

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, April 18, 2019

The Senate convened at 8:30 a.m., with President Sanford presiding.

The prayer was offered by Rev. Karen Van Fossan, Unitarian Universalist Congregation, Bismarck.

The roll was called and all members were present except Senator K. Roers.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that the Senate be on the Eighth Order of business for the purpose of electing an Interim President Pro Tempore, which motion prevailed.

REMARKS OF SENATOR RANDY BURCKHARD

Mr. President:

We are as different as can be, but we have a lot of things in common:

We belong to the same church and see each other at mass nearly every Sunday, we both ran for the State Senate in the fall of 2010 and are members of the prestigious "5 Star Caucus", and we both "married up" when we convinced our girlfriends to marry us. I'm sure his marriage proposal to Elizabeth was his best "floor speech ever". They have been married for 33 years and have two kids, Austin and Megan.

To say he has had a diverse career field would be an understatement. He's been a diesel mechanic, has worked in the logging business and in the oil fields, has been a teacher, a pilot, a welder, an insurance agent and, of course, an Uber driver.

He has lived in California, Alaska and North Dakota. He is an enrolled member of the Kluane First Nation. He attended Williston State College, Valley City State College and NDSU, and was named the "Young Educator of the Year" and "Teacher of the Year".

I think the best way to describe this candidate would be to quote something Alisha Keyes said "Authenticity should never be rivaled by compromise". He is authentic for sure!

And so, Mr. President, it is my honor and privilege to nominate Senator Oley Larsen as the Interim President Pro Tempore for the next interim session.

MOTION

SEN. GRABINGER MOVED that nominations cease and that the Senate cast a unanimous ballot in favor of electing Senator Oley Larsen as Interim President Pro Tempore., which motion prevailed.

MOTION

SEN. KLEIN MOVED that a committee of two be appointed to escort President Pro Tempore Oley Larsen to the rostrum, which motion prevailed.

The President appointed Sens. J. Lee and K. Kresbach.

OATH OF OFFICE

THE PRESIDENT ADMINISTERED the Oath of Office to Interim President Pro Tempore Larsen.

REMARKS OF SENATOR OLEY LARSEN

I am very humbled by this speech, so I'm not sure if this will be a eulogy, testimony, or an

acceptance speech.

God is good all the time. All the time, God is good.

Some would say I'm a go-getter. Always wanting to better myself, always wanting to learn, always a driving force. People would tell me "No, you can't do that." My wife, the first lady of Dist. 3, says I'm stubborn.

When I was eight years old, my Dad said "Don't come out side to the garage until the guys and I are all done." So I snuck out the window and peaked around the side of the garage. Now, I don't know if any body has ever butchered a bear, but I saw this with the skin, hide and head gone, so until about the age of 12-14, I thought we were cannibals.

As I got older, I went into mechanics and anything that could propel itself, ex. Lamborghini, Pantaras, or Peterbilt, became my passion. As I dove into this I still heard "You cannot do that."

I tore down engines because it had to get done. Before long I oversaw gear rooms, managed 150 garbage trucks, all the while mentoring young mechanics.

When I taught school, the administration said "Stick to the curriculum." As a school teacher I was told you can't build a low-rider, electric car, hydrogen vehicle or an airplane in your class. You can't fast track your students to get college credits in eight days. You're not qualified. These statements gave me the determination to achieve what they all said could not be done.

I learned quickly that within the school system you needed to obtain degrees in order to get a pay raise, so I got my master's in educational administration. The goal, at that time, was to be an administrator. I graduated cum laude, summa cum laude, with the tow rope they gave me, around my neck, as a prize.

God is good all the time.

I used to drive past Ruth Meiers place everyday when I was farming and ranching near Ross N.D. I am feeling like she left some big shoes to follow. She even sat in the President's chair. I began to think maybe I could do that.

Many of you might not know that Byron Dorgan was the driving force that led me to the Senate. I was at a town hall meeting and I was one of those who stole the mic and said "I do not agree with what you're doing and I'm going to take your job". He said to me "You can't do that." So here I am.

Through my journey in the Senate I have physically moved over to the left to better reach across the aisle.

I think it's fair to say we flipped a bill or two. Everyone in the chamber has, at least once, followed me in voting "no". One lady in the chamber was the 1 of 4 to vote "no" on a bill. The words she said to me one day I really took to heart. I told her I'm not sure why I have so much conflict in my life. She said that you probably are bringing most of it on yourself. The fact I could sit down with her and have a conversation was something that has stuck with me, causing me to stop and reflect.

The minority leader stood up and spoke about how wrong it is to raise fees on taxpayers. I had my speech all ready but she did the work for me, even though she voted green. She still championed the little guy. I'm kind of like the flu, nobody gets me. Once, in the hallway, I was speaking with a guy, who said he and a legislator were talking and my name came up. He asked the legislator who that guy was, and was told "He is epic." I never thought that word would be my word. But then I thought maybe that word is me. So my challenge to everyone here is to "Be epic!"

I would like to thank the people who elected me and the Republican Caucus for educating me on the values of rugged individualism, lower taxes, and less government.

And lastly, I would like to thank my wife, the First Lady of District 3, who has never said "No" to me.

MOTION

SEN. KLEIN MOVED that the remarks of Senators Burckhard and Larsen be printed in the Journal, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3055: SEN. COOK (Finance and Taxation Committee) MOVED that the amendments on SJ pages 1681-1682 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3055: A concurrent resolution 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.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 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.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Roers, K.

HCR 3055, as amended, was declared adopted on a recorded roll call vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DAVISON MOVED that the Senate do concur in the House amendments to Engrossed SB 2048 as printed on SJ page 1262, which motion prevailed on a voice vote.

Engrossed SB 2048, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2048: A BILL for an Act to provide for a legislative management study regarding state employee retirement plans.

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 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: 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.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Roers, K.

Reengrossed SB 2048 failed.

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 1021 and Engrossed HB 1396, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1021: Sens. Wanzek, Poolman, Robinson

Engrossed HB 1396: Sens. Myrdal, D. Larson, Bakke

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. MYRDAL MOVED that the conference committee report on Engrossed SB 2269 as printed on SJ pages 1682-1684 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2269, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 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; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Rust; Schaible; Sorvaag; Unruh; Wanzek; Wardner

NAYS: Kreun; Vedaa

ABSENT AND NOT VOTING: Roers, K.

