

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

\* \* \* \* \*

Bismarck, April 4, 2019

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

The prayer was offered by Pastor Matt Anderson, Surprise Church, 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 Fifty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

page 1181, remove lines 24 through 27.

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

**CONSIDERATION OF MESSAGES FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to SB 2114 as printed on SJ page 945, in the House amendments to Engrossed SB 2186 as printed on SJ pages 1133-1134, in the House amendments to Engrossed SB 2215 as printed on SJ pages 1162-1163, and in the House amendments to Engrossed SB 2216 as printed on SJ pages 1163-1165 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEES**

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**SB 2114:** Sens. Dwyer, D. Larson, Bakke.

**Engrossed SB 2186:** Sens. Rust, Fors, Marcellais.

**Engrossed SB 2215:** Sens. Davison, Schaible, Oban.

**Engrossed SB 2216:** Sens. Schaible, Rust, Marcellais.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1045, Engrossed HB 1123, Reengrossed HB 1194, Engrossed HB 1285, Engrossed HB 1407, Engrossed HB 1417, Engrossed HB 1468, Engrossed HB 1469, and Engrossed HB 1519, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1045:** Sens. Burckhard, Vedaa, Piepkorn

**Engrossed HB 1123:** Sens. J. Roers, Kreun, Piepkorn

**Reengrossed HB 1194:** Sens. Anderson, K. Roers, O. Larsen

**Engrossed HB 1285:** Sens. Clemens, K. Roers, Hogan

**Engrossed HB 1407:** Sens. Rust, Clemens, Bakke

**Engrossed HB 1417:** Sens. J. Lee, Anderson, K. Roers

**Engrossed HB 1468:** Sens. Kreun, J. Roers, Piepkorn

**Engrossed HB 1469:** Sens. Anderson, K. Roers, O. Larsen

**Engrossed HB 1519:** Sens. K. Roers, Anderson, Clemens

**CONSIDERATION OF AMENDMENTS**

**HB 1050: SEN. DWYER (Judiciary Committee) MOVED** that the amendments on SJ pages 1236-1238 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 1050:** A BILL for an Act to amend and reenact section 19-03.1-22.3, subdivision d of subsection 8 of section 19-03.1-23, section 19-03.4-03, and subdivision i of subsection 5 of section 39-08-01 of the North Dakota Century Code, relating to the possession and ingestion of marijuana, and the placement of an individual in a drug and alcohol treatment program by the department of corrections and rehabilitation; and to provide a penalty.

### MOTION

**SEN. K. ROERS MOVED** that HB 1050, as amended, be amended as follows.

In lieu of the amendments adopted by the Senate as printed on pages 1236-1238 of the Senate Journal, House Bill No. 1050 is amended as follows:

Page 1, line 1, after "section" insert "19-03.1-22.3, subdivision d of subsection 8 of section 19-03.1-23, section"

Page 1, line 1, after "19-03.4-03" insert ", and subdivision i of subsection 5 of section 39-08-01"

Page 1, line 2, after "to" insert "the possession of marijuana and marijuana paraphernalia, the ingestion of marijuana, and"

Page 1, line 3, after the semicolon insert "to provide for a legislative management study;"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 19-03.1-22.3 of the North Dakota Century Code is amended and reenacted as follows:

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

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

**SECTION 2. AMENDMENT.** Subdivision d of subsection 8 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

- d. A person who violates this subsection ~~regarding possession by~~ possessing:
  - (1) Marijuana in an amount of less than one-half ounce [14.175 grams] is guilty of a noncriminal offense punishable by a fee of two hundred fifty dollars.
  - (2) One-half ounce [14.175 grams] or more of marijuana is guilty of a class B misdemeanor."

Page 2, line 6, overstrike "a class B misdemeanor" and insert immediately thereafter "a noncriminal offense punishable by a fee of one hundred dollars"

Page 2, line 12, replace "shall" with "may"

Page 2, after line 18, insert:

**"SECTION 4. AMENDMENT.** Subdivision i of subsection 5 of section 39-08-01 of the North Dakota Century Code is amended and reenacted as follows:

- i. If the court sentences an individual to the legal and physical custody of the department of corrections and rehabilitation, the department may place the individual in an alcohol treatment program designated by the department. Upon the individual's successful completion of the alcohol treatment program, the department shall release the individual from imprisonment to begin the court-ordered period of probation. If there is not any court-ordered period of probation, the court ~~shall~~may order the individual to serve the remainder of the sentence of imprisonment on supervised probation and the terms and conditions must include participation in the twenty-four seven sobriety program and any terms and conditions of probation previously imposed by the court. Probation under this subsection may include placement in another facility or treatment program. If an individual is placed in another facility or treatment program after release from imprisonment, the remainder of the individual's sentence of imprisonment must be considered time spent in custody. Individuals incarcerated under this section subsequent to a second probation revocation are not eligible for release from imprisonment upon the successful completion of treatment.

**SECTION 5. LEGISLATIVE MANAGEMENT STUDY - RECREATIONAL MARIJUANA.** During the 2019-20 interim, the legislative management shall consider studying the implications of the potential adoption of an initiated measure allowing the use of recreational marijuana. The study must consider the potential benefits and detriments of legalizing recreational marijuana with respect to:

1. The state's economy, including unemployment and homelessness rates; potential tax revenues and job opportunities; spending on public health and safety programs, including law enforcement agencies and drug treatment programs; and tourism, real estate, construction, and banking;
2. Minors, including the rate of drug usage, the effects of marijuana on developing brains, and high school drop-out rates;
3. The insurance industry, including health, automobile, and life insurance;
4. The legal system, including crime rates, the prison population, and rates of usage of other drugs;
5. Workers' compensation and work-related accidents;
6. Public health and safety; and
7. The medical marijuana program.

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

Renumber accordingly

#### **REQUEST**

**SEN. K. ROERS REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to HB 1050, as amended, which request was granted.

#### **ROLL CALL**

The question being on the motion to adopt the proposed amendments to HB 1050, as amended, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Cook; Davison; Dever; Dotzenrod; Elkin; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach;

Kreun; Lee, J.; Lemm; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner

**NAYS:** Clemens; Dwyer; Erbele; Fors; Larsen, O.; Larson, D.; Lee, G.; Luick; Myrdal; Unruh

The proposed amendments to HB 1050, as amended, were adopted on a recorded roll call vote.

**HB 1050:** A BILL for an Act to amend and reenact section 19-03.1-22.3, subdivision d of subsection 8 of section 19-03.1-23, section 19-03.4-03, and subdivision i of subsection 5 of section 39-08-01 of the North Dakota Century Code, relating to the possession of marijuana and marijuana paraphernalia, the ingestion of marijuana, and the placement of an individual in a drug and alcohol treatment program by the department of corrections and rehabilitation; to provide for a legislative management study; 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 39 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Clemens; Dwyer; Elkin; Fors; Larsen, O.; Lee, G.; Luick; Myrdal

HB 1050, as amended, passed.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

**HB 1157, as engrossed: SEN. J. ROERS (Industry, Business and Labor Committee)**  
**MOVED** that the amendments on SJ pages 1238-1245 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 1157:** A BILL for an Act to amend and reenact sections 43-09-01, 43-09-05, 43-09-09, 43-09-09.2, 43-09-10, 43-09-11, 43-09-12, 43-09-13.2, 43-09-15, 43-09-15.1, 43-09-16, 43-09-18, 43-09-20, 43-09-21, 43-09-22, and 43-09-23 of the North Dakota Century Code, relating to regulation by the state electrical board; 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 46 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.; Lemm; 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.

Engrossed HB 1157, as amended, passed.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1106:** A BILL for an Act to create and enact chapter 26.1-36.7 of the North Dakota Century Code, relating to the establishment of an invisible reinsurance pool for the individual health insurance market; to amend and reenact subsection 2 of section 26.1-03-17 of the North Dakota Century Code, relating to premium taxes and credits for insurance companies; to provide for a legislative management study; to provide an expiration date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 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.; Lemm; 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 1106, as amended, passed and the emergency clause was declared carried.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1122:** A BILL for an Act to amend and reenact sections 15.1-21-02.4, 15.1-21-02.5, 15.1-21-02.6, and 15.1-21-02.8 of the North Dakota Century Code, relating to eligibility for the North Dakota career and technical education scholarship and the North Dakota academic scholarship for high school students enrolled in dual-credit or early entry courses.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Davison; Heckaman; Kannianen; Larsen, O.; Marcellais; Mathern; Meyer; Oban; Robinson; Roers, K.; Rust; Schaible; Sorvaag

**NAYS:** Bakke; Burckhard; Clemens; Cook; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Myrdal; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1122, as amended, failed.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. DWYER MOVED** that the Senate do concur in the House amendments to SB 2073 as printed on SJ page 1158, which motion prevailed on a voice vote.

SB 2073, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2073:** A BILL for an Act to create and enact chapter 27-20.1 of the North Dakota Century Code, relating to guardianships of children; to amend and reenact subsection 11 of section 27-20-02, section 27-20-03, subsection 1 of section 27-20-06, sections 27-20-46, 27-20-48.1, and subsection 1 of section 27-20-49 of the North Dakota Century Code, relating to guardianships of children; and to repeal sections

27-20-48.2, 27-20-48.3, and 27-20-48.4 of the North Dakota Century Code, relating to guardianships of children.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 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.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2073 passed.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. ANDERSON MOVED** that the Senate do concur in the House amendments to Engrossed SB 2340 as printed on SJ pages 945-946, which motion prevailed on a voice vote.

Engrossed SB 2340, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2340:** A BILL for an Act to create and enact subsection 6 of section 44-04-18.10 of the North Dakota Century Code, relating to protection of records shared for emergency purposes; and to amend and reenact section 44-04-18.4 of the North Dakota Century Code, relating to confidentiality of records regarding emergency planning and response.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 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.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2340 passed.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. BAKKE MOVED** that the Senate do concur in the House amendments to SB 2162 as printed on SJ pages 1158-1161, which motion prevailed on a voice vote.

SB 2162, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2162:** A BILL for an Act to amend and reenact subsection 16 of section 53-06.1-01, subdivisions a and d of subsection 1 of section 53-06.1-03, subsection 2 of section 53-06.1-11.1, and subsection 3 of section 53-06.1-14 of the North Dakota Century Code, relating to the local permits and prize limits.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Cook; Davison; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogue; Holmberg; Klein; Krebsbach; Kreun;

Larsen, O.; Lee, J.; Lemm; Luick; Marcellais; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Clemens; Dever; Hogan; Kannianen; Larson, D.; Lee, G.; Mathern; Robinson

Engrossed SB 2162 passed.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DWYER MOVED** that the Senate do concur in the House amendments to Engrossed SB 2036 as printed on SJ pages 906-907, which motion prevailed on a voice vote.

