

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

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Bismarck, April 17, 2019

The Senate convened at 8:00 a.m., with President Sanford presiding.

The prayer was offered by Pastor Bob Greyeagle, Prairie Family Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**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 2017:** Reps. Howe; Brandenburg; Mock

**SB 2293:** Reps. Howe; D. Anderson; Zubke

**SB 2297:** Reps. Vigasaa; Sanford; Boe

**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 1396, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1396:** Reps. K. Koppelman; Satrom; Magrum

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

**MR. PRESIDENT:** The Speaker has appointed Rep. Vetter to replace Rep. Paulson on the Conference Committee on HB 1393.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2040, SB 2078, SB 2090, SB 2102, SB 2258, SB 2342.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1230, HB 1285, HB 1356, HB 1382.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2245.

**MOTION**

**SEN. KLEIN MOVED** that Sen. Mathern replace Sen. Robinson on the Conference Committee on HB 1014, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that Sen. Davison replace Sen. Schaible on the Conference Committee on HB 1531, which motion prevailed on a voice vote.

**MOTION**

**SEN. KLEIN MOVED** that SB 2358 be moved to the top of the calendar, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KREUN MOVED** that the conference committee report on Engrossed SB 2358 as printed on SJ pages 1645-1647 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2358, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2358:** A BILL for an Act to amend and reenact section 40-33-16, subsections 11 and 27 of section 61-24-08, subdivision b of subsection 2 of section 61-32-03.1, and subsection 8 of section 61-39-05 of the North Dakota Century Code, relating to Red River valley water supply project contract terms, elimination of voter approval requirements, and notice of proposed subsurface water management systems.

#### 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 2358 passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1202: SEN. UNRUH (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 1636-1638 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 1202:** A BILL for an Act to create and enact a new section to chapter 61-33 of the North Dakota Century Code, relating to determinations of navigability; to amend and reenact sections 61-33-01 and subdivision e of subsection 3 of section 61-33.1-03 of the North Dakota Century Code, relating to sovereign land management definitions; and to provide for a state engineer review of determinations of navigability.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Hogan; Mathern

HB 1202, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1320: SEN. UNRUH (Energy and Natural Resources Committee) MOVED** that the amendments on SJ pages 1638-1639 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 1320:** A BILL for an Act to create and enact a new section to chapter 54-07 of the North Dakota Century Code, relating to the Theodore Roosevelt presidential library and museum endowment fund; to provide a continuing appropriation; to provide for a

transfer; to authorize a loan; 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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bakke; Clemens; Cook; Elkin; Fors; Heckaman; Kannianen; Larsen, O.; Luick; Marcellais; Myrdal; Rust; Schaible

HB 1320, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1001, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 1588-1592 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 1001:** A BILL for an Act to provide an appropriation for defraying the expenses of the legislative branch of state government; to provide for applications, transfers, and cancellation of unexpended appropriations; to provide a continuing appropriation; to create and enact two new sections to chapter 15-03 of the North Dakota Century Code, relating to a presidential library operating and maintenance endowment fund and a presidential documents digitization endowment fund; to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota Century Code, relating to legislative compensation; to provide for a report; to provide an effective date; and to declare an emergency.

#### REQUEST

**SEN. HOLMBERG REQUESTED** that the Senate divide Engrossed HB 1001, as amended, which request was granted.

**DIVISION A:** Sections 4, 8, 9, and 15

**DIVISION B:** Remainder of the bill

#### ROLL CALL

The question being on the final adoption of Division A of Engrossed HB 1001, as amended, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Grabinger; Marcellais; Mathern

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

Division A of Engrossed HB 1001, as amended, failed on a recorded roll call vote.

#### ROLL CALL

The question being on the final adoption of Division B of Engrossed HB 1001, as amended, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; 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:** Fors; Larsen, O.

Division B of Engrossed HB 1001, as amended, was adopted on a recorded roll call vote.

**HB 1001:** A BILL for an Act to provide an appropriation for defraying the expenses of the legislative branch of state government; to provide for applications, transfers, and cancellation of unexpended appropriations; to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota Century Code, relating to legislative compensation; to provide for a report; to provide an effective date; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which consists of Division B only, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; 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:** Fors; Larsen, O.

Engrossed HB 1001, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2140 as printed on SJ page 1609 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

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

**Engrossed SB 2140:** Sens. Myrdal, Luick, Bakke.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1202.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1320.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1001.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2249.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2249

Page 1, line 3, remove "and"

Page 1, line 3, after "appropriation" insert "; to provide a report; and to provide an expiration date"

Page 1, line 7, after "center" insert "- Report"

Page 1, line 19, replace "biennially" with "annually"

Page 1, line 20, after the underscored period insert "Upon request, the state energy research center shall report all research activities and accomplishments to the appropriations committees of the legislative assembly."

Page 2, after line 6, insert:

"4. The state energy research center may not conduct research or pursue projects that will result in the exploration, storage, treatment, or disposal of high-level radioactive waste in North Dakota."

Page 2, line 12, replace "two" with "one"

Page 2, line 13, replace "six" with "five"

Page 2, after line 16, insert:

"**SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2023, and after that date is ineffective."

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment:

- Decreases the allocation of oil and gas tax revenue to a newly created state energy research center fund from 2 percent of the state's share limited to \$6 million per biennium to 1 percent of the state's share limited to \$5 million per biennium;
- Adjusts the reporting requirements of the State Energy Research Center;
- Provides the State Energy Research Center may not conduct research or pursue projects that will result in the exploration, storage, treatment, or disposal of high-level radioactive waste in North Dakota; and
- Provides an expiration date of June 30, 2023 for the bill.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2140, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2140:** Sens. Myrdal; Luick; Bakke

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

**MR. SPEAKER:** The President has appointed Sen. Mathern to replace Sen. Robinson on the Conference Committee on HB 1014.

