,000
Computer-aided dispatch equipment	0	516,000
Message switch system upgrade	0	335,000
Dispatching service fee shortfall	0	1,212,253
Dakota access pipeline law enforcement	21,000,000	0
Mobile repeaters and programming radios	300,000	0
Total all funds	\$54,869,000	\$3,343,253
Total other funds	54,869,000	3,162,253
Total general fund	\$0	\$181,000

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The adjutant general shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 3, after line 8, insert:

**"SECTION 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** The estimated income line item in subdivision 1 of section 1 of this Act includes \$600,000 of one-time funding from the strategic investment and improvements fund for the camp Grafton expansion. The estimated income line item in subdivision 2 of section 1 of this Act includes \$1,902,253 of one-time funding from the strategic investment and improvements fund for computer-aided dispatch equipment, message switch system upgrades, and 911 dispatching service operations due to a revenue shortfall.

**SECTION 5. CAMP GRAFTON EXPANSION - LEGISLATIVE INTENT.** It is the intent of the sixty-sixth legislative assembly that:

1. The adjutant general purchase options during the period beginning with the effective date of this Act and ending June 30, 2021, for the purchase

or long-term lease of land for the camp Grafton expansion, including the purchase of no more than one thousand six hundred acres and the long-term lease of the remainder, not to exceed six thousand acres in total.

2. If the adjutant general secures options to purchase or lease all necessary land for the camp Grafton expansion, the sixty-seventh legislative assembly provide funding and authority for the purchase or long-term lease of land for the camp Grafton expansion during the biennium beginning July 1, 2021, and ending June 30, 2023.
3. The adjutant general not use eminent domain for the expansion of camp Grafton.

**SECTION 6. AMENDMENT.** Section 37-07.1-03 of the North Dakota Century Code is amended and reenacted as follows:

**37-07.1-03. Tuition waiver - Terms.**

A qualifying member of the national guard who enrolls in any state-controlled school, subject to rules adopted by the adjutant general, is entitled to receive a ~~twenty-five~~thirty-five percent waiver of the tuition from the state-controlled school, conditioned on the adjutant general having sufficient appropriations for tuition reimbursement under section 37-07.1-06.2. The tuition waiver is valid only so long as the member of the national guard maintains satisfactory performance with the guard, meets the qualification requirements of rules adopted by the adjutant general, and pursues a course of study in a manner that satisfies the normal requirements of the school.

**SECTION 7. AMENDMENT.** Section 37-07.2-01 of the North Dakota Century Code is amended and reenacted as follows:

**37-07.2-01. National guard ~~tuition~~member grants and tuition waivers - Terms of grants.**

Any

1. Subject to legislative appropriation and rules adopted by the adjutant general, a qualifying member of the national guard who enrolls in an accredited postsecondary institution in North Dakota which is not controlled by the state may, subject to the limitations of available appropriated funds and subject to national guard rules adopted by the adjutant general, receive a grant in an amount not to exceed the cost of tuition and fees for similar courses and credit hours for each a qualifying member of the national guard who is enrolled ~~at an~~ in the North Dakota university system ~~school~~institution with the highest tuition and fee rate.
2. Any accredited postsecondary institution that ~~agrees to participate in such as~~ is not controlled by the state and which participates in the national guard member grant program ~~must~~shall waive twenty-five percent of the tuition ~~for that otherwise would be charged to each enrolled, qualifying member of the national guard~~smenguard. ~~These grants must be distributed according to rules promulgated by the adjutant general and are available only so~~
3. The adjutant general shall adopt rules for distributing grants under this section and establishing qualification requirements for grant recipients.
4. A member of the national guard may receive a grant under this section only as long as the member maintains satisfactory performance with the national guard, meets the qualification requirements of the rules adopted under this section, and pursues a course of study which ~~satisfies~~satisfying the normal requirements of the ~~school~~postsecondary institution in which the member is enrolled.

5. For purposes of calculating the grant amount under subsection 1, the "cost of tuition and fees for similar courses and credit hours for a qualifying member of the national guard who is enrolled in the North Dakota university system institution with the highest tuition and fee rate" may not be reduced by more than twenty-five percent pursuant to section 37-07.1-03."

Page 3, after line 15, insert:

**"SECTION 9. EXEMPTION.** Any amounts carried over in the radio communications line item for the state radio tower package, in section 7 of chapter 15 of the 2017 Session Laws is not subject to section 54-44.1-11 and any unexpended funds are available for completing these projects or for technology upgrade costs required to implement the statewide interoperable radio network during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 10. EXEMPTION.** The amount appropriated in the tuition, recruiting, and retention line item in subdivision 1 of section 1 of chapter 15 of the 2017 Session Laws is not subject to section 54-44.1-11, and any unexpended funds from this appropriation may be used to provide tuition assistance, recruiting, and retention incentives to eligible members of the North Dakota national guard during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 11. EXEMPTION.** Any amounts carried over pursuant to section 11 of chapter 15 of the 2017 Session Laws which are unexpended as of June 30, 2019, are not subject to section 54-44.1-11 and are available for payment of adjusted compensation to veterans. Any unexpended funds from this appropriation must be transferred to the veterans' cemetery trust fund during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 12. EXEMPTION.** The amount of \$300,000 from the strategic investment and improvements fund appropriated in the operating expenses line item in subdivision 2 of section 1 of chapter 15 of the 2017 Session Laws for mobile repeaters and programming radios is not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be used to complete this project during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 13. EXEMPTION.** Any amounts carried over in the disaster costs line item for grants to political subdivisions for amounts required to match federal dollars on road grade raising projects and federal emergency relief funding pursuant to section 13 of chapter 15 of the 2017 Session Laws which are unexpended as of June 30, 2019, are not subject to section 54-44.1-11. Any unexpended funds from this appropriation are available for these purposes during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 14. EXEMPTION.** The amount of \$8,530,116 from the state disaster relief trust fund appropriated in the disaster costs line item in subdivision 2 of section 1 of chapter 15 of the 2017 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be used to provide the required state share for the purposes of reimbursing costs under section 37-17.1-27 during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 15. EMERGENCY.** Sections 4 and 5 and the camp Grafton expansion and tuition, recruiting, and retention line items in subdivision 1 of section 1 of this Act are declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2016 - Summary of Senate Action

