

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, April 23, 2019

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

The prayer was offered by Dr. Leanne Simmons, First Presbyterian Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

REPORT OF CONFERENCE COMMITTEE

SB 2005, as engrossed: Your conference committee (Sens. Bekkedahl, Dever, Robinson and Reps. Bellew, Kempenich, Beadle) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1443-1444, adopt amendments as follows, and place SB 2005 on the Seventh order:

That the House recede from its amendments as printed on pages 1443 and 1444 of the Senate Journal and pages 1573 and 1574 of the House Journal and that Engrossed Senate Bill No. 2005 be amended as follows:

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

Page 1, line 3, after "treasurer" insert "; and to provide for a report"

Page 1, line 7, after the second comma insert "and from special funds derived from the strategic investment and improvements fund"

Page 1, replace lines 12 through 15 with:

| | | | |
|-------------------------|----------------|----------------|----------------|
| "Salaries and wages | \$1,316,139 | \$67,002 | \$1,383,141 |
| Operating expenses | 251,260 | (24,031) | 227,229 |
| Coal severance payments | <u>180,000</u> | <u>(9,000)</u> | <u>171,000</u> |
| Total all funds | \$1,747,399 | \$33,971 | \$1,781,370 |
| Less estimated income | <u>0</u> | <u>35,000</u> | <u>35,000</u> |
| Total general fund | \$1,747,399 | (\$1,092) | \$1,746,370" |

Page 1, after line 16, insert:

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

| <u>One-Time Funding Description</u> | <u>2017-19</u> | <u>2019-21</u> |
|-------------------------------------|----------------|-----------------|
| Information technology costs | <u>\$0</u> | <u>\$35,000</u> |
| Total special funds | <u>\$0</u> | <u>\$35,000</u> |

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

SECTION 3. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The operating expenses line item and the estimated income line item in section 1 of this Act include \$35,000 from the strategic investment and improvements fund for information technology costs."

Page 1, line 23, replace "one hundred eleven thousand one hundred twenty-two" with "one hundred ten thousand five hundred eighty-two"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2005 - State Treasurer - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-------------------------|-------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Salaries and wages | \$1,316,139 | \$1,380,797 | \$2,344 | \$1,383,141 | \$1,368,557 | \$14,584 |
| Operating expenses | 251,260 | 192,229 | 35,000 | 227,229 | 227,229 | |
| Coal severance payments | 180,000 | 171,000 | | 171,000 | 171,000 | |
| Total all funds | \$1,747,399 | \$1,744,026 | \$37,344 | \$1,781,370 | \$1,766,786 | \$14,584 |
| Less estimated income | 0 | 0 | 35,000 | 35,000 | 35,000 | 0 |
| General fund | \$1,747,399 | \$1,744,026 | \$2,344 | \$1,746,370 | \$1,731,786 | \$14,584 |
| FTE | 7.00 | 7.00 | 0.00 | 7.00 | 7.00 | 0.00 |

Department 120 - State Treasurer - Detail of Conference Committee Changes

| | Adjusts Funding for Salary Increases ¹ | Adjusts Funding for Salary Equity Increase to State Treasurer ² | Adds Funding for Information Technology Costs ³ | Total Conference Committee Changes |
|-------------------------|---------------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------|------------------------------------|
| Salaries and wages | \$2,381 | (\$37) | | \$2,344 |
| Operating expenses | | | \$35,000 | 35,000 |
| Coal severance payments | | | | |
| Total all funds | \$2,381 | (\$37) | \$35,000 | \$37,344 |
| Less estimated income | 0 | 0 | 35,000 | 35,000 |
| General fund | \$2,381 | (\$37) | \$0 | \$2,344 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

¹ Funding is adjusted to provide 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 a 2.5 percent salary increase 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 Funding is adjusted to provide a salary equity increase of \$14,584 to the State Treasurer to align the State Treasurer's salary with the salary of the State Auditor, the same level as the Senate. The \$37 reduction relates to the 2nd year salary increase on the equity increase. The Senate provided a 2nd year salary increase of 3 percent and the Conference Committee is providing for a 2.5 percent 2nd year increase. The House did not provide a salary equity increase for the State Treasurer's salary.

³ One-time funding of \$35,000 is added from the strategic investment and improvements fund for information technology costs related to changes in the oil and gas tax revenue allocation formulas. The Senate did not include funding for these information technology costs.

This amendment also:

- Adds a section to identify \$35,000 from the strategic investment and improvements fund for information technology costs, the same as the House version. The Senate did not include funding from the strategic investment and improvements fund.
- Includes a section to provide the statutory changes necessary to provide a salary equity increase to the State Treasurer of \$5,889 per year, increasing the current annual salary of \$99,881 to \$105,770 and to increase the salary to \$107,885 (2 percent) in fiscal year 2020 and to \$110,582 (2.5 percent) in fiscal year 2021. The salary equity increase aligns the State Treasurer's salary with the salary of the State Auditor, the same level as the Senate version. The House provided a 2 percent in fiscal year 2020 and a 2.5 percent in fiscal year 2021 without an equity increase.

Engrossed SB 2005 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BEKKEDAHL MOVED that the conference committee report on Engrossed SB 2005 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2005, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer; and to provide for a report.

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; Dotzenrod; Dwyer; Erbele; Grabinger; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Elkin; Fors; Heckaman; Hogan; Larsen, O.; Myrdal

Reengrossed SB 2005 passed.

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.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2005.

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 1157, HB 1202.

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 2022, SB 2140, SB 2146.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1007, HB 1022, HB 1171, HB 1234, HB 1384, HB 1435, HB 1453, HB 1474, HB 1517, HB 1531.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 23, 2019: SB 2017, SB 2216, SB 2306, SB 2321.

REPORT OF CONFERENCE COMMITTEE

SB 2293, as engrossed: Your conference committee (Sens. Cook, Oehlke, Piepkorn and Reps. Howe, D. Anderson, Zubke) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1492-1496, adopt amendments as follows, and place SB 2293 on the Seventh order:

That the House recede from its amendments as printed on pages 1492-1496 of the Senate Journal and pages 1647-1651 of the House Journal and that Engrossed Senate Bill No. 2293 be amended as follows:

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

Page 1, line 2, after "20.1-03" insert ", and a new section to chapter 20.1-13"

Page 1, line 3, after "fishing" insert ", combination,"

Page 1, line 3, after "licenses" insert "and requiring aquatic nuisance species fees for motorboats"

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

Page 1, line 4, after "20.1-02-16.1" insert "and 20.1-03-12"

Page 1, line 5, after "fund" insert "and aquatic nuisance species fees for motorboats"

Page 1, line 5, replace the second "and" with "to provide a penalty;"

Page 1, line 5, replace "a continuing" with "an"

Page 1, line 5, after "appropriation" insert "; to provide for a transfer; to provide an exemption; to provide an effective date; and to declare an emergency"

Page 1, line 9, remove "- **Continuing appropriation**"

Page 1, line 11, after "transfers" insert "and deposits"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and section 5"

Page 1, line 12, remove "All moneys in the fund are appropriated to the game and fish department for use in aquatic"

Page 1, remove line 13

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 7 with:

"SECTION 3. AMENDMENT. Section 20.1-03-12 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-12. Schedule of fees for licenses and permits.

The fees collected under this section for licenses and permits must be deposited with the state treasurer and credited to the game and fish fund, except aquatic nuisance species fees must be deposited with the state treasurer and credited to the aquatic nuisance species program fund. Forty-five dollars of each nonresident big game hunting license fee must be used for the private land initiative. The various license and permit fees are as follows:

1. For a resident, age sixteen and over, small game hunting license, ten dollars.
2. For a nonresident small game hunting license, one hundred dollars.
3. For a resident big game hunting license, thirty dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
4. Except for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents under subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, two hundred fifty dollars, and for a nonresident bow license, two hundred fifty dollars, and a nonrefundable five dollar application fee must accompany any lottery license fee under this subsection, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1. For a nonresident who participates on

the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, fifty dollars.

5. For a resident fur-bearer license, fifteen dollars.
6. For a resident fishing license, sixteen dollars, except that for a resident sixty-five years or over, a resident totally or permanently disabled, or a resident disabled veteran who has a fifty percent service-connected disability as determined by the department of veterans' affairs or has an extra-schedular rating to include individual unemployability that brings the veteran's total disability ratio to fifty percent, the license fee is five dollars.
7. For a nonresident fishing license, forty-five dollars.
8. For a resident husband and wife fishing license, twenty-two dollars.
9. For a nonresident nongame hunting license, fifteen dollars.
10. For a resident wild turkey permit, fifteen dollars.
11. For an annual general game license, three dollars.
12. For a license to a nonresident buyer or shipper of green furs, or that person's agent, the amount that the nonresident buyer or shipper of green furs would pay for a nonresident buyer or shipper of green furs license or comparable license in that person's state of residence, or fifty dollars, whichever is greater.
13. For a license to a resident buyer or shipper of green furs, eight dollars for each place of business maintained by that person within this state.
14. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
15. For an annual license to practice taxidermy, twenty-five dollars.
16. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than that person's home or to points outside this state, three dollars.
17. For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.
18. For a motorboat certificate of number and license: Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, eighteen dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in length, excluding canoes, thirty-six dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, forty-five dollars.
19. For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine of fifty feet [15.24 meters] or any fraction thereof.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
23. For an annual license to sell minnows or other live bait at retail, fifteen dollars, except the fee is seventy-five dollars if white suckers are sold.

24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.
37. For a nonresident swan license, thirty dollars.
38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
42. For a commercial clam dealer's permit, two thousand dollars. In addition, the applicant shall submit to the director a surety bond in the sum of two thousand dollars.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.
44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
47. For a resident certificate fee, one dollar, and for a nonresident certificate fee, two dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.

51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

Page 2, line 10, after "**Fishing**" insert "**, combination,**"

Page 2, line 11, replace "three" with "two"

Page 2, line 11, after "license" insert "and combination license"

Page 2, line 12, replace the first "a" with "the"

Page 2, line 12, remove "who is"

Page 2, line 12, after "older" insert "license"

Page 2, line 12, after "disabled" insert "license"

Page 2, line 13, after "veteran" insert "license"

Page 2, line 14, replace "six" with "three"

Page 2, after line 17, insert:

"SECTION 5. A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

Operation of motorboat without payment of aquatic nuisance species fee prohibited - Penalty.

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
 - a. For each motorboat licensed in this state, the fee is due at the time of motorboat licensure.
 - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner shall pay the fee and, after payment of the fee, must be issued an aquatic nuisance species sticker from the department. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person that violates this section is guilty of a class 2 noncriminal offense.

SECTION 6. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER - EXEMPTION. There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so

much of the sum as may be necessary, to the game and fish department for the purpose of administering aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department shall transfer moneys deposited in the aquatic nuisance species program fund to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

SECTION 7. APPROPRIATION - AQUATIC NUISANCE SPECIES PROGRAM FUND. There is appropriated out of any moneys in the aquatic nuisance species program fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the game and fish department for use in aquatic nuisance species education, inspection, and monitoring programs under chapter 20.1-17, for the period beginning with the effective date of this Act, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose.

SECTION 8. EFFECTIVE DATE. Section 3 of this Act becomes effective on January 1, 2020.

SECTION 9. EFFECTIVE DATE. Section 4 of this Act becomes effective on April 1, 2020.

SECTION 10. EMERGENCY. Sections 6 and 7 of this Act are declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2293 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2345, as engrossed: Your conference committee (Sens. Luick, O. Larsen, Hogan and Reps. D. Johnson, Dobervich, Trottier) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1344-1349, adopt amendments as follows, and place SB 2345 on the Seventh order:

That the House recede from its amendments as printed on pages 1344-1349 of the Senate Journal and pages 1539-1544 of the House Journal and that Engrossed Senate Bill No. 2345 be amended as follows:

Page 1, line 1, after the first comma insert "11-33-22,"

Page 1, line 1, remove the second "and"

Page 1, line 2, after "58-03-11.1" insert ", and 58-03-17"

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

Page 4, line 1, overstrike "vary by more than fifty"

Page 4, line 2, overstrike "percent from" and insert immediately thereafter "exceed"

Page 4, line 3, after "23-25-11" insert "unless the county can demonstrate compelling objective evidence specific to the county which requires a greater setback within the county, in which case the setbacks may exceed those established in subdivision a of subsection 7 of section 23-25-11 by no more than fifty percent. If a setback under this subsection is greater than the corresponding setback established in subdivision a of subsection 7 of section 23-25-11, a person whose animal feeding operation will be or has been affected by the applicable county ordinance may request the agriculture commissioner review the ordinance. After the review, the agriculture commissioner shall provide a summary of the review to the attorney

general and request an opinion from the attorney general regarding whether the ordinance and setback are lawful"

Page 4, line 11, after the underscored period insert "The petition must contain a description of the nature, scope, and location of the proposed animal feeding operation and a site map showing road access, the location of any structure, and the distance from each structure to the nearest section line."

