

JOURNAL OF THE HOUSE

Sixty-sixth Legislative Assembly

* * * * *

Bismarck, April 17, 2019

The House convened at 8:00 a.m., with Speaker Klemin presiding.

The prayer was offered by Pastor Rich Wyatt, Living Hope Nazarene, Bismarck.

The roll was called and all members were present except Representatives Blum, O'Brien, Paulson, Simons, and Zubke.

A quorum was declared by the Speaker.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 12 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Bellew; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Strinden; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Speaker Klemin

NAYS: Becker; Delzer; Ertelt; Hoverson; Johnston; Kading; Magrum; McWilliams; Ruby, M.; Simons; Skroch; Toman

ABSENT AND NOT VOTING: Blum; O'Brien; Paulson; Zubke

Engrossed SB 2249, as amended, passed.

MOTION

REP. LOUSER MOVED that HB 1407 be moved to the bottom of the Seventh order, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GRUENEICH MOVED that the conference committee report on Engrossed HB 1513 as printed on HJ page 1875 be adopted, which motion failed on a verification vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HOWE MOVED that the conference committee report on Engrossed HB 1008 as printed on HJ page 1875 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1008, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the

department of financial institutions; 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 65 YEAS, 25 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Martinson; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Strinden; Trottier; Vigasaa; Westlind; Speaker Klemin

NAYS: Becker; Bellew; Delzer; Ertelt; Johnston; Kading; Kiefert; Koppelman, B.; Louser; Magrum; Marschall; McWilliams; Meier; Paur; Rohr; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Steiner; Toman; Tveit; Vetter; Weisz

ABSENT AND NOT VOTING: Blum; O'Brien; Paulson; Zubke

Reengrossed HB 1008 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HOWE MOVED that the conference committee report on Engrossed SB 2007 as printed on HJ page 1875 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEISER MOVED that the conference committee report on Engrossed SB 2344 as printed on HJ pages 1877-1879 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2344, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to create and enact section 47-31-09 of the North Dakota Century Code, relating to injection or migration of substances into pore space; and to amend and reenact sections 38-08-25, 38-11.1-01, and 38-11.1-03 of the North Dakota Century Code, relating to pore space and oil and gas production.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 66 YEAS, 24 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, D.; Beadle; Bellew; Bosch; Brandenburg; Damschen; Delzer; Devlin; Dockter; Fegley; Fisher; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Speaker Klemin

NAYS: Adams; Anderson, B.; Anderson, P.; Becker; Boe; Boschee; Buffalo; Dobervich; Eidson; Ertelt; Guggisberg; Hager; Hanson; Holman; Hoverson; Johnston; Longmuir; Louser; Magrum; Mitskog; Nelson, M.; Paur; Schneider; Westlind

ABSENT AND NOT VOTING: Blum; O'Brien; Paulson; Zubke

Engrossed SB 2344, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. LEFOR MOVED that the conference committee report on Reengrossed SB 2037 as printed on HJ page 1875 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2037, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to create and enact chapters 38-23 and 38-24 of the North Dakota Century Code, relating to the disposal and storage of high-level radioactive waste and subsurface storage and retrieval of nonhydrocarbons; to amend and reenact sections 12.1-06.1-01 and 38-19-09 of the North Dakota Century Code, relating to the definition of illegal transportation or disposal of radioactive waste material or hazardous waste and disposition of unusable products; to repeal chapter 23-20.2 of the North Dakota Century Code, relating to the disposal of nuclear waste material; to provide a penalty; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Bellew; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Speaker Klemm

NAYS: Becker; Buffalo; Ertelt; Magrum; Simons

ABSENT AND NOT VOTING: Blum; O'Brien; Paulson; Zubke

Reengrossed SB 2037, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KIEFERT MOVED that the conference committee report on Engrossed SB 2247 as printed on HJ page 1877 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2247, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to amend and reenact section 50-06-37 of the North Dakota Century Code, relating to the developmental disabilities system reimbursement project; to provide a statement of legislative intent; and to provide for a legislative management 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 88 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe;

Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Speaker Klemin

NAYS: Ertelt; Simons

ABSENT AND NOT VOTING: Blum; O'Brien; Paulson; Zubke

Engrossed SB 2247, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SCHAUER MOVED that the conference committee report on Engrossed SB 2195 as printed on HJ pages 1876-1877 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2195, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to provide an appropriation for veterans' spouses and dependents burial fees at the veterans' cemetery; 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 69 YEAS, 21 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Dobervich; Dockter; Eidson; Fegley; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Heinert; Holman; Hoverson; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pollert; Porter; Pyle; Richter; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Skroch; Strinden; Toman; Trottier; Tveit; Vetter; Westlind; Speaker Klemin

NAYS: Beadle; Becker; Bellew; Delzer; Devlin; Ertelt; Fisher; Headland; Howe; Johnston; Kading; Kreidt; Paur; Roers Jones; Rohr; Ruby, D.; Schobinger; Simons; Steiner; Vigasaa; Weisz

ABSENT AND NOT VOTING: Blum; O'Brien; Paulson; Zubke

Engrossed SB 2195, as amended, passed.

MOTION

REP. LOUSER MOVED that the House stand in recess until 1:00 p.m., which motion prevailed on a voice vote.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Klemin presiding.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal (Rep. Vigasaa, Chairman) has carefully examined the Journal of the Sixty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1873, remove lines 10 through 16

Page 1863, after line 9, insert:

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2017, SB 2293, and SB 2297, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2017: Sens. Oehlke; Wanzek; Grabinger

SB 2293: Sens. Cook; Oehlke; Piepkorn

SB 2297: Sens. Sorvaag; Holmberg; Robinson"

Page 1866, line 27, replace "renewable" with "solar"

REP. VIGESAA MOVED that the report be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LOUSER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1021 as printed on HJ pages 1867-1870 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed HB 1021: Reps. Beadle, Kempenich, Mock.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. LOUSER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2012, which motion prevailed on a voice vote.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2012: Reps. J. Nelson, Kreidt, Holman

SIXTH ORDER OF BUSINESS

SPEAKER KLEMIN DEEMED approval of the amendments to Engrossed SB 2211.

Engrossed SB 2211, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to create and enact section 61-33-01.1 and a new subsection to section 61-33.1-03 of the North Dakota Century Code, relating to the determination of the ordinary high water mark; to amend and reenact sections 61-33-01 and 61-33.1-02, subdivision e of subsection 3 of section 61-33.1-03, sections 61-33.1-04, 61-33.1-05, and 61-33.1-07 of the North Dakota Century Code, relating to sovereign lands, determining the ordinary high water mark, and the ownership of mineral rights of land subject to inundation by Pick-Sloan Missouri basin project dams; to provide a contingent appropriation; to provide for application; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nelson, J.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemm

NAYS: Anderson, P.; Buffalo; Holman; Nelson, M.

ABSENT AND NOT VOTING: Nathe; O'Brien; Paulson

Engrossed SB 2211, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WEISZ MOVED that the conference committee report on Engrossed HB 1407 as printed on HJ page 1753 be rejected, which motion prevailed on a voice vote.

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

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

REPORT OF CONFERENCE COMMITTEE

SB 2358, as engrossed: Your conference committee (Sens. Kreun, Unruh, Piepkorn and Reps. D. Anderson, Zubke, Damschen) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1169-1170, adopt amendments as follows, and place SB 2358 on the Seventh order:

That the House recede from its amendments as printed on pages 1169 and 1170 of the Senate Journal and pages 1267 and 1268 of the House Journal and that Engrossed Senate Bill No. 2358 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 section 40-33-16, subsections 11 and 27 of section 61-24-08, subdivision b of subsection 2 of section 61-32-03.1, and subsection 8 of section 61-39-05 of the North Dakota Century Code, relating to Red River valley water supply project contract terms, elimination of voter approval requirements, and notice of proposed subsurface water management systems.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 40-33-16 of the North Dakota Century Code is amended and reenacted as follows:

40-33-16. Municipality may purchase water for distribution.