	Base Budget	Senate Changes	Senate Version
Adjutant General Total all funds	\$81,611,332	(\$8,447,062)	\$73,164,270

Less estimated income	65,174,778	(10,426,348)	54,748,430
General fund	\$16,436,554	\$1,979,286	\$18,415,840
FTE	155.00	(1.00)	154.00
Department of Emergency Services			
Total all funds	\$87,874,570	(\$17,010,520)	\$70,864,050
Less estimated income	78,424,702	(16,757,646)	61,667,056
General fund	\$9,449,868	(\$252,874)	\$9,196,994
FTE	79.00	(9.00)	70.00
Bill total			
Total all funds	\$169,485,902	(\$25,457,582)	\$144,028,320
Less estimated income	143,599,480	(27,183,994)	116,415,486
General fund	\$25,886,422	\$1,726,412	\$27,612,834
FTE	234.00	(10.00)	224.00

## Senate Bill No. 2016 - Adjutant General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$6,666,525	\$147,083	\$6,813,608
Operating expenses	3,525,934	(758,613)	2,767,321
Capital assets	224,046		224,046
Grants	318,553	(107,637)	210,916
Civil air patrol	299,580	4,295	303,875
Tuition, recruiting, and retention	2,617,500	2,164,572	4,782,072
Air guard contract	8,098,582	443,544	8,542,126
Army guard contract	57,717,944	(10,818,059)	46,899,885
Veterans' cemetery	881,284	91,388	972,672
Reintegration program	1,261,384	(213,635)	1,047,749
Camp Grafton expansion		600,000	600,000
Total all funds	\$81,611,332	(\$8,447,062)	\$73,164,270
Less estimated income	65,174,778	(10,426,348)	54,748,430
General fund	\$16,436,554	\$1,979,286	\$18,415,840
FTE	155.00	(1.00)	154.00

## Department 540 - Adjutant General - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Adjusts FTE Positions <sup>3</sup>	Adjusts Funding for National Guard Contracts <sup>4</sup>	Increases Funding for Tuition Assistance <sup>5</sup>	Reduces Funding for Grants and Operating Expenses <sup>6</sup>
Salaries and wages	(\$18,506)	\$314,153	(\$148,564)			
Operating expenses						(\$758,613)
Capital assets						
Grants						(107,637)
Civil air patrol		7,927				(3,632)
Tuition, recruiting, and retention					\$2,164,572	
Air guard contract	(12,999)	281,543		\$175,000		
Army guard contract	592	660,005	221,344	(11,700,000)		
Veterans' cemetery	48,565	42,823				
Reintegration program	23,563	49,499	(286,697)			
Camp Grafton expansion						
Total all funds	\$41,215	\$1,355,950	(\$213,917)	(\$11,525,000)	\$2,164,572	(\$869,882)
Less estimated income	216,404	888,530	(131,282)	(12,000,000)	0	0
General fund	(\$175,189)	\$467,420	(\$82,635)	\$475,000	\$2,164,572	(\$869,882)
FTE	0.00	0.00	(1.00)	0.00	0.00	0.00

	Adds Funding for the Camp Grafton Expansion <sup>7</sup>	Total Senate Changes
Salaries and wages		\$147,083
Operating expenses		(758,613)
Capital assets		
Grants		(107,637)
Civil air patrol		4,295
Tuition, recruiting, and retention		2,164,572
Air guard contract		443,544
Army guard contract		(10,818,059)
Veterans' cemetery		91,388
Reintegration program		(213,635)
Camp Grafton expansion	\$600,000	600,000
Total all funds	\$600,000	(\$8,447,062)
Less estimated income	600,000	(10,426,348)

General fund	\$0	\$1,979,286
FTE	0.00	(1.00)

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$248,659	\$444,672	\$693,331
Health insurance increase	218,761	443,858	\$662,619
Total	\$467,420	\$888,530	\$1,355,950

<sup>3</sup> FTE positions and related funding are adjusted as follows:

	FTE Positions	General Fund	Other Funds	Total
Adds Fargo Readiness Center positions	3.00	\$131,028	\$131,029	\$262,057
Removes carpenter	(1.00)	(148,564)	0	(148,564)
Removes veterans' benefits specialists	(2.00)	(286,697)	0	(286,697)
Removes security officer	(1.00)	0	(129,932)	(129,932)
Reclassifies security officer as project manager	0.00	221,598	(132,379)	89,219
Total	(1.00)	(\$82,635)	(\$131,282)	(\$213,917)

<sup>4</sup> Funding for the Air Guard and Army Guard contracts is adjusted as follows:

	General Fund	Other Funds	Total
Air Guard contract	\$175,000	\$0	\$175,000
Army Guard contract	300,000	(12,000,000)	(11,700,000)
Total	\$475,000	(\$12,000,000)	(\$11,525,000)

<sup>5</sup> Funding of \$2,164,572 from the general fund is added to provide tuition assistance for National Guard members.

<sup>6</sup> Funding for operating expenses including travel, utilities, repairs, and information technology expenses, is reduced by \$762,245 from the general fund. Funding for city-owned armory grants is reduced by \$107,637 from the general fund due to the closure of armories in Mayville, Bottineau, Carrington, Grafton, Mott, and Rugby during the 2017-19 biennium.

<sup>7</sup> One-time funding of \$600,000 from the strategic investment and improvements fund is added for the Adjutant General to purchase options for the lease or purchase of up to 6,000 acres for the expansion of Camp Grafton.