Engrossed SB 2036, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2036:** A BILL for an Act to create and enact section 4.1-45-22.1 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; to amend and reenact subsection 7 of section 12.1-31.2-01, section 14-09-00.1, subsection 1 of section 14-09-06.2, subsection 2 of section 27-20-30.1, subsection 1 of section 27-20-45, sections 43-62-01 and 43-62-15, subsection 5 of section 53-06.1-06, section 57-02-08.6, subsection 7 of section 57-38-30.3, and section 57-60-14 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal sections 4.1-55-22.1, 6-09.8-04, 6-09.11-02, and 15-08.1-09 and chapter 61-21.1 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 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.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2036 passed.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2110 as printed on SJ page 1188, which motion prevailed on a voice vote.

Engrossed SB 2110, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2110:** A BILL for an Act to amend and reenact sections 54-59-01 and 54-59-05 of the North Dakota Century Code, relating to cybersecurity.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 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.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh;

Vedaa; Wanzek; Wardner

Reengrossed SB 2110 passed.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. K. ROERS MOVED** that the Senate do concur in the House amendments to Engrossed SB 2113 as printed on SJ pages 1131-1133, which motion prevailed on a voice vote.

Engrossed SB 2113, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2113:** A BILL for an Act to create and enact a new section to chapter 50-10.2 of the North Dakota Century Code, relating to authorized electronic monitoring of facility residents; to amend and reenact sections 12.1-31-14 and 50-10.2-01 of the North Dakota Century Code, relating to authorized electronic monitoring of facility residents and privacy; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 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.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2113 passed.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. OBAN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2181 as printed on SJ page 1162, which motion prevailed on a voice vote.

Engrossed SB 2181, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2181:** A BILL for an Act to amend and reenact sections 15.1-19-17 and 15.1-19-18 of the North Dakota Century Code, relating to cyberbullying of students.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 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.; Lemm; 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 SB 2181 passed.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DWYER MOVED** that the Senate do concur in the House amendments to SB 2281 as printed on SJ page 1189, which motion prevailed on a voice vote.



SB 2281, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2281:** A BILL for an Act to amend and reenact section 12.1-05-05 of the North Dakota Century Code, relating to limitations on permissible use of force on a child.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Dever; Dotzenrod; Dwyer; Fors; Grabinger; Heckaman; Hogan; Holmberg; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Wanzek; Wardner

**NAYS:** Davison; Elkin; Erbele; Hogue; Kannianen; Klein; Larsen, O.; Myrdal; Unruh; Vedaa

Engrossed SB 2281 passed.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. PATTEN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2061 as printed on SJ pages 944-945, which motion prevailed on a voice vote.

Engrossed SB 2061, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2061:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to a road use fee for electric and hybrid vehicles; and to provide for a legislative management study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bekkedahl; Burckhard; Clemens; Cook; Dever; Dwyer; Erbele; Fors; Heckaman; Holmberg; Kannianen; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Wanzek; Wardner

**NAYS:** Bakke; Davison; Dotzenrod; Elkin; Grabinger; Hogan; Hogue; Klein; Larsen, O.; Marcellais; Mathern; Oban; Piepkorn; Sorvaag; Unruh; Vedaa

Reengrossed SB 2061 passed.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. BAKKE MOVED** that the Senate do concur in the House amendments to SB 2121 as printed on SJ page 963, which motion prevailed on a voice vote.

SB 2121, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2121:** A BILL for an Act to amend and reenact subsection 1 of section 39-06.2-07 and subsections 15 and 16 of section 39-06.2-10 of the North Dakota Century Code, relating to commercial vehicle driver's licenses.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll

was called and there were 44 YEAS, 3 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; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Kreun; Larsen, O.; Myrdal

Engrossed SB 2121 passed.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. CLEMENS MOVED** that the Senate do concur in the House amendments to Engrossed SB 2176 as printed on SJ page 963, which motion prevailed on a voice vote.

Engrossed SB 2176, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2176:** A BILL for an Act to provide for a road train pilot program; to provide for a legislative management study of a road train pilot program; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Larson, D.; Marcellais; Vedaa

Reengrossed SB 2176 passed.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. DWYER MOVED** that the Senate do concur in the House amendments to SB 2120 as printed on SJ page 895, which motion prevailed on a voice vote.

SB 2120, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2120:** A BILL for an Act to amend and reenact section 39-22-18 of the North Dakota Century Code, relating to retail motor vehicle sales.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 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.; Lemm; 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.

Engrossed SB 2120 passed.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. PIEPKORN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2212 as printed on SJ pages 1188-1189, which motion prevailed on a voice vote.

Engrossed SB 2212, as amended, was placed on the Eleventh order of business.

**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 the inspection of production and royalty payment records by the board of university and school lands; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 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.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2212 passed.

\*\*\*\*\*

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1050, HB 1157.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1106.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1122.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2046, SB 2047, SB 2185, SB 2278.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2011, SB 2048, SB 2058, SB 2094, SB 2214.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2011**

Page 1, replace lines 13 through 18 with:

"Salaries and wages	\$1,848,667	\$314,891	\$2,163,558
Operating expenses	<u>506,047</u>	<u>87,514</u>	<u>593,561</u>
Total all funds	\$2,354,714	\$402,405	\$2,757,119
Less estimated income	<u>170,000</u>	<u>2,587,119</u>	<u>2,757,119</u>
Total general fund	\$2,184,714	(\$2,184,714)	\$0
Full-time equivalent positions	9.00	1.00	10.00"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2011 - Securities Department - House Action**

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$1,848,667	\$2,164,563	(\$1,005)	\$2,163,558
Operating expenses	506,047	529,561	64,000	593,561
Total all funds	\$2,354,714	\$2,694,124	\$62,995	\$2,757,119
Less estimated income	170,000	2,694,124	62,995	2,757,119
General fund	\$2,184,714	\$0	\$0	\$0
FTE	9.00	10.00	0.00	10.00

**Department 414 - Securities Department - Detail of House Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Increases Funding for Operating Expenses <sup>2</sup>	Total House Changes
Salaries and wages	(\$1,005)		(\$1,005)
Operating expenses		\$64,000	64,000
Total all funds	(\$1,005)	\$64,000	\$62,995
Less estimated income	(1,005)	64,000	62,995
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> Funding is added to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020. The Senate provided funding for salary increases of 2 percent on July 1, 2019, and 3 percent on July 1, 2020.

<sup>2</sup> Funding for operating expenses is increased \$64,000 for rent and statewide capital allocation plan expenditures.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2048**

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

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - RETIREMENT PLANS.** During the 2019-20 interim, the legislative management shall study state retirement plans for state employees. The study must include a review of the current defined benefits plan and defined contribution plan as well as the retirement plan for higher education faculty. The study must consider options for a defined contribution plan only for new hires, including contracting with the organization that administers the retirement plan for higher education faculty. The study must also consider options to adequately fund the defined benefit plan as a closed plan. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2058**

In lieu of the amendments adopted by the House as printed on pages 1403-1404 of the House Journal, Senate Bill No. 2058 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 6 of section 54-17.8-06 of the North Dakota Century Code, relating to the North Dakota outdoor heritage advisory board.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 6 of section 54-17.8-06 of the North Dakota Century Code is amended and reenacted as follows:

6. The advisory board ~~shall recommend~~may not forward a grant application to the commission unless the approval of grants application is for funding activities that fulfill the purposes of this chapter and the application receives a favorable recommendation from a majority of the advisory board members."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2094**

In lieu of the amendments adopted by the House as printed on pages 1345-1347 of the House Journal, Engrossed Senate Bill No. 2094 is amended as follows:

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

Page 1, line 1, after "43-17-45" insert ", and 43-62-14.1"

Page 1, line 2, after "telemedicine" insert "and the regulation of fluoroscopy technologists"

Page 1, line 2, remove the first "and"

Page 1, line 3, after "43-17-01" insert ", 43-17-02,"

Page 1, line 3, after "43-17-02.3" insert ", subsection 1 of section 43-17.1-02, and sections 43-17.1-05, 43-17.1-05.1, 43-17.1-06, and 43-62-01"

Page 1, line 4, replace the second "and" with a comma

Page 1, line 4, after the second "medicine" insert ", and the regulation of fluoroscopy technologists; to provide a penalty; and to provide for application"

Page 2, after line 8, insert:

**"SECTION 2. AMENDMENT.** Section 43-17-02 of the North Dakota Century Code is amended and reenacted as follows:

**43-17-02. Persons exempt from the provisions of chapter.**

The provisions of this chapter do not apply to the following:

1. Students of medicine or osteopathy who are continuing their training and performing the duties of a resident in any hospital or institution maintained and operated by the state, an agency of the federal government, or in any residency program accredited by the accreditation council on graduate medical education, provided that the North Dakota board of medicine may adopt rules relating to the licensure, fees, qualifications, activities, scope of practice, and discipline of such persons.
2. The domestic administration of family remedies.
3. Dentists practicing their profession when properly licensed.
4. Optometrists practicing their profession when properly licensed.
5. The practice of christian science or other religious tenets or religious rules or ceremonies as a form of religious worship, devotion, or healing, if the person administering, making use of, assisting in, or prescribing, such religious worship, devotion, or healing does not prescribe or administer drugs or medicines and does not perform surgical or physical operations, and if the person does not hold out to be a physician or surgeon.

6. Commissioned medical officers of the armed forces of the United States, the United States public health service, and medical officers of the veterans administration of the United States, in the discharge of their official duties, and licensed physicians from other states or territories if called in consultation with a person licensed to practice medicine in this state.
7. Doctors of chiropractic duly licensed to practice in this state pursuant to the statutes regulating such profession.
8. Podiatrists practicing their profession when properly licensed.
9. Any person rendering services as a physician assistant, if such service is rendered under the supervision, control, and responsibility of a licensed physician. However, sections 43-17-02.1 and 43-17-02.2 do apply to physician assistants. The North Dakota board of medicine shall prescribe rules governing the conduct, licensure, fees, qualifications, discipline, activities, and supervision of physician assistants. Physician assistants may not be authorized to perform any services which must be performed by persons licensed pursuant to chapters 43-12.1, 43-13, 43-15, and 43-28 or services otherwise regulated by licensing laws, notwithstanding the fact that medical doctors need not be licensed specifically to perform the services contemplated under such chapters or licensing laws.
10. A nurse practicing the nurse's profession when properly licensed by the North Dakota board of nursing.
11. ~~A person rendering fluoroscopy services as a radiologic technologist if the service is rendered under the supervision, control, and responsibility of a licensed physician and provided that the North Dakota board of medicine prescribes rules governing the conduct, permits, fees, qualifications, activities, discipline, and supervision of radiologic technologists who provide those services.~~
- ~~42.~~ A naturopath duly licensed to practice in this state pursuant to the statutes regulating such profession.
- ~~43.12.~~ An individual duly licensed to practice medical imaging or radiation therapy in this state under chapter 43-62.
- ~~44.13.~~ An acupuncturist duly licensed to practice in this state pursuant to the statutes regulating such profession."

