

JOURNAL OF THE HOUSE

Sixty-fifth Legislative Assembly

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Bismarck, April 19, 2017

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

The prayer was offered by Rep. Lisa Meier, District 32, Bismarck.

The roll was called and all members were present except Representatives Dobervich, Guggisberg, Johnston, and Monson.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 18, 2017, I have signed the following: HB 1025, HB 1120, HB 1155, HB 1341, HB 1374, and HB 1389.

MOTION

REP. VIGESAA MOVED that HB 1392 be moved to the bottom of the Seventh order, which motion prevailed on a voice vote.

MOTION

REP. VIGESAA MOVED to temporarily suspend, for the morning session, HR 362 regarding the use of wireless phones in the house chamber, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BRANDENBURG MOVED that the conference committee report on Engrossed SB 2012 as printed on HJ pages 1757-1761 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2012, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to amend and reenact section 24-02-37 of the North Dakota Century Code, relating to state highway fund expenditures; to provide for a transfer; to provide for disposition of maintenance section sites; to provide exemptions; to provide for studies; and to provide for reports.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 53 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Becker, Rich S.; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Hatlestad; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Klemm; Kreidt; Laning; Longmuir; Louser; Maragos; Martinson; Meier; Monson; Nathe; Nelson, M.; O'Brien; Olson; Paur; Porter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Schmidt; Schobinger; Seibel; Streyle; Sukut; Toman; Vigesaa; Weisz; Westlind; Zubke

NAYS: Anderson, P.; Beadle; Becker, Rick C.; Blum; Boschee; Devlin; Dobervich; Ertelt; Grueneich; Guggisberg; Hanson; Headland; Hogan; Holman; Kading; Kasper; Kiefert; Koppelman, B.; Koppelman, K.; Lefor; Magrum; Marschall; McWilliams; Mitskog; Mock; Nelson, J.; Oliver; Owens; Pollert; Pyle; Satrom; Schatz; Schneider; Schreiber-Beck; Simons; Skroch; Steiner; Trottier; Vetter; Speaker Bellew

ABSENT AND NOT VOTING: Johnston

Engrossed SB 2012, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. POLLERT MOVED that the conference committee report on SB 2224 as printed on HJ page 1761 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2224: A BILL for an Act to provide appropriations to the office of management and budget for community service supervision grants; and to provide legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 79 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Sukut; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke

NAYS: Becker, Rick C.; Delzer; Heinert; Koppelman, B.; Magrum; Marschall; Oliver; Paur; Ruby, D.; Schatz; Simons; Streyle; Toman; Speaker Bellew

ABSENT AND NOT VOTING: Johnston

SB 2224, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BOEHNING MOVED that the conference committee report on Engrossed HB 1007 as printed on HJ pages 1746-1748 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1007, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the department of labor and human rights; to amend and reenact sections 14-02.4-15 and 34-14-09 of the North Dakota Century Code, relating to discriminatory practices in public services and employee claims for wages; 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 82 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Laning; Longmuir; Louser; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner;

Streyle; Sukut; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke

NAYS: Koppelman, B.; Koppelman, K.; Lefor; Magrum; Marschall; McWilliams; Oliver; Olson; Simons; Toman; Speaker Bellew

ABSENT AND NOT VOTING: Johnston

Reengrossed HB 1007 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HCR 3036.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has appointed Sen. Laffen to replace Sen. Cook on the Conference Committee on HB 1361.

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 1007.

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 2012, SB 2224.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2021, SB 2025.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1324.

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 1013.

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 1041.

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 2149.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2144.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1221, HB 1235.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1178, HB 1369.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1221, HB 1235.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2144.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2144.

REPORT OF CONFERENCE COMMITTEE

HB 1201, as engrossed: Your conference committee (Sens. Casper, Roers, Marcellais and Reps. Sukut, Lefor, Boschee) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1277, adopt amendments as follows, and place HB 1201 on the Seventh order:

That the Senate recede from its amendments as printed on page 1277 of the House Journal and page 1064 of the Senate Journal and that Engrossed House Bill No. 1201 be amended as follows:

Page 1, line 3, remove ", subdivision d of subsection 1 of section"

Page 1, line 4, remove "47-16-13.1,"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 10, replace "devices" with "alarms"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert "or unless exempted by state and local building and fire codes."

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15, overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "The installation and maintenance must be in accordance with state and local building and fire codes. All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, replace "device" with "smoke detection alarm"

Page 2, line 10, remove the overstrike over "a class B misdemeanor"

Page 2, line 10, replace "an infraction" with " .

5. A landlord may charge a tenant for damages equivalent to three times the cost associated with replacing an alarm that was damaged during the time the tenant occupied the property.
6. A landlord may not be held liable for injury or damages caused as the result of an inoperable carbon monoxide alarm"

Page 2, remove lines 11 through 16

Page 3, line 17, replace "2018" with "2019"

Renumber accordingly

Engrossed HB 1201 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2025, as reengrossed: Your conference committee (Sens. Kilzer, Dever, Robinson and Reps. J. Nelson, Kading, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1110-1111, adopt amendments as follows, and place SB 2025 on the Seventh order:

That the House recede from its amendments as printed on pages 1110 and 1111 of the Senate Journal and pages 1299 and 1300 of the House Journal and that Reengrossed Senate Bill No. 2025 be amended as follows:

Page 1, replace lines 12 through 19 with:

| | | | |
|---------------------------------|----------------|------------------|------------------|
| "Veterans' affairs | \$1,379,982 | (\$211,967) | \$1,168,015 |
| Agent orange | 50,000 | (50,000) | 0 |
| State approving agency | 288,018 | (16,020) | 271,998 |
| Grants - transportation program | 0 | 1,719,520 | 1,719,520 |
| Transport vans | 0 | <u>37,200</u> | <u>37,200</u> |
| Total all funds | \$1,718,000 | \$1,478,733 | \$3,196,733 |
| Less estimated income | <u>288,018</u> | <u>1,803,553</u> | <u>2,091,571</u> |
| Total general fund | \$1,429,982 | (\$324,820) | \$1,105,162 |
| Full-time equivalent positions | 9.00 | (2.00) | 7.00 |

SECTION 2. HEALTH INSURANCE INCREASES. The salaries and wages line item in section 1 of this Act includes the sum of \$18,581, of which \$15,431 is from the general fund, for increases in employee health insurance premiums from \$1,130 to \$1,241 per month."