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

**MR. SPEAKER:** The President has appointed Sen. Davison to replace Sen. Schaible on the Conference Committee on HB 1531.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: HB 1513.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2358.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1008.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2007.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2037, SB 2195, SB 2247, SB 2344.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2035.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1067, HB 1074, HB 1095, HB 1119, HB 1123, HB 1205, HB 1271, HB 1366, HB 1368, HB 1412, HB 1417, HB 1454, HB 1467, HB 1468, HB 1469, HB 1502.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2002, SB 2016, SB 2034, SB 2139, SCR 4001.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 17, 2019: SB 2002, SB 2016, SB 2034, SB 2139.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on April 17, 2019: SCR 4001.

#### **MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Sanford presiding.

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

**HB 1521, as engrossed: Special Committee on Ethics (Sen. Hogue, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1521 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "section" with "sections"

Page 1, line 5, remove "subsection 4 of section 16.1-08.1-02.1, sections 16.1-08.1-02.3, 16.1-08.1-02.4,"

Page 1, line 6, replace "16.1-08.1-03.1" with "16.1-08.1-03.7"

Page 1, line 6, remove "28-32-02,"

Page 1, line 7, remove "28-32-14,"

Page 1, line 8, remove "28-32-17, 28-32-18,"

Page 1, line 9, remove "28-32-27,"

Page 1, line 10, remove "disqualification of agency heads in quasi-judicial proceedings,"

Page 1, line 12, after the first semicolon insert "to provide for a legislative management study;"

Page 1, line 13, remove "to provide an expiration date;"

Page 1, line 19, remove ""Adjusted for inflation" means adjusted on January first of each year by the change in"

Page 1, remove lines 20 and 21

Page 1, line 22, remove "2."

Page 2, line 6, remove the overstrike over "2:"

Page 2, line 6, remove "3."

Page 2, line 13, remove the overstrike over "3:"

Page 2, line 13, remove "4."

Page 2, line 26, remove the overstrike over "4:"

Page 2, line 26, remove "5."

Page 3, line 3, remove the overstrike over "5:"

Page 3, line 3, remove "6."

Page 3, line 29, remove the overstrike over "6:"

Page 3, line 29, remove "7."

Page 4, line 4, remove the overstrike over "7:"

Page 4, line 4, remove "8."

Page 4, line 14, remove the overstrike over "8:"

Page 4, line 14, remove "9."

Page 4, line 21, remove the overstrike over "9:"

Page 4, line 21, remove "10."

Page 4, line 26, remove the overstrike over "10:"

Page 4, line 26, remove "11."

Page 4, line 28, remove the overstrike over "11:"

Page 4, line 28, remove "12."

Page 5, line 1, remove the overstrike over "12:"

Page 5, line 1, remove "13."

Page 5, line 4, remove the overstrike over "13:"

Page 5, line 4, remove "14."

Page 5, line 26, remove the overstrike over "14:"

Page 5, line 26, remove "15."

Page 5, line 30, remove the overstrike over "15:"

Page 5, line 30, remove "16."

Page 6, line 10, remove the overstrike over "16:"

Page 6, line 10, remove "17."

Page 6, line 12, remove the overstrike over "47."

Page 6, line 12, remove "18."

Page 6, line 14, replace "19." with "18."

Page 6, line 14, replace "who" with "that"

Page 6, line 15, remove ", adjusted for inflation."

Page 6, remove lines 17 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 31

Page 12, remove lines 1 through 31

Page 13, replace lines 1 through 6 with:

**"SECTION 2. AMENDMENT.** Section 16.1-08.1-03.7 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-03.7. Political committees that organize and register according to federal law that make independent expenditures or disbursements to nonfederal candidates, political parties, and political committees.**

A political committee that organizes and registers according to federal law and makes an independent expenditure or makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office or to a political party or political committee in this state shall file a copy of that portion of the committee's federal report detailing the independent expenditure or the disbursement made. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include:

1. The name, mailing address, and treasurer of the political committee;
2. The recipient's name and mailing address; ~~and~~
3. The date and amount of the independent expenditure or disbursement; and
4. The ultimate and true source of funds listed by contributor and subcontributor of any amount over two hundred dollars collected or used to make the independent expenditure or disbursement including:
  - a. The name and address of the contributor;
  - b. The total amount of the contribution; and
  - c. The date the last contribution was received."

Page 13, line 17, remove "For the first violation, the secretary of state shall assess a civil penalty of five hundred"



Page 13, replace lines 18 through 21 with "The secretary of state shall assess a civil penalty upon any person that knowingly violates this section.

- a. If the contribution used in violation of this section has a value of two thousand five hundred dollars or more, the civil penalty must be two times the value of the contribution.
  - b. If the contribution used in violation of this section has a value of less than two thousand five hundred dollars, the civil penalty must be at least two times the value of the contribution and may be up to five thousand dollars.
3. The assessment of a civil penalty may be appealed to the district court of the county where the candidate resides."

Page 13, line 24, remove "**- Penalty**"

Page 13, line 25, remove "1."

Page 13, line 25, replace "report" with "statement"

Page 13, remove lines 27 through 31

Page 18, remove lines 16 through 29

Page 19, remove lines 1 through 3

Page 19, line 7, remove "commission or an"

Page 19, line 7, after the second comma insert "or the commission"

Page 20, line 13, remove ", or"

Page 20, line 14, remove "the Constitution of North Dakota is amended to eliminate the authority"

Page 22, line 14, remove "or the commission"

Page 22, line 16, remove "or commission"

Page 22, line 18, remove "or commission"

Page 23, line 2, remove "or the commission"

Page 23, line 13, remove "or commission"

Page 23, line 14, remove "or commission"

Page 23, line 16, remove "or commission"

Page 23, line 17, after "to" insert "the ethics commission."

Page 23, line 18, overstrike "nor does this section apply to" and insert immediately thereafter "and"

Page 24, line 7, remove "or the commission"

Page 26, line 11, remove "enacted during the most recent session of the"

Page 26, line 12, replace "legislative assembly which" with "that"

Page 28, remove lines 17 through 31

Page 29, line 6, after "rule" insert ", if any."