Page 2, line 23, after "consultation" insert "on a diagnosis for a patient to a physician licensed in the state."

Page 3, line 10, replace "valid" with "bona fide"

Page 4, after line 23, insert:

**"SECTION 6. AMENDMENT.** Subsection 1 of section 43-17.1-02 of the North Dakota Century Code is amended and reenacted as follows:

1. For the purpose of investigating complaints or other information that might give rise to a disciplinary proceeding against a physician, ~~a or~~ physician assistant, ~~or a fluoroscopy technologist~~, the president of the board ~~must~~shall designate two investigative panels, each ~~comprised~~composed of six members of the board. Five members of each panel must be physician members of the board. One member of each panel must be a public member of the board.

**SECTION 7. AMENDMENT.** Section 43-17.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**43-17.1-05. Complaints.**

1. Any person may make or refer written complaints to the investigative panels with reference to the acts, activities, or qualifications of any physician, ~~or physician assistant, or fluoroscopy technologist~~ licensed to practice in this state, or to request that an investigative panel review the qualifications of any physician, ~~or physician assistant, or fluoroscopy technologist~~ to continue to practice in this state. Any person ~~who~~that, in good faith, makes a report to the investigative panels under this section is not subject to civil liability for making the report. For purposes of any civil proceeding, the good faith of any person ~~who~~that makes a report pursuant to this section is presumed. Upon receipt of any complaint or request, the investigative panel shall conduct the investigation as ~~it~~the panel deems necessary to determine whether any physician, ~~or physician assistant, or fluoroscopy technologist~~ has committed any of the grounds for disciplinary action provided for by law. Upon completion of ~~it~~the investigation of the investigative panel, the investigative panel shall make a finding that the investigation discloses that:
  - a. There is insufficient evidence to warrant further action;
  - b. The conduct of the physician, ~~or physician assistant, or fluoroscopy technologist~~ does not warrant further proceedings but the investigative panel determines ~~that~~ possible errant conduct occurred that could lead to significant consequences if not corrected. In such a case, a confidential letter of concern may be sent to the physician, ~~or physician assistant, or fluoroscopy technologist~~; or
  - c. The conduct of the physician, ~~or physician assistant, or fluoroscopy technologist~~ indicates ~~that~~ the physician, ~~or physician assistant, or fluoroscopy technologist~~ may have committed any of the grounds for disciplinary action provided for by law and which warrants further proceedings.
2. If the investigative panel determines ~~that~~ a formal hearing should be held to determine whether any licensed physician, ~~or physician assistant, or fluoroscopy technologist~~ has committed any of the grounds for disciplinary action provided for by law, ~~it~~the panel shall inform the respondent physician, ~~or physician assistant, or fluoroscopy technologist~~ involved of the specific charges to be considered by serving upon ~~that person~~that individual a copy of a formal complaint filed with the board for disposition pursuant to the provisions of chapter 28-32. The board members who have served on the investigative panel may not participate in any proceeding before the board relating to ~~said~~the complaint. The complaint must be prosecuted before the board by the attorney general or one of the attorney general's assistants.
3. If an investigative panel finds ~~that~~ there are insufficient facts to warrant further investigation or action, the complaint must be dismissed and the matter is closed. The investigative panel shall provide written notice to the ~~individual or entity~~person filing the original complaint and the ~~person~~individual who is the subject of the complaint of the investigative panel's final action or recommendations, if any, concerning the complaint.

**SECTION 8. AMENDMENT.** Section 43-17.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

**43-17.1-05.1. Reporting requirements - Penalty.**

1. A physician, a physician assistant, ~~or a fluoroscopy technologist~~, a health care institution in the state, a state agency, or a law enforcement agency in the state having actual knowledge that a licensed physician, ~~a or physician assistant, or a fluoroscopy technologist~~ may have committed any of the grounds for disciplinary action provided by law or by rules adopted by the board ~~promptly shall promptly~~ report that information in

writing to the investigative panel of the board. A medical licensee or any institution from which the medical licensee voluntarily resigns or voluntarily limits the licensee's staff privileges shall report that licensee's action to the investigative panel of the board if that action occurs while the licensee is under formal or informal investigation by the institution or a committee of the institution for any reason related to possible medical incompetence, unprofessional conduct, or mental or physical impairment.

2. Upon receiving a report concerning a licensee an investigative panel shall, or on its own motion an investigative panel may, investigate any evidence that appears to show a licensee is or may have committed any of the grounds for disciplinary action provided by law or by rules adopted by the board.
3. A person required to report under this section ~~whethat~~ makes a report in good faith is not subject to criminal prosecution or civil liability for making the report. For purposes of any civil proceeding, the good faith of any person ~~whethat~~ makes a report pursuant to this section is presumed. A physician who obtains information in the course of a physician-patient relationship in which the patient is another physician is not required to report if the treating physician successfully counsels the other physician to limit or withdraw from practice to the extent required by the impairment. A physician who obtains information in the course of a professional peer review pursuant to chapter 23-34 is not required to report pursuant to this section. A physician who does not report information obtained in a professional peer review is not subject to criminal prosecution or civil liability for not making a report. For purposes of this section, a person has actual knowledge if that person acquired the information by personal observation or under circumstances that cause that person to believe there exists a substantial likelihood that the information is correct.
4. An agency or health care institution that violates this section is guilty of a class B misdemeanor. A physician; or physician assistant; ~~or~~ ~~fluoroscopy-technologist~~ who violates this section is subject to administrative action by the board as specified by law or by administrative rule.

**SECTION 9. AMENDMENT.** Section 43-17.1-06 of the North Dakota Century Code is amended and reenacted as follows:

**43-17.1-06. Powers of the board's investigative panels.**

The board's investigative panels may:

1. Subpoena witnesses and physician and hospital records relating to the practice of any physician; or physician assistant; ~~or~~ ~~fluoroscopy-technologist~~ under investigation. The confidentiality of the records by any other statute or law does not affect the validity of an investigative panel's subpoena nor the admissibility of the records in board proceedings; however, the proceedings and records of a committee ~~that~~which are exempt from subpoena, discovery, or introduction into evidence under chapter 23-34 are not subject to this subsection.
2. Hold preliminary hearings.
3. Upon probable cause, require any physician; or physician assistant; ~~or~~ ~~fluoroscopy-technologist~~ under investigation to submit to a physical, psychiatric, or competency examination or chemical dependency evaluation.
4. Appoint special masters to conduct preliminary hearings.
5. Employ independent investigators ~~when~~if necessary.



6. Hold confidential conferences with any complainant or any physician, or physician assistant, ~~or fluoroscopy technologist~~ with respect to any complaint.
7. File a formal complaint against any licensed physician, or physician assistant, ~~or fluoroscopy technologist~~ with the board.

**SECTION 10. AMENDMENT.** Section 43-62-01 of the North Dakota Century Code is amended and reenacted as follows:

**43-62-01. Definitions.**

As used in this chapter:

1. "Board" means the North Dakota medical imaging and radiation therapy board.
2. "Certification organization" means a national certification organization that specializes in the certification and registration of medical imaging and radiation therapy technical personnel and which has programs accredited by the national commission for certifying agencies, American national standards institute or the international organization for standardization, or other accreditation organization recognized by the board.
3. "Licensed practitioner" means a licensed physician, advanced practice registered nurse, chiropractor, dentist, or podiatrist.
4. "Licensee" means an individual licensed by the board to perform medical imaging or radiation therapy and operate medical imaging or radiation therapy equipment, including a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, sonographer, fluoroscopy technologist, or magnetic resonance imaging technologist.
5. "Medical imaging" means the performance of any diagnostic or interventional procedure or operation of medical imaging equipment intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including magnetic resonance imaging, fluoroscopy, nuclear medicine, sonography, or x-rays.
6. "Medical physicist" means an individual who is certified by the American board of radiology, American board of medical physics, American board of science in nuclear medicine, or Canadian college of physics in medicine in radiological physics or one of the subspecialties of radiological physics.
7. "Primary modality" means an individual practicing as a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, sonographer, fluoroscopy technologist, or magnetic resonance imaging technologist.
8. "Protected health information" has the same meaning as provided under section 23-01.3-01.
9. "Radiation therapy" means the performance of any procedure or operation of radiation therapy equipment intended for use in the treatment of disease or other medical conditions in human beings.
10. "Radiation therapist" means an individual, other than a licensed practitioner or authorized user, who performs procedures and applies ionizing radiation emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes.

**(Contingent effective date - See note) Definitions.**

As used in this chapter:

1. "Board" means the North Dakota medical imaging and radiation therapy board.
2. "Certification organization" means a national certification organization that specializes in the certification and registration of medical imaging and radiation therapy technical personnel and which has programs accredited by the national commission for certifying agencies, American national standards institute or the international organization for standardization, or other accreditation organization recognized by the board.
3. "Licensed practitioner" means a licensed physician, advanced practice registered nurse, chiropractor, dentist, or podiatrist.
4. "Licensee" means an individual licensed by the board to perform medical imaging or radiation therapy and operate medical imaging or radiation therapy equipment, including a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, x-ray operator, sonographer, fluoroscopy technologist, or magnetic resonance imaging technologist.
5. "Medical imaging" means the performance of any diagnostic or interventional procedure or operation of medical imaging equipment intended for use in the diagnosis or visualization of disease or other medical conditions in human beings, including magnetic resonance imaging, fluoroscopy, nuclear medicine, sonography, or x-rays.
6. "Medical physicist" means an individual who is certified by the American board of radiology, American board of medical physics, American board of science in nuclear medicine, or Canadian college of physics in medicine in radiological physics or one of the subspecialties of radiological physics.
7. "Primary modality" means an individual practicing as a nuclear medicine technologist, radiation therapist, radiographer, radiologist assistant, sonographer, fluoroscopy technologist, or magnetic resonance imaging technologist.
8. "Protected health information" has the same meaning as provided under section 23-01.3-01.
9. "Radiation therapy" means the performance of any procedure or operation of radiation therapy equipment intended for use in the treatment of disease or other medical conditions in human beings.
10. "Radiation therapist" means an individual, other than a licensed practitioner or authorized user, who performs procedures and applies ionizing radiation emitted from x-ray machines, particle accelerators, or sealed radioactive sources to human beings for therapeutic purposes.