Page 1, remove line 23

Page 2, replace lines 1 and 2 with:

| | | |
|--------------------------|----------|---------------|
| "Service dogs | \$50,000 | \$0 |
| Desktop support hardware | 26,895 | 0 |
| Transport vans | 0 | <u>18,600</u> |
| Total general fund | \$76,895 | \$18,600 |

The 2017-19 one-time funding amounts are not a part of the entity's base budget for the 2019-21 biennium. The department of veterans' affairs shall report to the appropriations committees of the sixty-sixth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2017, and ending June 30, 2019."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2025 - Department of Veterans' Affairs - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|---------------------------------|--------------------|--------------------|------------------------------|------------------------------|--------------------|---------------------|
| Veterans' affairs | \$1,379,982 | \$1,314,224 | (\$146,209) | \$1,168,015 | \$1,168,015 | |
| State approving agency | 288,018 | 272,240 | (242) | 271,998 | 271,998 | |
| Agent orange | 50,000 | | | | | |
| Grants - transportation program | | 1,719,520 | | 1,719,520 | 1,719,520 | |
| Service Dogs | | 50,000 | | 50,000 | 25,000 | 25,000 |
| Transport vans | | | 37,200 | 37,200 | 37,200 | |
| Total all funds | \$1,718,000 | \$3,355,984 | (\$109,251) | \$3,246,733 | \$3,221,733 | \$25,000 |
| Less estimated income | 288,018 | 2,091,817 | (246) | 2,091,571 | 2,091,571 | 0 |
| General fund | \$1,429,982 | \$1,264,167 | (\$109,005) | \$1,155,162 | \$1,130,162 | \$25,000 |
| FTE | 9.00 | 8.00 | (1.00) | 7.00 | 7.00 | 0.00 |

Department No. 321 - Department of Veterans' Affairs - Detail of Conference Committee Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Removes 1 FTE Position ² | Adjusts Funding for Transport Vans ³ | Adds One-Time Funding for Transport Vans ⁴ | Total Conference Committee Changes |
|---------------------------------|---|-------------------------------------|---|---|------------------------------------|
| Veterans' affairs | (\$1,209) | (\$130,000) | (\$15,000) | | (\$146,209) |
| State approving agency | (242) | | | | (242) |
| Agent orange | | | | | |
| Grants - transportation program | | | | | |
| Service Dogs | | | | | |
| Transport vans | | | 18,600 | 18,600 | 37,200 |
| Total all funds | (\$1,451) | (\$130,000) | \$3,600 | \$18,600 | (\$109,251) |
| Less estimated income | (246) | 0 | 0 | 0 | (246) |
| General fund | (\$1,205) | (\$130,000) | \$3,600 | \$18,600 | (\$109,005) |
| FTE | 0.00 | (1.00) | 0.00 | 0.00 | (1.00) |

¹ Funding for employee health insurance in adjusted to reflect the updated premium amount of \$1,241 per month.

² One FTE position and related funding is removed, the same as the House version. The Senate also removed 1 FTE position, resulting in a total of 2 FTE positions removed from the base budget.

³ Funding of \$15,000 from the general fund is moved from the veterans' affairs line item to a transport vans line item. An additional \$3,600 is added from the general fund to the transport vans line item to provide funding for one van in the department's base budget, the same as the House version.

⁴ One-time funding of \$18,600 is added from the general fund for an additional transport van, resulting in total funding of \$37,200 for two transport vans, the same as the House version. The Senate approved funding of \$15,000 for transport vans.

This amendment also:

- Adds a section to identify the amount of funding included in the bill for the increase in employee health insurance premiums.
- Restores \$25,000 from the general fund for the purpose of training up to two service dogs to assist North Dakota veterans with post traumatic stress disorder, to provide a total of \$50,000 from the general fund for up to four service dogs, the same as the Senate version. The House approved a total of \$25,000 from the general fund to provide training for up to two service dogs.

Reengrossed SB 2025 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2134, as engrossed: Your conference committee (Sens. Unruh, Cook, Oban and Reps. Keiser, D. Anderson, Mock) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1268-1273, adopt amendments as follows, and place SB 2134 on the Seventh order:

That the House recede from its amendments as printed on pages 1268-1273 of the Senate Journal and pages 1462-1467 of the House Journal and that Engrossed Senate Bill No. 2134 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 chapter 61-33.1 of the North Dakota Century Code, relating to the ownership of mineral rights of land inundated by Pick-Sloan Missouri basin project dams; to provide appropriations; to provide a contingent line of credit; to provide for retroactive application; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Chapter 61-33.1 of the North Dakota Century Code is created and enacted as follows:

61-33.1-01. Definitions.