Reengrossed SB 2269 passed.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3055.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently failed to pass: SB 2048.

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 1001.

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 2140: Reps. M. Ruby; Damschen; Zubke

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 1050, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1050: Reps. K. Koppelman; Karls; Satrom

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 1021: Sens. Wanzek; Poolman; Robinson

HB 1396: Sens. Myrdal; D. Larson; Bakke

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2269.

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 2094, SB 2114.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2007, SB 2037, SB 2040, SB 2078, SB 2090, SB 2100, SB 2102, SB 2195, SB 2245, SB 2247, SB 2249, SB 2258, SB 2261, SB 2342, SB 2344, SB 2358.

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

MR. PRESIDENT: The Speaker has signed: SB 2007, SB 2037, SB 2040, SB 2090, SB 2100, SB 2102, SB 2195, SB 2245, SB 2247, SB 2249, SB 2258, SB 2261, SB 2342, SB 2358.

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

MR. PRESIDENT: The Speaker has signed: SB 2344.

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

MR. SPEAKER: The President has signed: SB 2344.

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

MR. PRESIDENT: The Speaker 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 18, 2019: SB 2344.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 17, 2019, I have signed the following: SB 2124, SB 2139, and SB 2304.

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 CONFERENCE COMMITTEE

SB 2018, as engrossed: Your conference committee (Sens. Erbele, Krebsbach, Mathern and Reps. Schatz, Nathe, Boe) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1309-1310 and place SB 2018 on the Seventh order.

Engrossed SB 2018 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2020, as engrossed: Your conference committee (Sens. G. Lee, Sorvaag, Robinson and Reps. Schmidt, Monson, Boe) recommends that the **HOUSE RECEDE** from the

House amendments as printed on SJ pages 1496-1502, adopt amendments as follows, and place SB 2020 on the Seventh order:

That the House recede from its amendments as printed on pages 1496-1498 of the Senate Journal and pages 1639-1641 of the House Journal and that Engrossed Senate Bill No. 2020 be amended as follows:

Page 1, line 2, after "reenact" insert "subsection 3 of section 61-02-78 and"

Page 1, line 3, after the first "to" insert "the infrastructure revolving loan fund and"

Page 1, line 5, replace "and" with "to provide conditions on appropriations;"

Page 1, line 5, after "intent" insert "; to provide for a pilot project; and to declare an emergency"

Page 1, line 10, replace "biennium" with "period"

Page 1, line 10, replace "July 1, 2019" with "with the effective date of this Act"

Page 1, replace lines 14 through 24 with:

"Salaries and wages	\$19,659,298	\$172,688	\$19,831,986
Operating expenses	58,044,691	11,711,062	69,755,753
Capital assets	124,819,442	56,119,316	180,938,758
Project carryover	274,867,897	33,465,921	308,333,818
New projects	169,782,147	(169,782,147)	0
Water supply - grants	0	128,000,000	128,000,000
Rural water supply - grants	0	37,200,000	37,200,000
Fargo area flood control including the Fargo Moorhead diversion	0	66,500,000	66,500,000
Mouse River flood control	0	82,500,000	82,500,000
Flood control projects other than Fargo area flood control including the Fargo Moorhead diversion	0	48,000,000	48,000,000
General water - grants	0	<u>27,093,776</u>	<u>27,093,776</u>
Total special funds	\$647,173,475	\$320,980,616	\$968,154,091
Full-time equivalent positions	93.00	(3.00)	90.00"

Page 2, replace lines 6 and 7 with:

"Line of credit - Bank of North Dakota	\$75,000,000	\$75,000,000
Payoff of outstanding debt	0	<u>25,900,000</u>
Total special funds	\$75,000,000	\$100,900,000"

Page 2, line 11, replace "biennium" with "period"

Page 2, line 11, replace "July 1, 2019" with "with the effective date of this Act"

Page 2, line 14, replace "and new projects" with ", water supply - grants, rural water supply - grants, Fargo area flood control including the Fargo Moorhead diversion, Mouse River flood control, flood control projects other than Fargo area flood control including the Fargo Moorhead diversion, and general water - grants"

Page 2, after line 29, insert:

"SECTION 5. CONDITION ON FARGO AREA FLOOD CONTROL LINE

ITEM. The \$66,500,000 appropriated to the state water commission for Fargo area flood control including the Fargo Moorhead diversion in section 1 of this Act for the period beginning with the effective date of this Act, and ending June 30, 2021, may be used only for Fargo area flood control projects including the Fargo Moorhead diversion, and the appropriation of those funds is conditioned on having no other funds appropriated in section 1 being expended on Fargo area flood control including the Fargo Moorhead diversion. This condition does not prohibit the use of funds

appropriated for project carryover in section 1 of this Act for Fargo area flood control projects, subject to section 7 of this Act.

SECTION 6. CONDITION ON OTHER SECTION 1 LINE ITEMS. The \$593,320,273 appropriated to the state water commission for salaries and wages, operating expenses, capital assets, water supply - grants, rural water supply - grants, Mouse River flood control, flood control projects other than Fargo area flood control including the Fargo Moorhead diversion, and general water - grants in section 1 of this Act for the period beginning with the effective date of this Act, and ending June 30, 2021, may be used only for salaries and wages, operating expenses, capital assets, water supply - grants, rural water supply - grants, Mouse River flood control, flood control projects other than Fargo area flood control including the Fargo Moorhead diversion, and general water - grants, respectively, and the appropriation of those funds is conditioned on the funds not being expended on Fargo area flood control projects including the Fargo Moorhead diversion.

SECTION 7. CONDITION ON PROJECT CARRYOVER FUNDS. The \$308,333,818 appropriated to the state water commission for project carryover in section 1 of this Act for the period beginning with the effective date of this Act, and ending June 30, 2021, may be used only for project carryover, and the appropriation of those funds is conditioned on having no more than the amount the state water commission approved for Fargo area flood control including the Fargo Moorhead diversion by April 1, 2019, expended from the project carryover funds on Fargo area flood control including the Fargo Moorhead diversion.

