

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, March 19, 2019

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

The prayer was offered by Pastor Randy Upgren, Inspire Family Fellowship, Bismarck.

The roll was called and all members were present.

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 Forty-sixth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 946, after line 27 insert "**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)** **MR. PRESIDENT:** The Speaker has signed: HB 1034, HB 1036, HB 1037, HB 1044, HB 1048, HB 1052, HB 1092, HB 1099, HB 1107, HB 1127, HB 1136, HB 1137, HB 1138, HB 1139, HB 1140, HB 1142, HB 1169, HB 1176, HB 1181, HB 1198, HB 1288, HB 1335, HB 1338, HB 1355, HB 1378, HB 1387, HCR 3044, HCR 3057."

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

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Carolyn Nelson

REMARKS OF COMMANDER MARK ROBINSON

Lieutenant Governor Sanford and Members of the Senate;

From the Officers and Crew of the USS NORTH DAKOTA, the 11th Ship of the VIRGINIA Class, I say thank you. I am delighted to be here as their representative. It is my honor and privilege to report on the current status of your warship. Thank you for this incredible opportunity and experience.

In 2017, USS NORTH DAKOTA finished a long shipyard period, test launched the first ever Tomahawk Cruise Missile from a Block 3 VIRGINIA Class submarine, and executed extensive Sea Trials, weapons testing, an Engineering Examination, and a Battle Readiness inspection. As they always have, your crew performed with exceptional results. On November 9, 2017, as I became the Commanding Officer, I immediately noticed what a great ship it was and noted the special bond between USS NORTH DAKOTA and the great State of North Dakota!

In 2018, USS NORTH DAKOTA installed a Dry Deck Shelter, a special attachment that allows even greater support of divers and special operating forces. We completed a grueling series of workups and inspections to certify as ready for all submarine mission areas, including use of the Dry Deck Shelter, a first for any Virginia Class submarine.

NORTH DAKOTA deployed this past July 31st to the European Command with 148 well trained, highly effective and extremely motivated warriors ready to protect our homeland. This deployment was unlike any other I had ever undertaken in its breadth and scope of operations, as well as the relative inexperience of the crew itself. Over 80% of the crew were deploying for the very first time. We deployed for 184 days, of which 137 were in total communications blackout. We traveled 34,000 total miles. We went above the Arctic Circle and we visited ports in Norway and Scotland. We ate 4700 chocolate chip cookies, and spent 32 days without a clothes dryer.

One thing I'm especially proud of - we certified 31 new sailors as Qualified in Submarines, a mark that means they have demonstrated expertise as undersea warriors, and they now wear a pin on their uniforms with the time-honored dolphins. We did all of this while conducting multiple complex missions vital to National Security.

It is with great pride and tremendous pleasure that I can report to you that your ship and our crew are the toughest, most capable, most highly motivated of any crew I have ever served with. They sacrificed time with family to be our underwater front line, and they came through in herculean efforts to stay on mission.

As a NORTH DAKOTA family, we take care of each other, both on the ship and at home. While we were deployed, we welcomed the birth of 5 babies to our NORTH DAKOTA family.

Our strength also comes from the strong support of our incredible namesake, the State of North Dakota. The people of North Dakota and the continuing involvement of your USS NORTH DAKOTA Committee show terrific and sustaining namesake state support that is second to none! Our motto, "Strength from the Soil, Reapers of the Deep," reflects the heritage of our namesake, State of North Dakota.

The crews' lounging and eating areas are covered with cards from North Dakota school children. We adorn our ship with treasured gifts from the State, and when we stopped to enjoy the half way mark in our deployment, we did it with sunflower seeds and pretzels made in and donated to us by the State. Before I'd even taken command, I had received numerous e-mails asking how the people of North Dakota could send Christmas cookies to their ship, and when we returned from deployment, we drove past a huge sign welcoming us home, provided by the NORTH DAKOTA Commissioning Committee. Again, the support of this State is amazing.

Your USS NORTH DAKOTA has earned high praise from our commanders in Europe for our work on our recent deployment. NORTH DAKOTA also earned the coveted Battle E, awarded by our Squadron to the submarine most ready to execute the full range of combat operations. The award goes to their best ship, and they concluded that ship is your USS NORTH DAKOTA.