Page 4, line 13, after the underscored period insert "If the county allows animal feeding operations as a conditional use, the conditional use regulations must be limited to the board's authority under this section, and the approval process must comply with this section. The county shall make a decision on the application within sixty days of the receipt of a complete conditional use permit application."

Page 4, line 16, after "provided" insert "an application is submitted promptly to the state department of health, the department issues a final permit, and"

Page 4, line 17, replace "five" with "three"

Page 4, line 17, remove "of the"

Page 4, line 18, replace "board's determination or failure to object" with "the department issues its final permit and any permit appeals are exhausted. A board of county commissioners may not:

- a. Regulate or impose zoning restrictions or requirements on animal feeding operations or other agricultural operations except as expressly permitted under this section; or
- b. Impose water quality, closure, site security, lagoon, or nutrient plan regulations or requirements on animal feeding operations"

Page 7, line 6, overstrike "vary by more than fifty"

Page 7, line 7, overstrike "percent from" and insert immediately thereafter "exceed"

Page 7, line 8, after "23.1-06-15" insert "unless the county can demonstrate compelling, objective evidence specific to the county which requires a greater setback within the county, in which case the setbacks may exceed those established in subdivision a of subsection 7 of section 23.1-06-15 by no more than fifty percent. If a setback under this subsection is greater than the corresponding setback established in subdivision a of subsection 7 of section 23.1-06-15, a person whose animal feeding operation will be or has been affected by the applicable county ordinance may request the agriculture commissioner review the ordinance. After the review, the agriculture commissioner shall provide a summary of the review to the attorney general and request an opinion from the attorney general regarding whether the ordinance and setback are lawful"

Page 7, line 16, after the underscored period insert "The petition must contain a description of the nature, scope, and location of the proposed animal feeding operation and a site map showing road access, the location of any structure, and the distance from each structure to the nearest section line."

Page 7, line 18, after the underscored period insert "If the county allows animal feeding operations as a conditional use, the conditional use regulations must be limited to the board's authority under this section, and the approval process must comply with this section. The county shall make a decision on the application within sixty days of the receipt of a complete conditional use permit application."

Page 7, line 22, after "provided" insert "an application is submitted promptly to the state department of health, the department issues a final permit, and"

Page 7, line 23, replace "five" with "three"

Page 7, line 23, replace "of the board's determination or failure to object" with "the department issues its final permit and any permit appeals are exhausted. A board of county commissioners may not:

- a. Regulate or impose zoning restrictions or requirements on animal feeding operations or other agricultural operations except as expressly permitted under this section; or
- b. Impose water quality, closure, site security, lagoon, or nutrient plan regulations or requirements on animal feeding operations"

Page 7, after line 23, insert:

"SECTION 2. AMENDMENT. Section 11-33-22 of the North Dakota Century Code is amended and reenacted as follows:

11-33-22. Regulation of ~~concentrated~~ animal feeding operations - Central repository.

- 1. Any zoning regulation that pertains to ~~a concentrated~~an animal feeding operation, ~~as defined in section 11-33-02.1,~~ and which is promulgated by a county after July 31, 2007, is not effective until filed with the state department of health for inclusion in the central repository established under section 23-01-30. Any zoning regulation that pertains to ~~concentrated~~ animal feeding operations and which was promulgated by a county before August 1, 2007, may not be enforced until the regulation is filed with the state department of health for inclusion in the central repository.
- 2. For purposes of this section:
 - a. ~~"Concentrated animal feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle.~~
 - b. ~~"Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.~~

(Contingent effective date - See note) Regulation of ~~concentrated~~ animal feeding operations - Central repository.

- 1. Any zoning regulation that pertains to ~~a concentrated~~an animal feeding operation ~~and, as defined in section 11-33-02.1,~~ is not effective until filed with the department of environmental quality for inclusion in the central repository established under section 23.1-01-10.
- 2. For purposes of this section:
 - a. ~~"Concentrated animal feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle.~~
 - b. ~~"Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts."~~

Page 12, line 8, after "58-03-11.1" insert ", unless the animal feeding operation is in existence by January 1, 2019, and there is no change in animals or animal units which would result in an increase in the setbacks provided for in this section"

Page 12, line 9, after "additional" insert "odor"

Page 12, line 13, replace "five" with "three"

Page 12, line 13, replace "application is submitted" with "final permit is issued and any permit appeals are exhausted"

Page 12, line 15, after "operation" insert "or there is a change in animal units which would result in an increase in the setbacks under this section"

Page 17, line 8, after "58-03-11.1" insert ", unless the animal feeding operation is in existence by January 1, 2019, and there is no change in animals or animal units which would result in an increase in the setbacks provided for in this section"

Page 17, line 9, after "additional" insert "odor"

Page 17, line 13, replace "five" with "three"

Page 19, line 14, replace "23-23-11" with "23-25-11"

Page 20, line 11, overstrike "vary by more than fifty"

Page 20, line 12, overstrike "percent from" and insert immediately thereafter "exceed"

Page 20, line 13, after "23-25-11" insert "unless the township can demonstrate compelling, objective evidence specific to the township which requires a greater setback within the township, in which case the setbacks may exceed those established in subdivision a of subsection 7 of section 23-25-11 by no more than fifty percent. If a setback under this subsection is greater than the corresponding setback established in subdivision a of subsection 7 of section 23-25-11, a person whose animal feeding operation will be or has been affected by the applicable township ordinance may request the agriculture commissioner review the ordinance. After the review, the agriculture commissioner shall provide a summary of the review to the attorney general and request an opinion from the attorney general regarding whether the ordinance and setback are lawful"

Page 20, line 21, after the underscored period insert "The petition must contain a description of the nature, scope, and location of the proposed animal feeding operation and a site map showing road access, the location of any structure, and the distance from each structure to the nearest section line."

Page 20, line 23, after the underscored period insert "If the township allows animal feeding operations as a conditional use, the conditional use regulations must be limited to the board's authority under this section, and the approval process must comply with this section. The township shall make a decision on the application within sixty days of the receipt of a complete conditional use permit application."

Page 20, line 26, after "provided" insert "an application is submitted promptly to the state department of health, the department issues a final permit, and"

Page 20, line 27, replace "five" with "three"

Page 20, line 27, remove "of the"

Page 20, line 28, replace "board's determination or failure to object" with "the department issues its final permit and any permit appeals are exhausted. A board of township supervisors may not:

- a. Regulate or impose zoning restrictions or requirements on animal feeding operations or other agricultural operations except as expressly permitted under this section; or

- b. Impose water quality, closure, site security, lagoon, or nutrient plan regulations or requirements on animal feeding operations"

Page 21, line 1, overstrike "Concentrated" and insert immediately thereafter "Animal"

Page 21, line 1, overstrike "any livestock feeding, handling, or"

Page 21, overstrike lines 2 through 4

Page 21, line 5, overstrike "cattle" and insert immediately thereafter "a lot or facility, other than normal wintering operations for cattle and an aquatic animal production facility, where the following conditions are met:

- (1) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and
- (2) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility"

Page 23, line 9, overstrike "vary by more than fifty"

Page 23, line 10, overstrike "percent from" and insert immediately thereafter "exceed"

Page 23, line 11, after "23.1-06-15" insert "unless the township can demonstrate compelling, objective evidence specific to the township which requires a greater setback within the township, in which case the setbacks may exceed those established in subdivision a of subsection 7 of section 23.1-06-15 by no more than fifty percent. If a setback under this subsection is greater than the corresponding setback established in subdivision a of subsection 7 of section 23.1-06-15, a person whose animal feeding operation will be or has been affected by the applicable township ordinance may request the agriculture commissioner review the ordinance. After the review, the agriculture commissioner shall provide a summary of the review to the attorney general and request an opinion from the attorney general regarding whether the ordinance and setback are lawful"

Page 23, line 19, after the underscored period insert "The petition must contain a description of the nature, scope, and location of the proposed animal feeding operation and a site map showing road access, the location of any structure, and the distance from each structure to the nearest section line."

Page 23, line 21, after the underscored period insert "If the township allows animal feeding operations as a conditional use, the conditional use regulations must be limited to the board's authority under this section, and the approval process must comply with this section. The township shall make a decision on the application within sixty days of the receipt of a complete conditional use permit application."

Page 23, line 25, after "provided" insert "an application is submitted promptly to the state department of health, the department issues a final permit, and"

Page 23, line 26, replace "five" with "three"

Page 23, line 26, remove "of the board's determination or failure to"

Page 23, line 27, replace "object" with "the department issues its final permit and any permit appeals are exhausted. A board of township supervisors may not:

- a. Regulate or impose zoning restrictions or requirements on animal feeding operations or other agricultural operations except as expressly permitted under this section; or
- b. Impose water quality, closure, site security, lagoon, or nutrient plan regulations or requirements on animal feeding operations"

Page 23, after line 27, insert:

"SECTION 6. AMENDMENT. Section 58-03-17 of the North Dakota Century Code is amended and reenacted as follows:

58-03-17. Regulation of concentrated animal feeding operations - Central repository.

- 4- Any zoning regulation that pertains to a ~~concentrated~~an animal feeding operation, ~~as defined in section 58-03-11.1,~~ and which is promulgated by a township after July 31, 2007, is not effective until filed with the state department of health for inclusion in the central repository established under section 23-01-30. Any zoning regulation that pertains to a concentrated animal feeding operation and which was promulgated by a county or a township before August 1, 2007, may not be enforced until the regulation is filed with the state department of health for inclusion in the central repository.
- 2- For purposes of this section:
 - a- ~~"Concentrated animal feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle.~~
 - b- ~~"Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.~~

(Contingent effective date - See note) Regulation of concentrated animal feeding operations - Central repository.

- 4- Any zoning regulation that pertains to a ~~concentrated~~an animal feeding operation and which is promulgated by a township after July 31, 2007, as defined in section 58-03-11.1, is not effective until filed with the department of environmental quality for inclusion in the central repository established under section 23.1-01-10. Any zoning regulation that pertains to a concentrated animal feeding operation and which was promulgated by a county or a township before August 1, 2007, may not be enforced until the regulation is filed with the department of environmental quality for inclusion in the central repository.
- 2- For purposes of this section:
 - a- ~~"Concentrated animal feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle.~~
 - b- ~~"Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.~~

SECTION 7. REPORT TO THE LEGISLATIVE MANAGEMENT - PERMIT APPLICATION APPROVALS AND DENIALS. On or before October 1, 2020, the department of environmental quality shall provide a report to the legislative management on all animal feeding operation permit applications approved or denied by the department, including the relevant county and township zoning and setback determinations, and related issues during the first full year of the 2019-21 biennium. Through October 1, 2020, all local government entities that review animal feeding operation permit applications shall report to the department of environmental quality

each permit approval and denial within thirty days of the decision to approve or deny the application."

Page 23, line 29, after "1" insert ", 2, 5,"

Page 23, line 29, replace "4" with "6"

Page 24, line 3, after "1" insert ", 2, 5,"

Page 24, line 3, replace "4" with "6"

Page 24, line 10, after "1" insert ", 2, 5,"

Page 24, line 10, replace "4" with "6"

Renumber accordingly

Engrossed SB 2345 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1157, as engrossed: Your conference committee (Sens. J. Roers, Kreun, Piepkorn and Reps. Bosch, Lefor, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1489-1496, adopt amendments as follows, and place HB 1157 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1489-1496 of the House Journal and pages 1238-1245 of the Senate Journal and that Engrossed House Bill No. 1157 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 43-09-01, 43-09-05, 43-09-09, 43-09-09.2, 43-09-10, 43-09-11, 43-09-12, 43-09-13.2, 43-09-15, 43-09-15.1, 43-09-16, 43-09-18, 43-09-20, 43-09-21, 43-09-22, and 43-09-23 of the North Dakota Century Code, relating to regulation by the state electrical board; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-09-01 of the North Dakota Century Code is amended and reenacted as follows:

43-09-01. Definitions.