1. Any city owning a system for the distribution of water for fire protection and other public purposes and for selling water to its inhabitants and industries, but for which the water supply is unsuitable or inadequate, may contract to purchase water at wholesale for ~~such~~those purposes from any person, firm, public or private corporation, or limited liability company able and willing to furnish the same, upon ~~such~~the terms and during ~~such~~the period, not exceeding forty years, as the city governing body ~~shall deem~~deems appropriate. ~~Any such~~The contract ~~shall~~must be authorized by an ordinance submitted to the voters for approval by a majority of those voting on the proposition before it takes effect. ~~In and by~~Pursuant to the ordinance and contract, the city may bind itself:
- 4-
 - a. To establish and maintain rates and charges for supplying water by it to its inhabitants and industries, either according to a prescribed schedule agreed upon or sufficient to produce net stated amounts for specified periods during the life of the contract, or both, and to appropriate and use the same for payments to become due under the contract, and, if the contract so provides, the city ~~shall be~~is obligated to pay for ~~such~~the water solely out of ~~such~~the net revenues;
 - 2- b. To pay, at an agreed rate or rates, for all water taken by the city under ~~such~~the contract and not resold by it; and

- ~~3. c.~~ To do and perform any other acts or things ~~which, in the discretion of the governing body, are deemed~~ deems reasonable and appropriate for the procurement of ~~such~~ the water on the most efficient and economical basis.
2. Notwithstanding subsection 1, contracts to purchase water from the water supply system created by the Red River valley water supply project may have a term exceeding forty years and, if executed in relation to the initial construction of the system, need not be submitted to the voters for approval.
3. If any payments under any contract are to be made solely out of net revenues, the contract may fix and prescribe the method or basis on which net revenues are to be computed.

SECTION 2. AMENDMENT. Subsection 11 of section 61-24-08 of the North Dakota Century Code is amended and reenacted as follows:

11. To operate and maintain or to contract for the operation and maintenance of water supply and irrigation works serving lands and uses within or outside the district, and in connection therewith, to maintain a reserve fund to meet major unforeseen costs of operation and maintenance. The acquisition, construction, operation, and maintenance of dams, reservoirs, ground water storage areas, canals, conduits, pipelines, tunnels, and any other plants, works, facilities, improvements, or property necessary to operate or maintain water supply or irrigation works under this section are exempt from any requirements for voter approval.

SECTION 3. AMENDMENT. Subsection 27 of section 61-24-08 of the North Dakota Century Code is amended and reenacted as follows:

27. To enter water service contracts with municipalities, water districts, or other political subdivisions in this state and public utilities in Minnesota as part of the Red River valley water supply project, regardless of whether the acquisition, construction, or reconstruction of any Red River valley water supply project is actually completed and whether water actually is delivered under the contracts. These contracts with cities and water districts are authorized to be executed without limitation on term of years ~~notwithstanding any limitation to the contrary and, if the contracts are executed in relation to the initial construction of the system, without voter approval.~~

SECTION 4. AMENDMENT. Subdivision b of subsection 2 of section 61-32-03.1 of the North Dakota Century Code is amended and reenacted as follows:

- b. Upon submission of a completed application for a permit, the water resource district board immediately shall give notice and a copy of the submission via certified mail to each owner of land within one mile [1.61 kilometers] downstream of the proposed subsurface water management system outlet unless the distance to the nearest waterway depicted as a perennial or intermittent stream or river on a United States geological survey topography map, assessment drain, natural watercourse, slough, or lake is less than one mile [1.61 kilometers], in which case notice and a copy of the submission must be given immediately to each owner of land between the outlet and the nearest assessment drain, natural watercourse, slough, or lake. The notice requirement in this section must be waived if the applicant presents signed, notarized letters of approval from all downstream landowners entitled to notice in this subsection.