#### Senate Bill No. 2016 - Department of Emergency Services - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$12,551,119	(\$1,226,414)	\$11,324,705
Operating expenses	6,988,451	2,379,149	9,367,600
Capital assets		660,000	660,000
Grants	16,889,159	(615,734)	16,273,425
Disaster costs	51,445,841	(18,992,521)	32,453,320
Radio communications		785,000	785,000
Total all funds	\$87,874,570	(\$17,010,520)	\$70,864,050
Less estimated income	78,424,702	(16,757,646)	61,667,056
General fund	\$9,449,868	(\$252,874)	\$9,196,994
FTE	79.00	(9.00)	70.00

#### Department 542 - Department of Emergency Services - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Removes FTE Positions <sup>3</sup>	Adjusts Funding and FTE Positions for IT Unification <sup>4</sup>	Adjusts Funding for Operating Expenses <sup>5</sup>	Reduces Funding for Disaster Costs and Grants <sup>6</sup>
Salaries and wages	(\$478,711)	\$560,263	(\$630,476)	(\$677,490)		
Operating expenses				716,040	\$364,856	
Capital assets						
Grants						(\$615,734)
Disaster costs	(340,934)	56,466				(18,708,053)
Radio communications						

Total all funds	(\$819,645)	\$616,729	(\$630,476)	\$38,550	\$364,856	(\$19,323,787)
Less estimated income	<u>(819,646)</u>	<u>309,029</u>	<u>(48,591)</u>	<u>20,758</u>	<u>542,338</u>	<u>(19,323,787)</u>
General fund	\$1	\$307,700	(\$581,885)	\$17,792	(\$177,482)	\$0
FTE	0.00	0.00	(5.00)	(4.00)	0.00	0.00

	Adds One-Time Funding for State Radio <sup>7</sup>	Adds One-Time Funding for Equipment <sup>8</sup>	Total Senate Changes
Salaries and wages			(\$1,226,414)
Operating expenses	\$1,298,253		2,379,149
Capital assets		\$660,000	660,000
Grants			(615,734)
Disaster costs			(18,992,521)
Radio communications	<u>785,000</u>		<u>785,000</u>
Total all funds	\$2,083,253	\$660,000	(\$17,010,520)
Less estimated income	<u>1,902,253</u>	<u>660,000</u>	<u>(16,757,646)</u>
General fund	\$181,000	\$0	(\$252,874)
FTE	0.00	0.00	(9.00)

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$159,354	\$162,877	\$322,231
Health insurance increase	<u>148,346</u>	<u>146,152</u>	<u>294,498</u>
Total	\$307,700	\$309,029	\$616,729

<sup>3</sup> FTE positions and related funding are adjusted as follows:

	FTE Positions	General Fund	Other Funds	Total
Removes communications specialists	(4.00)	(\$437,314)	(\$48,591)	(\$485,905)
Removes GIS specialist	<u>(1.00)</u>	<u>(144,571)</u>	<u>0</u>	<u>(144,571)</u>
Total	(5.00)	(\$581,885)	(\$48,591)	(\$630,476)

<sup>4</sup> Funding and FTE positions are adjusted as follows for the information technology unification initiative:

	FTE Positions	General Fund	Other Funds	Total
Transfers FTE positions	(4.00)	(\$310,746)	(\$366,744)	(\$677,490)
Adds funding for operating expenses	<u>0.00</u>	<u>328,538</u>	<u>387,502</u>	<u>716,040</u>
Total	(4.00)	\$17,792	\$20,758	\$38,550

<sup>5</sup> Funding for operating expenses, including miscellaneous supplies, repairs, professional services, and information technology expenses, is reduced by \$177,482 from the general fund and increased by \$542,338 from the radio communications fund.

<sup>6</sup> Funding for disaster costs is reduced by \$18.7 million, including a reduction of \$5.4 million from the state disaster relief trust fund and a reduction of \$13.3 million from federal funds. Funding from federal funds is also reduced by \$615,734 for Department of Emergency Services grants.

<sup>7</sup> One-time funding is added for State Radio as follows:

	General Fund	Strategic Investment and Improvements Fund	Total
Uninterruptible power supply battery replacement	\$20,000	\$0	\$20,000
Computer-aided dispatch equipment replacement	66,000	450,000	516,000
Message switch system upgrade	95,000	240,000	335,000
Dispatching service revenue shortfall	<u>0</u>	<u>1,212,253</u>	<u>1,212,253</u>
Total	\$181,000	\$1,902,253	\$2,083,253

<sup>8</sup> One-time funding of \$660,000 from federal funds is added for Department of Emergency Services equipment.

---

**Senate Bill No. 2016 - Other Changes - Senate Action**

This amendment also:

- Adds a section of legislative intent regarding the purchase of options for the future expansion of Camp Grafton.
- Amends North Dakota Century Code Section 37-07.1-03 to increase the National Guard tuition waiver from 25 to 35 percent.
- Amends Section 37-07.2-01 to provide the increased tuition waiver does not affect the National Guard tuition grant amounts paid to nonstate institutions of higher education.
- Adds 6 new sections to allow the following items to be continued and expended during the 2019-21 biennium:
  - Unexpended general or special funds authority carried over in the radio communications line item from the 2013-15 biennium relating to the State Radio tower package may be used for that purpose or for technology upgrade costs relating to the statewide interoperable radio network;
  - Unexpended general or special funds authority in the tuition, recruiting, and retention line item from the 2017-19 biennium relating to tuition assistance, recruiting, and retention incentives for eligible members of the National Guard;
  - Unexpended general or special funds authority carried over in the grants line item from the 2015-17 biennium relating to adjusted compensation for veterans;
  - Unexpended special funds authority from the strategic investment and improvements fund from the 2017-19 biennium relating to mobile repeaters and programming radios;
  - Unexpended general or special funds authority in the disaster costs line item from the 2011-13 biennium relating to grants to political subdivisions for amounts required to match federal dollars on road grade raising projects and federal emergency relief funding; and
  - Unexpended funds appropriated from the state disaster relief trust fund in the disaster costs line item from the 2017-19 biennium relating to the state share of disaster costs.
- Adds a section to declare the Camp Grafton expansion line item and provisions and the tuition, recruiting, and retention line item to be an emergency measure.