In this chapter, unless the context or subject matter otherwise requires:

1. "Apprentice electrician" means ~~a person~~ an individual who is learning the trade under the personal supervision of a state-licensed electrician.
2. "Board" means the state electrical board.
3. "Class B electrician" means ~~a person having~~ an individual who has the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work, ~~and shall have~~ who has eighteen months' experience in farmstead or residential wiring, and ~~shall have~~ passed an examination before the state electrical board based upon the national electrical code as it applies to farmstead or residential wiring.
4. "Journeyman electrician" means ~~a person having~~ an individual who has the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment and power limited systems in accordance with the standard rules and regulations governing such work.

5. "Licensee" means an individual who holds a valid license issued by the board.
6. "Master electrician" means a person having an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, lay out, and supervise the installation and repair of electrical wiring apparatus, and equipment for electric light, heat, and power and power limited systems, in accordance with the standard rules and regulations governing such work.
7. "Nonelectrical system" means a system as defined by the articles contained in chapter 8 and other articles which contains class II or class III circuits and systems as defined by the national electrical code, as adopted by the board. Although the board may expand this definition, the board may not narrow this definition. The term does not include a circuit or system that is installed:
 - a. Within an area of special occupancies, as defined under articles 500 through 517 of the national electrical code.
 - b. For heat, light, or power.
 - c. For the control of heat, light, or power, unless the circuit or system employs digital communication.
8. "Power limited electrician" means an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, layout, and supervise the installation and repair of a power limited system.
9. "Power limited system" means a system as defined by the articles contained in chapter 8 and other articles which contains class II or class III circuits and systems as defined by the national electrical code, as adopted by the board. Although the board may expand this definition, the term does not include a nonelectrical system.

SECTION 2. AMENDMENT. Section 43-09-05 of the North Dakota Century Code is amended and reenacted as follows:

43-09-05. Powers and duties of state electrical board - Biennial report.

The board shall adopt a seal and may adopt reasonable rules to carry out this chapter. The board may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. The board shall appoint qualified inspectors. Upon receipt of notice of completion of any electrical wiring or power limited system installation involving a value of five hundred dollars or more, the inspectors shall inspect the electrical or power limited system installation and approve or condemn that installation. The inspector shall make a report of the inspection on forms prescribed by the board.

SECTION 3. AMENDMENT. Section 43-09-09 of the North Dakota Century Code is amended and reenacted as follows:

43-09-09. License required - Examination - Board to issue license.

Every

1. A person, partnership, company, corporation, limited liability company, or association that undertakes or offers may not undertake or plan to undertake with another person to plan, lay out, supervise, install, make additions, make alterations, or make repairs, in the installation of wiring, apparatus, or equipment for electric light, heat, or power or for a power limited system, shall apply to unless licensed by the board for a license.

2. The board shall examine ~~the~~an applicant for licensure and if, upon a technical and practical examination, the applicant is found to possess the required knowledge and skill and to be versed in the laws of electricity, the applicant shall be issued a license in the class for which the applicant was examined. The license ~~shall~~must be signed by the president and the secretary of the board and attested by the seal of the board.
3. Each licensee or permitholder shall report that ~~person's~~individual's licensing or renewals to the electrical inspector, if there is one, in the ~~municipality~~city in which that ~~person~~individual operates.

SECTION 4. AMENDMENT. Section 43-09-09.2 of the North Dakota Century Code is amended and reenacted as follows:

43-09-09.2. Advertising prohibited - Exceptions - Liability - Penalty.

1. Except as provided in this section, if ~~an electrical~~a license is required under section 43-09-09 ~~or by local ordinance~~, a person may not advertise to contract for electrical services without being licensed as or being associated with a class B ~~electrician~~, master electrician, or power limited electrician, unless that person intends to contract the electrical services with a licensed electrical contractor.
2. If a person associates with ~~a class B or master~~an electrician under subsection 1 and that association ends, that person is jointly and severally liable for any ~~electrical services~~ contracts entered under that association.
3.
 - a. A person violating this section is guilty of a class B misdemeanor for a first conviction, but no fine in excess of one hundred dollars and no term of imprisonment may be imposed.
 - b. A person violating this section is guilty of a class A misdemeanor for a second or subsequent conviction, but the penalties are as follows:
 - (1) For a second conviction, no fine in excess of one thousand dollars and no term of imprisonment may be imposed.
 - (2) For a third or subsequent conviction, a fine not to exceed one thousand dollars, or imprisonment not to exceed thirty days, or both, may be imposed.

SECTION 5. AMENDMENT. Section 43-09-10 of the North Dakota Century Code is amended and reenacted as follows:

43-09-10. Types of licenses.

The classes of electricians who may be licensed under section 43-09-09 are:

1. Master electrician.
2. Journeyman electrician.
3. Class B electrician.
4. Power limited electrician.

SECTION 6. AMENDMENT. Section 43-09-11 of the North Dakota Century Code is amended and reenacted as follows:

43-09-11. Qualifications.

An applicant for an electrician's license must have the following experience and training:

1. For licensure as a master electrician, an applicant must have completed one year's experience as a licensed journeyman electrician.
2. For licensure as a journeyman electrician, an applicant must have:
 - a. Completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment, which experience may not be obtained in less than three years.
 - b. Effective for an applicant who registered with the board as an apprentice after January 31, 2008, completed at least one of the following:
 - (1) Successfully completed apprenticeship training approved by the federal bureau of apprenticeship and training and completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment.
 - (2) Successfully completed an appropriate course of study, which may not be less than two years or the equivalent of two years, at a board-approved institution of higher education and completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment. The board may determine equivalent hours of education that may be applied as a credit against the eight thousand hours' experience requirement under this paragraph.
3. For licensure as a class B electrician, eighteen months' experience in farmstead or residential wiring.
4. For licensure as a power limited electrician:
 - a. Hold a valid board-recognized tradesman certification; or
 - b. Possess the necessary work experience and training, as approved by the board.

SECTION 7. AMENDMENT. Section 43-09-12 of the North Dakota Century Code is amended and reenacted as follows:

43-09-12. Examination - Requirements.

Each applicant for an electrician's license shall pay the examination fee and shall take an oath and submit written evidence that the applicant has had the required experience. ~~If a partnership, corporation, or limited liability company applies for a license, an officer or manager thereof shall make the application and take the oath and submit evidence as to experience.~~

SECTION 8. AMENDMENT. Section 43-09-13.2 of the North Dakota Century Code is amended and reenacted as follows:

43-09-13.2. ~~Electrical inspectors~~Inspectors - License required - Exception.

~~A person~~An individual employed by the state electrical board or a political subdivision to inspect electrical or power limited system installations must be licensed as a journeyman electrician or master electrician. ~~This section does not apply to an inspector employed by the electrical board or a political subdivision as of July 2, 1989.~~

SECTION 9. AMENDMENT. Section 43-09-15 of the North Dakota Century Code is amended and reenacted as follows:

43-09-15. Renewal of license - Denial, suspension, or revocation of licenses.

1. An electrician's license may be issued for a term of only one year, but may be renewed without examination upon the payment of the proper fee. If the licensee fails to renew the license for a period of three consecutive years or more, the licensee is required to appear for re-examination. The state electrical board may deny, suspend, revoke, or refuse to renew any license issued or applied for under the provisions of this chapter for any of the following reasons:
 - 1-a. Failure or refusal to maintain or adhere to the minimum standards set forth in the electrical code referred to in section 43-09-21.
 - 2-b. Any cause for which the issuance of the license could have been refused had ~~it~~that information then existed and been known to the board.
 - 3-c. Commitment of any act of gross negligence, incompetency, or misconduct in the practice of ~~a master or journeyman electrician or the business of an electrical contractor~~the profession regulated under this chapter.
 - 4-d. Material misstatement, misrepresentation, or fraud in obtaining the license.
 - 5-e. After due notice, failed or refused to correct, within the specified time, any ~~electrical~~ installation not in compliance with the provisions of this chapter.
 - 6-f. Failure or refusal to make a deposit or acquire public liability insurance as required by ~~sections 43-09-14 and~~section 43-09-20.
 - 7-g. Failure to ~~repay~~pay or enter into a written contract for repayment, under a payment schedule acceptable to the board, ~~of money disbursed from the fund as provided under section 43-09-14, or~~ failure to make timely payments under a payment contract entered into under the board's policy for administering the undertaking ~~fund~~any financial obligation to the board.
 - 8-h. Failure to furnish certification of completion of continuing education as required under section 43-09-15.1.

Any person whose

2. ~~If an individual's license is denied or whose license is, suspended, or revoked by the board, or who~~that individual is refused a license by the board, that individual may appeal to the appropriate court.

SECTION 10. AMENDMENT. Section 43-09-15.1 of the North Dakota Century Code is amended and reenacted as follows:

43-09-15.1. Continuing education.

~~After March 31, 1990, each~~An applicant for renewal of an electrician's license pursuant to section 43-09-15 must have successfully completed ~~prior thereto~~ at least four hours, and thereafter eight hours each biennium, of continuing education relating to the standards set forth in section 43-09-21 or as otherwise prescribed by the board. The board may not require more than sixteen hours of continuing education in each biennium. The board shall conduct education sessions ~~for licensees~~ each year at not ~~less~~fewer than six locations throughout the state. Attendance at such sessions, or attendance at other education sessions certified by the board as approved, fulfills the educational requirements of this section. The board may charge a fee ~~to licensees~~ for attendance at the education sessions at an

amount to be determined by the board, but not to exceed ten dollars per ~~person~~attendee for each session.

SECTION 11. AMENDMENT. Section 43-09-16 of the North Dakota Century Code is amended and reenacted as follows:

43-09-16. When license not required.

The following persons ~~may not be~~are not required to hold an electrician's license ~~be licensed by~~ and are not subject to regulation by the board under this chapter:

1. Employees of public utilities engaged in the manufacture and distribution of electrical energy ~~when~~while engaged in work directly pertaining to the manufacture and distribution of electrical energy. This exemption terminates at the first point of service attachment, except for the installing or testing of electric meters and measuring devices and the maintenance of their service ~~electric meters and measuring devices~~.
2. Employees, independent contractors, or subcontractors of a company that ~~operates or installs telephone and radio communication systems when engaged in work pertaining directly to the installation of telephone and radio communication conductors on premises where the installations are made for use exclusively for the transmission of telephone and radio signals~~is a telecommunication carrier as defined under section 57-34-01 or that is a satellite or cable systems provider, while acting in the scope of employment or the terms of the contract.
3. Employees, independent contractors, or subcontractors of dealers in household appliances, such as room air-conditioners, clothes dryers, dishwashers, freezers, garbage disposals, refrigerators, stoves, washing machines, water heaters, and similar appliances ~~when such employees are~~while installing and connecting such appliances to an existing electrical receptacle.
4. A representative of a manufacturing firm that is installing or modifying controls of wiring solely on industrial machinery that is for use by the firm itself, and performed by or under the direction of a registered professional engineer who issues a state-accepted evaluation, which is to be maintained with the equipment.
5. An individual who is installing a nonelectrical system.
6. An individual who is installing a power limited system that is installed within a residential dwelling or is installed with a factory connector or cord powered by an existing electrical receptacle.

SECTION 12. AMENDMENT. Section 43-09-18 of the North Dakota Century Code is amended and reenacted as follows:

43-09-18. Apprentice to master electrician.

~~Any person~~An individual may serve as an apprentice under a licensed master electrician ~~or power limited electrician~~, but a master electrician ~~or power limited electrician~~ may not allow an apprentice to work on any installation without personal supervision of a licensed electrician.

SECTION 13. AMENDMENT. Section 43-09-20 of the North Dakota Century Code is amended and reenacted as follows:

43-09-20. ~~Contract for installation of electrical wiring and installation of electrical equipment~~Installations made with master electrician, class B electrician, or power limited electrician - Requirement for liability insurance.