SECTION 5. AMENDMENT. Subsection 8 of section 61-39-05 of the North Dakota Century Code is amended and reenacted as follows:

8. Enter ~~a contract or~~ contracts to provide for a supply of bulk water from the Garrison Diversion Conservancy District which ~~contract or contracts~~

may provide for payments to fund some or all of the Garrison Diversion Conservancy District's costs of acquiring, designing, constructing, or reconstructing one or more features of a Red River valley water supply project, ~~which project the~~ that the Garrison Diversion Conservancy District may acquire, design, construct, improve, and own, as well as the Garrison Diversion Conservancy District's costs of operating and maintaining one or more Red River valley water supply projects, whether the acquisition, construction, or reconstruction of any Red River valley water supply project actually is completed and whether water actually is delivered pursuant to the contract or contracts, ~~and which contract or contracts the Garrison Diversion Conservancy District may execute.~~ Contracts executed under this subsection may be executed without limitation on the term of years and, if executed in relation to the initial construction of the system, need not be submitted to the voters for approval."

Renumber accordingly

Engrossed SB 2358 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. D. ANDERSON MOVED that the conference committee report on Engrossed SB 2358 as printed on HJ pages 1645-1647 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schreiber-Beck; Steiner; Strinden; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemm

NAYS: Becker; Bellew; Boe; Buffalo; Ertelt; Hoverson; Johnston; Magrum; McWilliams; Nelson, M.; Paur; Schatz; Schobinger; Simons; Skroch; Toman

ABSENT AND NOT VOTING: O'Brien; Paulson

Engrossed SB 2358, as amended, passed.

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

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

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2211.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1202.

SENATE AMENDMENTS TO HOUSE BILL NO. 1202

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 sections 61-33-01 and subdivision e of subsection 3 of section 61-33.1-03 of the North Dakota Century Code, relating to sovereign land management definitions; and to provide for a state engineer review of determinations of navigability.

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 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 during the 2019-20 interim, those determinations 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

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

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

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1001

In lieu of the amendments adopted by the Senate as printed on page 1588-1592 of the Senate Journal, Engrossed House Bill No. 1001 is amended as follows:

Page 1, replace lines 18 through 24 with:

"Salaries and wages	\$10,233,424	\$957,420	\$11,190,844
Operating expenses	3,694,591	710,647	4,405,238
Capital assets	6,000	100,000	106,000
National conference of state legislatures	225,155	38,278	263,433
Total all funds	\$14,159,170	\$1,806,345	\$15,965,515
Less estimated income	0	140,000	140,000
Total general fund	\$14,159,170	\$1,666,345	\$15,825,515"

Page 2, replace lines 5 through 10 with:

"Salaries and wages	\$9,049,530	\$916,187	\$9,965,717
Operating expenses	2,911,608	231,749	3,143,357
Capital assets	0	6,000	6,000
Total all funds	\$11,961,138	\$1,153,936	\$13,115,074
Less estimated income	70,000	0	70,000
Total general fund	\$11,891,138	\$1,153,936	\$13,045,074"

Page 2, replace lines 16 through 18 with:

"Grand total general fund	\$26,050,308	\$2,820,281	\$28,870,589
Grand total special funds	70,000	140,000	210,000
Grand total all funds	\$26,120,308	\$2,960,281	\$29,080,589"

Page 7, line 6, replace "eighty-five" with "eighty-six"

Page 8, line 31, replace "fifteen" with "eighteen"

Page 9, line 8, replace "sixty-nine" with "seventy-one"

Page 10, line 9, replace "eighty-five" with "eighty-six"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1001 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Legislative Assembly				
Total all funds	\$14,159,170	\$15,908,865	\$56,650	\$15,965,515
Less estimated income	0	140,000	0	140,000
General fund	\$14,159,170	\$15,768,865	\$56,650	\$15,825,515
FTE	0.00	0.00	0.00	0.00
Legislative Council				

Total all funds	\$11,961,138	\$13,025,746	\$89,328	\$13,115,074
Less estimated income	70,000	70,000	0	70,000
General fund	\$11,891,138	\$12,955,746	\$89,328	\$13,045,074
FTE	36.00	36.00	0.00	36.00
Bill total				
Total all funds	\$26,120,308	\$28,934,611	\$145,978	\$29,080,589
Less estimated income	70,000	210,000	0	210,000
General fund	\$26,050,308	\$28,724,611	\$145,978	\$28,870,589
FTE	36.00	36.00	0.00	36.00