SECTION 8. CONDITION ON APPROPRIATIONS. The \$66,500,000 appropriated to the state water commission for Fargo area flood control including the Fargo Moorhead diversion in section 1 of this Act and the amount the state water commission approved for Fargo area flood control including the Fargo Moorhead diversion by April 1, 2019, which amount is included in project carryover funds appropriated in section 1 of this Act, may not be used for any work under plan B for the Fargo Moorhead diversion project; except for constructing or repairing levees and dikes and purchasing land, easements, and options or rights of first refusal to purchase land, necessary for flood control; until:

1. The federal court injunction on plan B is modified to allow construction of plan B to continue;
2. The Congress of the United States appropriates federal funds for construction of plan B;
3. The state engineer approves the mitigation plan for plan B;
4. The office of state engineer issues all necessary permits the state engineer requires for plan B; and
5. The Minnesota state legislature appropriates funds for construction of plan B."

Page 3, line 3, replace "\$703,000,000" with "\$750,000,000"

Page 3, line 4, replace "\$332,500,000" with "\$379,500,000"

Page 3, line 5, remove "equal"

Page 3, line 6, replace "installments over the next five bienniums, beginning July 1, 2019" with "installments as follows: \$66,500,000 during the 2019-21, 2021-23, 2023-25, 2025-27, and 2027-29 bienniums, and \$47,000,000 during the 2029-31 biennium."

Page 3, replace lines 7 through 16 with:

"SECTION 10. FARGO FLOOD CONTROL PROJECT DOWNSTREAM IMPACT MITIGATION. The Fargo Moorhead metropolitan flood risk management project operations may not cause a downstream federal emergency management agency accredited flood protection system in North Dakota to lose its accreditation.

The metropolitan flood diversion authority shall take reasonable measures to mitigate downstream impacts to accredited flood protection systems, existing as of April 1, 2019, located in North Dakota bordering the Red River resulting from the operations of the Fargo Moorhead diversion. For purposes of this section, negative downstream impacts to accredited flood protection systems are caused when the water surface profile passing through such systems is raised by more than one-tenth of one foot for the one hundred-year event or when the ability of the accredited flood protection system to protect against a two hundred-year or five hundred-year event is compromised. The metropolitan flood diversion authority shall collaborate with the state engineer and accredited flood protection systems in North Dakota to implement this requirement.

SECTION 11. LEGISLATIVE INTENT - MOUSE RIVER FLOOD CONTROL PROJECT FUNDING. Except for funding provided during bienniums prior to the 2017-19 biennium, it is the intent of the sixty-sixth legislative assembly that the state provide no more than \$193,000,000 of state funding for Mouse River flood control projects within the city limits of Minot. It is the intent of the sixty-sixth legislative assembly that the \$193,000,000 be made available during the 2017-19, 2019-21, 2021-23, and 2023-25 bienniums. It is the intent of the sixty-sixth legislative assembly that of the \$193,000,000, the state provide \$57,713,284 during the 2017-19 biennium and that the \$135,286,716 yet to be designated by the state for the Mouse River flood control projects, within the city limits of Minot, be provided during the 2019-21, 2021-23, and 2023-25 bienniums.

SECTION 12. LEGISLATIVE INTENT - RED RIVER VALLEY WATER SUPPLY PROJECT - REPORT TO LEGISLATIVE MANAGEMENT - APPLICATION. It is the intent of the sixty-sixth legislative assembly that the state water commission provide, in the form of a grant, up to \$13,000,000, to the Garrison Diversion Conservancy District for the Red River valley water supply project, to initiate construction of phase one prioritized project features identified in accordance with subsections 2 and 3 of section 14 of this Act, for the period beginning with the effective date of this Act, and ending June 30, 2021. The Garrison Diversion Conservancy District shall report on a regular basis to the legislative management's water topics overview committee during the 2019-20 interim regarding the progress of the Red River valley water supply project. The provisions of section 13 of this Act do not apply to the funding referenced in this section.

SECTION 13. LEGISLATIVE INTENT - RED RIVER VALLEY WATER SUPPLY PROJECT. It is the intent of the sixty-sixth legislative assembly that the state water commission provide no more than \$30,000,000 to the Garrison Diversion Conservancy District for the Red River valley water supply project during the 2019-21 biennium and 2021-23 biennium and that the state funding be provided at a seventy-five percent state cost-share."

Page 4, after line 16, insert:

"SECTION 15. PILOT PROJECT - IMPLEMENTATION OF A BASINWIDE PLAN - REPORT TO THE LEGISLATIVE MANAGEMENT. Up to \$1,000,000 of the \$48,000,000 appropriated to the state water commission for flood control projects other than Fargo area flood control including the Fargo Moorhead diversion in section 1 of this Act for the period beginning with the effective date of this Act, and ending June 30, 2021, may be used to provide grants under the pilot project in this section.

1. If all the water resource districts and joint water resource districts in a basin develop a basinwide water plan identifying water conveyance, flood control, and other water projects to be undertaken in the basin, the districts jointly may apply to the state water commission for a grant of up to \$1,000,000 for implementation of the plan. The state water commission may select a basinwide plan submitted under this subsection for funding and enter into one cooperative agreement with the water resource districts and joint water resource districts that submitted the plan.

2. The cooperative agreement must include the amount of funding the state water commission will provide, the applicable cost-share requirements, a prohibition on using funds provided under the agreement for planning or any purpose other than implementation of the basinwide plan, and the obligations of the state water commission and each water resource district and joint water resource district in the basin in implementing the basinwide plan. The agreement also must provide for monitoring and oversight of the basinwide plan's implementation.
3. The state water commission shall report to the legislative management on the results of this pilot project no later than August 1, 2020."

SECTION 16. AMENDMENT. Subsection 3 of section 61-02-78 of the North Dakota Century Code is amended and reenacted as follows:

3. The commission shall approve projects and loans from the infrastructure loan fund, and the Bank of North Dakota shall manage and administer loans from the infrastructure loan fund and individual accounts in the fund. The commission may adopt policies for the review and approval of loans under this section. Loans made under this section must be made at ~~an interest rate of one and one-half percent~~ at the same interest rate as the revolving loan fund established under chapters 61-28.1 and 61-28.2."