1. A contract, agreement, or undertaking with another person for the installation of electrical wiring or power limited wiring or the installation of electrical or power limited system parts of other apparatus may not be entered into by anyone not other than a master electrician or power limited electrician. A class B electrician, as herein defined, is authorized to may not enter into a contract, undertaking, or agreement for the installation of farmstead electrical wiring, except for:
 - a. Farmstead electrical wiring; or residential
 - b. Residential electrical wiring in one or two family dwellings located in municipalities a city with a population of two thousand five hundred or less population, and the electrician's authority under the contract, undertaking, or agreement is limited to the actual installation by that electrician of farmstead electrical wiring or residential electrical wiring in one or two family dwellings located in municipalities of two thousand five hundred or less population, and the installation of electrical equipment, appliances, and apparatus used on farmsteads and such residences. Before an electrician referred to in this section enters into a contract for installation of electrical wiring, the electrician shall deposit with the board fewer.
2. If a licensee is acting as a contractor, that licensee shall submit to the board evidence of the existence of public liability insurance with a licensed insurance carrier, with policy limits of at least five hundred thousand dollars for a master electrician, and two hundred fifty thousand dollars for a class B electrician.

SECTION 14. AMENDMENT. Section 43-09-21 of the North Dakota Century Code is amended and reenacted as follows:

43-09-21. Standards for electrical wiring, apparatus, and equipment.

All electrical and power limited wiring, apparatus, or equipment must comply with the rules of the board made under authority of the laws of this state and in conformity with the approved methods of construction for safety to life and property. The regulations in the national electrical code and the national electrical safety code as approved by the American national standards institute are prima facie evidence of these approved methods. Any municipality. Although a city may make more stringent requirements by ordinance, application of the ordinance must be limited to individuals licensed by the board under this chapter. An electrical or power limited system installation may not be connected for use until proof has been furnished to the person, firm, corporation, or limited liability company supplying electrical energy that there is compliance with the applicable regulations. The manufacturer of a new manufactured building or modular unit shall make any changes required for the proof within fourteen days from the notice that the building or unit does not comply with the applicable regulations. This section does not apply to the movement of a new manufactured building or modular unit into or within this state before the process of being connected for use.

SECTION 15. AMENDMENT. Section 43-09-22 of the North Dakota Century Code is amended and reenacted as follows:

43-09-22. Inspection of installation - Condemnation.

1. The board has jurisdiction over and shall provide inspection for all electrical installations. Inspectors. The board has jurisdiction over and shall provide inspection for all power limited system installations. If there is a disagreement between an electrician and an inspector over interpretation or over a correction for violation issued by any inspector, the executive director of the board shall review the identified disagreement and render a final decision, which either party may appeal to the board.

2. ~~The executive director of the board, as authorized by the board, may condemn installations hazardous to life and property or may order specific corrections to be made. Inspectors~~The executive director may order disconnection of service thereto discontinued after notice to the owner of the property. The order is subject to the owner's right of appeal to the board. No~~A condemned installation may not be reconnected for service until proof has been furnished that the installation has been brought up to the required standards.~~
3. ~~The board may charge the a master electrician, class B electrician, or power limited electrician responsible for the installation a fee to cover the cost of inspection for inspections. Cities~~
4. ~~A city may make provisions for inspection of all electrical work done and power limited systems installed within the corporate limits of the city. City inspectors~~A city shall register their names the name of the inspector with the board within ten days after their appointment. A city may not require inspection of an installation that is outside the jurisdiction of the board.

SECTION 16. AMENDMENT. Section 43-09-23 of the North Dakota Century Code is amended and reenacted as follows:

43-09-23. Criminal penalty - Civil proceedings.

~~Any person who~~A person that violates any of the provisions of this chapter is guilty of a class B misdemeanor. In addition to criminal proceedings, the board may commence administrative or civil court proceedings as follows:

1. The board may issue a cease and desist order against a person allegedly making or offering to make ~~electrical~~ installations in violation of section 43-09-09 or 43-09-09.2 based upon information provided to the board by its ~~electrical inspectors~~ or other persons, by investigation reports, affidavits, complaints of witnesses, or oral testimony given to the board at a regular or special board meeting. Violation of the cease and desist order may be considered by the court in issuing a temporary or permanent restraining order and in ordering the payment of costs and attorney's fees in proceedings authorized under this section.
2. The board may apply to the district court in the county in which the violations have occurred for a temporary or permanent injunction under chapter 32-06, enjoining persons from performing, advertising, or contracting for making ~~electrical~~ installations without a valid license issued by the board in violation of section 43-09-09 or 43-09-09.2. The court may not require a written undertaking, security, or bond as a basis for issuing any temporary or permanent restraining order under this section unless the court specifically orders and states the basis for requiring the security. Upon a determination that a violation of section 43-09-09 or 43-09-09.2 has occurred, the court may assess against the defendants the actual costs incurred and reasonable attorney's fees necessary for the investigation and court proceedings against the unlicensed person.
3. After an administrative hearing has been conducted by the board under chapter 28-32, an appeal from an order of the board or from the assessment of costs and attorney's fees may be taken to the district court under chapter 28-32."

Renumber accordingly

Engrossed HB 1157 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1202: Your conference committee (Sens. Unruh, Schaible, Piepkorn and Reps. Lefor, Zubke, D. Anderson) recommends that the **SENATE RECEDE** from the Senate

amendments as printed on HJ pages 1893-1895, adopt amendments as follows, and place HB 1202 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1893-1895 of the House Journal and pages 1636-1638 of the Senate Journal and that House Bill No. 1202 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "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 section 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.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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. "Navigable waters" means waters that were in fact navigable at the time of statehood, and that are used, were used, or were susceptible of being used in their ordinary condition as highways for commerce over which trade and travel were or may have been conducted in the customary modes of trade on water.
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. A new section to chapter 61-33 of the North Dakota Century Code is created and enacted as follows:

Navigability determinations.

1. Before making a determination that a body of water or portion of a body of water is navigable, the state engineer shall:
 - a. Develop and deliver to the state water commission a preliminary finding regarding the navigability of the body of water or portion of a body of water and the legal rationale for the preliminary finding; and
 - b. Consult with the state water commission in an open meeting and demonstrate the public need and purpose for the determination to be made.
2. After completing the requirements of subsection 1, the state engineer may proceed with making a final determination of navigability by:
 - a. Providing reasonable public notice of the preliminary finding, legal rationale for the preliminary finding, and opportunity for the public to provide comments for no less than sixty days. The notice must:

- (1) Include the address and electronic mail address to which public comments may be sent and the deadline by which public comments must be received;
 - (2) Clearly identify the specific body of water or portion of a body of water for which the finding of navigability is sought;
 - (3) State the state engineer will hold a public hearing regarding the preliminary finding before a final determination of navigability is made, and provide the date, time, and location of the public hearing;
 - (4) Be provided to the governing body of each soil conservation district, water resource district, and county adjacent to the body of water or portion of a body of water for which the preliminary finding was made;
 - (5) Be published in the official county newspaper for each county adjacent to the body of water or portion of a body of water for which the preliminary finding was made; and
 - (6) Briefly state the purpose of the hearing and describe the impact or effect a determination of navigability will have on the property rights of persons who own property adjacent to the body of water or portion of a body of water for which the determination of navigability may be made; and
- b. Holding a public hearing regarding the preliminary finding.
3. After completing the requirements of subsection 2 and making a determination of navigability, the state engineer shall prepare a report regarding the determination, including summaries of the information provided to the state water commission, the public hearings held, and the public comments received. The state engineer shall provide the report to the state water commission, send the report by certified mail to any person that appeared at the public hearing required under subsection 2 or provided written comments by the deadline, make the report available to the public, including on the website for the office of the secretary of state, and provide public notice of the report's availability. The report is final on the date it is provided to the state water commission.
 4. A determination of navigability may be appealed directly to a court of competent jurisdiction in accordance with sections 28-32-42 through 28-32-46 and sections 28-32-50 and 28-32-51.

SECTION 3. 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 3 of section~~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.

SECTION 4. REVIEWS OF NAVIGABILITY DETERMINATIONS DURING 2019-20 INTERIM. During the 2019-20 interim, the state engineer may review any determinations of navigability of a body of water or portion of a body of water made solely by the state engineer before the effective date of this Act. However, if a court of competent jurisdiction has determined a body of water or portion of a body of water is navigable or non-navigable, the state engineer does not need to review any

state agency determination regarding the body of water or portion of a body of water. If the state engineer elects not to begin review of any determination of navigability of a body of water or portion of a body of water made solely by the state engineer before the effective date of this Act during the 2019-20 interim, the determination must be vacated without prejudice to a subsequent determination of navigability under section 2 of this Act. In conducting the reviews under this section, the state engineer shall comply with the requirements in section 2 of this Act."

Renumber accordingly

HB 1202 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LUICK MOVED that the Senate do concur in the House amendments to SB 2224 as printed on SJ pages 1731-1734, which motion prevailed on a voice vote.

SB 2224, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2224: A BILL for an Act to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to a bioscience innovation grant program; to amend and reenact sections 54-65-01, 54-65-06, and 54-65-07 of the North Dakota Century Code, relating to research North Dakota; to repeal section 10-30.5-14, chapters 15-69 and 54-65, and sections 54-65-02, 54-65-03, 54-65-04, and 54-65-05 of the North Dakota Century Code, relating to the centers of excellence, centers of research excellence, and research North Dakota; to provide a continuing appropriation; to provide an appropriation; to provide for a transfer; 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; Veda; Wanzek; Wardner

Engrossed SB 2224 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on Engrossed SB 2293 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2293, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2293: A BILL for an Act to create and enact a new section to chapter 20.1-02, a new section to chapter 20.1-03, and a new section to chapter 20.1-13 of the North Dakota Century Code, relating to the creation of the aquatic nuisance species program fund and surcharges for fishing, combination, and waterfowl licenses and requiring aquatic nuisance species fees for motorboats; to amend and reenact sections 20.1-02-16.1 and 20.1-03-12 of the North Dakota Century Code, relating to the investment of the state game and fish fund and aquatic nuisance species fees for motorboats; to provide a penalty; to provide an appropriation; to provide for a transfer; to provide an exemption; 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, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Clemens; Grabinger; Kannianen; Larsen, O.; Meyer; Unruh

Reengrossed SB 2293 passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LUICK MOVED that the conference committee report on Engrossed SB 2345 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2345, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2345: A BILL for an Act to amend and reenact sections 11-33-02.1, 11-33-22, 23-25-11, 23-1-06-15, 58-03-11.1, and 58-03-17 of the North Dakota Century Code, relating to animal feeding operations and zoning regulations; to provide a report to the legislative management; to provide an effective date; to provide a contingent effective date; 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 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Bakke; Dotzenrod; Grabinger; Heckaman; Hogan; Marcellais; Mathern; Oban; Oehlke; Piepkorn; Robinson

Reengrossed SB 2345 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. ROERS MOVED that the conference committee report on Engrossed HB 1157 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1157, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to amend and reenact sections 43-09-01, 43-09-05, 43-09-09, 43-09-09.2, 43-09-10, 43-09-11, 43-09-12, 43-09-13.2, 43-09-15, 43-09-15.1, 43-09-16, 43-09-18, 43-09-20, 43-09-21, 43-09-22, and 43-09-23 of the North Dakota Century Code, relating to regulation by the state electrical board; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; 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: Davison; Larsen, O.; Roers, K.

Engrossed HB 1157, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. UNRUH MOVED that the conference committee report on HB 1202 be adopted, which motion prevailed on a voice vote.

HB 1202, as amended, was placed on the Fourteenth order of business.

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 section 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, 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; 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

NAYS: Heckaman; Hogan

HB 1202, as amended, passed.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 4:30 p.m., which motion prevailed.