House Bill No. 1001 - Legislative Assembly - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$10,233,424	\$11,160,537	\$30,307	\$11,190,844
Operating expenses	3,694,591	4,405,238		4,405,238
Capital assets	6,000	106,000		106,000
National Conf. of State Legislatures	225,155	237,090	26,343	263,433
Total all funds	\$14,159,170	\$15,908,865	\$56,650	\$15,965,515
Less estimated income	0	140,000	0	140,000
General fund	\$14,159,170	\$15,768,865	\$56,650	\$15,825,515
FTE	0.00	0.00	0.00	0.00

Department 150 - Legislative Assembly - Detail of Senate Changes

	Adjusts Funding for Legislative Pay Increases ¹	Adjusts Funding for Salary Increases for Temporary Session Staff ²	Increases Funding for National Conference of State Legislatures Dues ³	Total Senate Changes
Salaries and wages	\$23,201	\$7,106		\$30,307
Operating expenses				
Capital assets				
National Conf. of State Legislatures			\$26,343	26,343
Total all funds	\$23,201	\$7,106	\$26,343	\$56,650
Less estimated income	0	0	0	0
General fund	\$23,201	\$7,106	\$26,343	\$56,650
FTE	0.00	0.00	0.00	0.00

¹ Funding is added to provide legislative compensation adjustments of 2 percent on July 1, 2019, and 2.5 percent on July 1, 2020, for regular and organizational sessions, legislators' monthly compensation, and additional monthly compensation for legislative leaders. The House provided funding for legislative compensation adjustments of 2 percent on July 1, 2019, and 2 percent on July 1, 2020. The compensation adjustments are as follows:

	Current Compensation Rate	Rate Effective July 1, 2019	Rate Effective July 1, 2020
Daily session pay	\$177	\$181	\$186
Monthly compensation	\$495	\$505	\$518
Leaders' additional monthly compensation	\$355	\$362	\$371

² Funding is added for compensation adjustments of 2 percent on July 1, 2019, and 2.5 percent on July 1, 2020, for temporary session staff.

³ Funding is added for National Conference of State Legislatures dues to provide for 100 percent of the estimated assessment, or \$263,433, for the 2019-21 biennium. The House provided funding for 90 percent of the dues assessment, or \$237,090.

This amendment also amends statutory sections related to legislative compensation to provide an increase of 2 percent on July 1, 2019, and 2.5 percent on July 1, 2020, for organizational and regular session pay, legislators' monthly compensation, and additional monthly compensation for legislative leaders.

House Bill No. 1001 - Legislative Council - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$9,049,530	\$9,936,389	\$29,328	\$9,965,717
Operating expenses	2,911,608	3,083,357	60,000	3,143,357
Capital assets		6,000		6,000
Total all funds	\$11,961,138	\$13,025,746	\$89,328	\$13,115,074
Less estimated income	70,000	70,000	0	70,000
General fund	\$11,891,138	\$12,955,746	\$89,328	\$13,045,074
FTE	36.00	36.00	0.00	36.00

Department 160 - Legislative Council - Detail of Senate Changes

	Adjusts Funding for Salary Increases ¹	Adjusts Funding for Legislator Per Diem ²	Increases Funding for Professional Services ³	Total Senate Changes
Salaries and wages	\$27,242	\$2,086		\$29,328
Operating expenses			\$60,000	60,000
Capital assets				
Total all funds	\$27,242	\$2,086	\$60,000	\$89,328
Less estimated income	0	0	0	0
General fund	\$27,242	\$2,086	\$60,000	\$89,328
FTE	0.00	0.00	0.00	0.00

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

² Funding is added to provide for compensation adjustments of 2 percent on July 1, 2019, and 2.5 percent on July 1, 2020, for legislators' attendance at interim meetings. The House provided funding for compensation adjustments of 2 percent on July 1, 2019, and 2 percent on July 1, 2020. The compensation adjustments are as follows:

	Current Compensation Rate	Rate Effective July 1, 2019	Rate Effective July 1, 2020
Interim meeting pay	\$177	\$181	\$186

³ Funding for professional services is increased to provide a total of \$200,000. The House did not increase funding for professional services.