Thank you for the honor you have given me today to appear before you to report to you on your ship.

MOTION

SEN. KLEIN MOVED that the remarks of Commander Mark Robinson be printed in the journal., which motion prevailed.

POINT OF PERSONAL PRIVILEGE

SEN. WARDNER rose on a point of personal privilege.

REMARKS OF SENATOR WARDNER

MR. PRESIDENT: Mr. President and Members of the Senate, I come before you today to announce that one of our colleagues, Senator Arnie Osland, has resigned his position in the North Dakota Senate.

It was a tough thing that he had to make a decision, but his health is such, Mr. President, that he could not continue. As you know he had a slight stroke. He's in recovery, in Arizona. He is in good humor. He's being a good patient and the doctors are pleased as he is recovering, but it was going to take awhile before he would be able to do the job here in the Senate.

So he felt, Mr. President, that this was the time he should step down and let someone else represent his district. And so, Mr. President, we have lost one of our members today.

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Wardner be printed in the Journal, which motion prevailed.

MOTION

SEN. KLEIN MOVED that HB 1516 be returned to the Senate floor from the **Appropriations**

Committee, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1359, as reengrossed: SEN. ANDERSON (Human Services Committee) MOVED that the amendments on SJ page 949 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Reengrossed HB 1359 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1040, as engrossed: SEN. PATTEN (Finance and Taxation Committee) MOVED that the amendments on SJ page 964 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

Engrossed HB 1040 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1462, as engrossed: SEN. J. ROERS (Energy and Natural Resources Committee) MOVED that the amendments on SJ pages 966-967 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1407, as engrossed: SEN. CLEMENS (Transportation Committee) MOVED that the amendments on SJ pages 965-966 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

REMARKS OF CONGRESSMAN KELLY ARMSTRONG

Yesterday we toured Heartview, and for a lot of reasons, outside of politics, those issues are important to me. But it came to my attention very quickly how important things are when government works right. And what I mean by that is, we met with a group of young men and women who are going through the program. And for this particular one, it was all people who are addicted to opioids. Some of them had come through the criminal justice program, some of them had gone into rehab on their own. But, regardless, it was pretty striking to figure out how much of an impact everyone in this room has had on those people. They are finally in a science based addiction treatment where they are allowed to be prescribed drugs that are covered by insurance. Those are things that just 6 short years ago didn't exist.

The local law enforcement with Burleigh County is a part of the program where they are working toward getting people to treatment instead of using our county jails every single night. One of them was a member of a free through recovery, which is a program, which was intended to be a pilot program, however, through the great work of people at the Human Service Department, it is now statewide.

And it strikes me that is how government is supposed to work. When it's working well, it's supposed to be good policy, it's supposed to be efficiency policy, and it's supposed to give people hope. And from a very human level, it works. But also from a policy standpoint, it works.

These are people, who for the first time in their lives, have a real chance not to be a part of the system. Whether it's the criminal justice system or the social welfare programs, one of them has gotten one of their children back, and one is working on getting another one back. They're employed and have housing. They're not cycling in and out of county jail. And those are all things, whether you're the most conservative member of this body or the most liberal member of this body, we all passed that.

What else was striking to me, when we were having the conversation, from a policy standpoint was how long into the conversation we talked before we got to the Federal Government. And the federal government is important in these issues. We just passed the First Step Act, some of the most historical drug reform legislation to come out of Washington, D.C. And I can say those were really good things. And those came through the most divided Congress in the history of our country and we still manage to do these things. But it's a perfect example of when we deal with things down there we have to make sure we get everyone back here. You can't solve that problem from Washington. You can provide resources and grants but the way we deliver criminal justice and addiction counseling in Dickinson is so different from the way we do in Fargo. There is no one size fits all. And none

of it works without the human interaction. And the human interaction from hard working law enforcement agents, people whether they are medical or counselors and everybody in this room. And that's just one time aspect of how we can make an impact. We have a First Lady who goes from one end of this state to the other and talks about the stigma related to addiction. Just changing the narrative is important. Addiction is a disease but it's the only disease you get yelled at for having.