**REPORT OF STANDING COMMITTEE**

**SB 2019: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert "; to amend and reenact section 55-08-07.1 of the North Dakota Century Code, relating to the state parks and recreation concession revolving fund; to provide for a report to the legislative assembly; to provide for transfers; and to provide for an exemption"

Page 1, replace lines 13 through 21 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Administration	\$2,668,728	(\$65,123)	\$2,603,605
Park operations and maintenance	20,570,558	3,340,362	23,910,920
Recreation	<u>7,039,554</u>	<u>2,284,745</u>	<u>9,324,299</u>
Total all funds	\$30,278,840	\$5,559,984	\$35,838,824
Less estimated income	<u>17,389,561</u>	<u>5,968,333</u>	<u>23,357,894</u>
Total general fund	\$12,889,279	(\$408,349)	\$12,480,930
Full-time equivalent positions	62.50	(1.00)	61.50"

Page 2, replace lines 1 through 6 with:



"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
International Peace Garden	\$876,329	\$2,000,000	\$2,876,329
Total all funds	\$876,329	\$2,000,000	\$2,876,329
Less estimated income	0	2,000,000	2,000,000
Total general fund	\$876,329	\$0	\$876,329"

Page 2, replace lines 9 through 14 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Lewis and Clark interpretive center	\$1,250,687	\$51,017	\$1,301,704
Total all funds	\$1,250,687	\$51,017	\$1,301,704
Less estimated income	362,019	(28,505)	333,514
Total general fund	\$888,668	\$79,522	\$968,190"

Page 2, replace lines 17 through 21 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$14,654,276	(\$328,827)	\$14,325,449
Grand total special funds	17,751,580	7,939,828	25,691,408
Grand total all funds	\$32,405,856	\$7,611,001	\$40,016,857"

Page 2, line 22, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY"

Page 2, line 23, replace the period with "and the 2019-21 biennium one-time funding items included in the appropriations in section 1 of this Act:"

Page 2, replace lines 24 through 31 with:

"	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
	Double ditch historic site repairs grant	\$500,000	\$0
	Recreational opportunities on sovereign lands grant	500,000	0
	Pipeline protest law enforcement support	200,000	0
	Electronic payment processing system loan proceeds	88,000	0
	Extraordinary repairs	0	634,126
	Capital projects	0	1,755,000
	International Peace Garden capital projects	0	2,000,000
	Additional equipment	0	622,000
	State park survey	0	150,000
	Recreation mapping	0	75,000
	Traffic counters	0	75,000
	Total all funds	\$1,288,000	\$5,311,126
	Less estimated income	1,288,000	5,311,126
	Total general fund	\$0	\$0

The 2019-21 biennium one-time funding amounts are not part of the entity's base budget for the 2021-23 biennium. The parks and recreation department shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 3. GAME AND FISH OPERATING FUND - TRANSFER - BOAT RAMP OPERATION AND MAINTENANCE.** The sum of \$122,000, or so much of the sum as may be necessary, included in the park operations and maintenance line item in subdivision 1 of section 1 of this Act, is from the game and fish operating fund, or federal or other funds available to the game and fish department, and must be transferred to the parks and recreation department for maintenance, operating, and extraordinary repairs expenses relating to boat ramps at state parks for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 4. ESTIMATED INCOME - DEPARTMENT OF TRANSPORTATION GRANT.** The estimated income line item in subdivision 3 of

section 1 of this Act, includes \$100,000 of grant funding from the department of transportation for the purpose of defraying expenses for the Lewis and Clark interpretive center.

**SECTION 5. ADDITIONAL INCOME - APPROPRIATION.** In addition to the amounts appropriated in section 1 of this Act, any additional federal funds or other funds that become available are appropriated to the parks and recreation department for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 6. EXEMPTION - INTERNATIONAL PEACE GARDEN - REQUIREMENTS.** Any funds remaining in the International Peace Garden line item for repair of the peace tower at the International Peace Garden, in subdivision 2 of section 30 of chapter 15 of the 2013 Session Laws are not subject to section 54-44.1-11, and any unexpended funds are available for capital projects during the biennium beginning July 1, 2019, and ending June 30, 2021. Funding available for use by the International Peace Garden in this section is subject to the International Peace Garden raising one-to-one matching funds from nonstate of North Dakota sources consistent with the 2013 North Dakota legislative language. The parks and recreation department shall review and accept engineering proposals and specifications before committing additional funds to the project and shall assist with bidding and construction of any work associated with this section.

**SECTION 7. EXEMPTION - PARK ENHANCEMENTS.** Any funds remaining for park enhancements in subdivision 1 of section 1 of chapter 53 of the 2015 Session Laws are not subject to section 54-44.1-11, and any unexpended funds are available for park enhancement projects during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 8. EXEMPTION - SOVEREIGN LANDS.** Any funds remaining for recreation opportunities on sovereign lands in section 1 of chapter 18 of the 2017 Session Laws are not subject to section 54-44.1-11, and any unexpended funds are available for recreation opportunities on sovereign lands during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 9. REQUIREMENTS - MATCHING FUNDS - INTERNATIONAL PEACE GARDEN CAPITAL PROJECTS.** The International Peace Garden line item in subdivision 2 of section 1 of this Act includes \$2,000,000 for capital projects. Expenditure of these funds is subject to one-to-one matching funds being raised from nonstate sources. The parks and recreation department shall review and accept engineering proposals and specifications before committing funds to projects and shall assist with bidding and construction of any work associated with this section.

**SECTION 10. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** The estimated income line item in subdivision 1 of section 1 of this Act includes the sum of \$1,755,000, from the strategic investment and improvements fund and the estimated income line item in subdivision 2 of section 1 of this Act includes \$2,000,000 from the strategic investment and improvements fund, for parks capital projects and International Peace Garden capital projects.

**SECTION 11. AMENDMENT.** Section 55-08-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**55-08-07.1. State parks and recreation concession revolving fund.**

1. The director shall maintain a state parks and recreation concession revolving fund to be used for the following:
4. a. Procurement and maintenance of an inventory of food, nonintoxicating beverages, and other merchandise and supplies of a suitable nature for the operation of concession stands, including payment of costs and travel expenses necessarily incurred to obtain or sell such items.