Page 4, after line 27, insert:

"SECTION 18. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2020 - State Water Commission - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$19,659,298	\$19,833,131	(\$1,145)	\$19,831,986	\$19,831,986	
Operating expenses	58,044,691	43,855,753	25,900,000	69,755,753	69,755,753	
Capital assets	124,819,442	147,938,758	33,000,000	180,938,758	180,938,758	
Project carryover	274,867,897	308,333,818		308,333,818	308,333,818	
New projects	169,782,147					
Flood control - Grants		145,000,000	(145,000,000)			
General water - Grants		35,255,000	(8,161,224)	27,093,776	27,093,776	
Rural water supply - Grants		30,000,000	7,200,000	37,200,000	37,200,000	
Water supply - Grants		115,000,000	13,000,000	128,000,000	128,000,000	
Fargo area flood control			66,500,000	66,500,000	66,500,000	
Mouse River flood control			82,500,000	82,500,000	82,500,000	
Other flood control projects			48,000,000	48,000,000	48,000,000	
Total all funds	\$647,173,475	\$845,216,460	\$122,937,631	\$968,154,091	\$968,154,091	\$0
Less estimated income	647,173,475	845,216,460	122,937,631	968,154,091	968,154,091	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	93.00	90.00	0.00	90.00	90.00	0.00

Department 770 - State Water Commission - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases ¹	Adds Funding for Capital Assets ²	Adds Funding for Water Supply - Grants ³	Adds Funding for Rural Water Supply - Grants ⁴	Removes Flood Control - Grants Line Item ⁵	Adds Funding for Fargo Area Flood Control Including the Fargo Moorhead Diversion ⁶
Salaries and wages	(\$1,145)					
Operating expenses						
Capital assets		\$33,000,000				
Project carryover						
New projects						
Flood control - Grants					(\$145,000,000)	
General water - Grants						
Rural water supply - Grants				\$7,200,000		
Water supply - Grants			\$13,000,000			
Fargo area flood control						\$66,500,000
Mouse River flood control						
Other flood control projects						
Total all funds	(\$1,145)	\$33,000,000	\$13,000,000	\$7,200,000	(\$145,000,000)	\$66,500,000
Less estimated income	(1,145)	33,000,000	13,000,000	7,200,000	(145,000,000)	66,500,000
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for Mouse River Flood Control ⁷	Adds Funding for Other Flood Control Projects ⁸	Reduces Funding for General Water - Grants ⁹	Adds Funding to Payoff Outstanding Debt ¹⁰	Total Conference Committee Changes
Salaries and wages					(\$1,145)
Operating expenses				\$25,900,000	25,900,000
Capital assets					33,000,000
Project carryover					
New projects					
Flood control - Grants					(145,000,000)
General water - Grants			(\$8,161,224)		(8,161,224)
Rural water supply - Grants					7,200,000
Water supply - Grants					13,000,000
Fargo area flood control					66,500,000
Mouse River flood control	\$82,500,000				82,500,000
Other flood control projects		\$48,000,000			48,000,000
Total all funds	\$82,500,000	\$48,000,000	(\$8,161,224)	\$25,900,000	\$122,937,631
Less estimated income	82,500,000	48,000,000	(8,161,224)	25,900,000	122,937,631
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00

¹ 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.

² Capital assets is increased by \$33 million to provide additional funding for state-owned water projects within the capital assets line item to provide total capital assets funding of \$180,938,758, the same as the House version. The Senate version included capital assets of \$147,938,758.

³ Water supply - grants is increased by \$13 million to provide additional funding for municipal water supply projects to provide a total of \$128 million in the water supply - grants line item, the same as the House version. The Senate version included capital assets of \$115 million.

⁴ Rural water supply - grants is increased by \$7.2 million to provide additional funding for rural water supply projects to provide a total of \$37.2 million in the rural water supply - grants line item, the same as the House version. The Senate version included capital assets of \$30 million.

⁵ The flood control - grants line item is removed to specifically identify funding for flood control projects, the same as the House version. The Senate version included \$145 million in the flood control - grants line item.

⁶ Funding of \$66.5 million is provided for Fargo area flood control, including the Fargo Moorhead diversion, the same as the House version. The Senate version included funding for Fargo area flood control in the flood control - grants line item.

⁷ Funding of \$82.5 million is provided for the Mouse River flood control project, the same as the House version. The Senate version included funding for Mouse River flood control in the flood control - grants line item.

⁸ Funding of \$48 million is provided for flood control projects other than Fargo area flood control, including the Fargo Moorhead diversion, the same as the House version. The Senate version included funding for other flood control projects in the flood control - grants line item.

⁹ Funding of \$27,093,776 is provided for general water projects, the same as the House version. The Senate version included \$35,255,000 of funding for the general water - grants line item.

¹⁰ One-time funding of \$25.9 million is provided in the operating expenses line item to pay off outstanding debt of the State Water Commission, the same as the House version. The Senate version did not include this item.

This amendment also:

- Applies conditions on the Fargo area flood control, including the Fargo Moorhead diversion line item, to identify the \$66.5 million appropriated to the State Water Commission in the Fargo area flood control, including the Fargo Moorhead diversion line item of the bill, is to be used only for Fargo area flood control, including the Fargo Moorhead diversion, and the appropriation of those funds is conditioned on having no other funds appropriated in Section 1 of the bill being expended on Fargo area flood control, including the Fargo Moorhead diversion. The condition does not prohibit the use of funds appropriated for project carryover for Fargo area flood control projects. The House also included this section.
- Applies conditions on other Section 1 line items to identify \$593,320,273 appropriated to the State Water Commission for salaries and wages, operating expenses, capital assets, water supply - grants, rural water supply - grants, Mouse River flood control, flood control projects other than Fargo area flood control, including the Fargo Moorhead diversion, and general water - grants, may be used only for these purposes, and the appropriation of these funds are conditioned on the funds not being expended on Fargo area flood control projects, including the Fargo Moorhead diversion. The House version also included this section.
- Applies conditions on project carryover funds to identify \$308,333,818 appropriated to the State Water Commission for project carryover and provides that the funds may be used only for project carryover. The appropriation of these funds is conditioned on having no more than the amount the State Water Commission approved for Fargo area flood control, including the Fargo Moorhead diversion by April 1, 2019, expended from the project carryover funds on Fargo area flood control, including the Fargo Moorhead diversion. The House also included this section.
- Applies conditions on the Fargo area flood control, including the Fargo Moorhead diversion line item and funds within the project carryover line item, to limit the use of funds allocated to the Fargo Moorhead flood control project until the project has received a federal appropriation, an appropriation from the state of Minnesota, necessary permits from the State Engineer's office, and federal courts have approved construction on plan B of the project. The House also included this section.
- Provides legislative intent that the state provide a portion of the local cost-share of the Fargo flood control project not to exceed \$750 million and that the \$379.5 million yet to be designated by the state be provided as follows: \$66.5 million during the 2019-21, 2021-23, 2023-25, 2025-27, and 2027-29 bienniums, and \$47 million during the 2029-31 biennium. The House and the Senate versions included legislative intent of \$703 million.
- Provides that the Fargo flood control project must not cause a downstream Federal

Emergency Management Agency certified flood protection system in North Dakota to lose certification and requires the Fargo Moorhead Diversion Authority to take reasonable measures to mitigate downstream impacts to currently certified flood protection systems in North Dakota bordering the Red River resulting from the operations of the Fargo flood control project. The House also included this section.