Page 30, remove lines 9 through 31

Page 31, remove lines 1 through 31

Page 32, remove lines 1 through 31

Page 33, remove lines 1 and 2

Page 34, remove lines 11 through 30

Page 35, remove lines 1 through 24

Page 37, line 17, replace "government ethics" with "transparency, corruption, elections, or lobbying"

Page 37, line 18, remove "Adjusted for inflation means adjusted on January first of each year by the change in"

Page 37, remove lines 19 and 20

Page 37, line 21, remove "3."

Page 37, line 23, replace "4." with "3."

Page 37, line 25, replace "government ethics" with "transparency, corruption, elections, or lobbying"

Page 37, line 26, replace "5." with "4."

Page 37, line 28, replace "6." with "5."

Page 37, line 29, after "recreation" insert ", except:

- a. Purely informational material;
- b. A campaign contribution; and
- c. An item, service, or thing of value given under conditions that do not raise ethical concerns, as set forth in rules adopted by the ethics commission, to advance opportunities for state residents to meet with public officials in educational and social settings in the state"

Page 37, line 30, replace "7." with "6."

Page 37, line 30, remove "final"

Page 38, line 1, replace "8." with "7."

Page 38, line 2, replace "9." with "8."

Page 38, line 3, replace "10." with "9."

Page 38, line 6, replace "11." with "10."

Page 38, line 8, replace "12." with "11."

Page 38, line 9, remove ", adjusted for inflation."

Page 38, line 12, remove ", adjusted for"

Page 38, line 13, remove "inflation."

Page 38, line 16, replace "who" with "that"

Page 38, line 16, remove "adjusted for"

Page 38, line 17, replace "inflation" with "not including the individual's own travel expenses and membership dues"

Page 38, line 18, replace "The" with "A"

Page 38, line 19, after "report" insert "under this subsection"

Page 38, line 26, remove "within forty days after the deadlines"

Page 38, line 27, remove "by which the reports must be filed"

Page 38, remove lines 28 through 31

Page 39, remove lines 1 through 15

Page 39, line 18, remove "with a value over sixty dollars per"

Page 39, line 19, remove "individual per event, adjusted for inflation,"

Page 39, line 19, remove ", except to"

Page 39, remove lines 20 through 31

Page 40, remove line 1

Page 40, line 2, remove "by the ethics commission"

Page 40, line 4, remove the underscored colon

Page 40, line 5, replace "a. A" with "a"

Page 40, line 5, remove the underscored semicolon

Page 40, remove line 6

Page 40, line 7, remove "c. A campaign contribution"

Page 40, line 8, remove "For the first violation, the secretary of state shall assess a civil penalty of five hundred"

Page 40, replace lines 9 through 12 with "The secretary of state shall assess a civil penalty upon any individual who violates this section."

a. If the gift has a value of five hundred dollars or more, the civil penalty must be two times the value of the gift.

b. If the gift has a value of less than five hundred dollars, the civil penalty must be no less than two times the value of the gift and may be up to one thousand dollars."

Page 40, line 14, replace "Investigator" with "Office"

Page 40, line 19, remove "The ethics commission shall meet as necessary to address each complaint the"

Page 40, line 20, remove "commission receives."

Page 40, line 20, after "in" insert "a public hearing or"

Page 40, line 21, remove "or referral for enforcement under section 54-66-10"

Page 41, line 6, remove "Commission members shall hire or otherwise engage a part-time administrative"

Page 41, replace lines 7 through 10 with "The director of the office of management and budget shall allocate office space in the state capitol for the ethics commission, or, if office space in the capitol is unavailable, shall negotiate for, contract for, and obtain office space for the ethics commission in the city of Bismarck or in the Bismarck area. The ethics commission's office space may not be located in the office space of any other government agency, board, commission, or other governmental entity, and must provide sufficient privacy and security for the ethics commission to conduct its business. The director shall charge the ethics commission an amount equal to the fair value of the office space and related services the office of management and budget renders to the ethics commission."

Page 41, line 11, remove "**- Identifying information - False complaints**"

Page 41, line 12, remove "1."

Page 41, line 12, remove "When making a"

Page 41, remove lines 13 through 30

Page 42, remove lines 1 through 29

Page 43, replace lines 1 through 21 with:

**54-66-06. Informal resolution - Investigation - Referrals.**

After receiving a complaint, the ethics commission may:

1. Attempt to negotiate or mediate an informal resolution between the accused individual and the complainant.
2. Investigate the allegations in the complaint.
3. Refer a matter described in or arising from a complaint to the bureau of criminal investigation or other appropriate law enforcement agency if a majority of the ethics commission members reasonably believes a crime was committed or the safety of the complainant is at risk.
4. Refer a complaint alleging a violation of open meetings or open records requirements to the attorney general, and the attorney general shall review the allegation under section 44-04-21.1 if the complaint was submitted to the ethics commission by the relevant deadline in section 44-04-21.1.

**54-66-07. Ethics commission complaint - Informing the accused individual.**

If, after investigating a complaint, the ethics commission decides to charge the accused individual with a violation of law, the ethics commission shall serve an ethics commission complaint against the accused individual and give the accused individual no less than twenty days to respond.

**54-66-08. Informal resolutions - Public hearings - Referrals.**

After serving an ethics commission complaint, the ethics commission may:

1. Resolve the charges in the ethics commission complaint informally with the accused individual; or
2. Hold a public hearing regarding the charges in the ethics commission complaint. The accused individual must be afforded due process, including an opportunity to respond to the charges.

**54-66-09. Hearing findings - Penalties.**

1. At the conclusion of a hearing, the ethics commission shall issue and make public its written findings of fact, conclusions of law, and any penalty authorized by law which the ethics commission imposes.
2. The written findings of fact must state whether the ethics commission believes, based on a preponderance of the evidence, as viewed by a reasonable person, a violation of article XIV of the Constitution of North Dakota, this chapter, or another law or rule regarding transparency, corruption, elections, or lobbying occurred.

**54-66-10. Appeals.**

An accused individual or complainant may appeal a finding of the ethics commission to the district court of the county where the accused individual resides."