**SECTION 11.** Section 43-62-14.1 of the North Dakota Century Code is created and enacted as follows:

**43-62-14.1. Fluoroscopy technologist.**

1. Effective August 1, 2019, an individual licensed or permitted as a fluoroscopy technologist by the North Dakota board of medicine who is in good standing on that date, automatically becomes licensed as a fluoroscopy technologist by the North Dakota medical imaging and radiation therapy board.
  - a. Effective August 1, 2019, the North Dakota board of medicine shall revoke every active fluoroscopy technologists license issued by that board.

- b. Effective August 1, 2019, the North Dakota medical imaging and radiation therapy board shall issue a fluoroscopy technologist license to every individual qualified under this subsection to be automatically licensed.
- 2. The scope of practice of a licensed fluoroscopy technologist is limited to gastrointestinal fluoroscopy of the esophagus, stomach, and small and large intestines.
- 3. Fluoroscopy services provided by a licensed fluoroscopy technologist must be provided under the supervision of a primary supervising physician.
- 4. If a fluoroscopy technologist performs a fluoroscopy procedure outside the presence of the technologist's primary supervising physician, the technologist must be supervised by an onsite supervising physician who is immediately available to the technologist for consultation and supervision at all times the technologist is performing a fluoroscopy procedure.
- 5. Under this section, a supervising physician may not designate the fluoroscopy technologist to take over the physician's duties or cover the physician's practice. During an absence or temporary disability of a primary supervising physician, the fluoroscopy technologist is responsible to the substitute primary supervising physician.
- 6. To qualify for biennial license renewal, a fluoroscopy technologist shall submit to the board:
  - a. Evidence of completion of at least six hours of continuing education on safety and relevant radiation protection; and
  - b. A copy of an agreement with a primary supervising physician.

**SECTION 12. APPLICATION.** To facilitate application of sections 2 and 6 through 11 of this Act, the North Dakota board of medicine shall provide the North Dakota medical imaging and radiation therapy board with the files regarding all active fluoroscopy technologists licensed by the North Dakota board of medicine necessary for the North Dakota medical imaging and radiation therapy board to take over licensure and regulation of these technologists."

Renumber accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2214**

In lieu of the amendments adopted by the House as printed on pages 1258 and 1259 of the House Journal, Engrossed Senate Bill No. 2214 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a transfer from the foundation aid stabilization fund to the school construction assistance revolving loan fund; and to provide a statement of legislative intent.

#### **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and budget shall transfer the sum of \$35,000,000 from the foundation aid stabilization fund to the school construction assistance revolving loan fund during the biennium beginning July 1, 2019, and ending June 30, 2021. Pursuant to the continuing appropriation authority under section 15.1-36-08, \$2,500,000, or so much of the sum as may be necessary, is available from the school construction assistance revolving loan fund to the Bank of North Dakota to provide interest rate buydowns associated with loans issued under section 15.1-36-06. In addition, provided sufficient funding is available for loans to local school districts, the Bank of North Dakota may utilize funding from the school construction assistance revolving loan

fund to repay a portion of the outstanding principal balance of loans issued under section 15.1-36-06 for the purpose of transferring a portion of the loans issued under that section from the Bank of North Dakota to the school construction assistance revolving loan fund. The remaining amount transferred to the school construction assistance revolving loan fund is available for new school construction loans.

**SECTION 2. LEGISLATIVE INTENT - FOUNDATION AID STABILIZATION FUND.** It is the intent of the sixty-sixth legislative assembly that, for the biennium beginning July 1, 2021, and ending June 30, 2023, the sixty-seventh legislative assembly appropriate \$110,000,000 from the foundation aid stabilization fund to the department of public instruction for providing ongoing funding for state school aid and transfer \$75,000,000 from the foundation aid stabilization fund to the school construction assistance revolving loan fund."

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2004, SB 2321.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2004

Page 1, line 2, replace "section" with "sections 54-10-01 and"

Page 1, line 2, after "to" insert "the powers and duties of the state auditor and"

Page 1, replace lines 12 through 19 with:

"Salaries and wages	\$11,767,312	\$575,906	\$12,343,218
Operating expenses	1,142,783	19,037	1,161,820
Capital assets	0	16,000	16,000
Information technology consultants	0	450,000	450,000
Total all funds	\$12,910,095	\$1,060,943	\$13,971,038
Less estimated income	3,411,487	761,691	4,173,178
Total general fund	\$9,498,608	\$299,252	\$9,797,860
Full-time equivalent positions	56.00	0.00	56.00"

Page 2, after line 7, insert:

**"SECTION 3. AMENDMENT.** Section 54-10-01 of the North Dakota Century Code is amended and reenacted as follows:

#### **54-10-01. Powers and duties of state auditor.**

The state auditor shall:

1. Be vested with the duties, powers, and responsibilities involved in performing the postaudit of all financial transactions of the state government, detecting and reporting any defaults, and determining that expenditures have been made in accordance with law and appropriation acts.
2. Perform or provide for the audit of the general purpose financial statements and a review of the material included in the comprehensive annual financial report of the state and perform or provide for the audits and reviews of state agencies. Except for the annual audit of the North Dakota lottery required by section 53-12.1-03, the state auditor shall audit or review each state agency once every two years. The state auditor shall determine the contents of the audits and reviews of state agencies. The state auditor may conduct any work required by the federal government. The state auditor shall charge an amount equal to the cost of the audit and other services rendered by the state auditor to all agencies that receive and expend moneys from other than the general fund. This charge may be reduced for any agency that receives and expends both general fund and nongeneral fund moneys. State agencies

must use nongeneral fund moneys to pay for audits performed by the state auditor. If nongeneral fund moneys are not available, the agency may, upon approval of the legislative assembly, or the budget section if the legislative assembly is not in session, use general fund moneys to pay for audits performed by the state auditor. The budget section reviews and approvals must comply with the new section to chapter 54-35 of the North Dakota Century Code created by section 15 of Senate Bill No. 2055 as adopted by the sixty-sixth legislative assembly. Audits and reviews may be conducted at more frequent intervals if requested by the governor or legislative audit and fiscal review committee.

3. Be vested with the authority to determine whether to audit the International Peace Garden at the request of the board of directors of the International Peace Garden.
4. Perform or provide for performance audits of state agencies, or the agencies' blended component units or discreetly presented component units, as determined necessary by the state auditor or the legislative audit and fiscal review committee. A performance audit must be done in accordance with generally accepted auditing standards applicable to performance audits. The state auditor may not hire a consultant to assist with conducting a performance audit of a state agency without the prior approval of the legislative audit and fiscal review committee. The state auditor shall notify an agency of the need for a consultant before requesting approval by the legislative audit and fiscal review committee. The agency that is audited shall pay for the cost of any consultant approved.
5. For the audits and reviews the state auditor is authorized to perform or provide for under this section, the audit or review may be provided for by contract with a private certified or licensed public accountant or other qualified professional. If the state auditor determines that the audit or review will be done pursuant to contract, the state auditor, except for occupational or professional boards, shall execute the contract, and any executive branch agency, including higher education institutions, shall pay the fees of the contractor.
6. Be responsible for the above functions and report thereon to the governor and the secretary of state in accordance with section 54-06-04 or more often as circumstances may require.
7. Perform all other duties as prescribed by law."

Page 2, line 13, remove "one hundred seven thousand eight hundred eighty-five dollars through June 30, 2020."

Page 2, line 14, replace "and one hundred eleven thousand one hundred twenty-two dollars thereafter" with "one hundred seven thousand eight hundred eighty-five dollars through June 30, 2020, and one hundred ten thousand five hundred eighty-two dollars thereafter"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2004 - State Auditor - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$11,767,312	\$12,755,758	(\$412,540)	\$12,343,218
Operating expenses	1,142,783	1,404,676	(242,856)	1,161,820
Capital assets		16,000		16,000
Information technology consultants		450,000		450,000
Total all funds	\$12,910,095	\$14,626,434	(\$655,396)	\$13,971,038
Less estimated income	3,411,487	4,212,294	(39,116)	4,173,178
General fund	\$9,498,608	\$10,414,140	(\$616,280)	\$9,797,860

FTE 56.00 61.00 (5.00) 56.00

### Department 117 - State Auditor - Detail of House Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Restores Positions and Salaries and Wages Funding <sup>2</sup>	Removes State Audit Division Auditor Positions <sup>3</sup>	Removes Local Government Auditors <sup>4</sup>	Removes State Audit Division Auditors for NDUS Audit <sup>5</sup>	Adjusts Funding Source for Information Technology Consultants <sup>6</sup>
Salaries and wages	(\$6,497)	\$725,231	(\$325,000)	(\$318,430)	(\$487,844)	
Operating expenses				(20,000)	(72,856)	
Capital assets						
Information technology consultants						
Total all funds	(\$6,497)	\$725,231	(\$325,000)	(\$338,430)	(\$560,700)	\$0
Less estimated income	(688)	2	0	(338,430)	0	300,000
General fund	(\$5,809)	\$725,229	(\$325,000)	\$0	(\$560,700)	(\$300,000)
FTE	0.00	2.00	(2.00)	(2.00)	(3.00)	0.00

	Removes Funding for Consulting Fees <sup>7</sup>	Total House Changes
Salaries and wages		(\$412,540)
Operating expenses	(\$150,000)	(242,856)
Capital assets		
Information technology consultants		
Total all funds	(\$150,000)	(\$655,396)
Less estimated income	0	(39,116)
General fund	(\$150,000)	(\$616,280)
FTE	0.00	(5.00)

<sup>1</sup> Funding is adjusted to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020. The Senate provided funding for salary increases of 2 percent on July 1, 2019, and 3 percent on July 1, 2020.

<sup>2</sup> One FTE local government division auditor and 1 FTE state audit division auditor are restored and salaries and wages funding, underfunded by the Senate, is restored.

<sup>3</sup> Two FTE state audit division auditors and related salaries and wages are removed.

<sup>4</sup> Two of the four FTE local government division auditors added by the Senate, including funding from audit fee revenue for related salaries and wages and operating expenses, are removed to provide an additional two local government division auditors.

<sup>5</sup> Three FTE state audit division auditors and related salaries and wages and operating expenses, added by the Senate to audit the North Dakota University System, are removed.

<sup>6</sup> Funding for information technology reviews of the Information Technology Department and the University System is adjusted to provide a total of \$450,000, of which \$150,000 is from the general fund.