- Provides legislative intent that the state provide no more than \$193 million of state funding for Mouse River flood control projects within the city limits of Minot during the 2017-19, 2019-21, 2021-23, and 2023-25 bienniums and that the state provided \$57,713,284 during the 2017-19 biennium, and the remaining to be designated over the 2019-21, 2021-23, and 2023-25 bienniums. The House also included this section.
- Provides legislative intent that the State Water Commission provide, in the form of a grant, up to \$13 million to the Garrison Diversion Conservancy District for the Red River Valley Water Supply Project, to initiate construction of Phase 1 prioritized project features, to the Garrison Diversion Conservancy District for the Red River Valley Water Supply Project during the 2019-21 biennium. The House also included this section.
- Provides legislative intent that the State Water Commission provide, in the form of a grant, up to \$30 million to the Garrison Diversion Conservancy District for the Red River Valley Water Supply Project during the 2019-21 and 2021-23 bienniums and that the State Water Commission provide state funding at a 75 percent state cost-share after June 30, 2021. The House version provided for a grant up to \$30 million for the Red River Valley Water Supply Project and that the state funding be at a 60 percent state cost-share after June 30, 2021. The Senate provided for a grant up to \$50 million for the Red River Valley Water Supply Project and that the state funding be at an 80 percent state cost-share after June 30, 2021.
- Provides the State Water Commission may provide up to \$1 million in grants to water resource districts to develop basinwide water plans. Neither the House nor the Senate version included this section.
- Amends North Dakota Century Code Section 61-02-78(3) to require the interest rate on loans made from the infrastructure loan fund to be the same rate as the safe drinking and water pollution control revolving loan funds. Neither the House nor the Senate included this section.
- Declares the bill to be an emergency measure, the same as the House version. The Senate did not include this section.

Engrossed SB 2020 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2221, as engrossed: Your conference committee (Sens. K. Roers, Meyer, Oban and Reps. Steiner, Rohr, Laning) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1166 and place SB 2221 on the Seventh order.

Engrossed SB 2221 was placed on the Seventh order of business on the calendar.

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-sixth and Sixty-eighth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

page 1174, line 26, replace "(3 YEAS, 3 NAYS, 0 ABSENT" with "(6 YEAS, 0 NAYS, 0 ABSENT"

page 1645, line 5, replace ", Hoverson, Vetter)" with ", Vetter, Hoverson)"

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. UNRUH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2211 as printed on SJ pages 1677-1680, which motion prevailed on a voice vote.

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 HB 1050, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

HB 1050: Sens. Dwyer, Myrdal, Bakke

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. K. ROERS MOVED that the conference committee report on Engrossed SB 2221 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2221, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Dwyer; Elkin; Erbele; Fors; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Piepkorn; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner

NAYS: Davison; Dotzenrod; Grabinger; Heckaman; Larsen, O.; Marcellais; Mathern; Oban; Poolman; Unruh

Reengrossed SB 2221 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. G. LEE MOVED that the conference committee report on Engrossed SB 2020 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2020, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to amend and reenact subsection 3 of section 61-02-78 and section 61-02-79 of the North Dakota Century Code, relating to the infrastructure revolving loan fund and the authorization of a Bank of North Dakota line of credit; to provide for Red River valley water supply requirements; to provide an exemption; to provide for a report to the legislative management; to provide conditions on appropriations; to provide a statement of legislative intent; to provide for a pilot project; 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 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bakke; Bekkedahl; Burckhard; Clemens; Davison; Dever; Dwyer; Erbele; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Anderson; Cook; Dotzenrod; Elkin; Fors; Kannianen; Lemm; Luick; Marcellais; Mathern; Myrdal

Reengrossed SB 2020 passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ERBELE MOVED that the conference committee report on Engrossed SB 2018 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2018, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; and to provide for a report to the legislative assembly.

ROLL CALL

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

Reengrossed SB 2018 passed.

MOTION

SEN. KLEIN MOVED that Sen. K. Roers replace Sen. Anderson on the Conference Committee on SB 2317, which motion prevailed on a voice vote.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2211, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2211: Sens. Unruh; Schaible; Piepkorn

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 2008: Reps. Brandenburg; Bellew; Mock

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 1439.

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 1202 and HB 1521, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1202: Reps. Lefor; Zubke; D. Anderson

HB 1521: Reps. Kasper; Louser; 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 1050: Sens. Dwyer; Myrdal; Bakke

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2018, SB 2221.

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: SB 2020.

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 1287, HB 1383, HB 1453, HB 1531.

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 1384, HB 1474.

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 1541.

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 1268.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1249.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1346.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: SB 2269.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2094, SB 2114.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1008, HB 1045, HB 1230, HB 1283, HB 1285, HB 1356, HB 1382, HB 1519.

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

MR. SPEAKER: The President has signed: SB 2007, SB 2037, SB 2040, SB 2078, SB 2090, SB 2100, SB 2102, SB 2195, SB 2245, SB 2247, SB 2249, SB 2258, SB 2261, SB 2342, SB 2358.

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

MR. SPEAKER: The President has signed: HB 1008, HB 1045, HB 1230, HB 1283, HB 1285, HB 1356, HB 1382, HB 1519.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 18, 2019: SB 2007, SB 2037, SB 2040, SB 2078, SB 2090, SB 2100, SB 2102, SB 2195, SB 2245, SB 2247, SB 2249, SB 2258, SB 2261, SB 2342, SB 2358.

MOTION

SEN. KLEIN MOVED that the absent member be excused, which motion prevailed.