Page 43, line 24, remove "determined the accused individual violated article XIV of"

Page 43, remove line 25

Page 43, line 26, replace "government ethics, and a court affirmed the determination if appealed" with "issued an ethics commission complaint"

Page 44, line 2, replace "54-66-07" with "54-66-06"

Page 44, line 10, replace "Willful publication" with "Publication"

Page 44, line 10, replace "who" with "that"

Page 44, line 11, replace "criminal defamation under section 12.1-15-01" with "a class B misdemeanor"

Page 44, line 12, replace "A public official who violates this section is guilty of a class C felony." with "The information deemed confidential in this section may be disclosed by the ethics commission if the accused individual agrees to the disclosure."

Page 44, replace lines 14 through 17 with "A knowing violation of subsection 2 of section 2 of article XIV of the Constitution of North Dakota is a class A misdemeanor. The ethics commission shall assess a civil penalty of up to one thousand dollars on any individual who knowingly violates the subsection."

Page 44, line 19, after "commission" insert "unless the commission objects to representation by the attorney general in a specific matter"

Page 44, line 27, replace "person" with "individual"

Page 44, line 27, remove "and may revoke the lobbyist's registration"

Page 44, line 29, after "misdemeanor" insert ", and, if the lobbyist is a registered lobbyist, the secretary of state may revoke the lobbyist's registration"

Page 44, after line 29, insert:

**54-66-15. Removal of ethics commission members.**

1. An ethics commission member may be removed from office for:
  - a. Substantial neglect of duty;
  - b. Gross misconduct in office;
  - c. Violation of the commission's code of ethics; or

- d. Willful or habitual neglect or refusal to perform the duties of the member.
- 2. Removal of an ethics commission member under subsection 1 requires agreement by a majority of:
  - a. The governor;
  - b. The majority leader of the senate; and
  - c. The minority leader of the senate.

**SECTION 25. LEGISLATIVE MANAGEMENT STUDY - ETHICS COMMISSION AND LEGISLATIVE ASSEMBLY RESPONSIBILITIES.** During the 2019-20 interim, the legislative management shall consider studying subsection 2 of section 1 of article XIV and subsections 1 through 5 of section 2 of article XIV of the Constitution of North Dakota, and the responsibilities of the legislative assembly and ethics commission under the subsections. The study committee must include members of the ethics commission as selected by the ethics commission. The study must include consideration of whether the civil and criminal sanctions for violations of the constitutional provisions are appropriate; whether additional authority is needed by the entity vested to implement, interpret, and enforce section 1 of article XIV; and effective means to educate public officials, lobbyists, and the public on the requirements of article XIV and other laws regarding government ethics. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-seventh legislative assembly."

Page 44, line 31, replace "\$300,000" with "\$517,155"

Page 45, line 3, replace "one and one-half" with "two"

Page 45, line 4, replace "1, 2, 3, 4, 5, and 7" with "1, 3, and 4"

Page 45, line 4, replace "section" with "sections"

Page 45, line 5, after "54-66-02" inert "and 54-66-03"

Page 45, line 5, replace "32" with "24"

Page 45, line 6, replace "2022" with "2021"

Page 45, remove lines 7 through 11

Page 45, line 12, after "Sections" insert "5, 6, 7,"

Page 45, line 13, after the first comma insert "and"

Page 45, line 13, remove ", 24, 25, 26, 27, 28, 29, 30, and 31"

Renumber accordingly

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1008, as engrossed:** Your conference committee (Sens. Krebsbach, Oehlke, Robinson and Reps. Howe, Beadle, Bellew) recommends that the **HOUSE ACCEDE** to the Senate amendments and place HB 1008 on the Seventh order.

Engrossed HB 1008 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1230, as engrossed:** Your conference committee (Sens. Patten, Rust, Bakke and Reps. Paur, Becker, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1375, adopt amendments as follows, and place HB 1230 on the Seventh order:

That the Senate recede from its amendments as printed on page 1375 of the House Journal and pages 1093 and 1094 of the Senate Journal and that Engrossed House Bill No. 1230 be amended as follows:

Page 1, line 2, after "of" insert "a manned"

Page 1, line 2, after "aircraft" insert "in an emergency"

Page 1, line 9, remove the underscored colon

Page 1, remove lines 10 and 11

Page 1, line 12, replace "b. "Airworthy"" with ". "airworthy""

Page 1, line 15, overstrike "an" and insert immediately thereafter "a manned"

Page 1, line 19, replace the first "an" with "a manned"

Renumber accordingly

Engrossed HB 1230 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1356:** Your conference committee (Sens. J. Lee, Burckhard, Dotzenrod and Reps. Pyle, M. Johnson, Fegley) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1325, adopt further amendments as follows, and place HB 1356 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1325 of the House Journal and page 1050 of the Senate Journal and that House Bill No. 1356 be further amended as follows:

Page 1, after line 17, insert:

"1."

Page 1, after line 21, insert:

"2. Notwithstanding the thresholds in subsection 1, if the state or a political subdivision undertakes the construction of a public improvement and there is reason to believe that engineering or architectural services are necessary to protect the health, safety, or welfare of the public, the state or political subdivision shall consider consulting with an engineer or architect."

Renumber accordingly

HB 1356 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1285, as engrossed:** Your conference committee (Sens. Clemens, K. Roers, Hogan and Reps. Rohr, Skroch, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1307-1308, adopt amendments as follows, and place HB 1285 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1307 and 1308 of the House Journal and pages 1002 and 1003 of the Senate Journal and that Engrossed House Bill No. 1285 be amended as follows:

Page 1, line 2, after "locations" insert "; and to provide for a report to the legislative management"

Page 1, line 9, overstrike "abandoned"

Page 1, line 9, overstrike "as defined in section 27-20-02"

Page 1, line 10, after "~~which~~" insert "who has been abandoned at birth in a hospital or before reaching the age of one year regardless of the location of birth and"

Page 1, line 12, remove ", law enforcement agency, or county social"

Page 1, remove line 13

Page 1, line 14, replace "by the board of county commissioners" with "or other location as designated by administrative rule adopted by the department"

Page 1, remove lines 16 and 17

Page 2, line 4, after "address" insert ". If a hospital accepting the infant has the infant's medical history, the hospital is not required to provide the parent or the agent with a medical history form"

Page 2, line 8, after "infant" insert ", unless due to birth of the infant, the infant and parent currently have an identification bracelet"

Page 2, line 28, remove the overstrike over "~~if it appears that the~~"

Page 2, line 29, remove the overstrike over "~~abandoned infant was not harmed~~"

Page 3, line 11, after "The" insert "state"

Page 3, line 11, after "department" insert "of health, in coordination with the department of human services."