For purposes of this chapter, unless the context otherwise requires:

1. "Corps survey" means the last known survey conducted by the army corps of engineers in connection with the corps' determination of the amount of land acquired by the corps for the impoundment of Lake Sakakawea and Lake Oahe, as supplemented by the supplemental plats created by the branch of cadastral survey of the United States bureau of land management.
2. "Historical Missouri riverbed channel" means the Missouri riverbed channel as it existed upon the closure of the Pick-Sloan Missouri basin project dams, and extends from the Garrison Dam to the southern border of sections 33 and 34, Township 153 North, range 102 West, which is the approximate location of river mile marker 1,565, and from the South Dakota border to river mile marker 1,303.
3. "Segment" means the individual segment maps contained within the corps survey final project maps for the Pick-Sloan project dams.
4. "State phase two survey" means the "Ordinary High Water Mark Survey Task Order #2 Final Technical Report" commissioned by the board of university and school lands.

61-33.1-02. Mineral ownership of land inundated by Pick-Sloan Missouri basin project dams.

The state sovereign land mineral ownership of the riverbed segments inundated 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 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 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.

61-33.1-03. Determination of the ordinary high water mark of the historical Missouri riverbed channel.

1. The corps survey must be considered the presumptive determination of the ordinary high water mark of the historical Missouri riverbed channel, subject only to the review process under this section and judicial review as provided in this chapter.
2. Upon the effective date of this Act, the department of mineral resources shall commence procurement to select a qualified engineering and surveying firm to conduct a review of the corps survey under this section. The review must be limited to the corps survey segments from the northern boundary of the Fort Berthold Indian reservation to the southern border of sections 33 and 34, Township 153 North, range 102 West. Within ninety days of the first date of publication of the invitation, the department shall select and approve a firm for the review. The department may not select or approve a firm that has a conflict of interest in the outcome of the review, including any firm that has participated in a survey of the Missouri riverbed for the state or a state agency, or participated as a party or expert witness in any litigation regarding an assertion by the state of mineral ownership of the Missouri riverbed.
3. The selected and approved firm shall review the delineation of the ordinary high water mark of the corps survey segments. The review must determine whether clear and convincing evidence establishes that a portion of the corps survey does not reasonably reflect the ordinary high water mark of the historical Missouri riverbed channel under state law. The following parameters, historical data, materials, and applicable state laws must be considered in the review:
 - a. Aerial photography of the historical Missouri riverbed channel existing before the closure date of the Pick-Sloan project dams;
 - b. The historical records of the army corps of engineers pertaining to the corps survey;
 - c. Army corps of engineers and United States geological survey elevation and Missouri River flow data;
 - d. State case law regarding the identification of the point at which the presence of action of the water is so continuous as to destroy the value of the land for agricultural purposes, including hay lands. Land where the high and continuous presence of water has destroyed its value for agricultural purposes, including hay land, generally must be considered within the ordinary high water mark. The value for agricultural purposes is destroyed at the level where significant, major, and substantial terrestrial vegetation ends or ceases to grow. Lands having agricultural value capable of growing crops or hay, but not merely intermittent grazing or location of cattle, generally must be considered above the ordinary high water mark; and
 - e. Subsection 3 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.
4. The firm shall complete the review within six months of entering a contract with the department of mineral resources. The department may

extend the time required to complete the review if the department deems an extension necessary.

5. Upon completion of the review, the firm shall provide its findings to the department. The findings must address each segment of the corps survey the firm reviewed and must include a recommendation to either maintain or adjust, modify, or correct the corps survey as the delineation of the ordinary high water mark for each segment. The firm may recommend an adjustment, modification, or correction to a segment of the corps survey only if clear and convincing evidence establishes the corps survey for that segment does not reasonably reflect the ordinary high water mark of the historical Missouri riverbed channel under state law.
6. The department shall publish notice of the review findings and a public hearing to be held on the findings. The public must have sixty days after publication of the notice to submit comments to the department. At the end of the sixty days, the department shall hold the public hearing on the review.
7. After the public hearing, the department, in consultation with the firm, shall consider all public comments, develop a final recommendation on each of the review findings, and deliver the final recommendations to the industrial commission, which may adopt or modify the recommendations. The industrial commission may modify a recommendation from the department only if it finds clear and convincing evidence from the resources in subsection 3 that the recommendation is substantially inaccurate. The industrial commission's action on each finding will determine the delineation of the ordinary high water mark for the segment of the river addressed by the finding.

61-33.1-04. Implementation.

1. Within six months after the adoption of the final review findings by the industrial commission:
 - a. Any royalty proceeds held by operators attributable to oil and gas mineral tracts lying entirely above the ordinary high water mark of the historical Missouri riverbed channel on both the corps survey and the state phase two survey must be released to the owners of the tracts, absent a showing of other defects affecting mineral title; and
 - b. Any royalty proceeds held by the board of university and school lands attributable to oil and gas mineral tracts lying entirely above the ordinary high water mark of the historical Missouri riverbed channel on both the corps survey and the state phase two survey must be released to the relevant operators to distribute to the owners of the tracts, absent a showing of other defects affecting mineral title.
2. Upon adoption of the final review findings by the industrial commission:
 - a. The board of university and school lands shall begin to implement any acreage adjustments, lease bonus and royalty refunds, and payment demands as may be necessary relating to state-issued oil and gas leases. The board shall complete the adjustments, refunds, and payment demands within two years after the date of adoption of the final review findings.
 - b. Operators of oil and gas wells affected by the final review findings immediately shall begin to implement any acreage and revenue adjustments relating to state-owned and privately owned oil and gas interests. The operators shall complete the adjustments within two years after the date of adoption of the review findings. Any applicable penalties, liability, or interest for late payment of royalties or revenues from an affected oil or gas well may not begin to accrue

until the end of the two-year deadline. The filing of an action under section 61-33.1-05 tolls the deadline for any oil and gas well directly affected by the action challenging the review finding.