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 8:00 a.m., Friday, April 19, 2019, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2017, as engrossed: Your conference committee (Sens. Oehlke, Wanzek, Grabinger and Reps. Howe, Brandenburg, Mock) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 595-596 and place SB 2017 on the Seventh order.

Engrossed SB 2017 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2033: Your conference committee (Sens. Davison, Vedaa, Oban and Reps. C. Johnson, Karls, P. Anderson) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 853 and place SB 2033 on the Seventh order.

SB 2033 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2306, as engrossed: Your conference committee (Sens. Meyer, K. Roers, Oban and Reps. Laning, Richter, Adams) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1137-1138, adopt amendments as follows, and place SB 2306 on the Seventh order:

That the House recede from its amendments as printed on pages 1137 and 1138 of the Senate Journal and pages 1263 and 1264 of the House Journal and that Engrossed Senate Bill No. 2306 be amended as follows:

Page 1, line 4, remove ", 43-51-11"

Page 1, line 5, remove "; to provide a"

Page 1, remove line 6

Page 1, line 7, replace "provide for a legislative management study" with "; and to provide for a report"

Page 3, remove the overstrike over lines 8 through 15

Page 3, line 16, remove the overstrike over "b."

Page 4, remove lines 7 through 20

Page 4, line 24, remove the overstrike over "~~or shall grant on a~~"

Page 4, line 25, remove the overstrike over "~~case-by-case basis exceptions to the board's licensing standards~~"

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, remove "two-year"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert:

- "5. If within thirty days of receipt of a completed application under subsection 1 the board does not grant or deny a license under subsection 1 or does not issue a provisional license or temporary permit under subsection 2, the board automatically shall issue a provisional license or temporary permit. A provisional license or temporary permit issued under this subsection remains valid until the board grants or denies the application for licensure under subsection 1 or issues a provisional license or temporary permit under subsection 2.
6. For purposes of this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners."

Page 6, after line 8 insert:

"1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert:

- "2. For purposes of this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners."

Page 6, line 14, remove "**LEGISLATIVE**"

Page 6, line 15, replace "**MANAGEMENT**" with "**DEPARTMENT OF COMMERCE**"

Page 6, line 17, replace "chapter 43-51" with "sections 43-51-11 and 43-51-11.1 and section 7 of this Act"

Page 6, line 17, after the comma insert "on a form developed by the department of commerce,"

Page 6, line 18, replace "legislative management" with "department of commerce"

Page 6, line 19, remove "Each board shall prepare and request introduction of a bill to the sixty-seventh"

Page 6, remove lines 20 through 29

ReNUMBER accordingly

Engrossed SB 2306 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1268, as engrossed: Your conference committee (Sens. Kannianen, J. Lee, Dotzenrod and Reps. Weisz, Devlin, Dobervich) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1342-1343, adopt amendments as follows, and place HB 1268 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1342 and 1343 of the House Journal and pages 1071 and 1072 of the Senate Journal and that Engrossed House Bill No. 1268 be amended as follows:

Page 1, line 1, after "reenact" insert "sections 11-28.3-09 and 23-46-04 and"

Page 1, line 2, after "service" insert "and ambulance service operations financial assistance"

Page 1, line 2, after the semicolon insert "and"

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

Page 1, line 4, remove "effective date; and to declare an emergency"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 11-28.3-09 of the North Dakota Century Code is amended and reenacted as follows:

11-28.3-09. Emergency medical service policy - Levy - Financial report.

1. The board of directors shall establish a general emergency medical service policy for the district and shall annually estimate the probable expense for carrying out that policy. The estimate shall be certified by the president and secretary to the proper county auditor or county auditors, on or before June thirtieth of each year. In the year for which the levy is sought, a board of directors of a rural ambulance service district seeking approval of a property tax levy under this chapter must file with the county auditor of the counties within the rural ambulance service district, at a time and in a format prescribed by the county auditors, a financial report for the preceding calendar year showing the ending balances of each fund held by the rural ambulance service district during that year. The board or boards of county commissioners may levy a tax not to exceed the mill rate approved by the electors of the district under section 11-28.3-04, and in no event exceeding a mill rate of ~~ten~~fifteen mills upon the taxable property within the district for the maintenance of the rural ambulance service district for the fiscal year as provided by law. A rural ambulance service district may be dissolved by approval of electors of the district as provided in section 11-28.3-13.
2. The tax levied for a rural ambulance service district shall be:

 - ~~1-~~ a. Collected as other taxes are collected in the county.
 - ~~2-~~ b. Turned over to the secretary-treasurer of the rural ambulance service district, who shall be bonded in the amount of at least five thousand dollars.
 - ~~3-~~ c. Deposited by the secretary-treasurer in a state or national bank in a district account.
 - ~~4-~~ d. Paid out upon warrants drawn upon the district account by authority of the board of directors of the district, bearing the signature of the secretary-treasurer and the countersignature of the president.
3. In no case shall the amount of the tax levy exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense, including the amount of principal and interest upon the indebtedness of the district for the ensuing year. The district may include in its operating budget no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated emergency medical services sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent emergency medical services sinking fund may be in addition to the actual annual operating budget, but the total of the annual operating budget and the annual ten percent emergency medical services sinking fund shall not exceed the amount of revenue that would be generated by application of the maximum mill levy approved by the electors.

SECTION 2. AMENDMENT. Section 23-46-04 of the North Dakota Century Code is amended and reenacted as follows:

23-46-04. State financial assistance for emergency medical services - Confidential information - Annual allocation.