Page 3, after line 14, insert:

**"SECTION 2. REPORT TO LEGISLATIVE MANAGEMENT - ABANDONED INFANTS.** Before July 1, 2020, the state department of health shall report to the legislative management the status and progress of implementing section 1 of this Act."

Renumber accordingly

Engrossed HB 1285 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1382:** Your conference committee (Sens. Anderson, Clemens, Hogan and Reps. Kasper, Lefor, Adams) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1395-1396, adopt amendments as follows, and place HB 1382 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1395 and 1396 of the House Journal and page 1116 of the Senate Journal and that House Bill No. 1382 be amended as follows:

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

Page 1, line 6, after "**consent**" insert "**- Refund**"

Page 1, after line 6, insert:

"1."

Page 1, line 8, replace the second "the" with ":

a. The"

Page 1, line 9, after "representative" insert: "; or

b. The pharmacy provides the patient with notice of the upcoming delivery through more than one communication attempt, by different



means, and the patient or the patient's authorized representative does not respond indicating the patient does not want the refill.

2. If a pharmacy delivers a refill in violation of subsection 1:
  - a. Within thirty days of the patient's or the patient's authorized representative's notification of the pharmacy of the unwanted refill, the pharmacy shall refund all payments received by the pharmacy relating to the unwanted refill.
  - b. Within thirty days of the pharmacy's, patient's, or patient's authorized representative's notification of the health plan or the pharmacy benefits manager of the unwanted refill, the health plan and pharmacy benefits manager shall refund all payments received relating to the unwanted refill"

Page 1, after line 9, insert:

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

Renumber accordingly

HB 1382 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF AMENDMENTS

**HB 1521, as engrossed: SEN. OBAN (Special Committee on Ethics) MOVED** that the amendments 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 1521:** A BILL for an Act to create and enact a new section to chapter 16.1-08.1 and chapter 54-66 of the North Dakota Century Code, relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact sections 16.1-08.1-01, 16.1-08.1-03.7, 16.1-08.1-04.1, 28-32-01, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-15, 28-32-16, and 28-32-18.1, subsections 2 and 4 of section 28-32-19, and sections 28-32-47, 28-32-48, and 28-32-49 of the North Dakota Century Code, relating to rulemaking procedures, implementing article XIV of the Constitution of North Dakota, and requirements for the North Dakota ethics commission; to provide for a legislative management study; to provide for a penalty; to provide an appropriation; to provide an effective 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 39 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Bakke; Dotzenrod; Grabinger; Heckaman; Marcellais; Mathern; Piepkorn; Robinson

Engrossed HB 1521, as amended, passed and the emergency clause was declared carried.

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#### MOTION

**SEN. KLEIN MOVED** Rule 329 be suspended and HB 1521 not be rereferred to Appropriations but immediately messaged to the House, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2249, which motion prevailed on a voice vote.

Engrossed SB 2249, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2249:** A BILL for an Act to create and enact sections 15-11-40 and 57-51.1-07.9 of the North Dakota Century Code, relating to the state energy research center and the state energy research center fund; to provide a continuing appropriation; to provide a report; 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 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 2249 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. UNRUH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2261 as printed on SJ page 1385, which motion prevailed on a voice vote.

Engrossed SB 2261, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2261:** A BILL for an Act to amend and reenact subsection 5 of section 49-22-08 of the North Dakota Century Code, relating to conditions imposed on the designation of sites, corridors, and routes.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Dotzenrod; Heckaman; Hogan; Marcellais; Oban; Piepkorn

Reengrossed SB 2261 passed.

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**CONSIDERATION OF MESSAGES FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2008 as printed on SJ pages 1627-1629 and in the House amendments to Engrossed SB 2015 as printed on SJ pages 1629-1635 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:

**Engrossed SB 2008:** Sens. G. Lee, Wanzek, Grabinger.

**Engrossed SB 2015:** Sens. Holmberg, Wardner, Heckaman.

**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 1003, which motion prevailed.

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

**Engrossed HB 1003:** Sens. Holmberg, Krebsbach, Robinson

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. J. LEE MOVED** that the conference committee report on Engrossed SB 2094 as printed on SJ pages 1639-1644 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2094, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2094:** A BILL for an Act to create and enact sections 43-17-44, 43-17-45, and 43-62-14.1 of the North Dakota Century Code, relating to the practice of telemedicine and the regulation of fluoroscopy technologists; to amend and reenact sections 43-17-01, 43-17-02, and 43-17-02.3, subsection 1 of section 43-17.1-02, and sections 43-17.1-05, 43-17.1-05.1, and 43-17.1-06 of the North Dakota Century Code, relating to the definitions of the practice of medicine and telemedicine, the practice of medicine, and the regulation of fluoroscopy technologists; to provide a penalty; and to provide for application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 2094 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DAVISON MOVED** that the conference committee report on SB 2256 as printed on SJ page 1645 be adopted, which motion prevailed on a voice vote.