This amendment also amends statutory sections related to interim committee pay to provide an increase of 2 percent on July 1, 2019, and 2.5 percent on July 1, 2020.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1320.

SENATE AMENDMENTS TO HOUSE BILL NO. 1320

In lieu of the amendments as printed on page 1527-1530 of the Senate Journal, House Bill No. 1320 is 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 54-07 of the North Dakota Century Code, relating to the Theodore Roosevelt presidential library and museum endowment fund; to provide a continuing appropriation; to provide for a transfer; to authorize a loan; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. 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.

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; and
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.

SECTION 2. 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 3. 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 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1521.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1521

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

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

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

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

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

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

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

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

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

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

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

Page 1, remove lines 20 and 21

Page 1, line 22, remove "2."

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

Page 2, line 6, remove "3."

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

Page 2, line 13, remove "4."

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

Page 2, line 26, remove "5."

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

Page 3, line 3, remove "6."

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

Page 3, line 29, remove "7."

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

Page 4, line 4, remove "8."

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

Page 4, line 14, remove "9."

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

Page 4, line 21, remove "10."

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

Page 4, line 26, remove "11."

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

Page 4, line 28, remove "12."

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

Page 5, line 1, remove "13."

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

Page 5, line 4, remove "14."

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

Page 5, line 26, remove "15."

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

Page 5, line 30, remove "16."

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

Page 6, line 10, remove "17."

Page 6, line 12, remove the overstrike over "17."

Page 6, line 12, remove "18."

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

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

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

Page 6, remove lines 17 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 31

Page 12, remove lines 1 through 31

Page 13, replace lines 1 through 6 with:

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

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

A political committee that organizes and registers according to federal law and makes an independent expenditure or makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office or to a political party or political committee in this state shall file a copy of that portion of the committee's federal report detailing the independent expenditure or the disbursement made. The political committee shall file a copy of the committee's federal report, and

supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include:

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

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

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

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

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

Page 13, line 25, remove "1."

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

Page 13, remove lines 27 through 31

Page 18, remove lines 16 through 29

Page 19, remove lines 1 through 3

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

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

Page 20, line 13, remove ", or"

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

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

Page 22, line 16, remove "or commission"

Page 22, line 18, remove "or commission"

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

Page 23, line 13, remove "or commission"

Page 23, line 14, remove "or commission"

Page 23, line 16, remove "or commission"

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

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

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

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

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

Page 28, remove lines 17 through 31

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

Page 30, remove lines 9 through 31

Page 31, remove lines 1 through 31

Page 32, remove lines 1 through 31

Page 33, remove lines 1 and 2

Page 34, remove lines 11 through 30

Page 35, remove lines 1 through 24

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

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

Page 37, remove lines 19 and 20

Page 37, line 21, remove "3."

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

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

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

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

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

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

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

Page 37, line 30, remove "final"

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

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

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

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

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

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

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

Page 38, line 13, remove "inflation."

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

Page 38, line 16, remove "adjusted for"

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

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

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

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

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

Page 38, remove lines 28 through 31

Page 39, remove lines 1 through 15

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

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

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

Page 39, remove lines 20 through 31

Page 40, remove line 1

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

Page 40, line 4, remove the underscored colon

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

Page 40, line 5, remove the underscored semicolon

Page 40, remove line 6

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

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

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

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

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

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

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

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

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

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

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

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

Page 41, line 12, remove "1."

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

Page 41, remove lines 13 through 30

Page 42, remove lines 1 through 29

Page 43, replace lines 1 through 21 with:

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

After receiving a complaint, the ethics commission may:

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

submitted to the ethics commission by the relevant deadline in section 44-04-21.1.

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

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

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

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

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

54-66-09. Hearing findings - Penalties.

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

54-66-10. Appeals.