Emergency medical services operations that request financial assistance from the state must provide requested fiscal information to the state department of health for use in financial assistance determinations. All information provided to the department under this section is confidential. The state department of health shall determine annually the allocation amount of state financial assistance for each emergency medical services funding area based on the department's determination of:

- 4- ~~The the~~ minimum annual funding necessary to operate the emergency medical services operation or service designated to operate in the ambulance funding area, based on the financial needs unique to each emergency medical services funding area.
- 2- ~~Required local matching funds commensurate with at least ten dollars-per capita within the emergency medical services funding area."~~

Page 1, line 10, replace "**EMERGENCY MEDICAL SERVICES**" with "**AMBULANCE SERVICE OPERATION**"

Page 1, line 12, after "health" insert ", in consultation with the emergency medical services advisory council,"

Page 1, line 13, replace "emergency medical services" with "ambulance service"

Page 1, line 15, after "\$60,000" insert ", or other base amount established by the department,"

Page 1, line 17, replace "\$1,100" with "the average cost of a run"

Page 1, line 21, replace "\$850" with "the average amount of reimbursement for a run"

Page 2, line 6, remove "or if the"

Page 2, line 7, remove "operation is not registered with the secretary of state"

Page 2, remove lines 8 and 9

Renumber accordingly

Engrossed HB 1268 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1287, as engrossed: Your conference committee (Sens. Rust, Schaible, Oban and Reps. Owens, Schreiber-Beck, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1419, adopt amendments as follows, and place HB 1287 on the Seventh order:

That the Senate recede from its amendments as printed on page 1419 of the House Journal and page 1173 of the Senate Journal and that Engrossed House Bill No. 1287 be amended as follows:

Page 1, line 3, after "program" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 1, line 22, remove "operated by a"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 5

Page 2, line 6, remove "certification"

Page 2, line 7, after "6." insert "An in-state alternative teacher certification program must operate in accordance with the procedures and program approval standards and requirements set by the board for teacher education programs for the licensure of educators.

7. An out-of-state alternative teacher certification program must:
- a. Operate in at least five states;
 - b. Have operated an alternative teacher certification program for at least ten years;
 - c. Require applicants to pass a subject area and pedagogy examination, known as the professional teaching knowledge examination, to receive certification; and
 - d. Allow an individual who obtains an initial or renewal license to teach in the subject areas of:
 - (1) Elementary education;
 - (2) Elementary education with a reading endorsement;
 - (3) English language arts;
 - (4) United States and world history;
 - (5) Mathematics;
 - (6) General science;
 - (7) Biology;
 - (8) Chemistry; and
 - (9) Physics.

8."

Page 2, line 10, replace "7." with "9."

Page 2, remove lines 22 through 31

Page 2, after line 31, insert:

"SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT. The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

Engrossed HB 1287 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1383, as reengrossed: Your conference committee (Sens. Schaible, Kreun, Piepkorn and Reps. Schreiber-Beck, Brandenburg, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1456-1458, adopt

amendments as follows, and place HB 1383 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1456-1458 of the House Journal and pages 1192-1194 of the Senate Journal and that Reengrossed House Bill No. 1383 be amended as follows:

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

Page 1, line 2, remove ", and a new section to chapter 49-22.1"

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

Page 1, line 5, replace "49-22.1-03, and 49-22.1-09" with "and subsection 4 of section 49-22-16"

Page 1, line 6, replace the second "and" with a comma

Page 1, line 8, after "routes" insert ", and state agency rules"

Page 1, line 8, replace "budget section" with "legislative management"

Page 1, line 20, overstrike "One individual appointed by the lignite energy council;"

Page 1, line 21, overstrike "g."

Page 1, line 22, overstrike "h." and insert immediately thereafter "g."

Page 1, overstrike line 23

Page 1, line 24, overstrike "j." and insert immediately thereafter "h."

Page 2, line 1, overstrike "k." and insert immediately thereafter "i."

Page 2, line 2, replace "l" with "j"

Page 2, line 3, replace "m." with "k."

Page 2, line 4, replace "n." with:

l. The chairman of the public service commission or the chairman's designee;

m. The state engineer or the state engineer's designee;

n. The director of the game and fish department, or the director's designee;

o. The director of the department of transportation, or the director's designee;

p. The director of the department of environmental quality, or the director's designee;

q.

Page 2, line 4, remove "and"

Page 2, line 6, replace "o." with "r."

Page 2, line 6, after "cooperatives" insert: "; and

s. Two individuals from the energy community appointed by the commissioner"

Page 2, line 9, replace "**budget section**" with "**legislative management**"

Page 2, line 11, remove "The moneys accumulated in the environmental impact mitigation fund must be"

Page 2, line 12, replace "allocated as provided by law and as appropriated by the legislative assembly" with "There is created in the state treasury the environmental impact mitigation fund. The fund consists of all moneys deposited in the fund under section 5 of this Act. All moneys in the fund are appropriated to the commissioner on a continuing basis"

Page 2, line 13, remove the underscored colon

Page 2, remove lines 14 and 15

Page 2, line 16, replace "b. To" with "to"

Page 2, line 16, remove "energy"

Page 2, line 17, remove "; and"

Page 2, remove line 18

Page 2, line 19, replace "wetlands" with "as set forth under subsection 2"

Page 2, line 21, remove ", wildlife biologists,"

Page 2, replace lines 22 through 26 with "or engineers for relevant services to implement mitigation required from the impact of development; and"

Page 2, line 27, remove ", restoration,"

Page 2, line 27, remove "land, water resources, or wildlife"

Page 2, line 28, replace "habitats adversely impacted directly by energy" with "adverse impacts from"

Page 2, line 28, remove "; and"

Page 2, remove line 29

Page 2, line 30, remove "as determined by the advisory board"

Page 3, line 8, remove "at least one regular meeting each year and additional"

Page 3, line 16, remove "budget section of the"

Page 3, line 17, remove "All moneys in the environmental impact mitigation fund are appropriated to the"

Page 3, line 18, replace "commissioner on a continuing basis for the purposes set forth under subsection 2" with "For purposes of this section, the environmental impact mitigation fund is not subject to subsection 2 of section 4.1-01-18"

Page 4, after line 21, insert:

"1."

Page 4, remove the overstrike over lines 22 and 23

Page 4, line 24, remove "1. To"

Page 4, line 24, remove "in"

Page 4, line 24, remove ", the commission"

Page 4, line 25, remove "shall consider"

Page 5, line 3, remove the overstrike over "~~and indirect~~"

Page 5, line 18, remove "In the evaluation and designation of sites, corridors, and routes, the commission may"

Page 5, replace lines 19 through 23 with "The commission may not condition the issuance of a certificate or permit on the applicant providing a mitigation payment assessed or requested by another state agency or entity to offset a negative impact on wildlife habitat."

Page 5, line 27, replace "If an applicant elects to provide" with "An applicant may elect to provide"

Page 5, line 28, replace "impact" with "impacts"

Page 5, line 28, remove ", the applicant shall"

Page 5, line 29 remove "make the payment to the agriculture commissioner"

Page 5, line 29, after the underscored period insert "The applicant may elect to provide the payment to the agriculture commissioner."