SB 2256, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

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

**ROLL CALL**

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

**YEAS:** Anderson; Bekkedahl; Clemens; Dwyer; Fors; Hogue; Kannianen; Larsen, O.; Larson, D.; Luick; Meyer; Myrdal; Poolman; Roers, J.; Rust; Unruh

**NAYS:** Bakke; Burckhard; Cook; Davison; Dever; Dotzenrod; Elkin; Erbele; Grabinger; Heckaman; Hogan; Holmberg; Klein; Krebsbach; Kreun; Lee, G.; Lee, J.; Lemm; Marcellais; Mathern; Oban; Oehlke; Patten; Piepkorn; Robinson; Roers, K.; Schaible; Sorvaag; Vedaa; Wanzek; Wardner

Engrossed SB 2256 failed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DWYER MOVED** that the conference committee report on SB 2114 as printed on SJ pages 1644-1645 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BURCKHARD MOVED** that the conference committee report on Engrossed HB 1045 as printed on SJ page 1647 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1045, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1045:** A BILL for an Act to create and enact subsection 16 to section 9-16-01, section 9-16-19, a new section to chapter 10-19.1, and section 10-32.1-102 of the North Dakota Century Code, relating to electronic transaction definitions, blockchain technology and smart contracts, number of shareholders, and series limited liability companies; to amend and reenact sections 9-16-02, 10-06.1-17, 10-19.1-01, and 10-19.1-01.2, subsection 6 of section 10-19.1-66, subsection 1 of section 10-19.1-73.3, sections 10-19.1-76.3 and 10-19.1-81, subsections 1, 2, and 11 of section 10-19.1-84, subsection 1 of section 10-19.1-110, subsection 2 of section 10-19.1-146, and subsection 2 of section 10-35-28 of the North Dakota Century Code, relating to electronic transactions, filing of an annual report by corporations engaged in farming or ranching, Business Corporation Act definitions, knowledge and notice, share certificates, corporate voting list and voting trusts, acceptance of shareholder act by the corporation, corporate records, corporate dissolution procedure, and the filing of an annual report by a publicly traded corporation; and to provide an effective 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 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; Holmberg; Kannianen; Klein; 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; Vedaa; Wanzek; Wardner

**NAYS:** Hogue; Krebsbach; Unruh

Engrossed HB 1045, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. K. ROERS MOVED** that the conference committee report on Engrossed HB 1519 as printed on SJ pages 1647-1648 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1519, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1519:** A BILL for an Act to amend and reenact subsection 15 of section 19-24.1-01 of the North Dakota Century Code, relating to debilitating medical conditions under the medical marijuana program; to provide for a legislative management study; and to declare an emergency.

**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; Kreun; Larson, D.; 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:** Larsen, O.; Lee, G.; Myrdal

Engrossed HB 1519, as amended, passed and the emergency clause was declared carried.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. K. ROERS MOVED** that the conference committee report on Engrossed HB 1283 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1283, as amended, was placed on the Fourteenth order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1283:** A BILL for an Act to create and enact section 19-24.1-03.1 and a new paragraph to subdivision b of subsection 2 of section 19-24.1-04 of the North Dakota Century Code, relating to access to medical marijuana; to amend and reenact section 19-24.1-01, subsection 2 of section 19-24.1-03, subdivision a of subsection 5 of section 19-24.1-05, subsection 7 of section 19-24.1-10, subsection 3 of section 19-24.1-11, and subsection 10 of section 19-24.1-32 of the North Dakota Century Code, relating to access to medical marijuana; and to declare an emergency.

#### **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 HB 1283, as amended, passed and the emergency clause was declared carried.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. J. LEE MOVED** that the conference committee report on HB 1356 be adopted, which motion prevailed on a voice vote.

HB 1356, as amended, was placed on the Fourteenth order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1356:** A BILL for an Act to amend and reenact sections 43-19.1-28, 48-01.2-02.1, and 48-01.2-10 of the North Dakota Century Code, relating to bids, plans, and specifications for public improvements and bond thresholds.

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

**NAYS:** Mathern

HB 1356, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. CLEMENS MOVED** that the conference committee report on Engrossed HB 1285 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1285, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1285:** A BILL for an Act to amend and reenact section 50-25.1-15 of the North Dakota Century Code, relating to abandoned infants at certain locations; and to provide for a report to the legislative management.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 HB 1285, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. PATTEN MOVED** that the conference committee report on Engrossed HB 1230 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1230, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1230:** A BILL for an Act to amend and reenact section 54-06-37 of the North Dakota Century Code, relating to the lease of a manned aircraft in an emergency.

**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 HB 1230, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDERSON MOVED** that the conference committee report on HB 1382 be adopted, which motion prevailed on a voice vote.

HB 1382, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1382:** A BILL for an Act to create and enact section 19-02.1-16.3 of the North Dakota Century Code, relating to pharmacy mail order and home delivery services; and to provide an effective 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 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

HB 1382, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KREBSBACH MOVED** that the conference committee report on Engrossed HB 1008 be adopted, which motion prevailed on a voice vote.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1521.

**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 2211.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2211**

Page 1, line 1, after "enact" insert "section 61-33-01.1 and"

Page 1, line 2, remove "and"

Page 1, line 3, after "sections" insert "61-33-01 and 61-33.1-02, subdivision e of subsection 3 of section 61-33.1-03, sections"

Page 1, line 3, replace the second "and" with a comma

Page 1, line 3, after "61-33.1-05" insert ", and 61-33.1-07"

Page 1, line 4, after "to" insert "sovereign lands, determining the ordinary high water mark, and"

Page 1, line 4, replace "inundated" with "subject to inundation"

Page 1, line 5, after "dams" insert "; to provide a contingent appropriation; to provide for application; and to declare an emergency"

Page 1, after line 6, insert:

**"SECTION 1. AMENDMENT.** Section 61-33-01 of the North Dakota Century Code is amended and reenacted as follows:

**61-33-01. Definitions.**

As used in this chapter, unless the context otherwise requires:

1. "Board" means the sovereign lands advisory board.
2. "Board of university and school lands" means that entity created by section 15-01-01.
3. "Ordinary high water mark" means the continuous line along the banks of navigable rivers and lakes where the presence and action of waters of the navigable river or lake are so common and usual, and so long

continued in all ordinary years, as to mark upon the bank of a navigable river or lake a character distinct from that of the abutting upland. The ordinary high water mark line must be continuous in elevation or gently sloping, following the gradient of the river.

4. "Sovereign lands" means those areas, including beds and islands, lying within the ordinary high water mark of navigable lakes and streams. Lands established to be riparian accretion or reliction lands pursuant to section 47-06-05 are considered to be above the ordinary high water mark and are not sovereign lands.
- 4-5. "State engineer" means the person appointed by the state water commission pursuant to section 61-03-01.

**SECTION 2.** Section 61-33-01.1 of the North Dakota Century Code is created and enacted as follows:

**61-33-01.1. Ordinary high water mark determination - Factors to be considered.**

The state engineer shall maintain ordinary high water mark delineation guidelines consistent with this section.