- 2- b. Repair, replacement, construction, and maintenance of concession buildings, facilities, and properties contained therein.

2. The parks and recreation department may transfer any unobligated funds from the state parks and recreation concession revolving fund to the state parks operating fund."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2019 - Parks and Recreation Department - Senate Action

	Base Budget	Senate Changes	Senate Version
Administration	\$2,668,728	(\$65,123)	\$2,603,605
Park operations and maintenance	20,570,558	3,340,362	23,910,920
Recreation	7,039,554	2,284,745	9,324,299
International Peace Garden	876,329	2,000,000	2,876,329
Lewis and Clark Interpretive Center	1,250,687	51,017	1,301,704
Total all funds	\$32,405,856	\$7,611,001	\$40,016,857
Less estimated income	17,751,580	7,939,828	25,691,408
General fund	\$14,654,276	(\$328,827)	\$14,325,449
FTE	62.50	(1.00)	61.50

#### Department 750 - Parks and Recreation Department - Detail of Senate Changes

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds Funding for Salary and Benefit Increases <sup>2</sup>	Transfers 1 FTE for Information Technology Unification <sup>3</sup>	Adjusts Funding for Salary and Wages <sup>4</sup>	Increases Federal Funds Authority for the Land and Water Conservation Fund <sup>5</sup>	Adjusts Funding for Extraordinary Repairs <sup>6</sup>
Administration	\$173,433	\$68,643	\$13,446	(\$105,086)		
Park operations and maintenance	(326,184)	458,706				
Recreation	27,978	45,885			\$1,910,882	
International Peace Garden						
Lewis and Clark Interpretive Center	(36,206)	37,223				
Total all funds	(\$160,979)	\$610,457	\$13,446	(\$105,086)	\$1,910,882	\$0
Less estimated income	(187,033)	36,758	0	0	1,910,882	947,794
General fund	\$26,054	\$573,699	\$13,446	(\$105,086)	\$0	(\$947,794)
FTE	0.00	0.00	(1.00)	0.00	0.00	0.00

	Reduces Funding for Agency Operations <sup>7</sup>	Adjusts Funding for Lewis and Clark Interpretive Center Operations <sup>8</sup>	Adds Funding for Microsoft Office 365 Licensing <sup>9</sup>	Reduces Funding for Bond Payments <sup>10</sup>	Adds One-Time Funding for Additional Extraordinary Repairs <sup>11</sup>	Adds One-Time Funding for Capital Projects <sup>12</sup>
Administration			(\$208,791)	(\$6,768)		
Park operations and maintenance	(\$103,286)		300,000		\$634,126	\$1,755,000
Recreation						
International Peace Garden						2,000,000
Lewis and Clark Interpretive Center		\$50,000				
Total all funds	(\$103,286)	\$50,000	\$91,209	(\$6,768)	\$634,126	\$3,755,000
Less estimated income	(103,286)	516	23,071	0	634,126	3,755,000
General fund	\$0	\$49,484	\$68,138	(\$6,768)	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for Additional Equipment <sup>13</sup>	Adds One-Time Funding for a State Park Survey <sup>14</sup>	Adds One-Time Funding for Recreation Mapping <sup>15</sup>	Adds One-Time Funding for Traffic Counters <sup>16</sup>	Total Senate Changes
Administration					(\$65,123)
Park operations and maintenance	\$622,000				3,340,362
Recreation		\$150,000	\$75,000	\$75,000	2,284,745

International Peace Garden					2,000,000
Lewis and Clark Interpretive Center					51,017
Total all funds	\$622,000	\$150,000	\$75,000	\$75,000	\$7,611,001
Less estimated income	622,000	150,000	75,000	75,000	7,939,828
General fund	\$0	\$0	\$0	\$0	(\$328,827)
FTE	0.00	0.00	0.00	0.00	(1.00)

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Salary increase	\$303,268	\$12,691	\$315,959
Health insurance increase	270,431	24,067	294,498
Total	\$573,699	\$36,758	\$610,457

<sup>3</sup> One FTE position is transferred to the Information Technology Department for the information technology unification project, resulting in reduced salaries and wages of \$177,868 and increased operating expenses of \$191,314 in the administration line item.

<sup>4</sup> Funding for salaries and wages is reduced by \$105,086 from the general fund.

<sup>5</sup> Federal funds spending authority is increased for the land and water conservation fund.

<sup>6</sup> Funding of \$947,794 is reduced from the general fund and \$947,794 is increased from other funds for extraordinary repairs.

<sup>7</sup> Funding is reduced for park operations and maintenance.

<sup>8</sup> Funding is increased by \$50,000 for the Lewis and Clark Interpretive Center operations, of which \$49,484 is from the general fund and \$516 is from other funds.

<sup>9</sup> Funding for Microsoft Office 365 license expense is added.

<sup>10</sup> Funding is reduced by \$6,768 from the general fund for bond payments.

<sup>11</sup> One-time funding of \$634,126 is added from other funds for additional extraordinary repairs.

<sup>12</sup> One-time funding of \$3,755,000 is added from the strategic investment and improvements fund for capital projects (\$1,755,000) and for International Peace Garden capital projects (\$2,000,000).

<sup>13</sup> One-time funding of \$622,000 is added from other funds for additional equipment.

<sup>14</sup> One-time funding of \$150,000 is added from other funds for a state park survey.

<sup>15</sup> One-time funding of \$75,000 is added from other funds for recreation mapping.

<sup>16</sup> One-time funding of \$75,000 is added from other funds for traffic counters.

This amendment also adds sections to:

- Provide \$122,000 from the game and fish operating fund, or federal or other funds available to the Game and Fish Department, must be transferred to the Parks and Recreation Department for maintenance, operating, and extraordinary repairs expenses relating to boat ramps at state parks for the 2019-21 biennium.
- Identify \$100,000 of grant funding in the estimated income line item is from the Department of Transportation for defraying the expenses of the Lewis and Clark Interpretive Center for the 2019-21 biennium.
- Provide an appropriation of any additional federal funds or other funds which become available to the Parks and Recreation Department for the 2019-21 biennium.