61-33.1-05. Actions challenging review findings.

An interested party seeking to bring an action challenging the review findings or recommendations or the industrial commission actions under this chapter shall commence an action in district court within two years of the date of adoption of the final review findings by the industrial commission. The plaintiff bringing an action under this section may challenge only the final review finding for the section or sections of land in which the plaintiff asserts an interest. The state and all owners of record of fee or leasehold estates or interests affected by the finding, recommendation, or industrial commission action challenged in the action under this section must be joined as parties to the action. A plaintiff or defendant claiming a boundary of the ordinary high water mark of the historical Missouri riverbed channel which varies from the boundary determined under this chapter bears the burden of establishing the variance by clear and convincing evidence based on evidence of the type required to be considered by the engineering and surveying firm under subsection 3 of section 61-33.1-03. Notwithstanding any other provision of law, an action brought in district court under this section is the sole remedy for challenging the final review, recommendations, and determination of the ordinary high water mark under this chapter, and preempts any right to rehearing, reconsideration, administrative appeal, or other form of civil action provided under law.

61-33.1-06. Public domain lands.

Notwithstanding any provision of this chapter to the contrary, the ordinary high water mark of the historical Missouri riverbed channel abutting nonpatented public domain lands owned by the United States must be determined by the branch of cadastral study of the United States bureau of land management in accordance with federal law.

61-33.1-07. State engineer regulatory jurisdiction.

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 by Pick-Sloan Missouri basin project dams.

SECTION 2. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$800,000, or so much of the sum as may be necessary, to the department of mineral resources for the purpose of contracting with a qualified engineering and surveying firm to conduct a limited review of the corps survey under this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 3. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - CONTINGENT LINE OF CREDIT - MINERAL REVENUE REPAYMENTS.

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 \$100,000,000, or so much of the sum as may be necessary, to the commissioner of university and school lands for the purpose of mineral revenue repayments, for the biennium beginning July 1, 2017, and ending June 30, 2019. The funding provided in this section is considered a one-time funding item.
2. The funding provided in this section is available for the following:

- a. Repayment of any lease, bonus, rents, and royalty collections attributable to oil and gas mineral tracts lying entirely above the ordinary high water mark of the historical Missouri riverbed channel on both the corps survey and the state phase two survey, as required in subsection 1 of section 61-33.1-04.
 - b. Repayment of any lease, bonus, rents, and royalty collections attributable to the remaining oil and gas mineral tracts, as required in subsection 2 of section 61-33.1-04.
 - c. Other mineral revenue repayments or other reimbursements that are attributable to oil and gas mineral tracts requiring repayments under this Act.
3. Upon adoption of the final review findings by the industrial commission, the commissioner of university and school lands shall calculate the amount necessary for mineral revenue repayments based on the final review findings.
 4. As soon as a repayment amount for a known recipient is calculated but after the expenditure of the \$100,000,000 in subsection 1:
 - a. The commissioner of university and school lands shall request from the sixty-sixth legislative assembly additional funding sufficient for any remaining mineral revenue or other repayments.
 - b. If the \$100,000,000 is expended before the repayment of all amounts calculated for known recipients and before additional funds are made available by the sixty-sixth legislative assembly, the Bank of North Dakota shall extend a line of credit, not to exceed \$87,000,000, to the commissioner of university and school lands. The commissioner of university and school lands shall access the line of credit, to the extent necessary, the sum of which is appropriated, for the purpose of mineral revenue and other repayments under this Act for the biennium beginning July 1, 2017, and ending June 30, 2019. The commissioner of university and school lands shall repay the line of credit from funds available in the strategic investment and improvements fund as appropriated by the legislative assembly.

SECTION 4. RETROACTIVE APPLICATION. Section 1 of this Act is retroactive to the date of closure of the Pick-Sloan Missouri basin project dams. The ordinary high water mark determination under this Act is retroactive and applies to all oil and gas wells spud after January 1, 2006, for purposes of oil and gas mineral and royalty ownership.

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

Renumber accordingly

Engrossed SB 2134 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2021, as engrossed: Your conference committee (Sens. Wanzek, Hogue, Robinson and Reps. Nathe, Boehning, Brabandt) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1343-1352, adopt amendments as follows, and place SB 2021 on the Seventh order:

That the House recede from its amendments as printed on pages 1343-1352 of the Senate Journal and pages 1542-1551 of the House Journal and that Engrossed Senate Bill No. 2021 be amended as follows:

Page 1, line 2, replace "and" with "to provide appropriations to certain agencies for an electronic payment processing system; to authorize borrowing authority;"

Page 1, line 2, after "transfers" insert "; to provide for a report; to create and enact sections 15-19-01.1 and 15-19-02.1 of the North Dakota Century Code, relating to the centers for distance education; to amend and reenact subsection 1 of section 37-17.3-02.2, section 54-59-31, and subsection 1 of section 54-59-34 of the North Dakota Century Code, relating to the statewide interoperability executive committee, certified electronic health information systems, and the statewide longitudinal data system; and to provide a statement of legislative intent"