1. When determining the ordinary high water mark for delineating the boundary of sovereign lands, vegetation and soils analysis must be considered the primary physical indicators. When considering vegetation, the ordinary high water mark is the line below which the presence and action of the water is frequent enough to prevent the growth of terrestrial vegetation or restrict vegetation growth to predominately aquatic species. Generally, land, including hay land, where the high and continuous presence of water has destroyed the value of the land for agricultural purposes must be deemed within the ordinary high water mark.
2. When feasible, direct hydrological and hydraulic measurements from stream gauge data, elevation data, historic records of water flow, high resolution light detection and ranging systems, prior elevation and survey maps, and statistical hydrological evidence must be considered when determining the ordinary high water mark. The state engineer shall establish appropriate guidelines, technical standards, and other criteria, including use of light detection and ranging systems or other future technological advancements, as necessary, for conducting hydrologic and hydraulic modeling required by this section.
3. Secondary physical indicators, including litter, debris, or staining, may be considered to supplement the analysis of the ordinary high water mark investigation but may not supersede primary physical indicators unless primary physical indicators are deemed inadequate or inconclusive. Physical indicators directly affected by influent non-navigable tributaries, adjoining water bodies, or wetlands may not be used to delineate the sovereign land boundary of a navigable body of water.

**SECTION 3. AMENDMENT.** Section 61-33.1-02 of the North Dakota Century Code is amended and reenacted as follows:

**61-33.1-02. Mineral ownership of land ~~inundated~~subject to inundation by Pick-Sloan Missouri basin project dams. (Retroactive application - See note)**

~~inundated~~subject to inundation by Pick-Sloan Missouri basin project dams extends only to the historical Missouri riverbed channel up to the ordinary high water mark. The state holds no claim or title to any minerals above the ordinary high water mark of the historical Missouri riverbed channel ~~inundated~~subject to inundation by Pick-Sloan Missouri basin project dams, except for original grant lands acquired by the state under federal law and any minerals acquired by the state through purchase, foreclosure, or other written conveyance. Mineral ownership of the riverbed



segments ~~inundated~~ subject to inundation by Pick-Sloan Missouri basin project dams which are located within the exterior boundaries of the Fort Berthold reservation and Standing Rock Indian reservation is controlled by other law and is excepted from this section.

**SECTION 4. AMENDMENT.** Subdivision e of subsection 3 of section 61-33.1-03 of the North Dakota Century Code is amended and reenacted as follows:

- e. Subsection ~~34~~ of section 61-33-01 and section 47-06-05, which provide all accretions are presumed to be above the ordinary high water mark and are not sovereign lands. Accreted lands may be determined to be within the ordinary high water mark of the historical Missouri riverbed channel based on clear and convincing evidence. Areas of low-lying and flat lands where the ordinary high water mark may be impracticable to determine due to inconclusive aerial photography or inconclusive vegetation analysis must be presumed to be above the ordinary high water mark and owned by the riparian landowner."

Page 3, line 11, replace "acreage determinations were approved" with "payments were made"

Page 3, after line 26, insert:

**"SECTION 8. AMENDMENT.** Section 61-33.1-07 of the North Dakota Century Code is amended and reenacted as follows:

**61-33.1-07. State engineer regulatory jurisdiction. (Retroactive application - See note)**

This chapter does not affect the authority of the state engineer to regulate the historical Missouri riverbed channel, minerals other than oil and gas, or the waters of the state, provided the regulation does not affect ownership of oil and gas minerals in and under the riverbed or lands above the ordinary high water mark of the historical Missouri riverbed channel ~~inundated~~ subject to inundation by Pick-Sloan Missouri basin project dams.

**SECTION 9. CONTINGENT APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - REIMBURSEMENT OF LEGAL EXPENSES.**

1. There is appropriated out of any moneys held in reserve in the strategic investment and improvements fund for mineral title disputes, not otherwise appropriated, the sum of \$750,000, or so much of the sum as may be necessary, to the commissioner of university and school lands for the purpose of reimbursing legal expenses as provided in subsection 2, for the biennium beginning July 1, 2019, and ending June 30, 2021.
2. The commissioner of university and school lands shall use funds appropriated in subsection 1 to reimburse actual legal and expert fees incurred and requested by any private mineral owner, or the owner's successors in interest, who reserved the mineral rights, through deed or condemnation order from the court, when the United States acquired the owner's property as part of the land acquisitions for Garrison Dam and its reservoir, Lake Sakakawea, and who filed a lawsuit against the state of North Dakota after December 31, 2011, but before December 31, 2016, and which lawsuit was pending as of February 1, 2017, claiming title to reserved mineral rights. The legal and expert fees may not be reimbursed until the final adjudication, settlement, or other resolution of the lawsuit for which they were incurred.

**SECTION 10. APPLICATION.** Sections 1 and 2 of this Act do not apply to the ordinary high water mark study required for the historical Missouri riverbed channel in chapter 61-33.1. This Act does not affect or limit the authority of the state engineer to regulate waters of this state.

**SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2249 and SB 2261.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2008 and SB 2015, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2008:** Sens. G. Lee; Wanzek; Grabinger

**SB 2015:** Sens. Holmberg; Wardner; Heckaman

**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 2012:** Reps. J. Nelson; Kreidt; Holman

**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 1021, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1021:** Reps. Beadle; Kempenich; Mock

**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 1003:** Sens. Holmberg; Krebsbach; Robinson

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: HB 1407.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2114.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1008.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2094.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1045, HB 1230, HB 1285, HB 1356, HB 1382.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1283, HB 1519.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: SB 2256.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2100.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2358.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2035.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2035.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1067, HB 1074, HB 1095, HB 1119, HB 1123, HB 1205, HB 1271, HB 1366, HB 1368, HB 1412, HB 1417, HB 1454, HB 1467, HB 1468, HB 1469, HB 1502.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 17, 2019: SB 2035.

#### **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 8:30 a.m., Thursday, April 18, 2019, which motion prevailed.