- Exempt any funds included in the International Peace Garden line item for repair of the Peace Tower in Section 30 of Chapter 15 of the 2013 Session Laws, from the provisions of North Dakota Century Code Section 54-44.1-11, relating to cancellation of unexpended appropriations. The section also requires the Parks and Recreation Department to review and accept engineering proposals and specifications before committing additional funds to the project and to assist with bidding and construction of any work associated with this section.
- Exempt any funds remaining for park enhancements in Section 1 of Chapter 53 of the 2015 Session Laws from the provisions of Section 54-44.1-11, relating to cancellation of unexpended appropriations.
- Exempt any funds remaining for recreation opportunities on sovereign lands in Section 1 of Chapter 18 of the 2017 Session Laws from the provisions of Section 54-44.1-11, relating to cancellation of unexpended appropriations.
- Require, for the International Peace Garden capital projects in subdivision 2 of Section 1, dollar-for-dollar matching funds from nonstate sources. The section also requires the Parks and Recreation Department to review and accept engineering proposals and specifications before committing additional funds to the projects and to assist with bidding and construction of any work associated with this section.
- Identify \$3,755,000 from the strategic investment and improvements fund for capital projects and International Peace Garden capital projects for the 2019-21 biennium.
- Amend Section 55-08-07.1 to authorize the Parks and Recreation Department to transfer any unobligated funds from the state parks and recreation concession revolving fund to the state park operating fund.

#### REPORT OF STANDING COMMITTEE

**SB 2022: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2022 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "; to provide for a report to the legislative assembly;"

Page 1, replace lines 8 through 14 with:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$4,425,570	\$560,938	\$4,986,508
Operating expenses	862,484	2,676,450	3,538,934
Capital assets	0	6,300,000	6,300,000
Contingencies	52,000	30,000	82,000
Total special funds	\$5,340,054	\$9,567,388	\$14,907,442
Full-time equivalent positions	19.00	1.00	20.00

#### SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.

The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the one-time funding items included in the appropriation in section 1 of this Act:

One-Time Funding Description	2017-19	2019-21
Pension administration system project	\$0	\$9,000,000
Total other funds	\$0	\$9,000,000

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The retirement and investment office shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2022 - Retirement and Investment Office - Senate Action**

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$4,425,570	\$560,938	\$4,986,508
Operating expenses	862,484	2,676,450	3,538,934
Capital assets		6,300,000	6,300,000
Contingencies	52,000	30,000	82,000
Total all funds	\$5,340,054	\$9,567,388	\$14,907,442
Less estimated income	5,340,054	9,567,388	14,907,442
General fund	\$0	\$0	\$0
FTE	19.00	1.00	20.00

**Department 190 - Retirement and Investment Office - Detail of Senate Changes**

	Adjusts Funding for Base Payroll Changes <sup>1</sup>	Adds 1 FTE Investment Analyst Position <sup>2</sup>	Adds Funding for Salary and Benefit Increases <sup>3</sup>	Adds Funding for Microsoft Office 365 License Expenses <sup>4</sup>	Adds Funding for Contingencies <sup>5</sup>	Adds One-Time Funding for Teachers' Fund for Retirement Pension Project <sup>6</sup>
Salaries and wages	(\$15,251)	\$294,996	\$231,193			\$50,000
Operating expenses		14,450		\$12,000		2,650,000
Capital assets						6,300,000
Contingencies					\$30,000	
Total all funds	(\$15,251)	\$309,446	\$231,193	\$12,000	\$30,000	\$9,000,000
Less estimated income	(15,251)	309,446	231,193	12,000	30,000	9,000,000
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	1.00	0.00	0.00	0.00	0.00

	Total Senate Changes
Salaries and wages	\$560,938
Operating expenses	2,676,450
Capital assets	6,300,000
Contingencies	30,000
Total all funds	\$9,567,388
Less estimated income	9,567,388
General fund	\$0
FTE	1.00

<sup>1</sup> Funding is adjusted for base payroll changes.

<sup>2</sup> One FTE investment analyst position and related operating expenses are added:

	Other Funds
Salary and wages	\$294,996
Operating expenses	14,450
Total	\$309,446

<sup>3</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	Other Funds
Salary increase	\$141,951
Health insurance increase	89,242
Total	\$231,193

<sup>4</sup> Funding of \$12,000 is added for Microsoft Office 365 license expenses.

<sup>5</sup> Funding of \$30,000 is added for contingencies to provide a total appropriation of \$82,000.

<sup>6</sup> One-time funding of \$9 million is added from the retirement and investment fund for a Teachers' Fund for Retirement pension administration project.

**REPORT OF STANDING COMMITTEE**

**SB 2023: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2023 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for a report to the legislative assembly;"

Page 1, replace lines 9 through 16 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$6,316,169	\$349,883	\$6,666,052
Operating expenses	2,692,221	(208,629)	2,483,592
Capital assets	0	190,000	190,000
Contingencies	<u>250,000</u>	<u>0</u>	<u>250,000</u>
Total special funds	\$9,258,390	\$331,254	\$9,589,644
Full-time equivalent positions	34.50	0.00	34.50

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-fifth legislative assembly for the 2017-19 biennium and the 2019-21 biennium one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Information technology risk assessment	\$0	\$40,000
Upgrade business system software	<u>0</u>	<u>190,000</u>
Total special funds	\$0	\$230,000

The 2019-21 biennium one-time funding amounts are not part of the entity's base budget for the 2021-23 biennium. The public employees retirement system shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2023 - Public Employees Retirement System - Senate Action**