Page 1, remove lines 12 through 23

Page 2, replace line 1 with:

| | | | |
|--|---------------|---------------|---------------|
| "Salaries and wages | \$58,113,215 | \$1,246,557 | \$59,359,772 |
| Operating expenses | 70,927,060 | (999,062) | 69,927,998 |
| Capital assets | 8,850,000 | (555,000) | 8,295,000 |
| Centers for distance education | 9,091,690 | (12,574) | 9,079,116 |
| Statewide longitudinal data system | 5,500,661 | (1,190,100) | 4,310,561 |
| Educational technology council | 1,655,947 | (534,475) | 1,121,472 |
| Edutech | 9,052,048 | 700,719 | 9,752,767 |
| K-12 wide area network | 4,880,862 | (346,584) | 4,534,278 |
| Geographic information system | 1,192,978 | (45,262) | 1,147,716 |
| Health information technology office | 5,354,633 | 43,516,009 | 48,870,642 |
| Statewide interoperability radio network | 0 | 13,700,000 | 13,700,000 |
| Total all funds | \$174,619,094 | \$55,480,228 | \$230,099,322 |
| Less estimated income | 151,213,039 | 58,353,949 | 209,566,988 |
| Total general fund | \$23,406,055 | (\$2,873,721) | \$20,532,334" |

Page 2, after line 2, insert:

"SECTION 2. HEALTH INSURANCE INCREASE. The salaries and wages line item in section 1 of this Act includes the sum of \$926,470, of which \$173,819 is from the general fund, for increases in employee health insurance premiums from \$1,130 to \$1,241 per month."

Page 2, after line 11, insert:

| | | |
|---------------------------------------|---|----------|
| "Electronic payment processing system | 0 | 375,000" |
|---------------------------------------|---|----------|

Page 2, replace lines 13 and 14 with:

| | | |
|-----------------------|-------------|--------------|
| "Total all funds | \$3,172,090 | \$43,930,133 |
| Less estimated income | 500,000 | 43,930,133" |

Page 2, after line 24, insert:

"SECTION 5. Section 15-19-01.1 of the North Dakota Century Code is created and enacted as follows:

15-19-01.1. Distance education courses - Course lists to school districts - Notification.

The center for distance education shall provide by December thirty-first of each year, a complete list of courses offered by the center to all school districts. Each school district shall notify its students and their parents or guardians of the complete list of courses offered and the school district's policies for course selection and related fees.

SECTION 6. Section 15-19-02.1 of the North Dakota Century Code is created and enacted as follows:

15-19-02.1. Distance education clearinghouse.

The director of the center for distance education shall establish a clearinghouse for online courses delivered to North Dakota schools for the purpose of providing:

1. A list of the online courses and providers for all North Dakota schools to access.
2. Awareness of online courses available in new and emerging careers.
3. A list of comparative prices for online courses and other online services.
4. Awareness of the differences between technological innovation and learning innovation.

SECTION 7. AMENDMENT. Subsection 1 of section 37-17.3-02.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The statewide interoperability executive committee consists of:
 - a. The director of state radio or a designee;
 - b. The director of the division of homeland security or a designee;
 - c. The superintendent of the highway patrol or a designee;
 - d. The adjutant general or a designee;
 - e. The director of the department of transportation or a designee;
 - f. A representative of the North Dakota sheriff's and deputies association;
 - g. A representative of the North Dakota emergency managers association;
 - h. A representative of the North Dakota fire chiefs association;
 - i. A representative of the North Dakota emergency medical services association;
 - j. A representative of the North Dakota police chiefs association;
 - k. A representative of the North Dakota peace officers association;
 - l. A representative of the North Dakota 911 association; ~~and~~
 - m. The North Dakota chief information officer or a designee;
 - n. The North Dakota Indian affairs commission executive director or a designee; and
 - o. One member of the North Dakota house of representatives and one member of the North Dakota senate appointed by the legislative management.

SECTION 8. AMENDMENT. Section 54-59-31 of the North Dakota Century Code is amended and reenacted as follows:

54-59-31. Certified electronic health records systems.

1. An executive branch state agency, an institution of higher education, and any health care provider or other person participating in the health information exchange may use only an electronic health record system for use in the exchange which is certified under rules adopted by the office of the national coordinator for health information technology.
2. Subsection 1 does not apply if:

- a. The office of the national coordinator for health information technology does not require certification of the electronic health record system for that type of provider; or
- b. The North Dakota health information technology director waives the certification requirement.

SECTION 9. AMENDMENT. Subsection 1 of section 54-59-34 of the North Dakota Century Code is amended and reenacted as follows:

1. The statewide longitudinal data system committee shall manage a statewide longitudinal data system that:
 - a. Provides for the dissemination of management information to stakeholders and partners of state education, training, and employment systems; and
 - b. Is required to provide on an annual basis to education and workforce development programs, to the extent permitted by federal law, the wage record interchange system 2 data sharing agreement and the state wage interchange system data sharing agreement and state performance reports that measure the aggregate outcomes of participants in the workforce and continuing education programs, including private workforce and education programs that request the reports; and
 - c. Uses data from educational and workforce systems as central sources of statewide longitudinal data.

SECTION 10. LOAN AUTHORIZATION - APPROPRIATION - ELECTRONIC PAYMENT PROCESSING SYSTEM. The state agencies named in this section may borrow from the Bank of North Dakota, the amounts listed below, or so much of the amounts as may be necessary, which are appropriated to the respective agency for the purpose of defraying the expenses of implementing a new electronic payment system for the biennium beginning July 1, 2017, and ending June 30, 2019.

| <u>Agency</u> | <u>Amount</u> |
|---------------------------------|---------------|
| Department of transportation | \$147,000 |
| Secretary of state's office | 93,000 |
| Parks and recreation department | 42,000 |
| Game and fish department | 36,000 |
| Workforce safety and insurance | 36,000 |
| Highway patrol | 21,000 |
| Total | \$375,000 |

SECTION 11. LOAN REPAYMENT - APPROPRIATION - ELECTRONIC PAYMENT PROCESSING SYSTEM. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from special funds derived from additional revenue received as a result of the implementation of a new electronic payment processing system to the agencies named below for the purpose of repaying the Bank of North Dakota loans authorized in section 10 of this Act, plus interest for the biennium beginning July 1, 2017, and ending June 30, 2019.