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

**HCR 3055: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3055 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Management to consider studying the potential uses of legacy fund earnings, including the use of earnings to provide tax relief, provide for reinvestment of legacy fund earnings, fund research and technological advancements, promote economic growth and diversification, and promote workforce development and career and technical education.

**WHEREAS**, the legacy fund was created with the understanding that oil and gas resources are finite and tax revenues related to oil and gas production eventually will decline; and

**WHEREAS**, investments to diversify and expand the state's tax base as a means to offset the eventual decline of oil and gas tax revenues is a prudent use of legacy fund earnings to provide long-term revenue stability for future generations; and

**WHEREAS**, investments in research and technological advancements in energy and agriculture, workforce development and recruitment, career and technical education, and business growth initiatives are key to expanding the state's economic potential; and

**WHEREAS**, the use of legacy fund earnings to reduce the tax burden on taxpayers and reduce taxpayer liability to fund government services, without creating an expansion of government, could have a positive impact on economic growth; and

**WHEREAS**, taking a balanced approach to spending and reinvesting legacy fund earnings could lead to growth in the state's economy and growth in the principal of the legacy fund, as evidenced by the operation of Norway's sovereign wealth fund; and

**WHEREAS**, the people of North Dakota created the legacy fund through a public vote and the public should be allowed to engage in discussion and

recommend ideas for policies and directives related to the use of legacy fund earnings, including recommendations to fund unique projects that leave a legacy for future generations; and

**WHEREAS**, varied and competing interests exist regarding the best use of legacy fund earnings;

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

That the Legislative Management consider studying the potential uses of legacy fund earnings, including the use of earnings to provide tax relief, provide for reinvestment of legacy fund earnings, fund research and technological advancements, promote economic growth and diversification, and promote workforce development and career and technical education; and

**BE IT FURTHER RESOLVED**, that in conducting the study, the Legislative Management consider forming an interim committee consisting of the Majority and Minority Leaders of the House of Representatives and the Senate, or their designee; the Chairmen of the standing Finance and Taxation Committees of the House of Representatives and the Senate, or their designee; the Chairmen of the Appropriations Committees of the House of Representatives and the Senate, or their designee; two members of the Legacy and Budget Stabilization Fund Advisory Board, appointed by their respective Majority Leaders; and the Chairman of the Legislative Management, or the Chairman's designee; and

**BE IT FURTHER RESOLVED**, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-seventh Legislative Assembly."

Renumber accordingly

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2269, as engrossed:** Your conference committee (Sens. Myrdal, O. Larsen, Klein and Reps. Satrom, McWilliams, Skroch) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1367-1369, adopt amendments as follows, and place SB 2269 on the Seventh order:

That the House recede from its amendments as printed on pages 1367-1369 of the Senate Journal and pages 1537-1539 of the House Journal and that Engrossed Senate Bill No. 2269 be amended as follows:

Page 1, line 23, remove "The term does"

Page 1, line 24, remove "not include whole, uncut fresh fruits and vegetables"

Page 2, line 8, after "8." insert "Food" means an article used for food or drink for human consumption.

9."

Page 2, line 9, replace "9." with "10."

Page 2, line 12, replace "10." with "11."

Page 2, line 14, replace "11." with "12."

Page 2, line 17, replace "12." with "13."

Page 2, line 23, replace "13." with "14."

Page 2, line 26, replace "14." with "15."

Page 2, line 30, replace "15." with "16."

Page 3, line 1, replace "16." with "17."

Page 3, after line 4, insert:

"18. "Whole, uncut fresh fruits and vegetables" means a fruit or vegetable in its raw or natural state, including all fruits and vegetables that are washed, colored, or otherwise treated in an unpeeled natural form before marketing."

Page 3, line 25, remove the overstrike over "~~involve interstate commerce~~"

Page 3, line 25, remove "Occur outside the state"

Page 4, after line 29, insert:

"7. Except for whole, uncut fresh fruits and vegetables, food prepared by a cottage food operator may not be sold or used for commercial consumption."

Page 5, line 9, remove "and"

Page 5, line 10, after "misbranded" insert "; and

d. In the case of raw poultry or shell eggs transported by the cottage food operator, maintained frozen, except for shell eggs, which must be transported and maintained under refrigeration of forty-five degrees Fahrenheit [7.2 degrees Celsius] or less if washed, or at room temperature if unwashed"

Page 5, line 14, remove "or"

Page 5, line 15, after "products" insert "are dehydrated or are freeze dried and the products"

Page 5, line 15, after "level" insert "; or

c. The products are fresh cut fruits and vegetables that are blanched and frozen"

Page 5, line 16, remove "baked or"

Page 5, line 17, after "otherwise" insert "authorized under this section or"

Page 5, line 17, replace "A food" with "Food"

Page 5, line 18, remove "which is a cottage food product authorized for sale"

Page 5, remove line 19

Page 5, line 20, replace "a. If" with "must be labeled in accordance with the requirements of this chapter and if"

Page 5, line 20, after "transported" insert "by the cottage food operator"

Page 5, line 20, replace "frozen" with "at a temperature of forty degrees Fahrenheit [4.4 degrees Celsius] or less"

Page 5, line 20, remove ", except for"

Page 5, remove lines 21 and 22

Page 5, line 23, replace "b. Must be labeled in accordance with the requirements of this chapter" with "or, if a period of four hours or more occurs between transportation by the cottage food operator and delivery, must be maintained frozen by the cottage food operator. Cottage food products authorized for sale under this subsection are:

- a. Baked goods;
- b. Seed sprouts of any variety; and
- c. Fresh cut leafy greens, tomato, and melon"

Page 5, line 25, remove "in a baked good"

Page 5, line 27, remove "Seed sprouts of any variety."

Page 5, remove lines 28 through 31

Page 6, remove lines 1 and 2

Page 6, line 3, remove "9."

Page 6, line 4, replace "10." with "7."

Page 6, line 5, replace "11." with "8."

Page 6, line 24, after "Handled" insert "Refrigerated or"

Renumber accordingly

Engrossed SB 2269 was placed on the Seventh order of business on the calendar.

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

**Shanda Morgan, Secretary**