Page 6, line 1, replace "Subject to subsection 3, the" with "The"

Page 6, remove lines 4 through 31

Page 7, remove lines 1 through 30

Page 8, replace lines 1 through 10 with:

"SECTION 6. AMENDMENT. Subsection 4 of section 49-22-16 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~No~~A site or route ~~shall~~may not be designated which violates the rules of any state agency. A state agency with jurisdiction over any aspect of a proposed facility shall present the position of the agency at least thirty days before the public hearing on an application for a certificate, a permit, or a waiver, which position ~~shall~~ clearly must state whether the site, corridor, or route being considered for designation will be in compliance with ~~such~~the agency's rules. For purposes of this chapter it ~~shall be~~ presumed that a proposed facility will be in compliance with a state agency's rules if ~~such~~the agency fails to present its position on the proposed site, corridor, or route at least thirty days before the appropriate public hearing."

Renumber accordingly

Reengrossed HB 1383 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1384: Your conference committee (Sens. Kannianen, Cook, Dotzenrod and Reps. Steiner, Dockter, Headland) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1734 and place HB 1384 on the Seventh order.

HB 1384 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1453, as engrossed: Your conference committee (Sens. Myrdal, Dwyer, Bakke and Reps. Karls, McWilliams, Paur) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1441-1442, adopt amendments as follows, and place HB 1453 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1441 and 1442 of the House Journal and page 1195 of the Senate Journal and that Engrossed House Bill No.

1453 be amended as follows:

Page 4, line 5, remove "within the next thirty days there is"

Page 4, line 6, remove "one or more of the following"

Page 4, line 8, remove the overstrike over the overstruck semicolon

Page 4, line 8, remove the underscored period

Page 4, line 9, remove the overstrike over "~~or inflicting significant~~"

Page 4, line 10, remove the overstrike over "~~property damage~~"

Page 4, line 10, remove the overstrike over the overstruck semicolon

Page 4, line 10, remove "that may cause harm or"

Page 4, remove line 11

Page 4, line 12, remove "Inflicting significant property damage, as manifested by acts or threats."

Page 4, remove lines 13 and 14

Page 4, line 15, remove "e."

Page 4, line 17, remove the overstrike over "~~nutrition~~"

Page 4, line 17, remove "nourishment, self protection, essential health care"

Page 4, line 17, remove the overstrike over "~~;-or~~"

Page 4, line 17, remove the underscored period

Page 4, line 18, remove the overstrike over " ~~d.~~"

Page 4, line 18, remove "f."

Page 4, line 23, overstrike the first comma and insert immediately thereafter "or"

Page 4, line 23, overstrike ", or"

Page 4, line 23, remove "omissions"

Page 4, line 25, remove the overstrike over "~~ability to~~"

Page 4, line 25, remove underscored colon

Page 4, remove lines 26 and 27

Page 4, line 28, remove "(c) Ability to"

Page 9, line 30, after the boldfaced hyphen insert "**REPORT -**"

Page 10, line 6, remove "and"

Page 10, line 7, after "b." insert "Law enforcement has the authority to confiscate a weapon from an individual who appears to be at serious risk of harm and whether this is applied uniformly by law enforcement across the state;

c."

Page 10, line 9, after "enforcement" insert "; and

- d. There is a lack of uniformity in how early intervention and civil commitment is implemented across the state, and to the extent there may be a lack of uniformity, to what this lack of uniformity is attributable to and whether education and training of stakeholders may help facilitate more uniformity"

Page 10, line 10, after "2." insert "If the legislative management conducts this study, the judicial branch shall provide the legislative management with court data necessary to conduct the study, including data from each of the counties in the state regarding civil commitment proceedings and outcomes.

3."

Renumber accordingly

Engrossed HB 1453 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1474, as engrossed: Your conference committee (Sens. Meyer, Kannianen, Dotzenrod and Reps. Dockter, B. Koppelman, Guggisberg) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1284 and place HB 1474 on the Seventh order.

Engrossed HB 1474 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1531, as engrossed: Your conference committee (Sens. Rust, Davison, Oban and Reps. Owens, Zubke, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1419-1420, adopt amendments as follows, and place HB 1531 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1419 and 1420 of the House Journal and page 1175 of the Senate Journal and that Engrossed House Bill No. 1531 be amended as follows:

Page 1, line 3, after "criteria" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 1, line 21, remove "part-time"

Page 1, line 21, after "education" insert ", special education"

Page 1, line 22, replace "has a" with ":

a. Has a"

Page 1, line 23, replace ", has" with ":

b. Has"

Page 1, line 23, replace ", and:" with an underscored semicolon

Page 2, line 1, replace "a." with "c."

Page 2, line 1, replace "two" with "four"

Page 2, line 1, after "hours" insert "over five years"

Page 2, line 1, remove "in the"

Page 2, line 2, remove "preceding five years"

Page 2, line 2, after the underscored semicolon insert "and"

Page 2, line 3, replace "b." with "(1)"

Page 2, line 4, replace "c." with "(2)"

Page 2, line 5, remove "part-time"

Page 2, after line 13, insert:

"6. The board may adopt rules to administer teaching permits under this section.

7. The board of a school district may terminate the employment of an individual with a teaching permit issued under this section at will.

SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT. The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

Engrossed HB 1531 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1541, as engrossed: Your conference committee (Sens. Luick, Myrdal, Bakke and Reps. Paulson, Karls, Vetter) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1377, adopt amendments as follows, and place HB 1541 on the Seventh order:

That the Senate recede from its amendments as printed on page 1377 of the House Journal and page 1096 of the Senate Journal and that Engrossed House Bill No. 1541 be amended as follows:

Page 2, line 1, replace "Provide" with "In coordination with the superintendent of public instruction, provide"

Page 2, line 1, after "information" insert "and training annually"

Page 2, line 1, after "to" insert "all school district personnel."

Page 2, line 1, after "teachers" insert an underscored comma

Page 2, line 2, after "prevention" insert ". To reach as many teachers, administrators, and staff members as possible, the training must be provided at professional development conferences, professional development days, and other appropriate events"

Renumber accordingly

Engrossed HB 1541 was placed on the Seventh order of business on the calendar.

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

Shanda Morgan, Secretary