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

REPORT OF CONFERENCE COMMITTEE

SB 2001, as engrossed: Your conference committee (Sens. Hogue, G. Lee, Mathern and Reps. Schatz, Martinson, Schmidt) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1306-1307, adopt amendments as follows, and place SB 2001 on the Seventh order:

That the House recede from its amendments as printed on pages 1306 and 1307 of the Senate Journal and pages 1497-1499 of the House Journal and that Engrossed Senate Bill No. 2001 be amended as follows:

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

Page 1, line 3, after the semicolon insert "to provide a continuing appropriation; to provide for a transfer; to authorize a loan;"

Page 1, line 4, remove "and"

Page 1, line 4, after the second "report" insert "; and to declare an emergency"

Page 1, replace line 13 with:

| | | | |
|---------------------|-------------|-----------|--------------|
| "Salaries and wages | \$3,422,574 | \$201,372 | \$3,623,946" |
|---------------------|-------------|-----------|--------------|

Page 1, replace line 17 with:

| | | | |
|--------------------|---------|-------|----------|
| "Governor's salary | 265,928 | 8,184 | 274,112" |
|--------------------|---------|-------|----------|

Page 1, replace line 20 with:

| | | | |
|---------------------|-------------|-----------|--------------|
| "Total general fund | \$4,007,758 | \$484,348 | \$4,492,106" |
|---------------------|-------------|-----------|--------------|

Page 2, line 23, replace "six hundred twenty-three" with "three hundred sixty-four"

Page 2, line 24, remove "thirty-nine thousand six"

Page 2, line 25, replace "hundred ninety-two" with "thirty-eight thousand seven hundred forty-eight"

Page 2, after line 25, insert:

"SECTION 5. A new section to chapter 54-07 of the North Dakota Century Code is created and enacted as follows:

Theodore Roosevelt presidential library and museum endowment fund - Continuing appropriation - Budget section report.

There is created in the state treasury the Theodore Roosevelt presidential library and museum endowment fund. The governor may provide for the fund to be invested under the supervision of the board of university and school lands. The interest and earnings of the fund are appropriated to the governor on a continuing basis to pay interest expenses on a loan from the Bank of North Dakota and to provide grants pursuant to this section. The governor may provide grants to a private entity subject to the following:

1. The private entity has certified to the governor the entity has received the sum of one hundred million dollars in cash donations and binding pledged donations for the construction of a presidential library and museum in North Dakota and for grants to affected entities;
2. The governor has entered an agreement with the private entity in subsection 1 which includes the following provisions:
 - a. The grant funds will be spent only for operating and maintenance costs of the presidential library located in North Dakota;
 - b. Any unused grant funds will be returned to the state and deposited in the general fund if the presidential library has not been constructed within the period of time specified in the agreement or if the library ceases operations;
 - c. The private entity agrees to donate ten million dollars from the one hundred million dollars identified in subsection 1 to a higher education institution foundation in North Dakota for the purpose of creating an endowment to digitize documents relating to Theodore Roosevelt and for the creation of a Theodore Roosevelt conservation scholars program and related academic mission at a North Dakota higher education institution in collaboration with the private entity; and
 - d. The private entity agrees to donate three hundred thousand dollars to a city in North Dakota for prior costs incurred related to planning for a presidential library;
3. The governor provides a report to the budget section which includes copies of the documentation received for the certification provided in subsection 1; and

4. The governor provides a report to the budget section within thirty days of applying for the loan authorized in section 8 of this Act which includes all completed loan application documents."

Page 3, line 1, remove "eight thousand four"

Page 3, line 2, replace "hundred forty-four" with "seven thousand nine hundred seventeen"

Page 3, replace lines 3 through 9 with:

"SECTION 7. APPROPRIATION - TRANSFER. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be necessary, which the director of the office of management and budget shall transfer to the Theodore Roosevelt presidential library and museum endowment fund during the period beginning with the effective date of this Act, and ending June 30, 2019. Of the funds appropriated in this section, \$9,800,000 is from unexpended funds previously appropriated by the legislative assembly for grants related to the Theodore Roosevelt presidential library.

SECTION 8. LOAN AUTHORIZATION. The governor may obtain a loan from the Bank of North Dakota in an amount not to exceed \$35,000,000. The term of the loan may not exceed six years and the interest rate must be set at the prevailing interest rate charged by the Bank of North Dakota to governmental entities. The governor shall repay the loan authorized in this section from funds appropriated by the legislative assembly. The governor shall deposit the proceeds of the loan in the Theodore Roosevelt presidential library and museum endowment fund.

SECTION 9. EMERGENCY. Sections 5, 7, and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2001 - Governor's Office - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|----------------|-------------------|------------------------------------|------------------------------------|------------------|------------------------|
| Salaries and wages | \$3,422,574 | \$3,623,859 | \$87 | \$3,623,946 | \$3,593,946 | \$30,000 |
| Operating expenses | 298,456 | 508,248 | | 508,248 | 448,248 | 60,000 |
| Contingencies | 10,000 | 10,000 | | 10,000 | 10,000 | |
| Rough Rider Awards | 10,800 | 10,800 | | 10,800 | 10,800 | |
| Governor's salary | 265,928 | 275,315 | (1,203) | 274,112 | 274,112 | |
| Transition in | | 15,000 | | 15,000 | 15,000 | |
| Transition out | | 50,000 | | 50,000 | 50,000 | |
| Total all funds | \$4,007,758 | \$4,493,222 | (\$1,116) | \$4,492,106 | \$4,402,106 | \$90,000 |
| Less estimated income | 0 | 0 | 0 | 0 | 0 | 0 |
| General fund | \$4,007,758 | \$4,493,222 | (\$1,116) | \$4,492,106 | \$4,402,106 | \$90,000 |
| FTE | 18.00 | 18.00 | 0.00 | 18.00 | 17.00 | 1.00 |

Department 101 - Governor's Office - Detail of Conference Committee Changes

| | Adjusts Funding for Salary Increases ¹ | Total Conference Committee Changes |
|-----------------------|------------------------------------------------------|---------------------------------------|
| Salaries and wages | \$87 | \$87 |
| Operating expenses | | |
| Contingencies | | |
| Rough Rider Awards | | |
| Governor's salary | (1,203) | (1,203) |
| Transition in | | |
| Transition out | | |
| Total all funds | (\$1,116) | (\$1,116) |
| Less estimated income | 0 | 0 |
| General fund | (\$1,116) | (\$1,116) |
| FTE | 0.00 | 0.00 |

¹ Funding is adjusted to provide 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 2.5 percent on July 1, 2020, the same as the House. The Senate provided funding for a 2 percent salary increase on July 1, 2019, and a 3 percent salary increase on July 1, 2020.

The Conference Committee included funding for temporary staff (\$30,000) and operating expenses (\$60,000) which the Senate added but the House removed. The Conference Committee did not remove 1 FTE position which the House had removed.

This amendment also:

- Amends Sections 4 and 5 to provide the statutory changes needed to provide salary increases for the Governor and Lieutenant Governor consistent with state employee salary increases. The House also made the changes.
- Adds a section to create the Theodore Roosevelt presidential library and museum endowment fund.
- Provides for a 2017-19 biennium general fund appropriation of \$15 million to be transferred to the Theodore Roosevelt presidential library museum and endowment fund.
- Authorizes a \$35 million loan to be deposited in the Theodore Roosevelt presidential library museum and endowment fund.
- Removes a section which allows the Governor to decline the salary of the office. The House also removed this section.

Engrossed SB 2001 was placed on the Seventh order of business on the calendar.

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 1393.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2215.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2345.

REPORT OF CONFERENCE COMMITTEE

SB 2019, as engrossed: Your conference committee (Sens. Sorvaag, Bekkedahl, Mathern and Reps. Martinson, Schatz, Boe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1349-1351, adopt amendments as follows, and place SB 2019 on the Seventh order:

That the House recede from its amendments as printed on pages 1349-1351 of the Senate Journal and pages 1532-1534 of the House Journal and that Engrossed Senate Bill No. 2019 be amended as follows:

Page 1, line 4, remove "and"

Page 1, line 4, after "exemption" insert "; to provide for a contingent loan authorization; to provide a contingent appropriation; to provide for a legislative management study; and to declare an emergency"

Page 1, replace lines 17 through 23 with:

| | | | |
|---------------------------------|-------------------|------------------|-------------------|
| "Administration | \$2,668,728 | (\$63,729) | \$2,604,999 |
| Park operations and maintenance | 20,570,558 | 3,355,161 | 23,925,719 |
| Recreation | <u>7,039,554</u> | <u>2,284,006</u> | <u>9,323,560</u> |
| Total all funds | \$30,278,840 | \$5,575,438 | \$35,854,278 |
| Less estimated income | <u>17,389,561</u> | <u>5,968,174</u> | <u>23,357,735</u> |
| Total general fund | \$12,889,279 | (\$392,736) | \$12,496,543 |
| Full-time equivalent positions | 62.50 | (1.00) | 61.50" |

Page 2, replace lines 4 through 7 with:

| | | | |
|-----------------------------|-----------|-------------|-------------|
| "International Peace Garden | \$876,329 | \$2,000,000 | \$2,876,329 |
| Total all funds | \$876,329 | \$2,000,000 | \$2,876,329 |
| Less estimated income | 0 | 2,000,000 | 2,000,000 |
| Total general fund | \$876,329 | \$0 | \$876,329" |

Page 2, replace lines 12 through 15 with:

| | | | |
|--------------------------------------|-------------|----------|-------------|
| "Lewis and Clark interpretive center | \$1,250,687 | \$53,688 | \$1,304,375 |
| Total all funds | \$1,250,687 | \$53,688 | \$1,304,375 |
| Less estimated income | 362,019 | (27,901) | 334,118 |
| Total general fund | \$888,668 | \$81,589 | \$970,257" |

Page 2, replace lines 20 through 22 with:

| | | | |
|---------------------------|--------------|--------------|---------------|
| "Grand total general fund | \$14,654,276 | (\$311,147) | \$14,343,129 |
| Grand total special funds | 17,751,580 | 10,940,273 | 28,691,853 |
| Grand total all funds | \$32,405,856 | \$10,629,126 | \$43,034,982" |

Page 2, remove lines 28 through 31

Page 3, replace lines 1 through 10 with:

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

Page 4, after line 18, insert:

"SECTION 9. REQUIREMENTS - MATCHING FUNDS - GRANTS. Of the funds continued in section 1 of chapter 18 of the 2017 Session Laws as referenced in section 5 of chapter 18 of the 2017 Session Laws, the parks and recreation department shall provide a grant of up to \$250,000 to a nonprofit organization for the development of a community event space and visitor center in an area previously affected by river flooding. An entity receiving a grant pursuant to this section must provide one dollar of matching funds from nonstate sources for every dollar of grant funding received."

Page 4, after line 31, insert:

"SECTION 12. CONTINGENT LOAN AUTHORIZATION - CONTINGENT APPROPRIATION - INTERNATIONAL PEACE GARDEN. The parks and recreation department may borrow from the Bank of North Dakota, \$3,000,000, or so much of the sum as may be necessary, which is appropriated to the parks and recreation department for matching nonstate funds that may become available, for the biennium beginning July 1, 2019, and ending June 30, 2021. The funds authorized in this section may be borrowed and spent only upon certification by the director of the parks and recreation department to the director of the office of management and budget that the province of Manitoba or other entity has made available funds for capital projects at the International Peace Garden, during the biennium beginning July 1, 2019, and ending June 30, 2021. Expenditure of the funds appropriated in this section is subject to one dollar of matching funds from the province of Manitoba or other nonstate sources for each one dollar of state funds. The parks and recreation department shall request from the sixty-seventh legislative assembly an

appropriation to repay any outstanding loans authorized in this section. The funding in this section is a one-time funding item."