As we are out in D.C., it's been a lot of fun I'm not use to having a staff. This is the largest staffs I have ever had. When I explain the North Dakota Legislature to people, they are shocked that we don't have offices. That we sit at our desk. And they are more shocked when I say we don't have a staff. Then they are significantly more shocked when I tell them we meet every other year for eighty days. And I can tell you from someone who spends most of his day in committee meetings, this is a better way to govern. Everybody in this room is more in touch with the issues you are dealing with which means they are issues that are more important to your constituents than they will ever be in Washington, D.C.. And part of that is that sometimes we confuse motion with progress. So you run to a hearing, you get notes from your staff, you give your five minute question and you get up and you go wherever else you're supposed to be. Call me old-fashioned, but I stay and I watch the hearing. I tell my staff I have no idea what question I'm going to ask until I listen to the testimony. The two sides of Washington are the spectator sport side and the side that really is a game of inches.

Some of the more frustrating issues, like the gun control issue, when we get through the amendment process, I say you know this is making a criminal out of a rancher who lets his ranch hand drive his truck and there is a gun in the gun rack in the window. We need to change that.

In essence, we are passing bills out of the House we know will fail in the Senate and vice versa. Instead of working out big issues, we have kind of a skirmish line of talking points where we work from. If you took the two outliers from the Democratic and the two outliers from the Republican side, when we did our hearing on prescription drugs and turned the sound down on the TV, you would not know who was Democrat and who was Republican. Getting to a solution will not be easy but there will be real bipartisan work. We've worked on some issues that I think are important to start a conversation. I've stood in this very spot and argued against some issues regarding TANF and some issues I thought some families were actually going to get hurt by the policy. So we're dealing with the food stamp issue, single individuals with no dependents. You're only supposed to be on it for 3 months, unless you're working, but states keep getting grants and waivers. Now is the time to start a conversation to work through this, unemployment is at it's lowest and the opportunity is there. What we're saying is we need to tighten up the way the federal government grants waivers for this program.

I'm on the Immigration Committee and one of the issues we are working is on the work force shortage, as you are aware of. Trying to work toward those solutions for our farmers and construction workers, hospitals and nurses, and tech workers in the Red River Valley. There are still a lot of things we can work with.

You all make it easy for me to sell North Dakota when I'm there. Sometimes, when I'm on a committee, they say give the questions to the rural guy. Example, we were talking about rural broadband, and I said North Dakota has some of the best broadband in the country. I don't know why you want me to ask these questions.

I get asked a lot where I'm from and when I say North Dakota, the response is "I've never been there." It's important to continue these conversations because we do power the world and what we do here is really important. We're proud of it and going to continue to be proud of it. We'll continue to stand up for the farmers and people across the State. Because it's important.

I will continue to work to making it you who make more of the decisions, and Washington who makes less. We are much better able to deal with the issues than they are in Washington, D.C.. It is a better way to govern.

In Washington, we are fighting a 2011 flood, in Fargo we are fighting a 2019 flood. And we are better off now than we have been in the past. You all do great work, and as you move through these issues, you're moving toward the end of Session. You should be proud of

what you've done.

Thank you all very much.

MOTION

SEN. KLEIN MOVED that the remarks of Congressman Kelly Armstrong be printed in the Journal, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1271: SEN. BURCKHARD (Political Subdivisions Committee) MOVED that the amendments on SJ page 965 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1275: A BILL for an Act to amend and reenact section 28-32-02 of the North Dakota Century Code, relating to limitations on the adoption of administrative rules; and to provide for retroactive application.

ROLL CALL

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

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1275, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1471: A BILL for an Act to create and enact a new section to chapter 40-47 of the North Dakota Century Code, relating to extraterritorial zoning fees.