<sup>7</sup> Funding for consulting fees added by the Senate is removed.

This amendment also:

- Adds a section to amend Section 54-10-01 related to the powers and duties of the State Auditor to provide state agencies must use nongeneral fund moneys to pay for audits performed by the State Auditor. If nongeneral fund moneys are not available, the agency may, upon approval of the Legislative Assembly, or the Budget Section if the Legislative Assembly is not in session, use general fund moneys to pay for audits performed by the State Auditor; and
- Amends the statutory changes related to the State Auditor's salary to provide increases consistent with state employee salary increases.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2321**

In lieu of the amendments adopted by the House as printed on page 1062 of the House Journal, Engrossed Senate Bill No. 2321 is amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 39-04 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "responders and firefighters;"

Page 2, line 10, replace "4." with "3."

Page 2, line 14, replace "5." with "4."

Page 2, remove lines 18 through 27

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2039.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2036, SB 2061, SB 2073, SB 2110, SB 2113, SB 2120, SB 2121, SB 2162, SB 2176, SB 2181, SB 2212, SB 2281, and SB 2340.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2114, SB 2186, SB 2215, and SB 2216, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2114:** Sens. Dwyer; D. Larson; Bakke

**SB 2186:** Sens. Rust; Fors; Marcellais

**SB 2215:** Sens. Davison; Schaible; Oban

**SB 2216:** Sens. Schaible; Rust; Marcellais

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

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

**SB 2102:** Reps. Kasper; Louser; P. Anderson

**SB 2258:** Reps. Headland; Grueneich; Mitskog

**SB 2306:** Reps. Laning; Richter; Adams

**SB 2344:** Reps. Keiser; Roers Jones; Mitskog

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1082 and HB 1394.

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1074, HB 1517, and HB 1541, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1074:** Reps. McWilliams; Buffalo; Magrum

**HB 1517:** Reps. D. Anderson; Tveit; Schneider

**HB 1541:** Reps. Paulson; Karls; Vetter

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

**MR. SPEAKER:** The Senate has appointed as a conference committee to act with a like

committee from the House on:

**HB 1045:** Sens. Burckhard; Vedaa; Piepkorn  
**HB 1123:** Sens. J. Roers; Kreun; Piepkorn  
**HB 1194:** Sens. Anderson; K. Roers; O. Larsen  
**HB 1285:** Sens. Clemens; K. Roers; Hogan  
**HB 1407:** Sens. Rust; Clemens; Bakke  
**HB 1417:** Sens. J. Lee; Anderson; K. Roers  
**HB 1468:** Sens. Kreun; J. Roers; Piepkorn  
**HB 1469:** Sens. Anderson; K. Roers; O. Larsen  
**HB 1519:** Sens. K. Roers; Anderson; Clemens

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2043, SB 2044, SB 2072, SB 2149, SB 2150, SB 2203, SB 2217, SB 2222, SB 2239, SB 2241, SB 2328, SCR 4004.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1113, HB 1125, HB 1190, HB 1252, HB 1334, HB 1339, HB 1418, HB 1432, HB 1434, HB 1477, HB 1501, HB 1534, HB 1546, HCR 3018, HCR 3019, HCR 3047.

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

**MR. SPEAKER:** The President has signed: SB 2024, SB 2025, SB 2055, SB 2070, SB 2076, SB 2088, SB 2089, SB 2101, SB 2115, SB 2152, SB 2173, SB 2179, SB 2196, SB 2209, SB 2230, SB 2232, SB 2240, SB 2243, SB 2313, SB 2347.

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

**MR. SPEAKER:** The President has signed: HB 1113, HB 1125, HB 1190, HB 1252, HB 1334, HB 1339, HB 1418, HB 1432, HB 1434, HB 1477, HB 1501, HB 1534, HB 1546, HCR 3018, HCR 3019, HCR 3047.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 4, 2019: SB 2024, SB 2025, SB 2055, SB 2070, SB 2076, SB 2088, SB 2089, SB 2101, SB 2115, SB 2152, SB 2173, SB 2179, SB 2196, SB 2209, SB 2230, SB 2232, SB 2240, SB 2243, SB 2313, SB 2347.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, April 5, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1004, 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 HB 1004 was placed on the Sixth order on the calendar.

Page 1, remove lines 14 through 23

Page 2, replace line 1 with:

"Salaries and wages	\$36,371,434	\$2,199,120	\$38,570,554
Operating expenses	27,714,187	6,293,893	34,008,080
Capital assets	2,188,491	1,839,322	4,027,813
Grants	46,441,941	9,715,351	56,157,292
Tobacco prevention	13,646,704	(744,640)	12,902,064
Women, infants, and children food payments	20,200,000	(420,000)	19,780,000
Medical marijuana	1,465,704	(1,465,704)	0
Total all funds	\$148,028,461	\$17,417,342	\$165,445,803
Less estimated income	115,278,152	13,807,061	129,085,213
Total general fund	\$32,750,309	\$3,610,281	\$36,360,590"



Page 2, replace line 11 with:

"Microbiology laboratory technology upgrades 0 483,000"

Page 2, replace lines 13 and 14 with:

"Total all funds \$3,254,286 \$2,057,554  
Less estimated income 3,254,286 1,967,554"

Page 2, line 21, replace "\$1,250,000" with "\$1,125,000"

Page 3, after line 31, insert:

**"SECTION 7. LEGISLATIVE INTENT - ELECTRONIC ACCESS TO VITAL RECORDS - REPORT TO LEGISLATIVE MANAGEMENT.** It is the intent of the sixty-sixth legislative assembly that the state department of health implement a program of electronic access to vital records through web access or kiosk in cooperation with other state agencies in at least eight locations around the state. The state department of health shall report to the legislative management before July 1, 2020, regarding the implementation of electronic access to vital records."

Page 4, line 1, replace "\$450,000" with "\$483,000"

Page 4, line 2, replace "and" with a comma

Page 4, line 2, replace "other funds" with "federal funds, and \$33,000 is from special funds from fee revenue"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1004 - State Department of Health - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$36,371,434	\$37,514,606	\$1,055,948	\$38,570,554
Operating expenses	27,714,187	32,753,080	1,255,000	34,008,080
Capital assets	2,188,491	3,834,813	193,000	4,027,813
Grants	46,441,941	53,057,292	3,100,000	56,157,292
Tobacco prevention	13,646,704	12,894,208	7,856	12,902,064
WIC food payments	20,200,000	19,780,000		19,780,000
Medical marijuana	1,465,704			
Total all funds	\$148,028,461	\$159,833,999	\$5,611,804	\$165,445,803
Less estimated income	115,278,152	123,781,185	5,304,028	129,085,213
General fund	\$32,750,309	\$36,052,814	\$307,776	\$36,360,590
FTE	211.50	204.00	0.00	204.00

#### Department 301 - State Department of Health - Detail of Senate Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Funding for Federal Opioid Grant <sup>2</sup>	Increases Funding for Sexual Violence Primary Prevention Program <sup>3</sup>	Increases One-Time Funding for Microbiology Laboratory Technology Upgrades <sup>4</sup>	Total Senate Changes
Salaries and wages	\$204,968	\$850,980			\$1,055,948
Operating expenses		1,255,000			1,255,000
Capital assets		160,000		\$33,000	193,000
Grants		2,900,000	\$200,000		3,100,000
Tobacco prevention	7,856				7,856
WIC food payments					
Medical marijuana					
Total all funds	\$212,824	\$5,165,980	\$200,000	\$33,000	\$5,611,804
Less estimated income	105,048	5,165,980	0	33,000	5,304,028
General fund	\$107,776	\$0	\$200,000	\$0	\$307,776
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added to provide for employee salary increases of 2 percent on July 1, 2019,

with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020. The House provided funding for salary increases of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

<sup>2</sup> Funding from federal funds is added for expenditures related to an anticipated federal opioid grant.

<sup>3</sup> Funding for sexual violence primary prevention program grants is increased to provide a total of \$2.45 million, of which \$2.11 million is from the general fund.

<sup>4</sup> Funding from fee revenue is provided to increase the one-time appropriation for microbiology laboratory technology upgrades to provide a total of \$483,000, of which \$90,000 is from the general fund, \$360,000 is from federal funds, and \$33,000 is from special funds from fee revenue.

This amendment also adds a section to provide legislative intent that the department implement a program of electronic access to vital records through web access or kiosk in cooperation with other state agencies in at least eight locations around the state. In addition, the section requires the department report to the Legislative Management by July 1, 2020, regarding the implementation of electronic access to vital records.

#### REPORT OF STANDING COMMITTEE

**HB 1006, 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 HB 1006 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "; and to provide an exemption"

Page 1, replace lines 12 through 19 with:

"Salaries and wages	\$1,431,222	\$95,106	\$1,526,328
Operating expenses	2,204,190	(199,436)	2,004,754
Capital assets	100,000	(100,000)	0
Grants	<u>7,150,000</u>	<u>45,650,000</u>	<u>52,800,000</u>
Total all funds	\$10,885,412	\$45,445,670	\$56,331,082
Less estimated income	<u>9,985,412</u>	<u>45,845,670</u>	<u>55,831,082</u>
Total general fund	\$900,000	(\$400,000)	\$500,000
Full-time equivalent positions	7.00	0.00	7.00"

Page 2, replace lines 2 and 3 with:

"Airport grants	\$0	<u>\$27,000,000</u>
Total special funds	\$0	\$27,000,000"

Page 2, line 9, remove "**ENERGY IMPACT**"

Page 2, line 10, replace "\$5,000,000" with "\$27,000,000"

Page 2, line 11, remove "energy impact"

Page 2, after line 12, insert:

**"SECTION 4. AIRPORT INFRASTRUCTURE FUND - AIRPORT GRANTS - EXEMPTION.** The estimated income line item in section 1 of this Act includes \$20,000,000 from the airport infrastructure fund for the aeronautics commission to provide grants to airports during the biennium beginning July 1, 2019, and ending June 30, 2021. Section 54-44.1-11 does not apply to this funding and any funds not spent by June 30, 2021, must be continued into the biennium beginning July 1, 2021, and ending June 30, 2023, and may be expended only for providing grants to airports."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1006 - Aeronautics Commission - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$1,431,222	\$1,520,679	\$5,649	\$1,526,328
Operating expenses	2,204,190	2,004,754		2,004,754
Capital assets	100,000			
Grants	7,150,000	10,800,000	42,000,000	52,800,000
Total all funds	\$10,885,412	\$14,325,433	\$42,005,649	\$56,331,082
Less estimated income	9,985,412	13,825,433	42,005,649	55,831,082
General fund	\$900,000	\$500,000	\$0	\$500,000
FTE	7.00	7.00	0.00	7.00

**Department 412 - Aeronautics Commission - Detail of Senate Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Funding for Airport Infrastructure Grants <sup>2</sup>	Adds Funding for Airport Grants <sup>3</sup>	Total Senate Changes
Salaries and wages	\$5,649			\$5,649
Operating expenses				
Capital assets				
Grants		\$20,000,000	\$22,000,000	42,000,000
Total all funds	\$5,649	\$20,000,000	\$22,000,000	\$42,005,649
Less estimated income	5,649	20,000,000	22,000,000	42,005,649
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020. The House provided funding for salary increases of 2 percent per year.