Page 5, after line 13, insert:

"SECTION 14. LEGISLATIVE MANAGEMENT STUDY - LEWIS AND CLARK INTERPRETIVE CENTER OPERATIONS. During the 2019-20 interim, the legislative management shall study the feasibility and desirability of reducing Lewis and Clark interpretive center fees and consider alternatives to address the sustainability of the parks and recreation department's operations of the Lewis and Clark interpretive center. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 15. LEGISLATIVE MANAGEMENT STUDY - PUBLIC ACCESS AND USE OF REAL PROPERTY OWNED BY THE STATE OF NORTH DAKOTA. During the 2019-20 interim, the legislative management shall study the public access and use of real property located between the Missouri River and the Missouri River correctional center, owned by the state of North Dakota, under the control of the department of corrections and rehabilitation, and the impact of transferring the property to the parks and recreation department. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 16. EMERGENCY. Section 9 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2019 - Parks and Recreation Department - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-------------------------------------|--------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Administration | \$2,668,728 | \$2,603,605 | \$1,394 | \$2,604,999 | \$2,604,999 | |
| Park operations and maintenance | 20,570,558 | 23,910,920 | 14,799 | 23,925,719 | 23,925,719 | |
| Recreation | 7,039,554 | 9,324,299 | (739) | 9,323,560 | 9,323,560 | |
| International Peace Garden | 876,329 | 2,876,329 | | 2,876,329 | 5,876,329 | (\$3,000,000) |
| Lewis and Clark Interpretive Center | 1,250,687 | 1,301,704 | 2,671 | 1,304,375 | 1,484,375 | (180,000) |
| Contingent Peace Garden Loan | | | 3,000,000 | 3,000,000 | | 3,000,000 |
| Total all funds | \$32,405,856 | \$40,016,857 | \$3,018,125 | \$43,034,982 | \$43,214,982 | (\$180,000) |
| Less estimated income | 17,751,580 | 25,691,408 | 3,000,445 | 28,691,853 | 28,691,853 | 0 |
| General fund | \$14,654,276 | \$14,325,449 | \$17,680 | \$14,343,129 | \$14,523,129 | (\$180,000) |
| FTE | 62.50 | 61.50 | 0.00 | 61.50 | 61.50 | 0.00 |

Department 750 - Parks and Recreation Department - Detail of Conference Committee Changes

| | Adjusts Funding for Salary Increases ¹ | Adds Contingent Funding for Capital Projects ² | Total Conference Committee Changes |
|-------------------------------------|---------------------------------------------------|-----------------------------------------------------------|------------------------------------|
| Administration | \$1,394 | | \$1,394 |
| Park operations and maintenance | 14,799 | | 14,799 |
| Recreation | (739) | | (739) |
| International Peace Garden | | | |
| Lewis and Clark Interpretive Center | 2,671 | | 2,671 |
| Contingent Peace Garden Loan | | \$3,000,000 | 3,000,000 |
| Total all funds | \$18,125 | \$3,000,000 | \$3,018,125 |
| Less estimated income | 445 | 3,000,000 | 3,000,445 |
| General fund | \$17,680 | \$0 | \$17,680 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding is added to provide for state employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020, to provide a total of \$334,084 for state employee salary increases, the same as provided in the House version. The Senate provided funding for a 2 percent salary increase on July 1, 2019, and a 3 percent salary increase on July 1, 2020, to provide a total of \$315,959.

² Adds contingent appropriation authority of \$3 million from proceeds received from a contingent loan from the Bank of North Dakota for providing one-time funding for Peace Garden capital projects, to provide a total of \$5 million for the project if the contingency is met. The House provided a total of \$5 million of one-time funding from the strategic investment and improvements fund. The Senate provided a total of \$2 million of one-time funding from the strategic investment and improvements fund.

The Conference Committee did not include \$180,000 from the general fund added by the House for Lewis and Clark Interpretive Center operations.

This amendment also:

- Adds a section directing the Parks and Recreation Department to grant up to \$250,000 from funds available in the 2017-19 biennium to the Fort Abraham Lincoln Foundation for heritage river landing and requires a dollar-for-dollar matching of funds from nonstate sources. The House also included this section.
- Adds a section providing for a contingent loan authorization to the Parks and Recreation Department to borrow up to \$3 million from the Bank of North Dakota and provides a contingent appropriation requiring a dollar-for-dollar matching of funds from the Province of Manitoba or other nonstate sources for International Peace Garden capital projects. Neither the House nor the Senate version included this section.
- Adds a section requiring the Legislative Management to study the potential reduction of Lewis and Clark Interpretive Center fees and options to address the sustainability of the Parks and Recreation Department's operations of the Lewis and Clark Interpretive Center. Neither the House nor the Senate version included this section.
- Adds a section requiring the Legislative Management to study the public access and use of real property owned by the state that is located between the Missouri River and the Missouri River Correctional Center. The House version included a section authorizing conveyance of real property owned by the State of North Dakota and requiring the Department of Corrections and Rehabilitation to provide public access to the real property.
- Adds a section declaring the grant of \$250,000 to the Fort Abraham Lincoln Foundation to be an emergency measure. The House also included this section.

Engrossed SB 2019 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2172, as engrossed: Your conference committee (Sens. Luick, Lemm, Bakke and Reps. Heinert, Porter, Eidson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1447-1450, adopt amendments as follows, and place SB 2172 on the Seventh order:

That the House recede from its amendments as printed on pages 1447-1450 of the Senate Journal and pages 1644-1647 of the House Journal and that Engrossed House Bill No. 2172 be amended as follows:

Page 1, line 3, remove "subdivision m of subsection 2 of"

Page 1, line 5, after the semicolon insert "to provide for a legislative management study;"

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 4 with:

"SECTION 2. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.
2. This section does not apply to:
 - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - c. A competitor participating in an organized sport shooting event;
 - d. A gun or antique show;
 - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
 - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
 - g. A student and an instructor at a hunter safety class;
 - h. Private and public security personnel while on duty;
 - i. A state or federal park;
 - j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
 - k. An individual in a publicly owned or operated rest area or restroom;
 - l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
 - m. A state, federal, or municipal court judge, a district court magistrate judge, or judicial referee; a retired state, federal, or municipal court judge, district court magistrate judge, or judicial referee who has at least ten years of service as a judge or referee; and a staff member of the office of attorney general if the individual maintains the same level of firearms proficiency as is required by the peace officer

standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and

- n. A North Dakota member of the Congress of the United States who maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this subdivision to an individual who is proficient and the individual shall file the certificate with the bureau of criminal investigation;
- o. An individual who is a paramedic or other emergency responder while the individual is on duty and if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- p. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and
 - (3) The storage has been consented to by the state, the governing board, or a designee.
- 3. This section does not prevent any political subdivision or nonpublic school from enacting an ordinance or school policy that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance or school policy supersedes this section within the jurisdiction of the political subdivision or property owned by the school.
- 4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - CONCEALED WEAPONS LICENSES. During the 2019-20 interim, the legislative management shall consider studying the provisions of the Century Code relating to concealed weapons licenses and the implications of creating a third tier of concealed weapons license for the purpose of carrying a concealed firearm or dangerous weapon at a public gathering as defined in section 62.1-02-05. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

Engrossed SB 2172 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2215, as engrossed: Your conference committee (Sens. Davison, Schaible, Oban and Reps. Owens, Schreiber-Beck, Hager) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1162-1163, adopt amendments as follows, and place SB 2215 on the Seventh order:

That the House recede from its amendments as printed on pages 1162 and 1163 of the Senate Journal and pages 1351 and 1352 of the House Journal and that Engrossed Senate Bill No. 2215 be amended as follows:

Page 1, line 3, remove "sections 15-19-02 and 15-19-06, subsection 1 of"

Page 1, line 4, remove "section 15.1-07-33,"

Page 1, line 5, remove "the center for distance education, the student"

Page 1, line 6, remove "information system,"

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

Page 3, line 22, remove "of whom must be a"

Page 3, line 23, replace "minority party, selected by the legislative management" with "majority party from each chamber of the legislative assembly, selected by the respective majority leader of the chamber, and one member of the minority party selected through collaboration between the respective minority leaders of each chamber"

Page 4, line 4, remove "and"

Page 4, line 5, after "i." insert "The president of the board of the North Dakota school counselor association or the president's designee; and

j."

Page 5, after line 21 insert:

"8. The council shall meet at least four times per calendar year.

9. The council shall prepare and present an annual report of council activities to the state board of public school education and to the legislative management."

Page 5, remove lines 22 through 29

Renumber accordingly

Engrossed SB 2215 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2297, as engrossed: Your conference committee (Sens. Sorvaag, Holmberg, Robinson and Reps. Vigesaa, Sanford, Boe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1582-1586, adopt amendments as follows, and place SB 2297 on the Seventh order:

That the House recede from its amendments as printed on pages 1582-1586 of the Senate Journal and pages 1748-1752 of the House Journal and that Engrossed Senate Bill No. 2297 be amended as follows:

Page 1, line 3, after the semicolon insert "to provide an exemption;"

Page 1, line 5, replace "The" with "Subject to the provisions of this section, the"

Page 1, remove lines 17 through 24

Page 2 replace lines 1 through 11 with:

| | |
|----------------------------------------------------------------------------|------------------|
| "North Dakota state university Dunbar Hall | \$40,000,000 |
| Valley City state university Communications and Fine Arts Building project | 30,000,000 |
| North Dakota state university agriculture products development center | 20,000,000 |
| University of North Dakota Gamble Hall project | 6,000,000 |
| Dickinson state university Pulver Hall | <u>4,000,000</u> |
| Total | \$100,000,000 |

1. North Dakota state university may obtain and utilize local funds obtained from fundraising or other sources for the Dunbar Hall project. There is appropriated to North Dakota state university the sum of \$3,200,000, or so much of the sum as may be necessary, from any local or other funds that may become available for this project for the period beginning with the effective date of this Act, and ending June 30, 2021.
2.
 - a. North Dakota state university may obtain and utilize local funds obtained from fundraising or other sources for the agriculture products development center project. There is appropriated to North Dakota state university the sum of \$20,000,000, or so much of the sum as may be necessary, from any local or other funds that may become available for this project for the period beginning with the effective date of this Act, and ending June 30, 2021.
 - b. The industrial commission may issue evidences of indebtedness for the agriculture products development center project only if North Dakota state university certifies to the industrial commission and the director of the office of management and budget that \$20,000,000 of local and other funds has been obtained for the project or if North Dakota state university receives approval for a change in project scope from the legislative assembly or budget section pursuant to section 48-01.2-25.
3.
 - a. The university of North Dakota may obtain and utilize local funds obtained from fundraising or other sources for the Gamble Hall project. There is appropriated to the university of North Dakota the sum of \$55,000,000, or so much of the sum as may be necessary, from any local or other funds that may become available for this project for the period beginning with the effective date of this Act, and ending June 30, 2021.
 - b. The industrial commission may issue evidences of indebtedness for the Gamble Hall project only if the university of North Dakota certifies to the industrial commission and the director of the office of management and budget that \$55,000,000 of local and other funds has been obtained for the project or if the university of North Dakota receives approval for a change in project scope from the legislative assembly or budget section pursuant to section 48-01.2-25.

SECTION 2. APPROPRIATION - CAPITAL PROJECTS - EXEMPTION.

1. Subject to the provisions of this section, the funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the following institutions for the identified capital projects, for the period beginning with the effective date of this Act, and ending June 30, 2019, as follows:

| | |
|-------------------------------------------------------------------------------|------------------|
| Bismarck state college Nursing Building | \$8,900,000 |
| Dakota college at Bottineau dining hall and other projects | 1,000,000 |
| Lake Region state college precision agriculture project | 1,000,000 |
| North Dakota state university agriculture products development center project | 20,000,000 |
| North Dakota state university Dunbar Hall project | 8,000,000 |
| University of North Dakota Gamble Hall project | 9,000,000 |
| Valley City state university Communications and Fine Arts Building project | <u>2,000,000</u> |
| Total general fund | \$49,900,000 |

In accordance with section 54-44.1-11, any unaccepted funds from these appropriations may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021.

2. The appropriation for the agriculture products development center project must be continued into the biennium beginning July 1, 2019, and ending June 30, 2021, and is available only if North Dakota state university certifies to the industrial commission and the director of the office of management and budget that \$20,000,000 of local and other funds has been obtained for the project or if North Dakota state university receives approval for a change in project scope from the legislative assembly or budget section pursuant to section 48-01.2-25.
3. The appropriation for the Gamble Hall project must be continued into the biennium beginning July 1, 2019, and ending June 30, 2021, and is available only if the university of North Dakota certifies to the industrial commission and the director of the office of management and budget that \$55,000,000 of local and other funds has been obtained for the project or if the university of North Dakota receives approval for a change in project scope from the legislative assembly or budget section pursuant to section 48-01.2-25.