	<u>Base Budget</u>	<u>Senate Changes</u>	<u>Senate Version</u>
Salaries and wages	\$6,316,169	\$349,883	\$6,666,052
Operating expenses	2,692,221	(208,629)	2,483,592
Capital assets		190,000	190,000
Contingencies	<u>250,000</u>		<u>250,000</u>
Total all funds	\$9,258,390	\$331,254	\$9,589,644
Less estimated income	<u>9,258,390</u>	<u>331,254</u>	<u>9,589,644</u>
General fund	\$0	\$0	\$0
FTE	34.50	0.00	34.50

**Department 192 - Public Employees Retirement System - Detail of Senate Changes**

	<u>Adds Funding for Salary and Benefit Increases<sup>1</sup></u>	<u>Reduce Funding for Information Technology Operating Expenses<sup>2</sup></u>	<u>Reduces Funding for Other Operating Expenses<sup>3</sup></u>	<u>Adds One-Time Funding for an Information Technology Risk Assessment<sup>4</sup></u>	<u>Adds One-Time Funding to Upgrade Business System Software<sup>5</sup></u>	<u>Total Senate Changes</u>
Salaries and wages	\$349,883					\$338,867
Operating expenses		(\$230,519)	(\$18,110)	\$40,000		(208,629)
Capital assets					\$190,000	190,000
Contingencies						
Total all funds	\$349,883	(\$230,519)	(\$18,110)	\$40,000	\$190,000	\$320,238
Less estimated income	<u>349,883</u>	<u>(230,519)</u>	<u>(18,110)</u>	<u>40,000</u>	<u>190,000</u>	<u>320,238</u>

General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> The following funding is added for 2019-21 biennium salary adjustments of 2 percent on July 1, 2019, and 3 percent on July 1, 2020, and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	<u>Other Funds</u>
Salary increase	\$184,787
Health insurance increase	165,096
Total	\$349,883

<sup>2</sup> Reduces funding by \$230,519 from other funds for information technology operating expenses.

<sup>3</sup> Reduces funding by \$18,110 from other funds for other operating expenses.

<sup>4</sup> Adds one-time funding of \$40,000 to other funds for an information technology risk assessment.

<sup>5</sup> Adds one-time funding of \$190,000 to other funds to upgrade business system software.

#### REPORT OF STANDING COMMITTEE

**SB 2024: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2024 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide a statement of legislative intent;"

Page 1, line 6, after the second comma insert "and from special funds derived from federal funds,"

Page 1, line 8, replace "2021" with "2019"

Page 1, replace lines 11 and 12 with:

"Lawsuit expenses	<u>\$441,100</u>
Total general fund	\$441,100"

Page 1, after line 22 insert:

"BANK OF NORTH DAKOTA

Loan interest payments - protest costs	<u>\$1,000,000</u>
Total general fund	\$1,000,000

Subdivision 5."

Page 2, replace lines 1 through 4 with:

"Loan repayment - disaster costs	\$887,823
Loan repayment - emergency hay operation	<u>1,586,061</u>
Total general fund	\$2,473,884"

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

Page 2, replace lines 7 and 8 with:

"Litigation costs	<u>\$265,000</u>
Total general fund	\$265,000

Subdivision 7.



## ATTORNEY GENERAL

Prosecution witness fees	\$50,000
Capital assets	<u>855,910</u>
Total all funds	\$905,910
Less federal funds	<u>855,910</u>
Total general fund	\$50,000

Subdivision 8."

Page 2, replace line 10 with:

"Grand total general fund	\$6,049,984
Grand total federal funds	<u>855,910</u>
Grand total all funds	\$6,905,894

**SECTION 2. LEGISLATIVE INTENT - COST REIMBURSEMENTS - LOAN REPAYMENTS.** It is the intent of the sixty-sixth legislative assembly that the attorney general seek reimbursement from the federal government for the costs of responding to unlawful activity associated with the construction of the Dakota access pipeline. It is further the intent of the sixty-sixth legislative assembly that these reimbursements be used to repay the Bank of North Dakota loans authorized by the emergency commission and the legislative assembly which were obtained to provide the funding necessary to respond to the unlawful activity associated with the construction of the Dakota access pipeline. It is further the intent of the sixty-sixth legislative assembly that the provisions of section 54-16-13 apply to the loans, except that emergency commission approval does not apply."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides for the following changes:

- Increases the appropriation from the general fund to the Office of Management and Budget for lawsuit expenses by \$33,100, from \$408,000 to \$441,100;
- Appropriates \$1,000,000 from the general fund to the Bank of North Dakota to pay the accrued interest on loans related to the unlawful activity associated with the construction of the Dakota Access Pipeline;
- Decreases the appropriation from the general fund to the Adjutant General for loan repayments for disaster-related costs by \$13,224,205, from \$15,698,089 to \$2,473,884;
- Decreases the appropriation from the general fund to the State Historical Society for litigation costs by \$15,000, from \$280,000 to \$265,000;
- Provides an appropriation from the general fund to the Attorney General for prosecution witness fees (\$50,000) and provides an appropriation from federal funds to the Attorney General for narcotics analyzers and other equipment (\$855,910); and
- Adds a section to provide a statement of legislative intent related to repayment sources for loans obtained to provide the necessary funding to respond to the unlawful activity associated with the construction of the Dakota Access Pipeline.

In total, the changes decrease the deficiency appropriations from the general fund by \$12,156,105, from \$18,206,089 to \$6,049,984.

#### REPORT OF STANDING COMMITTEE

**SB 2026, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO NOT PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2026 was placed on the Tenth order on the calendar.**

#### REPORT OF STANDING COMMITTEE

**SB 2028: Appropriations Committee (Sen. Holmberg, Chairman) recommends DO NOT PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS,**

0 ABSENT AND NOT VOTING). SB 2028 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2029, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2029 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2030, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2030 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2031, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2031 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2032: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2032 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2048: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2048 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "2020" with "2021"

Page 2, line 14, replace "2020" with "2021"

Page 2, line 25, replace "2020" with "2021"

Page 4, line 5, replace "2020" with "2021"

Page 4, line 24, replace "2020" with "2021"

Page 5, line 1, replace "2020" with "2021"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2057: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2106: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2115, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2115 was placed on the Sixth order on the calendar.