<sup>2</sup> Funding of \$20 million is added from funds available in the airport infrastructure fund, which was created in House Bill No. 1066, for the Aeronautics Commission to provide grants to airports. The House version did not include this appropriation.

<sup>3</sup> One-time funding from the strategic investment and improvements fund is added to provide a total of \$27 million for grants to airports. The House provided one-time funding of \$5 million from the strategic investment and improvements fund for energy impact grants to airports.

This amendment also:

- Includes a section to identify \$27 million in the estimated income line item from the strategic investment and improvements fund. The House version identified \$5 million from the strategic investment and improvements fund.
- Adds a section to identify \$20 million in the estimated income line item from the airport infrastructure fund for grants to airports, and provides an exemption to allow the funds to be continued into the 2021-23 biennium. The House version did not include this section.

**REPORT OF STANDING COMMITTEE**

**HB 1007, 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 HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

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

Page 1, replace lines 11 through 18 with:

"Salaries and wages	\$18,684,490	\$530,516	\$19,215,006
Operating expenses	5,454,239	(345,508)	5,108,731
Capital assets	411,303	285,030	696,333
Administrator's residence	<u>0</u>	<u>233,450</u>	<u>233,450</u>
Total all funds	\$24,550,032	\$703,488	\$25,253,520
Less estimated income	<u>18,598,593</u>	<u>975,603</u>	<u>19,574,196</u>
Total general fund	\$5,951,439	(\$272,115)	\$5,679,324
Full-time equivalent positions	120.72	0.00	120.72"

Page 2, replace lines 1 through 9 with:

"Equipment	\$44,500	\$99,400
Health information exchange software	15,000	0
Nurse call system upgrade	82,500	0
Strategic plan	0	25,000
Flooring project	0	138,700
Administrator's residence demolition	0	233,450
Security system upgrades	<u>0</u>	<u>52,500</u>
Total all funds	\$142,000	\$549,050
Less estimated income	<u>142,000</u>	<u>524,050</u>
Total general fund	\$0	\$25,000"

Page 2, line 20, replace "\$485,350" with "\$524,050"

Page 2, line 21, replace "\$100,000" with "\$138,700"

Page 2, after line 23, insert:

**"SECTION 5. EXEMPTION - LINE ITEM TRANSFER - 2017-19 BIENNIUM - NURSE CALL SYSTEM UPGRADE.** Notwithstanding section 54-16-04, at the request of the veterans' home administrator during the 2017-19 biennium, the office of management and budget shall transfer the sum of \$68,000 of estimated income from the soldiers' home fund from the operating expenses line item to the capital assets line item of the veterans' home for the purpose of the nurse call system upgrade authorized by the 65<sup>th</sup> legislative assembly. The \$68,000 of funding transferred in this section and the \$82,500 from the soldiers' home fund appropriated in section 1 of chapter 32 of the 2017 Session Laws for the nurse call system upgrade, for a total of \$150,500, are not subject to section 54-44.1-11 and any unexpended funds are available for the nurse call system upgrade during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 6. EMERGENCY.** Section 5 of this Act is declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1007 - Veterans' Home - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$18,684,490	\$18,710,119	\$504,887	\$19,215,006
Operating expenses	5,454,239	5,083,731	25,000	5,108,731
Capital assets	411,303	657,633	38,700	696,333
Administrator's residence		233,450		233,450
Total all funds	\$24,550,032	\$24,684,933	\$568,587	\$25,253,520
Less estimated income	<u>18,598,593</u>	<u>19,080,649</u>	<u>493,547</u>	<u>19,574,196</u>
General fund	\$5,951,439	\$5,604,284	\$75,040	\$5,679,324
FTE	120.72	120.72	0.00	120.72

**Department 313 - Veterans' Home - Detail of Senate Changes**

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Restores Funding for 2 FTE Positions <sup>2</sup>	Adds One-Time Funding for a Strategic Plan <sup>3</sup>	Adds One-Time Funding for a Flooring Project <sup>4</sup>	Total Senate Changes
Salaries and wages	\$215,804	\$289,083			\$504,887
Operating expenses			\$25,000		25,000
Capital assets				\$38,700	38,700
Administrator's residence					
Total all funds	\$215,804	\$289,083	\$25,000	\$38,700	\$568,587
Less estimated income	165,764	289,083	0	38,700	493,547
General fund	\$50,040	\$0	\$25,000	\$0	\$75,040
FTE	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Funding of \$215,804, of which \$50,040 is from the general fund and \$165,764 is from other funds, is added for 2019-21 biennium salary adjustments of 2 percent with a minimum monthly increase of \$120 and a maximum monthly increase of \$200 on July 1, 2019, and 2.5 percent on July 1, 2020, to provide total salary increases of \$564,418, of which \$134,514 is from the general fund and \$429,904 is from other funds, during the 2019-21 biennium. The House approved salary adjustments of 2 percent per year to provide total salary increases of \$348,614, of which \$84,474 is from the general fund and \$264,140 is from other funds.

<sup>2</sup> Funding of \$289,083 is added from the soldiers' home fund for a 0.90 FTE licensed practical nurse position, a 0.60 FTE resident living specialist position, and a 0.50 FTE resident living specialist position, which were unfunded by the House. Of this amount, \$13,386 relates to increases in health insurance premiums from \$1,241 to \$1,427 per month. Of the remaining \$275,697 of funding restored for the positions, \$134,230 is for a 0.90 FTE licensed practical nurse position, which was funded from the general fund during the 2017-19 biennium. The House removed \$839,040 of funding for 6.00 FTE positions, of which \$355,309 was from the general fund and \$483,731 was from the soldiers' home fund.

<sup>3</sup> One-time funding of \$25,000 is added from the general fund for a strategic plan. The House did not provide funding for a strategic plan.

<sup>4</sup> One-time funding of \$38,700 is added from the soldiers' home fund for a flooring project in the skilled nursing areas of the Veterans' Home to provide a total of \$138,700 for the project. The House provided total funding of \$100,000 from the soldiers' home fund.

This amendment also:

- Amends a section to update the total one-time funding appropriated from the soldiers' home fund from \$485,350 to \$524,050.
- Adds a section authorizing a line item transfer of \$68,000 of soldiers' home funds from the operating expenses line item to the capital assets line item during the 2017-19 biennium for the nurse call system upgrade. The \$68,000 transfer is in addition to the \$82,500 of one-time funding from the soldiers' home fund appropriated by the 2017 Legislative Assembly for the upgrade. The section also provides an exemption to allow the Veterans' Home to continue the entire \$150,500 for the nurse call system upgrade into the 2019-21 biennium. This section is declared an emergency measure.

**REPORT OF STANDING COMMITTEE**

**HB 1008, 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 HB 1008 was placed on the Sixth order on the calendar.

Page 1, line 2, after "institutions" insert "; and to provide for a report"

Page 1, replace lines 11 through 15 with:

"Salaries and wages	\$6,813,840	\$208,815	\$7,022,655
Operating expenses	1,576,072	517,145	2,093,217

Contingency	20,000	0	20,000
Total special funds	\$8,409,912	\$725,960	\$9,135,872
Full-time equivalent positions	30.00	1.00	31.00"

Page 1, line 16, after "**FUNDING**" insert "- **REPORT TO LEGISLATIVE ASSEMBLY**"

Page 1, replace lines 20 and 21 with:

"Website redesign	\$0	\$451,305
Total special funds	\$0	\$451,305"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1008 - Department of Financial Institutions - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$6,813,840	\$6,996,642	\$26,013	\$7,022,655
Operating expenses	1,576,072	1,693,217	400,000	2,093,217
Contingency	20,000	20,000		20,000
Total all funds	\$8,409,912	\$8,709,859	\$426,013	\$9,135,872
Less estimated income	8,409,912	8,709,859	426,013	9,135,872
General fund	\$0	\$0	\$0	\$0
FTE	30.00	31.00	0.00	31.00

#### Department 413 - Department of Financial Institutions - Detail of Senate Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Increases Funding for Operating Expenses <sup>2</sup>	Adds Funding for Website Redesign <sup>3</sup>	Total Senate Changes
Salaries and wages	\$26,013			\$26,013
Operating expenses		\$300,000	\$100,000	400,000
Contingency				
Total all funds	\$26,013	\$300,000	\$100,000	\$426,013
Less estimated income	26,013	300,000	100,000	426,013
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020. The House provided funding for salary increases of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

<sup>2</sup> Funding for operating expenses is increased to provide a total of \$1,993,217. The House included total funding for operating expenses of \$1,693,217.

<sup>3</sup> The Senate increased one-time funding by \$100,000, from \$351,305 to \$451,305, to continue the department's website redesign project started during the 2017-19 biennium. The House version included one-time funding of \$351,305.

#### REPORT OF STANDING COMMITTEE

**HB 1009, 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 HB 1009 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 and 12 with:

Premiums	\$515,665	\$54,335	\$570,000
Total general fund	\$515,665	\$54,335	\$570,000"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1009 - State Fair Association - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Premiums	\$515,665	\$515,665	\$54,335	\$570,000
Total all funds	\$515,665	\$0	\$54,335	\$54,335
Less estimated income	0	0	0	0
General fund	\$515,665	\$0	\$54,335	\$54,335
FTE	0.00	0.00	0.00	0.00

**Department 665 - State Fair Association - Detail of Senate Changes**

	Increases Funding for Premiums <sup>1</sup>	Total Senate Changes
Premiums	\$54,335	\$54,335
Total all funds	\$54,335	\$54,335
Less estimated income	0	0
General fund	\$54,335	\$54,335
FTE	0.00	0.00

<sup>1</sup> Funding is increased for premiums to provide a total of \$570,000. The House provided \$515,665 of funding for premiums.