SECTION 3. NORTHERN CROPS INSTITUTE BUILDING PROJECT. The northern crops institute is authorized to begin fundraising efforts for the northern crops institute building project. The northern crops institute shall develop a proposal for its building project, including locations for the new facility, the proper capacity of the facility to serve future institute needs, and the estimated costs of the building project. The northern crops institute may seek funding and authorization from the sixty-seventh legislative assembly to proceed with the building project."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2297 - Summary of Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-------------------------------|----------------|-------------------|------------------------------------|------------------------------------|------------------|------------------------|
| University of North Dakota | | | | | | |
| Total all funds | \$0 | \$0 | \$61,000,000 | \$61,000,000 | \$61,000,000 | \$0 |
| Less estimated income | 0 | 0 | 61,000,000 | 61,000,000 | 61,000,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| North Dakota State University | | | | | | |
| Total all funds | \$0 | \$111,200,000 | (\$28,000,000) | \$83,200,000 | \$51,200,000 | \$32,000,000 |
| Less estimated income | 0 | 111,200,000 | (28,000,000) | 83,200,000 | 51,200,000 | 32,000,000 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Dickinson State University | | | | | | |
| Total all funds | \$0 | \$4,500,000 | (\$500,000) | \$4,000,000 | \$4,000,000 | \$0 |
| Less estimated income | 0 | 4,500,000 | (500,000) | 4,000,000 | 4,000,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Valley City State University | | | | | | |
| Total all funds | \$0 | \$32,275,000 | (\$2,275,000) | \$30,000,000 | \$32,275,000 | (\$2,275,000) |
| Less estimated income | 0 | 32,275,000 | (2,275,000) | 30,000,000 | 32,275,000 | (2,275,000) |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Northern Crops Institute | | | | | | |
| Total all funds | \$0 | \$18,000,000 | (\$18,000,000) | \$0 | \$0 | \$0 |
| Less estimated income | 0 | 18,000,000 | (18,000,000) | 0 | 0 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| Bill total | | | | | | |

| | | | | | | |
|-----------------------|------|---------------|--------------|---------------|---------------|--------------|
| Total all funds | \$0 | \$165,975,000 | \$12,225,000 | \$178,200,000 | \$148,475,000 | \$29,725,000 |
| Less estimated income | 0 | 165,975,000 | 12,225,000 | 178,200,000 | 148,475,000 | 29,725,000 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Senate Bill No. 2297 - University of North Dakota - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|----------------|-------------------|------------------------------------|------------------------------------|------------------|------------------------|
| Capital assets | | | \$61,000,000 | \$61,000,000 | \$61,000,000 | |
| Total all funds | \$0 | \$0 | \$61,000,000 | \$61,000,000 | \$61,000,000 | \$0 |
| Less estimated income | 0 | 0 | 61,000,000 | 61,000,000 | 61,000,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department 230 - University of North Dakota - Detail of Conference Committee Changes

| | Adds Funding for Gamble Hall Project ¹ | Total Conference Committee Changes |
|-----------------------|------------------------------------------------------|---------------------------------------|
| Capital assets | \$61,000,000 | \$61,000,000 |
| Total all funds | \$61,000,000 | \$61,000,000 |
| Less estimated income | 61,000,000 | 61,000,000 |
| General fund | \$0 | \$0 |
| FTE | 0.00 | 0.00 |

¹ Special fund authority of \$61 million is added for the Gamble Hall project from bond proceeds (\$6 million) and from funds obtained from fundraising and other local sources (\$55 million). A 2017-19 biennium general fund appropriation of \$9 million is also provided for the project for a total project cost of \$70 million. The bonding authority and general fund appropriation for the project are available only if the University of North Dakota certifies to the Industrial Commission and the Office of Management and Budget that \$55 million of local and other funds has been obtained for the project or if the university receives approval from the Legislative Assembly or Budget Section for a change in project scope. This is the same amount of funding as provided in the House version.

Senate Bill No. 2297 - North Dakota State University - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|----------------|-------------------|------------------------------------|------------------------------------|------------------|------------------------|
| Capital assets | | \$111,200,000 | (\$28,000,000) | \$83,200,000 | \$51,200,000 | \$32,000,000 |
| Total all funds | \$0 | \$111,200,000 | (\$28,000,000) | \$83,200,000 | \$51,200,000 | \$32,000,000 |
| Less estimated income | 0 | 111,200,000 | (28,000,000) | 83,200,000 | 51,200,000 | 32,000,000 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department 235 - North Dakota State University - Detail of Conference Committee Changes

| | Adjusts Funding for Dunbar Hall Project ¹ | Adjusts Funding for Agriculture Products Development Center Project ² | Total Conference Committee Changes |
|-----------------------|---------------------------------------------------------|-------------------------------------------------------------------------------------------|---------------------------------------|
| Capital assets | (\$8,000,000) | (\$20,000,000) | (\$28,000,000) |
| Total all funds | (\$8,000,000) | (\$20,000,000) | (\$28,000,000) |
| Less estimated income | (8,000,000) | (20,000,000) | (28,000,000) |
| General fund | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding for the Dunbar Hall project is adjusted as follows:

Dunbar Hall Project

| | Senate | House | Conference Committee |
|-----------------------------------------------|---------------|--------------|-----------------------------|
| Bonding | \$51,200,000 | \$40,000,000 | \$40,000,000 |
| General fund appropriation (2017-19 biennium) | 0 | 0 | 8,000,000 |
| Other funds | 0 | 11,200,000 | 3,200,000 |
| Total | \$51,200,000 | \$51,200,000 | \$51,200,000 |

The \$8 million reduction shown is due to the general fund appropriation being provided during the 2017-19 biennium.

² Funding for the Agriculture Products Development Center is adjusted as follows:

Agriculture Products Development Center

| | Senate | House | Conference Committee |
|-----------------------------------------------|---------------|--------------|-----------------------------|
| Bonding | \$54,000,000 | \$0 | \$20,000,000 |
| General fund appropriation (2017-19 biennium) | 0 | 0 | 20,000,000 |
| Other funds | 6,000,000 | 0 | 20,000,000 |
| Total | \$60,000,000 | \$0 | \$60,000,000 |

The \$20 million reduction shown is due to the general fund appropriation being provided during the 2017-19 biennium. Provisions are also added to provide the bonding authority and general fund appropriation for the project are available only if North Dakota State University certifies to the Industrial Commission and the Office of Management and Budget that \$20 million of local and other funds has been obtained for the project or if the university receives approval from the Legislative Assembly or Budget Section for a change in project scope.

Senate Bill No. 2297 - Dickinson State University - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|--------------------|-----------------------|-------------------------------------|-------------------------------------|----------------------|----------------------------|
| Capital assets | | \$4,500,000 | (\$500,000) | \$4,000,000 | \$4,000,000 | |
| Total all funds | \$0 | \$4,500,000 | (\$500,000) | \$4,000,000 | \$4,000,000 | \$0 |
| Less estimated income | 0 | 4,500,000 | (500,000) | 4,000,000 | 4,000,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department 239 - Dickinson State University - Detail of Conference Committee Changes

| | Adjusts Funding for Pulver Hall Project¹ | Total Conference Committee Changes |
|-----------------------|------------------------------------------------------------|-------------------------------------------|
| Capital assets | (\$500,000) | (\$500,000) |
| Total all funds | (\$500,000) | (\$500,000) |
| Less estimated income | (500,000) | (500,000) |
| General fund | \$0 | \$0 |
| FTE | 0.00 | 0.00 |

¹ Funding from bond proceeds added by the Senate for the Pulver Hall project is reduced from \$4.5 million to \$4 million. This is the same level of funding provided in the House version.

Senate Bill No. 2297 - Valley City State University - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|--------------------|-----------------------|-------------------------------------|-------------------------------------|----------------------|----------------------------|
| Capital assets | | \$32,275,000 | (\$2,275,000) | \$30,000,000 | \$32,275,000 | (\$2,275,000) |
| Total all funds | \$0 | \$32,275,000 | (\$2,275,000) | \$30,000,000 | \$32,275,000 | (\$2,275,000) |
| Less estimated income | 0 | 32,275,000 | (2,275,000) | 30,000,000 | 32,275,000 | (2,275,000) |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department 242 - Valley City State University - Detail of Conference Committee Changes

| | Adjusts Funding for Communications and Fine Arts Building Project ¹ | Total Conference Committee Changes |
|-----------------------|--------------------------------------------------------------------------------|------------------------------------|
| Capital assets | (\$2,275,000) | (\$2,275,000) |
| Total all funds | (\$2,275,000) | (\$2,275,000) |
| Less estimated income | (2,275,000) | (2,275,000) |
| General fund | \$0 | \$0 |
| FTE | 0.00 | 0.00 |

¹ Funding for the Communications and Fine Arts Building project is adjusted as follows:

| Communications and Fine Arts Building Project | Senate | House | Conference Committee |
|-----------------------------------------------|--------------|--------------|----------------------|
| Bonding | \$32,275,000 | \$30,000,000 | \$30,000,000 |
| General fund appropriation (2017-19 biennium) | 0 | 0 | 2,000,000 |
| Other funds | 0 | 2,275,000 | 0 |
| Total | \$32,275,000 | \$32,275,000 | \$32,000,000 |

The \$2,275,000 reduction shown is due to the \$2 million general fund appropriation being provided during the 2017-19 biennium and a reduction of \$275,000 in project authorization.

Senate Bill No. 2297 - Northern Crops Institute - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|-------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Capital assets | | \$18,000,000 | (\$18,000,000) | | | |
| Total all funds | \$0 | \$18,000,000 | (\$18,000,000) | \$0 | \$0 | \$0 |
| Less estimated income | 0 | 18,000,000 | (18,000,000) | 0 | 0 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department 638 - Northern Crops Institute - Detail of Conference Committee Changes

| | Removes Funding for Building Project ¹ | Total Conference Committee Changes |
|-----------------------|---------------------------------------------------|------------------------------------|
| Capital assets | (\$18,000,000) | (\$18,000,000) |
| Total all funds | (\$18,000,000) | (\$18,000,000) |
| Less estimated income | (18,000,000) | (18,000,000) |
| General fund | \$0 | \$0 |
| FTE | 0.00 | 0.00 |

¹ Funding added by the Senate from bond proceeds and other funds for the Northern Crops Institute building project is removed. The House also removed this funding. A section is added authorizing the Northern Crops Institute to begin fundraising for the project and to request authorization from the 67th Legislative Assembly to proceed with the project.

Senate Bill No. 2297 - Other Changes - Conference Committee Action

This amendment provides a 2017-19 biennium general fund appropriation of \$49.9 million for the following projects:

| | Senate | House | Conference Committee |
|----------------------------------------------------------------------------|--------|--------------|----------------------|
| Bismarck State College Nursing Building | \$0 | \$8,900,000 | \$8,900,000 |
| Dakota College at Bottineau dining hall and other projects | 0 | 1,000,000 | 1,000,000 |
| Lake Region State College precision agriculture project | 0 | 1,000,000 | 1,000,000 |
| North Dakota State University Agriculture Products Development Center | 0 | 0 | 20,000,000 |
| North Dakota State University Dunbar Hall project | 0 | 0 | 8,000,000 |
| University of North Dakota Gamble Hall project | 0 | 9,000,000 | 9,000,000 |
| Valley City State University Communications and Fine Arts Building project | 0 | 0 | 2,000,000 |
| Total general fund - 2017-19 biennium | \$0 | \$19,900,000 | \$49,900,000 |

Provisions are also added to allow the institutions to continue any unexpended general fund appropriations for the projects into the 2019-21 biennium.

Engrossed SB 2297 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2317, as engrossed: Your conference committee (Sens. J. Lee, K. Roers, Hogan and Reps. Weisz, Rohr, Schneider) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1312, adopt amendments as follows, and place SB 2317 on the Seventh order:

That the House recede from its amendments as printed on page 1312 of the Senate Journal and page 1265 of the House Journal and that Engrossed Senate Bill No. 2317 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 23-01-37 and 23-09.3-04 of the North Dakota Century Code, relating to health care facilities and licensure of nursing facilities; to provide for a legislative management study; to provide for a report; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 23-01-37 of the North Dakota Century Code is amended and reenacted as follows:

23-01-37. Survey program - Health facilities construction or renovation projects - Innovation waivers.

1. The state department of health shall conduct a life safety survey process for all health facilities licensed by the division of health facilities of the state department of health during and at the conclusion of a construction, renovation, or construction and renovation project.
2. The department may charge a reasonable fee for the review of plans for construction, renovation, or construction and renovation projects performed under this section based on the size of the project. Revenues derived from the fees collected under this subsection must be deposited in the department's operating fund in the state treasury.
3. The state department of health shall make a determination on a construction, renovation, or construction and renovation project of no more than one million dollars within sixty days of receipt of a complete application.
4. The state department of health may approve a request for a waiver of a state law or rule relating to an innovative construction, renovation, or construction and renovation project if the lack of compliance does not adversely affect health or safety.
5. The department shall design and operate the program in a manner that will provide that the surveyor that performs a life safety survey under this section does not violate the federal requirements associated with Medicare-certified life safety surveys.