Page 4, line 4, remove the overstrike over "for"

Page 4, line 5, remove the overstrike over "deposit in the"

Page 4, line 5, after "general" insert "child support collection and disbursement"

Page 4, line 5, remove the overstrike over "fund"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2159: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2159 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2168: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2168 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2175, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2175 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2238: Agriculture Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2238 was placed on the Sixth order on the calendar.

Page 1, line 9, after "condemned" insert "exceeds three hundred and twenty acres [129.499 hectares] and

Page 1, line 10, after the underscored period insert "For purposes of this subsection, the term "political subdivision" does not include a municipality that exercises the municipality's eminent domain or extraterritorial authority within the county where the municipality is located."

Page 2, line 2, after "property" insert "in excess of three hundred and twenty acres [129.499 hectares]"

Page 2, line 3, after the underscored period insert "For purposes of this subsection, the term "political subdivision" does not include a municipality that exercises the municipality's eminent domain or extraterritorial authority within the county where the municipality is located."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2242: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2242 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2268, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2268 was placed on the Sixth order on the calendar.

Page 1, line 6, after the semicolon insert "to provide an exemption;"

Page 6, line 8, after the underscored period insert "The fund consists of all money deposited in the fund, including bond proceeds issued by the public finance authority for purposes of the fund."

Page 7, line 15, after "**APPROPRIATION**" insert "**- EXEMPTION**"

Page 7, line 19, after the period insert "The funding provided under this section is not subject to section 54-44.1-11."

**SECTION 8. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$4,000,000, or so much of the sum as may be necessary, to the public finance authority for the purpose of debt service repayments associated with bonds issued to support the corridors of commerce fund, for the biennium beginning July 1, 2019, and ending June 30, 2021."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment clarifies the deposits in the corridors of commerce fund, provides an exemption for the appropriation to the Department of Transportation, and appropriates \$4,000,000 from the general fund to the Public Finance Authority related to debt repayments.

**REPORT OF STANDING COMMITTEE**

**SB 2278, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2278 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "provided" with "prescribed"

Page 1, line 17, remove "The tax commissioner shall review a sampling of"

Page 1, line 18, remove "the exemptions provided under this section."

Page 1, line 20, remove "and may only be disclosed to the tax"

Page 1, remove line 21

Page 1, line 22, remove "this subdivision"

Page 2, line 3, remove "and may only be"

Page 2, remove line 4

Page 2, line 5, remove "the exemption under this section"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2291: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2291 was placed on the Sixth order on the calendar.

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

Page 2, remove lines 26 through 30

Page 3, line 1, replace "Section 1 of this" with "This"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes the appropriation from the bill.

#### REPORT OF STANDING COMMITTEE

**SB 2293: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three" with "a"

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

Page 1, line 3, remove the third "and"

Page 1, line 5, after "fund" insert "; and to provide a continuing appropriation"

Page 1, line 11, replace the first underscored comma with "and"

Page 1, line 11, remove ", 4, and 5"

Page 1, remove lines 15 through 24

Page 2, remove lines 1 through 8

Page 2, line 15, overstrike "must" and insert immediately thereafter "may"

Page 2, line 24, replace "must" with "may"

Page 3, line 2, after "each" insert "resident"

Page 3, line 2, replace "and" with "license except for a resident who is sixty-five years of age or older, permanently or totally disabled, or a disabled veteran as defined in subsection 6 of section 20.1-03-12. The director also shall establish a surcharge of six dollars on each nonresident fishing license and each nonresident"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2298, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2298 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2312, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2312 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2314: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2314 was placed on the Sixth order on the calendar.

Page 1, line 17, remove the overstrike over "~~County veterans~~"

Page 1, line 17, remove "Veterans"

Page 1, line 19, remove the overstrike over "~~county~~"

Page 1, line 20, remove the overstrike over "~~county~~"

Page 1, line 21, remove the overstrike over "~~county~~"

Page 1, line 24, after "All" insert "county"

Page 1, line 24, remove "and employees of"

Page 2, line 1, remove "veterans' service offices"

Page 2, line 2, replace "six" with "twelve"

Page 2, line 3, remove the overstrike over "county"

Page 2, line 7, after "The" insert "county"

Page 2, line 10, remove the overstrike over "county"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4001: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4001 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "approved by" with "submitted to"

Page 1, line 5, remove "two"

Page 1, line 5, replace "assemblies before becoming" with "assembly. Under this measure, if the legislative assembly does not approve the constitutional measure, the measure will be placed on the ballot again, and, if approved by the voters, will become"

Page 1, line 18, remove "two"

Page 1, line 18, replace "assemblies" with "assembly"

Page 1, line 19, replace "both" with "the"

Page 1, line 19, replace "assemblies" with "assembly"

Page 1, line 20, after the underscored period insert "If the legislative assembly does not approve the initiative, the initiative must be placed on the ballot at the next statewide election. If the majority of votes cast on the initiative are affirmative, the initiative is deemed enacted."

Renumber accordingly

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Unruh, Wardner and Rep. Pollert introduced:

**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 and voter approval for constitutional amendments.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Wardner, Bekkedahl, Heckaman and Reps. Mock, Nathe, Roers Jones introduced:

**SCR 4016:** A concurrent resolution to amend and reenact subsections 2 and 6 of section 6 of article VIII of the Constitution of North Dakota, relating to the membership and meeting requirements of the state board of higher education; to provide for transition; and to provide an effective date.

Was read the first time and referred to the **Education Committee**.

Sens. Heckaman, Kannianen, Marcellais, Oehlke and Reps. Buffalo, Dobervich introduced:

**SCR 4017:** A concurrent resolution directing the Legislative Management to consider studying the dichotomy between the archaeological discipline on cultural resources and the knowledge and expertise of tribal elders and tribal historic preservation officers to educate local, state, and federal agencies and the public; and the facilitation of effective consultation and cooperation for historic and prehistoric site identification and registration and the betterment of North Dakota and its citizens.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

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

**Shanda Morgan, Secretary**