**REPORT OF STANDING COMMITTEE**

**HB 1010, 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 HB 1010 was placed on the Sixth order on the calendar.

Page 1, replace lines 11 through 17 with:

"Salaries and wages	\$905,453	\$182,821	\$1,088,274
Operating expenses	355,851	(70,077)	285,774
Grants	<u>2,090,494</u>	<u>0</u>	<u>2,090,494</u>
Total all funds	\$3,351,798	\$112,744	\$3,464,542
Less estimated income	<u>1,786,922</u>	<u>(48,000)</u>	<u>1,738,922</u>
Total general fund	\$1,564,876	\$160,744	\$1,725,620
Full-time equivalent positions	5.00	1.00	6.00"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1010 - Council on the Arts - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$905,453	\$957,100	\$131,174	\$1,088,274
Operating expenses	355,851	277,851	7,923	285,774
Grants	<u>2,090,494</u>	<u>2,090,494</u>		<u>2,090,494</u>
Total all funds	\$3,351,798	\$3,325,445	\$139,097	\$3,464,542
Less estimated income	<u>1,786,922</u>	<u>1,738,918</u>	<u>4</u>	<u>1,738,922</u>
General fund	\$1,564,876	\$1,586,527	\$139,093	\$1,725,620
FTE	5.00	5.00	1.00	6.00

## Department 709 - Council on the Arts - Detail of Senate Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds One Administrative FTE Position <sup>2</sup>	Restores Funding for Operating Expenses <sup>3</sup>	Adds Funding for New Software Costs <sup>4</sup>	Total Senate Changes
Salaries and wages	\$4,391	\$126,783			\$131,174
Operating expenses			\$113	\$7,810	7,923
Grants					
Total all funds	\$4,391	\$126,783	\$113	\$7,810	\$139,097
Less estimated income	0	0	4	0	4
General fund	\$4,391	\$126,783	\$109	\$7,810	\$139,093
FTE	0.00	1.00	0.00	0.00	1.00

<sup>1</sup> Funding is added to provide for state employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020. The House provided funding for a salary increase of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

<sup>2</sup> One FTE administrative position and related funding is added.

<sup>3</sup> A portion of funding removed by the House for operating expenses is restored to provide for a total operating expenses reduction of \$29,887. The House reduced funding for operating expenses by \$30,000.

<sup>4</sup> Funding from the general fund is added for new software costs.

## REPORT OF STANDING COMMITTEE

**HB 1016, 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 HB 1016 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 21 with:

"Salaries and wages	\$27,155,566	\$3,416,655	\$30,572,221
Operating expenses	11,501,255	6,339,640	17,840,895
Capital assets	20,000	0	20,000
Grants	5,458,571	707,541	6,166,112
Reed Act - unemployment insurance	11,209,557	(122,591)	11,086,966
computer modernization			
Total all funds	\$55,344,949	\$10,341,245	\$65,686,194
Less estimated income	54,899,156	10,356,414	65,255,570
Total general fund	\$445,793	(\$15,169)	\$430,624
Full-time equivalent positions	181.61	(9.00)	172.61"

Page 2, after line 19, insert:

**"SECTION 4. APPROPRIATION.** All federal funds received by job service North Dakota in excess of those funds appropriated in section 1 of this Act are appropriated to job service North Dakota for the biennium beginning July 1, 2019, and ending June 30, 2021."

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## House Bill No. 1016 - Job Service North Dakota - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$27,155,566	\$30,352,222	\$219,999	\$30,572,221
Operating expenses	11,501,255	17,840,895		17,840,895
Capital assets	20,000	20,000		20,000
Grants	5,458,571	6,166,112		6,166,112
Reed Act - Computer modernization	11,209,557	11,086,966		11,086,966
Total all funds	\$55,344,949	\$65,466,195	\$219,999	\$65,686,194



Less estimated income	54,899,156	65,035,774	219,796	65,255,570
General fund	\$445,793	\$430,421	\$203	\$430,624
FTE	181.61	172.61	0.00	172.61

**Department 380 - Job Service North Dakota - Detail of Senate Changes**

	Adds Funding for Salary and Benefit Increases <sup>1</sup>	Total Senate Changes
Salaries and wages	\$219,999	\$219,999
Operating expenses		
Capital assets		
Grants		
Reed Act - Computer modernization		
Total all funds	\$219,999	\$219,999
Less estimated income	219,796	219,796
General fund	\$203	\$203
FTE	0.00	0.00

<sup>1</sup> Funding of \$219,999, of which \$203 is from the general fund and \$219,796 is from federal funds, is added for 2019-21 biennium salary increases of 2 percent with a minimum monthly increase of \$120 and a maximum monthly increase of \$200 on July 1, 2019, and 2.5 percent on July 1, 2020 to provide a total of \$893,168 for state employee salary increases. The House approved 2019-21 biennium salary increases of 2 percent per year to provide a total of \$673,169 for state employee salary increases.

This amendment also adds a section appropriating all federal funds received by Job Service North Dakota in excess of those funds appropriated in section 1 for the 2019-21 biennium.

**REPORT OF STANDING COMMITTEE**

**HB 1017, 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 HB 1017 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 13 with:

Salaries and wages	\$1,191,850	\$56,480	\$1,248,330
Operating expenses	1,726,784	(144,450)	1,582,334
Total special funds	\$2,918,634	(\$87,970)	\$2,830,664
Full-time equivalent positions	5.00	0.00	5.00"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1017 - Office of Administrative Hearings - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$1,191,850	\$1,243,942	\$4,388	\$1,248,330
Operating expenses	1,726,784	1,582,334		1,582,334
Total all funds	\$2,918,634	\$2,826,276	\$4,388	\$2,830,664
Less estimated income	2,918,634	2,826,276	4,388	2,830,664
General fund	\$0	\$0	\$0	\$0
FTE	5.00	5.00	0.00	5.00

## Department 140 - Office of Administrative Hearings - Detail of Senate Changes

	Adds Funding for Salary Increases <sup>1</sup>	Total Senate Changes
Salaries and wages	\$4,388	\$4,388
Operating expenses		
Total all funds	\$4,388	\$4,388
Less estimated income	4,388	4,388
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> Funding is added to provide for state employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020. The House provided funding for a salary increase of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

## REPORT OF STANDING COMMITTEE

**HB 1019, 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 HB 1019 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "create and enact sections 15-20.1-26 and 15-20.1-27 of the"

Page 1, replace lines 3 through 7 with "provide a statement of legislative intent; and to provide for a report to the sixty-seventh legislative assembly."

Page 1, remove lines 17 through 24

Page 2, replace lines 1 through 6 with:

"Salaries and wages	\$4,699,975	\$112,790	\$4,812,765
Operating expenses	1,240,589	1,117,207	2,357,796
Grants	30,106,356	(20,899,007)	9,207,349
Grants - secondary	0	24,937,780	24,937,780
Marketplace for kids	0	300,000	300,000
Grants - postsecondary	296,207	(39,225)	256,982
Adult farm management	579,822	1,564,427	2,144,249
Workforce training	2,000,000	0	2,000,000
Center for distance education	0	9,751,188	9,751,188
Total all funds	\$38,922,949	\$16,845,160	\$55,768,109
Less estimated income	9,616,666	5,086,455	14,703,121
Total general fund	\$29,306,283	\$11,758,705	\$41,064,988
Full-time equivalent positions	24.50	27.80	52.30"

Page 2, remove lines 15 through 30

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 30

Page 5, replace lines 1 through 17 with:

**"SECTION 3. CENTER FOR DISTANCE EDUCATION - FUNDING DESIGNATION - LEGISLATIVE INTENT - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY.**

Section 1 of this Act includes the sum of \$9,751,188, of which \$6,701,188 is from the general fund and \$3,050,000 is from other funds for the center for distance education for the biennium beginning July 1, 2019, and ending June 30, 2021. The general fund appropriation of \$6,701,188 includes a sum of \$502,759 that may only be used for new enrollments during the biennium beginning July 1, 2019, and ending June 30, 2021. It is the intent of the sixty-sixth legislative assembly that the center for distance education develop a fee structure during the 2019-20 interim to become self-sustaining beginning in the biennium beginning July 1, 2021, and ending June 30, 2023. The department of career and technical

education shall report to the appropriations committees of the sixty-seventh legislative assembly regarding the development of the new center for distance education fee structure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1019 - Dept. of Career and Technical Education - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$4,699,975	\$4,793,318	\$19,447	\$4,812,765
Operating expenses	1,240,589	2,315,589	42,207	2,357,796
Grants	30,106,356	9,065,142	142,207	9,207,349
Grants - Postsecondary	296,207	341,396	(84,414)	256,982
Adult farm management	579,822	1,794,242	350,007	2,144,249
Workforce training	2,000,000	2,000,000		2,000,000
Educational Technology Council		770,978	(770,978)	
Grants - Secondary		22,537,780	2,400,000	24,937,780
Center for Distance Education		8,994,167	757,021	9,751,188
Marketplace for Kids		300,000		300,000
Total all funds	\$38,922,949	\$52,912,612	\$2,855,497	\$55,768,109
Less estimated income	9,616,666	15,203,121	(500,000)	14,703,121
General fund	\$29,306,283	\$37,709,491	\$3,355,497	\$41,064,988
FTE	24.50	52.80	(0.50)	52.30

#### Department 270 - Dept. of Career and Technical Education - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Removes Funding for the Educational Technology Council <sup>2</sup>	Line Item Transfers <sup>3</sup>	Restores Funding for Adult Farm Management Grants <sup>4</sup>	Adds Funding to Maintain Reimbursement Rates <sup>5</sup>	Adds Funding for New and Expanding Programs <sup>6</sup>
Salaries and wages	\$19,447					
Operating expenses			\$42,207			
Grants			142,207			
Grants - Postsecondary			(84,414)			
Adult farm management				\$350,007		
Workforce training						
Educational Technology Council		(\$770,978)				
Grants - Secondary			(100,000)		\$1,000,000	\$1,500,000
Center for Distance Education	34,262					
Marketplace for Kids						
Total all funds	\$53,709	(\$770,978)	\$0	\$350,007	\$1,000,000	\$1,500,000
Less estimated income	0	(500,000)	0	0	0	0
General fund	\$53,709	(\$270,978)	\$0	\$350,007	\$1,000,000	\$1,500,000
FTE	0.00	(0.50)	0.00	0.00	0.00	0.00

	Adds Funding for the Center for Distance Education <sup>7</sup>	Total Senate Changes
Salaries and wages		\$19,447
Operating expenses		42,207
Grants		142,207
Grants - Postsecondary		(84,414)
Adult farm management		350,007
Workforce training		
Educational Technology Council		(770,978)
Grants - Secondary		2,400,000
Center for Distance Education	\$722,759	757,021
Marketplace for Kids		
Total all funds	\$722,759	\$2,855,497
Less estimated income	0	(500,000)
General fund	\$722,759	\$3,355,497
FTE	0.00	(0.50)

<sup>1</sup> Funding of \$53,709 from the general fund is added for 2019-21 biennium salary increases of 2 percent with a minimum monthly increase of \$120 and a maximum monthly increase of \$200 on July 1, 2019, and 2.5 percent on July 1, 2020. The House approved 2019-21 biennium salary increases of 2 percent per year.