| <u>Agency</u> | <u>Amount</u> |
|---------------------------------|---------------|
| Department of transportation | \$159,000 |
| Secretary of state's office | 101,000 |
| Parks and recreation department | 46,000 |
| Game and fish department | 39,000 |
| Workforce safety and insurance | 39,000 |
| Highway patrol | 23,000 |
| Total | \$407,000 |

SECTION 12. LEGISLATIVE INTENT - STATE GOVERNMENT EFFICIENCIES. It is the intent of the sixty-fifth legislative assembly that during the

2017-18 interim, the governor achieve efficiencies and budgetary savings within the information technology department and other state agencies through the use of innovative ideas and solutions relating to information technology and related services. It is also the intent of the sixty-fifth legislative assembly that the governor submit proposed legislation necessary to implement any ideas and solutions for state government efficiencies and budgetary savings which cannot be implemented during the 2017-18 interim to the sixty-sixth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2021 - Summary of Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|--|---------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Secretary of State | | | | | | |
| Total all funds | \$0 | \$0 | \$194,000 | \$194,000 | \$194,000 | \$0 |
| Less estimated income | 0 | 0 | 194,000 | 194,000 | 194,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Information Technology Department | | | | | | |
| Total all funds | \$174,619,094 | \$216,155,754 | \$13,943,568 | \$230,099,322 | \$230,099,322 | \$0 |
| Less estimated income | 151,213,039 | 195,609,843 | 13,957,145 | 209,566,988 | 209,566,988 | 0 |
| General fund | \$23,406,055 | \$20,545,911 | (\$13,577) | \$20,532,334 | \$20,532,334 | \$0 |
| Workforce Safety and Insurance | | | | | | |
| Total all funds | \$0 | \$0 | \$75,000 | \$75,000 | \$75,000 | \$0 |
| Less estimated income | 0 | 0 | 75,000 | 75,000 | 75,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Highway Patrol | | | | | | |
| Total all funds | \$0 | \$0 | \$44,000 | \$44,000 | \$44,000 | \$0 |
| Less estimated income | 0 | 0 | 44,000 | 44,000 | 44,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Game and Fish Department | | | | | | |
| Total all funds | \$0 | \$0 | \$75,000 | \$75,000 | \$75,000 | \$0 |
| Less estimated income | 0 | 0 | 75,000 | 75,000 | 75,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Parks and Recreation Department | | | | | | |
| Total all funds | \$0 | \$0 | \$88,000 | \$88,000 | \$88,000 | \$0 |
| Less estimated income | 0 | 0 | 88,000 | 88,000 | 88,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Department of Transportation | | | | | | |
| Total all funds | \$0 | \$0 | \$306,000 | \$306,000 | \$306,000 | \$0 |
| Less estimated income | 0 | 0 | 306,000 | 306,000 | 306,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Bill total | | | | | | |
| Total all funds | \$174,619,094 | \$216,155,754 | \$14,725,568 | \$230,881,322 | \$230,881,322 | \$0 |
| Less estimated income | 151,213,039 | 195,609,843 | 14,739,145 | 210,348,988 | 210,348,988 | 0 |
| General fund | \$23,406,055 | \$20,545,911 | (\$13,577) | \$20,532,334 | \$20,532,334 | \$0 |

Senate Bill No. 2021 - Secretary of State - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|-------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Operating expenses | | | \$194,000 | \$194,000 | \$194,000 | |
| Total all funds | \$0 | \$0 | \$194,000 | \$194,000 | \$194,000 | \$0 |
| Less estimated income | 0 | 0 | 194,000 | 194,000 | 194,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department No. 108 - Secretary of State - Detail of Conference Committee Changes

| Adds Funding for Electronic Payment | Adds Funding for Electronic Payment | Total Conference Committee |
|-------------------------------------|-------------------------------------|----------------------------|
| | | |

| | Processing System Loan ¹ | Processing System Loan Repayment ² | Changes |
|-----------------------|-------------------------------------|---|-----------|
| Operating expenses | \$93,000 | \$101,000 | \$194,000 |
| Total all funds | \$93,000 | \$101,000 | \$194,000 |
| Less estimated income | 93,000 | 101,000 | 194,000 |
| General fund | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding is added for a loan from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

² Funding is added to repay a loan, including interest accrued, from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

Senate Bill No. 2021 - Information Technology Department - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|--|---------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Salaries and wages | \$58,113,215 | \$59,474,408 | (\$114,636) | \$59,359,772 | \$59,359,772 | |
| Operating expenses | 70,927,060 | 69,552,998 | 375,000 | 69,927,998 | 69,927,998 | |
| Capital assets | 8,850,000 | 8,295,000 | | 8,295,000 | 8,295,000 | |
| Center for Distance Education | 9,091,690 | 9,085,544 | (6,428) | 9,079,116 | 9,079,116 | |
| Statewide longitudinal data system | 5,500,661 | 4,312,013 | (1,452) | 4,310,561 | 4,310,561 | |
| Educational Technology Council | 1,655,947 | 1,121,887 | (415) | 1,121,472 | 1,121,472 | |
| EduTech | 9,052,048 | 9,759,403 | (6,636) | 9,752,767 | 9,752,767 | |
| K-12 wide area network | 4,880,862 | 4,535,107 | (829) | 4,534,278 | 4,534,278 | |
| Geographic information system | 1,192,978 | 1,147,923 | (207) | 1,147,716 | 1,147,716 | |
| Health information technology office | 5,354,633 | 48,871,471 | (829) | 48,870,642 | 48,870,642 | |
| Statewide Interoperability Radio Network | | | 13,700,000 | 13,700,000 | 13,700,000 | |
| Total all funds | \$174,619,094 | \$216,155,754 | \$13,943,568 | \$230,099,322 | \$230,099,322 | \$0 |
| Less estimated income | 151,213,039 | 195,609,843 | 13,957,145 | 209,566,988 | 209,566,988 | 0 |
| General fund | \$23,406,055 | \$20,545,911 | (\$13,577) | \$20,532,334 | \$20,532,334 | \$0 |
| FTE | 350.30 | 344.30 | 0.00 | 344.30 | 344.30 | 0.00 |