SECTION 2. AMENDMENT. Section 23-09.3-04 of the North Dakota Century Code is amended and reenacted as follows:

23-09.3-04. Department to establish standards - Licensing - Inspection - Survey - Prosecute violations.

1. The department shall establish standards for basic care facilities. The department shall inspect all places and grant annual licenses to basic care facilities as conform to the standards established and comply with the rules prescribed, as provided in this chapter. The department may waive all or a portion of a license standard if the department determines the lack of compliance does not adversely affect the health or safety of residents.

2. The department shall implement a survey process for basic care facilities which for purposes of the life safety portions of the survey, all surveys must be announced; which for purposes of the health portions of the survey, half of the surveys must be announced; and which for purposes of complaints related to health and life safety, all surveys must be unannounced. As part of the survey process, the department shall develop, in consultation with basic care facilities, and shall implement a two-tiered system of identifying areas of noncompliance with the health portions of the survey.
3. The department shall prosecute all violations of this chapter.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - HEALTH FACILITY CONSTRUCTION. During the 2019-20 interim, the legislative management shall consider studying the state department of health licensing process for health facility construction and renovation projects, including consideration of the appropriate role of the state department of health. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 4. REPORT TO LEGISLATIVE MANAGEMENT - HEALTH FACILITY CONSTRUCTION AND RENOVATION. Before July 1, 2020, the state department of health shall report to the legislative management on the implementation of sections 1 and 2 of this Act.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2317 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1461, as engrossed: Your conference committee (Sens. Davison, Schaible, Oban and Reps. Schreiber-Beck, Strinden, Hager) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1217-1218, adopt amendments as follows, and place HB 1461 on the Seventh order:

That the Senate recede from its amendments as printed on page 1459 of the House Journal and pages 1217 and 1218 of the Senate Journal and that Engrossed House Bill No. 1461 be amended as follows:

Page 1, line 1, after "enact" insert "two"

Page 1, line 1, replace "chapters" with "chapter"

Page 1, line 1, remove "and 15.1-34"

Page 1, line 2, replace "dyslexia" with "reading"

Page 1, line 2, replace "and training for teachers and other staff" with "and a dyslexia screening pilot program"

Page 1, remove line 3

Page 1, line 4, remove "credentials for dyslexia specialists; and"

Page 1, line 4, after "management" insert "; and to provide for an exemption"

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 6

Page 2, replace lines 9 through 29 with:

"Reading screening.

Each public elementary school shall include in the developing and processing of assessments and screening of reading, the core components of phonetic awareness, decoding, and spelling. The screening also must be offered if requested by a parent, legal guardian, or teacher."

Page 2, remove lines 30 and 31

Page 3, replace lines 1 through 6 with:

"SECTION 2. A new section to chapter 15.1-32 of the North Dakota Century Code is created and enacted as follows:

Dyslexia screening - Pilot program - Report to legislative management - Professional development.

1. For purposes of this section:
 - a. "Dyslexia" means a specific learning disability that is neurological in origin and characterized by difficulties with accurate or fluent recognition of words and poor spelling and decoding abilities, independent of the individual's general intelligence level.
 - b. "Specialist trained in dyslexia" means an individual who:
 - (1) Has expertise providing training in phonological and phonemic awareness, sound and symbol relationships, alphabet knowledge, rapid naming skills, and encoding and decoding skills;
 - (2) Is fluent in the dyslexia intervention process; and
 - (3) Has training in identifying dyslexia.
2. Beginning with the 2019-20 school year and continuing through the 2022-23 school year, the superintendent of public instruction shall establish and operate a pilot program to provide early screening and intervention services for children with risk factors for dyslexia, including low phonemic awareness.
3. To be eligible to participate in the program, a school district, regional education association, or special education unit must submit an application to the superintendent which:
 - a. Identifies a method of screening children for low phonemic awareness and other risk factors for dyslexia;
 - b. Provides for the enrollment of children identified as having risk factors for dyslexia in a reading program staffed by specialists trained in dyslexia and multisensory structured language programs; and
 - c. Includes a methodology for evaluating the effects of the reading program on the identified risk factors of the child.
4. Each grantee selected to participate in the program shall:
 - a. Provide low phonemic awareness and other dyslexia risk factor screenings for children under seven years of age through a reading program established under subsection 3;
 - b. Provide reading intervention services to students identified as having dyslexia;

- c. Administer assessments, approved by the superintendent of public instruction, to determine the effectiveness of the program in improving the reading and learning skills of children enrolled in the program; and
 - d. Provide professional development on dyslexia identification and interventions to grant participants.
5. The board of each participating grantee shall report annually to the superintendent of public instruction regarding the operation, results, and effectiveness of the pilot program in a manner prescribed by the superintendent. Before July 1, 2021, the superintendent of public instruction shall compile the information and report to the legislative management with a recommendation whether to continue the pilot program beyond the 2022-23 school year.

SECTION 3. EXEMPTION - DYSLEXIA SCREENING PILOT PROGRAM.

Up to \$250,000 of the unexpended amount remaining from the appropriation for integrated formula payments, as authorized in subdivision 1 of section 1 of chapter 12 of the 2017 Session Laws, is not subject to the provisions of section 54-44.1-11 at the end of the 2017-19 biennium, and may be continued into the 2019-21 biennium for the purpose of providing a dyslexia screening pilot program."

Renumber accordingly

Engrossed HB 1461 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1407, as engrossed: Your conference committee (Sens. Rust, Clemens, Bakke and Reps. Weisz, Grueneich, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1247-1248, adopt amendments as follows, and place HB 1407 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1247 and 1248 of the House Journal and pages 965 and 966 of the Senate Journal and that Engrossed House Bill No. 1407 be amended as follows:

Page 1, line 1, replace "section" with "sections 39-05-17 and"

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

Page 1, line 2, after "title" insert "; and to provide a penalty"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 39-05-17 of the North Dakota Century Code is amended and reenacted as follows:

39-05-17. Transfer of title of vehicle - Endorsement required - Certificate of title delivered - New certificate obtained - Penalty.

1. The owner or transferor of a motor vehicle who transfers title to a vehicle shall endorse an assignment and warranty of title upon the certificate of title for the vehicle. The owner or transferor shall include on the assignment and warranty of title the name of the transferee and the selling price of the vehicle if applicable.
2. If legal title passes to the transferee, the owner shall deliver the endorsed certificate of title to the transferee within ~~fifteen~~thirty days.
3. If legal title passes to a lienholder rather than the transferee, the transferee shall endorse a statement that the lienholder holds the lien and shall send the certificate of title to the department with an application for a new certificate of title showing the names of the new owner and

lienholder. The certificate of title when issued must be sent by the department to the lienholder or the department may use an electronic lien notification procedure in lieu of sending a certificate of title to a lienholder.

4. Within thirty days, the transferee shall deliver the endorsed certificate of title to the department with a transfer fee of five dollars, and shall make an application for a new certificate of title. In addition to any other penalty, the registration to a motor vehicle may be suspended or revoked if the transferee fails to present the endorsed certificate of title to the department for transfer and make application for a new certificate of title within thirty days. The department shall deliver the new certificate of title to the lienholder with priority. If there is no lienholder, delivery must be made to the owner.
5. A violation of this section by an owner, lienholder, or transferee is a class B misdemeanor."

Page 1, line 13, overstrike "Satisfactory" and insert immediately thereafter "Except as otherwise provided by this subsection, satisfactory"

Page 1, line 14, remove ", that the"

Page 1, remove lines 15 and 16

Page 1, line 17, remove "known lienholder to obtain the certificate of title"

Page 1, after line 17, insert:

- "a. If the transferee is an insurer that has paid a total loss claim on a vehicle but the payment has not satisfied all liens of record on the vehicle, the transferee is not required to comply with the procedures outlined in title 35 to establish satisfactory proof of ownership and the department may cancel the old certificate of title and issue a new certificate to the insurer free and clear of all liens and claims of ownership.
- b. If the transferee is a tax exempt organization under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)] to which a vehicle has been donated, the transferee shall provide an affidavit providing proof the vehicle was donated.
- c. If the transferee is a licensed motor vehicle dealer that, at the request of an insurer, took possession of a vehicle that is the subject of an insurance claim but for which a total loss claim is not paid by the insurer and the vehicle has been in the possession of the dealer for more than thirty days, the necessary satisfactory proof of ownership includes only proof the dealer made at least two written attempts by certified mail with return receipt addressed to the owner of record and any known lienholder to have the vehicle removed from the dealer's facility, upon payment of applicable charges. If satisfactory proof of ownership is established, the department may cancel the old certificate of title and issue a new certificate to the licensed motor vehicle dealer free and clear of all liens and claims of ownership.
- d. If the transferee is an individual, satisfactory proof of ownership must include that the transferee has paid for the vehicle, and that the transferee made at least two written attempts by certified mail with return receipt addressed to the owner of record and any known lienholder to obtain the certificate of title. If satisfactory proof of ownership is established, the department shall cancel the old certificate of title and issue a new certificate to the individual, subject to any existing lien."

Page 1, line 20, after the period insert "The procedures may include determining the validity of any liens on a certificate of title."

Renumber accordingly

Engrossed HB 1407 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Engrossed SB 2317 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2317, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2317: A BILL for an Act to amend and reenact sections 23-01-37 and 23-09.3-04 of the North Dakota Century Code, relating to health care facilities and licensure of nursing facilities; to provide for a legislative management study; to provide for a report; 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 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 2317 passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DAVISON MOVED that the conference committee report on Engrossed SB 2215 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2215, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2215: A BILL for an Act to create and enact a new section to chapter 15.1-01 of the North Dakota Century Code, relating to the creation of the kindergarten through grade twelve education coordination council; to amend and reenact subsection 2 of section 28-32-01, and subsection 1 of section 54-59-33 of the North Dakota Century Code, relating to the definition of administrative agency, and the statewide longitudinal data system committee; and to repeal sections 54-59-17 and 54-59-18 of the North Dakota Century Code, relating to the educational technology council.

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 2215 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LUICK MOVED that the conference committee report on Engrossed SB 2172 be adopted, which motion failed on a verification vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SORVAAG MOVED that the conference committee report on Engrossed SB 2297 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2297, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to provide an appropriation for capital projects of various state departments and institutions; to authorize the industrial commission to issue and sell evidences of indebtedness for capital projects; to provide an exemption; 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

Reengrossed SB 2297 passed and the emergency clause was declared carried.

MOTION

SEN. UNRUH MOVED that the Senate reconsider its action whereby Engrossed SB 2172 failed to pass on the Seventh Order, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LUICK MOVED that the conference committee report on Engrossed SB 2172 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2172, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2172: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 62.1-02-04 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon in a liquor establishment; to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at a public gathering; to provide for a legislative management study; and to provide a penalty.

ROLL CALL

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

YEAS: Anderson; Clemens; Larsen, O.; Luick

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

Reengrossed SB 2172 failed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HOGUE MOVED that the conference committee report on Engrossed SB 2001 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2001, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to salary of the governor and lieutenant governor; to provide for a report to the legislative assembly; and to provide for a budget section report.

ROLL CALL

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

Reengrossed SB 2001 passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. RUST MOVED that the conference committee report on Engrossed HB 1407 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1407, as amended, was placed on the Fourteenth order of business.

SECOND READING OF HOUSE BILL

HB 1407: A BILL for an Act to amend and reenact sections 39-05-17 and 39-05-20 of the North Dakota Century Code, relating to the delivery and issuance of certificates of vehicle title; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1407, as amended, passed.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2224.

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 2015: Reps. Pollert; Delzer; Boschee

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1157, HB 1202.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1407.

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 2001, SB 2297, SB 2317.

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 2293.

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 2172.

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 1407, HB 1461.

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 2005.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2022, SB 2140, SB 2146.

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

MR. PRESIDENT: The Speaker has signed: SB 2022, SB 2140, SB 2146.

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

MR. SPEAKER: The President has signed: SB 2022, SB 2140, SB 2146.

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

MR. SPEAKER: The President has signed: HB 1007, HB 1022, HB 1171, HB 1234, HB 1384, HB 1435, HB 1453, HB 1474, HB 1517, HB 1531.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 22, 2019, I have signed the following: SB 2016 and 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 8:00 a.m., Wednesday, April 24, 2019, which motion prevailed.

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

Shanda Morgan, Secretary