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

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

Page 43, remove line 25

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

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

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

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

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

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

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

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

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

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

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

Page 44, after line 29, insert:

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

1. An ethics commission member may be removed from office for:
 - a. Substantial neglect of duty;
 - b. Gross misconduct in office;
 - c. Violation of the commission's code of ethics; or
 - d. Willful or habitual neglect or refusal to perform the duties of the member.
2. Removal of an ethics commission member under subsection 1 requires agreement by a majority of:
 - a. The governor;
 - b. The majority leader of the senate; and
 - c. The minority leader of the senate.

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

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

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

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

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

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

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

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

Page 45, remove lines 7 through 11

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

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

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

Renumber accordingly

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1021, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1021: Reps. Beadle; Kempenich; Mock

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

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

HB 1003: Sens. Holmberg; Krebsbach; Robinson

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

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

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

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

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

SB 2015: Sens. Holmberg; Wardner; Heckaman

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

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

SB 2140: Sens. Myrdal; Luick; Bakke

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

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

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

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

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

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

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

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

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

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

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

HB 1513.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2007.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1008.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2037, SB 2195, SB 2247, SB 2344.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2100.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2358.

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

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

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

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

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

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

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

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

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

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

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

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

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1067, HB 1074, HB 1095, HB 1119, HB 1123, HB 1205, HB 1271, HB 1366, HB 1368, HB 1412, HB 1417, HB 1454, HB 1467, HB 1468, HB 1469, HB 1502.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2035.

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

MR. SPEAKER: The President has signed: HB 1067, HB 1074, HB 1095, HB 1119, HB 1123, HB 1205, HB 1271, HB 1366, HB 1368, HB 1412, HB 1417, HB 1454, HB 1467, HB 1468, HB 1469, HB 1502.

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

MR. PRESIDENT: The Speaker has signed: SB 2035.

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

MR. SPEAKER: The President has signed: SB 2002, SB 2016, SB 2034, SB 2139, SCR 4001.

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

MR. SPEAKER: The President has signed: SB 2035.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 17, 2019: HB 1016, HB 1017, HB 1023, HB 1106, HB 1237, HB 1251, HB 1259, HB 1275, HB 1395, HB 1520.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 17, 2019: HCR 3059.

MOTION

REP. LOUSER MOVED that the absent members be excused, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Thursday, April 18, 2019, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2211, as engrossed and amended: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2211, as amended, was placed on the Sixth order on the calendar.

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

Page 1, line 2, remove "and"

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

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

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

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

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

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

Page 1, after line 6, insert:

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

61-33-01. Definitions.

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

1. "Board" means the sovereign lands advisory board.
2. "Board of university and school lands" means that entity created by section 15-01-01.
3. "Ordinary high water mark" means the continuous line along the banks of navigable rivers and lakes where the presence and action of waters of the navigable river or lake are so common and usual, and so long continued in all ordinary years, as to mark upon the bank of a navigable river or lake a character distinct from that of the abutting upland. The ordinary high water mark line must be continuous in elevation or gently sloping, following the gradient of the river.

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

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

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

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

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

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

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

The state sovereign land mineral ownership of the riverbed segments ~~inundated~~subject to inundation by Pick-Sloan Missouri basin project dams extends only to the historical Missouri riverbed channel up to the ordinary high water mark. The state holds no claim or title to any minerals above the ordinary high water mark of the historical Missouri riverbed channel ~~inundated~~subject to inundation by Pick-Sloan Missouri basin project dams, except for original grant lands acquired by the state under federal law and any minerals acquired by the state through purchase, foreclosure, or other written conveyance. Mineral ownership of the riverbed segments ~~inundated~~subject to inundation by Pick-Sloan Missouri basin project dams which are located within the exterior boundaries of the Fort Berthold reservation and Standing Rock Indian reservation is controlled by other law and is excepted from this section.

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

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

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

Page 3, after line 26, insert:

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

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

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

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

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

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

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

Renumber accordingly

The House stood adjourned pursuant to Representative Louser's motion.

Buell J. Reich, Chief Clerk