<sup>2</sup> Funding of \$770,978 for the Educational Technology Council is removed, of which \$270,978 is from the general fund and \$500,000 is from federal funds. Of the amount removed, \$82,412 was for salaries, \$103,566 was for operating expenses, \$85,000 was for grants, and \$500,000 was for capital assets. A 0.50 FTE administrative assistant II position related to the \$82,412 of salaries is also removed.

<sup>3</sup> Funding of \$184,414 from the general fund is transferred between the following line items:

<u>Line Item Transfer</u>	<u>General Fund</u>
Grants - secondary line item to the grants line item	\$100,000
Grants - postsecondary line item to the grants line item	42,207
Grants - postsecondary line item to the operating expenses line item	<u>42,207</u>
Total	\$184,414

<sup>4</sup> Funding of \$350,007 is restored for adult farm management grants to provide a total appropriation of \$2,144,249 from the general fund. The House approved \$1,794,242 of funding from the general fund for this program.

<sup>5</sup> Funding of \$1 million is added from the general fund for the cost to continue and to maintain current reimbursement rates for Department of Career and Technical Education center expenditures, including instructor salaries and supplies. The House did not provide funding for the cost to continue and to maintain reimbursement rates.

<sup>6</sup> Funding of \$1.5 million is added from the general fund for new and expanding Department of Career and Technical Education secondary programs. The House did not provide funding for new and expanding programs.

<sup>7</sup> Funding of \$722,759 is added from the general fund for the Center for Distance Education, of which \$502,759 may be used only for new enrollments during the 2019-21 biennium. The Senate provided a total appropriation of \$9,751,188 for the Center for Distance Education, of which \$6,701,188 is from the general fund and \$3,050,000 is from the independent study operating fund, including 28.80 FTE positions. The House provided a total of \$8,994,167 for the Center of Distance Education, of which \$5,944,167 is from the general fund and \$3,050,000 is from the independent study operating fund, including 28.80 FTE positions.

This amendment also:

- Removes sections amending statutory provisions related to the Center for Distance Education and the Educational Technology Council.
- Adds a section requiring \$502,759 of funding from the general fund provided for the Center for Distance Education be used only for new enrollments. The section also provides a statement of legislative intent that the Center for Distance Education develop a fee structure during the 2019-20 interim to become self-sustaining beginning in the 2021-23 biennium.

#### REPORT OF STANDING COMMITTEE

**HB 1022, 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 HB 1022 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 16 with:

"Commission on legal counsel for indigents	<u>\$19,903,623</u>	<u>\$471,039</u>	<u>\$20,374,662</u>
Total all funds	\$19,903,623	\$471,039	\$20,374,662
Less estimated income	<u>1,919,747</u>	<u>10,288</u>	<u>1,930,035</u>
Total general fund	\$17,983,876	\$460,751	\$18,444,627"

Page 1, after line 22, insert:

**"SECTION 3. SALARY EQUITY FUNDING.** The appropriation in section 1 of this Act includes \$60,000 from the general fund that may be used only to provide salary equity funding for attorney positions located in Williams County."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1022 - Commission on Legal Counsel for Indigent - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Comm. on Legal Counsel for Indigents	\$19,903,623	\$20,274,076	\$100,586	\$20,374,662
Total all funds	\$19,903,623	\$20,274,076	\$100,586	\$20,374,662
Less estimated income	1,919,747	1,929,581	454	1,930,035
General fund	\$17,983,876	\$18,344,495	\$100,132	\$18,444,627
FTE	40.00	40.00	0.00	40.00

#### Department 188 - Commission on Legal Counsel for Indigent - Detail of Senate Changes

	Adds Funding for Salary and Benefit Increases <sup>1</sup>	Adds Funding for Williams County Staff Salaries <sup>2</sup>	Total Senate Changes
Comm. on Legal Counsel for Indigents	\$40,586	\$60,000	\$100,586
Total all funds	\$40,586	\$60,000	\$100,586
Less estimated income	454	0	454
General fund	\$40,132	\$60,000	\$100,132
FTE	0.00	0.00	0.00

<sup>1</sup> Funding of \$40,586, of which \$40,132 is from the general fund and \$454 is from the indigent defense administration fund, is added for 2019-21 biennium salary increases of 2 percent with a minimum monthly increase of \$120 and a maximum monthly increase of \$200 on July 1, 2019, and 2.5 percent on July 1, 2020. The Senate is providing a total of \$226,888 for state employee salary increases, of which \$221,063 is from the general fund and \$5,825 is from the indigent defense administration fund. The House approved 2019-21 biennium salary increases of 2 percent per year and provided a total of \$186,302 for state employee salary increases, of which \$180,931 is from the general fund and \$5,371 is from the indigent defense administration fund.

<sup>2</sup> Funding of \$60,000 from the general fund is added to provide salary equity funding for attorney positions located in Williams County.

This amendment also adds a section identifying \$60,000 from the general fund included in Section 1 that may only be used to provide salary equity funding for attorney positions located in Williams County.

#### REPORT OF STANDING COMMITTEE

**HB 1023, 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 HB 1023 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 16 with:

"Racing commission	\$542,178	\$22,859	\$565,037
Total all funds	\$542,178	\$22,859	\$565,037
Less estimated income	162,557	3,408	165,965
Total general fund	\$379,621	\$19,451	\$399,072
Full-time equivalent positions	2.00	0.00	2.00"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1023 - Racing Commission - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Racing Commission	\$542,178	\$563,019	\$2,018	\$565,037
Total all funds	\$542,178	\$563,019	\$2,018	\$565,037
Less estimated income	162,557	165,810	155	165,965
General fund	\$379,621	\$397,209	\$1,863	\$399,072
FTE	2.00	2.00	0.00	2.00

**Department 670 - Racing Commission - Detail of Senate Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Senate Changes
Racing Commission	\$2,018	\$2,018
Total all funds	\$2,018	\$2,018
Less estimated income	155	155
General fund	\$1,863	\$1,863
FTE	0.00	0.00

<sup>1</sup> Funding is added to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020. The House provided funding for salary increases of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

**REPORT OF STANDING COMMITTEE**

**HB 1333, as engrossed and amended: 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 HB 1333, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 869 and 870 of the Senate Journal, Engrossed House Bill No. 1333 is amended as follows:

Page 1, line 2, replace "loan" with "grant"

Page 1, line 3, replace "loan" with "grant"

Page 1, line 10, replace "loan" with "grant"

Page 1, line 22, replace "loan" with "grant"

Page 1, line 24, replace "loan" with "grant"

Page 2, line 1, after "designee" insert ", and the commissioner of the department of commerce or the commissioner's designee."

Page 2, line 2, replace "the chairperson" with "co-chairpersons"

Page 2, line 2, replace "is a" with "are"

Page 2, line 2, replace "member" with "members"

Page 2, line 5, remove ", who must be appointed by the president of the Bank of North"

Page 2, line 6, remove "Dakota"

Page 2, line 7, remove ", who"

Page 2, line 8, remove "must be appointed by the president of the Bank of North Dakota"

Page 2, line 10, remove ", who must be appointed by the commissioner of the department of"

Page 2, line 11, remove "commerce"

Page 2, line 12, after "2." insert "The members of the committee must be appointed by the president of the Bank of North Dakota and the commissioner of the department of commerce."

Page 2, remove line 14

Page 2, line 15, replace "appointed by the commissioner of the department of commerce expire" with "under subdivisions b and c of subsection 1 expires"

Page 2, line 15, after "year" insert ", and so that no more than one of the members' terms appointed under subdivision d of subsection 1 expires each year"

Page 2, line 17, replace "appointing entity" with "president of the Bank of North Dakota and commissioner of the department of commerce"

Page 2, line 19, replace "loan" with "grant"

Page 2, line 20, remove "The committee shall select a vice chairperson."

Page 2, line 20, after "member" insert "appointed under subdivision b of subsection 1"

Page 2, line 21, replace "qualify as a member of the appointing entity" with "represent an active venture capital firm, private entity, or angel capital fund"

Page 2, line 22, replace "appointing entity" with "president of the Bank of North Dakota and the commissioner of the department of commerce"

Page 2, line 28, replace "loan" with "grant"

Page 3, line 1, replace "loan" with "grant"

Page 3, line 2, replace "loan" with "grant"

Page 3, line 3, replace "loan" with "grant"

Page 3, line 4, replace "loans" with "grants"

Page 3, line 8, after the underscored period insert "Program guidelines relating to ownership of intellectual property, inventions, and discoveries must address activities and issues unique to technologies, patents, and companies created as a result of a legacy innovation technology grant."

Page 3, line 9, replace "loans" with "grants"

Page 3, line 11, replace "loan" with "grant"

Page 3, remove lines 24 through 29

Page 4, line 1, replace "loan" with "grant"

Page 4, line 2, replace "loan" with "grant"

Page 4, line 5, replace "loans" with "grants"

Page 4, line 5, remove "The Bank shall deposit in the innovation loan"

Page 4, remove line 6

Page 4, line 7, remove "fund."

Page 4, line 8, replace "loan" with "**grant**"

Page 4, line 9, replace "Loan" with "Grant"

Page 4, line 9, replace "loan" with "grant"

Page 4, line 11, replace "loan" with "grant"

Page 4, line 15, replace "loan" with "grant"

Page 4, line 16, remove "loan no longer conducts its"

Page 4, remove line 17

Page 4, line 18, replace "North Dakota loan" with "grant discontinues its activities in the state within three years of receiving the grant, the grant recipients shall return all funding received"

Page 4, line 19, replace "loan" with "**grant**"

Page 4, line 21, replace "loan" with "grant"

Page 5, line 1, replace "loan" with "grant"

Page 5, line 3, replace "**LOAN**" with "**GRANT**"

Page 5, line 5, replace "\$3,000,000" with "\$15,000,000"

Page 5, line 6, replace "loan" with "grant"

Page 5, line 7, replace "loans" with "grants"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HB 1388: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1388 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HCR 3007, as engrossed: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3007 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HCR 3034: Government and Veterans Affairs Committee (Sen. Davison, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3034 was placed on the Fourteenth order on the calendar.

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

**Shanda Morgan, Secretary**