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 36 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Clemens; Cook; Davison; Dever; Dotzenrod; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Holmberg; Kannianen; Klein; Larsen, O.; Larson, D.; Lee, J.; Luick; Meyer; Myrdal; Oban; Patten; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Burckhard; Dwyer; Hogue; Krebsbach; Kreun; Lee, G.; Marcellais; Mathern; Oehlke; Piepkorn

HB 1471, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1097: A BILL for an Act to amend and reenact section 12.1-30-04 of the North Dakota Century Code, relating to Sunday closing laws and retail agreements; and to repeal sections 12.1-30-01, 12.1-30-02, and 12.1-30-03 of the North Dakota Century Code, relating to Sunday closing laws.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 25 YEAS, 21 NAYS,

0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Davison; Dotzenrod; Grabinger; Heckaman; Hogan; Holmberg; Kannianen; Krebsbach; Kreun; Lee, J.; Marcellais; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Sorvaag; Unruh

NAYS: Clemens; Cook; Dever; Dwyer; Elkin; Erbele; Fors; Hogue; Klein; Larsen, O.; Larson, D.; Lee, G.; Luick; Mathern; Myrdal; Robinson; Rust; Schaible; Vedaa; Wanzek; Wardner

HB 1097 passed.

SECOND READING OF HOUSE BILL

HB 1045: A BILL for an Act to create and enact subsection 16 to section 9-16-01, section 9-16-19, and a new section to chapter 10-19.1 of the North Dakota Century Code, relating to electronic transaction definitions, blockchain technology and smart contracts, and number of shareholders; and to amend and reenact sections 9-16-02, 10-06.1-17, 10-19.1-01, and 10-19.1-01.2, subsection 6 of section 10-19.1-66, subsection 1 of section 10-19.1-73.3, sections 10-19.1-76.3 and 10-19.1-81, subsections 1, 2, and 11 of section 10-19.1-84, subsection 1 of section 10-19.1-110, subsection 2 of section 10-19.1-146, and subsection 2 of section 10-35-28 of the North Dakota Century Code, relating to electronic transactions, filing of an annual report by corporations engaged in farming or ranching, Business Corporation Act definitions, knowledge and notice, share certificates, corporate voting list and voting trusts, acceptance of shareholder act by the corporation, corporate records, corporate dissolution procedure, and the filing of an annual report by a publicly traded corporation.

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, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Dever; Hogue; Luick; Unruh

Engrossed HB 1045, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to provide for a legislative management higher education funding formula review committee; and to provide for a report.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

Reengrossed HB 1029 passed.

SECOND READING OF HOUSE BILL

HB 1478: A BILL for an Act to amend and reenact section 27-20-24 of the North Dakota Century Code, relating to juvenile hearings.

ROLL CALL

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

YEAS: Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; 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; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

HB 1478 passed.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1065, HB 1129, HB 1141, HB 1143, HB 1193, HB 1209, HB 1223, HB 1224, HB 1470, HCR 3042.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1263.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1058, HB 1126, HB 1179.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1079, HB 1225, HB 1227, HB 1480, HB 1539.

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

MR. PRESIDENT: The House has passed, unchanged: SB 2051, SB 2192, SB 2193, SB 2231, SB 2318, SB 2338, SB 2355, SB 2360.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2325.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2290.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2052, SB 2053, SB 2059, SB 2071, SB 2099, SB 2105, SB 2144, SB 2164, SB 2187, SB 2202, SB 2207, SB 2218, SB 2236, SB 2255, SB 2289.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1055, HB 1102, HB 1108, HB 1265, HB 1298, HB 1336, HB 1392.

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

MR. PRESIDENT: The Speaker has signed: SB 2052, SB 2053, SB 2059, SB 2071, SB 2099, SB 2105, SB 2144, SB 2164, SB 2187, SB 2202, SB 2207, SB 2218, SB 2236, SB 2255, SB 2289.

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

MR. SPEAKER: The President has signed: SB 2052, SB 2053, SB 2059, SB 2071, SB 2099, SB 2105, SB 2144, SB 2164, SB 2187, SB 2202, SB 2207, SB 2218, SB 2236, SB 2255, SB 2289.

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

MR. SPEAKER: The President has signed: HB 1055, HB 1102, HB 1108, HB 1265, HB 1298, HB 1336, HB 1392.