Department No. 112 - Information Technology Department - Detail of Conference Committee Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Reduces Funding for Salaries ² | Adds One-Time Funding for Electronic Payment Processing System ³ | Adds Funding for Statewide Interoperability Radio Network ⁴ | Total Conference Committee Changes |
|--|---|---|---|--|------------------------------------|
| Salaries and wages | (\$55,572) | (\$59,064) | | | (\$114,636) |
| Operating expenses | | | 375,000 | | 375,000 |
| Capital assets | | | | | |
| Center for Distance Education | (6,428) | | | | (6,428) |
| Statewide longitudinal data system | (1,452) | | | | (1,452) |
| Educational Technology Council | (415) | | | | (415) |
| EduTech | (6,636) | | | | (6,636) |
| K-12 wide area network | (829) | | | | (829) |
| Geographic information system | (207) | | | | (207) |
| Health information technology office | (829) | | | | (829) |
| Statewide Interoperability Radio Network | | | | 13,700,000 | 13,700,000 |
| Total all funds | (\$72,368) | (\$59,064) | \$375,000 | \$13,700,000 | \$13,943,568 |
| Less estimated income | (58,791) | (59,064) | 375,000 | 13,700,000 | 13,957,145 |
| General fund | (\$13,577) | \$0 | \$0 | \$0 | (\$13,577) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month.

² Funding is further reduced for salaries related to 5 FTE positions removed by the Senate.

³ One-time funding of \$375,000 is added for developing an electronic payment processing system related to credit card fees for the following state agencies:

- Department of Transportation - \$147,000
- Secretary of State's office - \$93,000
- Parks and Recreation Department - \$42,000
- Game and Fish Department - \$36,000
- Workforce Safety and Insurance - \$36,000
- Highway Patrol - \$21,000

⁴ Funding of \$13.7 million of special funds is added for the statewide interoperability radio network (SIRN). This is the estimated amount to be collected by political subdivisions during the 2017-19 biennium due to increased fees on assessed communications services pursuant to House Bill No. 1178. Amounts received by political subdivisions will be remitted to the State Treasurer to be deposited in the SIRN fund to be used by the Information Technology Department for costs of developing the network.

This amendment also:

- Adds a section to identify the amount of funding included in the bill for the increase in employee health insurance premiums.
- Amends North Dakota Century Code Chapter 15-19 to require the Director of the Centers for Distance Education (CDE) to provide all public schools and districts a list of courses offered by the CDE and to establish a clearinghouse for online courses offered by the CDE.
- Amends Section 37-17.3-02.2(1) to expand membership of the Statewide Interoperable Executive Committee to include the North Dakota Indian Affairs Commission Executive Director and, as appointed by Legislative Management, one member of the House and one member of the Senate.
- Amends Section 54-59-31 to allow certain health care providers participating in the health information exchange to use an electronic health records system that is not certified by the office of the National Coordinator for Health Information Technology if that type of provider is not required to be certified.
- Amends Section 54-59-34(1) to require the Statewide Longitudinal Data System Committee to provide annual reports to education and workforce development programs.
- Adds a section authorizing the Department of Transportation, Parks and Recreation Department, Game and Fish Department, Workforce Safety and Insurance, the Secretary of State's office, and Highway Patrol to obtain loans from the Bank of North Dakota for an electronic payment processing system.
- Adds a section providing an appropriation to each agency receiving loans from the Bank of North Dakota for an electronic payment processing system, to provide for repayment of the loans.
- Adds a section providing legislative intent regarding the Governor achieving efficiencies and budgetary savings within the Information Technology Department and other agencies.

Senate Bill No. 2021 - Workforce Safety and Insurance - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|--|-------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Workforce safety and insurance operation | | | \$75,000 | \$75,000 | \$75,000 | |
| Total all funds | \$0 | \$0 | \$75,000 | \$75,000 | \$75,000 | \$0 |

| | | | | | | |
|-----------------------|------|------|--------|--------|--------|------|
| Less estimated income | 0 | 0 | 75,000 | 75,000 | 75,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department No. 485 - Workforce Safety and Insurance - Detail of Conference Committee Changes

| | Adds Funding for Electronic Payment Processing System Loan ¹ | Adds Funding for Electronic Payment Processing System Loan Repayment ² | Total Conference Committee Changes |
|--|---|--|---|
| Workforce safety and insurance operation | \$36,000 | \$39,000 | \$75,000 |
| Total all funds | \$36,000 | \$39,000 | \$75,000 |
| Less estimated income | 36,000 | 39,000 | 75,000 |
| General fund | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding is added for a loan from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

² Funding is added to repay a loan, including interest accrued, from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