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

MR. PRESIDENT: The Speaker has signed: HB 1066, HB 1105, HB 1135, HB 1172, HB 1284, HB 1291, HB 1425, HB 1465, HCR 3009, HCR 3014, HCR 3029.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 19, 2019: SB 2052, SB 2053, SB 2059, SB 2071, SB 2099, SB 2105, SB 2144, SB 2164, SB 2187, SB 2202, SB 2207, SB 2218, SB 2236, SB 2255, SB 2289.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 20, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1154: Transportation Committee (Sen. Rust, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1154 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1192, as engrossed: 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). Engrossed HB 1192 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 61-33.1-03 of the North Dakota Century Code, relating to the determination of the ordinary high water mark; to amend and reenact sections 61-33.1-04 and 61-33.1-05 of the North Dakota Century Code, relating to the ownership of mineral rights of land inundated by Pick-Sloan Missouri basin project dams; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 61-33.1-03 of the North Dakota Century Code is created and enacted as follows:

Upon adoption of the final review findings by the industrial commission, the board of university and school lands may contract with a qualified engineering and surveying firm to analyze the final review findings and determine the acreage on a quarter basis or government lot basis above and below the ordinary high water mark as delineated by the final review findings of the industrial commission. The acreage determination is final upon approval by the board.

SECTION 2. AMENDMENT. Section 61-33.1-04 of the North Dakota Century Code is amended and reenacted as follows:

61-33.1-04. Implementation. (Retroactive application - See note)

1. Within six months after the adoption of the final review findings acreage determination by the industrial commission board of university and school lands:
 - a. Any royalty proceeds held by operators attributable to oil and gas mineral tracts lying entirely above the ordinary high water mark of

the historical Missouri riverbed channel on both the corps survey and the state phase two survey must be released to the owners of the tracts, absent a showing of other defects affecting mineral title; and

- b. Any royalty proceeds held by the board of university and school lands attributable to oil and gas mineral tracts lying entirely above the ordinary high water mark of the historical Missouri riverbed channel on both the corps survey and the state phase two survey must be released to the relevant operators to distribute to the owners of the tracts, absent a showing of other defects affecting mineral title.
2. Upon adoption of the ~~final review findings~~acreage determination by the ~~industrial commission~~board of university and school lands:
 - a. The board of university and school lands shall begin to implement any acreage adjustments, lease bonus and royalty refunds, and payment demands as may be necessary relating to state-issued oil and gas leases. The board shall complete the adjustments, refunds, and payment demands within two years after ~~the date of adoption of the final review findings~~approving the acreage determination.
 - b. Operators of oil and gas wells affected by the ~~final review findings~~acreage determination immediately shall begin to implement any acreage and revenue adjustments relating to state-owned and privately owned oil and gas interests. The operators shall complete the adjustments within two years after ~~the date of adoption of the review findings~~board approves the acreage determination. Any applicable penalties, liability, or interest for late payment of royalties or revenues from an affected oil or gas well may not begin to accrue until the end of the two-year deadline. The filing of an action under section 61-33.1-05 tolls the deadline for any oil and gas well directly affected by the action challenging the review finding or acreage determination.

SECTION 3. AMENDMENT. Section 61-33.1-05 of the North Dakota Century Code is amended and reenacted as follows:

61-33.1-05. Actions challenging review findings or acreage determination. (Retroactive application - See note)

1. An interested party seeking to bring an action challenging the review findings or recommendations or the industrial commission actions under this chapter shall commence an action in district court within two years of the date of adoption of the final review findings by the industrial commission. The plaintiff bringing an action under this section may challenge only the final review finding for the section or sections of land in which the plaintiff asserts an interest. The state and all owners of record of fee or leasehold estates or interests affected by the finding, recommendation, or industrial commission action challenged in the action under this section must be joined as parties to the action. A plaintiff or defendant claiming a boundary of the ordinary high water mark of the historical Missouri riverbed channel which varies from the boundary determined under this chapter bears the burden of establishing the variance by clear and convincing evidence based on evidence of the type required to be considered by the engineering and surveying firm under subsection 3 of section 61-33.1-03.
2. An interested party seeking to bring an action challenging the final acreage determination under this chapter shall commence an action in district court within two years of the date the acreage determinations were approved by the board of university and school lands. The plaintiff bringing an action under this section may challenge only the acreage determination for the section or sections of land in which the plaintiff asserts an interest. The state and all owners of record of fee or leasehold estates or interests affected by the final acreage determination

challenged in the action under this section must be joined as parties to the action. A plaintiff or defendant claiming a determination of the acreage above or below the historical Missouri riverbed channel which varies from the final acreage determination under this chapter bears the burden of establishing the variance by clear and convincing evidence based on evidence of the type required to be considered by the engineering and surveying firm contracted by the board of university and school lands under subsection 2 of section 61-33.1-03.

3. Notwithstanding any other provision of law, an action brought in district court under this section is the sole remedy for challenging the final review, recommendations, and determination of the ordinary high water mark under this chapter, and preempts any right to rehearing, reconsideration, administrative appeal, or other form of civil action provided under law.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1196: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1196 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1241: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1241 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1248, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1248 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 924 of the Senate Journal, Senate Bill No. 1248 is amended as follows:

Page 1, line 2, after fund insert "; and to provide an effective date"

Page 1, line 6, replace "**services**" with "**postwar trust**"

Page 1, after line 12, insert:

"SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 2018."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1249, as reengrossed: Education Committee (Sen. Schaible, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1249 was placed on the Sixth order on the calendar.

Page 2, line 1, after "**new**" insert "**evidence-based**"

Page 2, line 1, after "**behavior**" insert "**prevention or**"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1252: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS**

(5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1252 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1289, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1289 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1292: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1292 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1296, as engrossed: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1296 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1313, as engrossed: Judiciary Committee (Sen. D. Larson, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1313 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1351: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1351 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1362, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1362 was placed on the Sixth order on the calendar.

Page 3, line 2, replace "Thirty" with "Thirty-five"

Page 5, line 3, replace ". after" with "shall issue a"

Page 5, line 3, replace "and" with "of hearing or notice of"

Page 5, line 3, remove ". shall"

Page 5, line 4, remove "issue an order"

Page 5, line 4, replace "sixty" with "fifteen"

Page 5, line 4, after "petition" insert ". and shall issue an order within thirty days after the hearing or, if a hearing is not held, after expiration of the period during which a hearing could be requested"

Page 5, line 7, after the underscored period insert "The parties shall pay the costs within thirty days after receipt of a bill for payment from the commission. Amounts collected by the commission under this subsection must be deposited in a special account within the commission."

Page 5, line 21, after "shall" insert "issue a notice of hearing or notice of opportunity for hearing within fifteen days after the filing of the petition, and shall"

Page 5, line 21, replace "ninety" with "thirty"

Page 5, line 21, remove "of filing the"

Page 5, line 22, replace "petition, after notice and opportunity for hearing" with "after the hearing or, if a hearing is not held, after expiration of the period during which a hearing could be requested"

Page 5, line 25, after the underscored period insert "The parties shall pay the costs within thirty days after receipt of a bill for payment from the commission. Amounts collected by the commission under this subsection must be deposited in a special account within the commission."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1391, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1391 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1424: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1424 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1432, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1432 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "54-44.1-13" with "54-44.4-13"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1464, as reengrossed: Education Committee (Sen. Schaible, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1464 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1468, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1468 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "insured" with "certificate holder of the existence of that waiting period or notify the group policyholder, which upon receipt of such notice shall notify the certificate holders"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1485, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1485 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1487, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1487 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1524, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1524 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1530, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)

recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1530 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1532, as engrossed: Judiciary Committee (Sen. D. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1532 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 7 of section 53-06.1-01, subsection 4 of"

Page 1, line 2, remove "section 53-06.1-01.1, and"

Page 1, remove lines 5 through 23

Page 2, line 7, remove "The maximum sales price per electronic pull"

Page 2, line 8, remove "tab is five dollars."

Page 2, line 18, remove "A separate credit redemption device"

Page 2, remove line 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1545, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1545 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3040: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3040 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3046: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3046 was placed on the Fourteenth order on the calendar.

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

Shanda Morgan, Secretary