Senate Bill No. 2021 - Highway Patrol - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|----------------|-------------------|------------------------------------|------------------------------------|------------------|------------------------|
| Field operations | | | \$44,000 | \$44,000 | \$44,000 | |
| Total all funds | \$0 | \$0 | \$44,000 | \$44,000 | \$44,000 | \$0 |
| Less estimated income | 0 | 0 | 44,000 | 44,000 | 44,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department No. 504 - Highway Patrol - Detail of Conference Committee Changes

| | Adds Funding for Electronic Payment Processing System Loan ¹ | Adds Funding for Electronic Payment Processing System Loan Repayment ² | Total Conference Committee Changes |
|-----------------------|---|--|---|
| Field operations | \$21,000 | \$23,000 | \$44,000 |
| Total all funds | \$21,000 | \$23,000 | \$44,000 |
| Less estimated income | 21,000 | 23,000 | 44,000 |
| General fund | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding is added for a loan from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

² Funding is added to repay a loan, including interest accrued, from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

Senate Bill No. 2021 - Game and Fish Department - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|-------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Operating expenses | | | \$75,000 | \$75,000 | \$75,000 | |
| Total all funds | \$0 | \$0 | \$75,000 | \$75,000 | \$75,000 | \$0 |
| Less estimated income | 0 | 0 | 75,000 | 75,000 | 75,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department No. 720 - Game and Fish Department - Detail of Conference Committee Changes

| | Adds Funding for Electronic Payment Processing System Loan ¹ | Adds Funding for Electronic Payment Processing System Loan Repayment ² | Total Conference Committee Changes |
|-----------------------|---|---|------------------------------------|
| Operating expenses | \$36,000 | \$39,000 | \$75,000 |
| Total all funds | \$36,000 | \$39,000 | \$75,000 |
| Less estimated income | 36,000 | 39,000 | 75,000 |
| General fund | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding is added for a loan from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

² Funding is added to repay a loan, including interest accrued, from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

Senate Bill No. 2021 - Parks and Recreation Department - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|-------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Administration | | | \$88,000 | \$88,000 | \$88,000 | |
| Total all funds | \$0 | \$0 | \$88,000 | \$88,000 | \$88,000 | \$0 |
| Less estimated income | 0 | 0 | 88,000 | 88,000 | 88,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department No. 750 - Parks and Recreation Department - Detail of Conference Committee Changes

| | Adds Funding for Electronic Payment Processing System Loan ¹ | Adds Funding for Electronic Payment Processing System Loan Repayment ² | Total Conference Committee Changes |
|-----------------------|---|---|------------------------------------|
| Administration | \$42,000 | \$46,000 | \$88,000 |
| Total all funds | \$42,000 | \$46,000 | \$88,000 |
| Less estimated income | 42,000 | 46,000 | 88,000 |
| General fund | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding is added for a loan from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

² Funding is added to repay a loan, including interest accrued, from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

Senate Bill No. 2021 - Department of Transportation - Conference Committee Action

| | Base Budget | Senate Version | Conference Committee Changes | Conference Committee Version | House Version | Comparison to House |
|-----------------------|-------------|----------------|------------------------------|------------------------------|---------------|---------------------|
| Operating expenses | | | \$306,000 | \$306,000 | \$306,000 | |
| Total all funds | \$0 | \$0 | \$306,000 | \$306,000 | \$306,000 | \$0 |
| Less estimated income | 0 | 0 | 306,000 | 306,000 | 306,000 | 0 |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

Department No. 801 - Department of Transportation - Detail of Conference Committee Changes

| | Adds Funding for Electronic Payment Processing System Loan ¹ | Adds Funding for Electronic Payment Processing System Loan Repayment ² | Total Conference Committee Changes |
|-----------------------|---|---|------------------------------------|
| Operating expenses | \$147,000 | \$159,000 | \$306,000 |
| Total all funds | \$147,000 | \$159,000 | \$306,000 |
| Less estimated income | 147,000 | 159,000 | 306,000 |
| General fund | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ Funding is added for a loan from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

² Funding is added to repay a loan, including interest accrued, from the Bank of North Dakota for the purpose of implementing an electronic payment processing system.

Engrossed SB 2021 was placed on the Seventh order of business on the calendar.

ANNOUNCEMENT

SEAKER BELLEW MOVED that the House stand in recess until 1:00 p.m.

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

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1559, line 9, insert " and Engrossed SB 2134" after "Reengrossed SB 2243" and after line 11 insert:

"Engrossed SB 2134: Keiser, Martinson, Mock"

REP. KLEMIN MOVED that the report be adopted, which motion prevailed on a verification vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. ROERS JONES MOVED that the conference committee report on Engrossed HB 1392 as printed on HJ pages 1756-1757 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1392, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1392: A BILL for an Act to to amend and reenact section 14-09-00.1 and subsection 1 of section 14-09-29 of the North Dakota Century Code, relating to shared parenting time and responsibility; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boehning; Bosch; Boschee; Brabandt; Carlson; Delmore; Delzer; Dobervich; Dockter; Ertelt; Hanson; Hatlestad; Headland; Heinert; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Keiser; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Louser; Maragos; Marschall; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Westlind; Zubke; Speaker Bellew

NAYS: Anderson, P.; Boe; Brandenburg; Damschen; Devlin; Guggisberg; Hogan; Holman; Howe; Johnston; Karls; Kasper; Kiefert; Kreidt; Longmuir; Magrum; Martinson; Pollert; Schneider; Simons; Weisz

ABSENT AND NOT VOTING: Grueneich; Kempenich; Nelson, J.

Reengrossed HB 1392 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEISER MOVED that the conference committee report on Engrossed HB 1201 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1201, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1201: A BILL for an Act to create and enact a new subsection to section 47-16-13.1 of the North Dakota Century Code, relating to landlord responsibilities regarding carbon monoxide detection devices; to amend and reenact section 23-13-15 and subsection 4 of section 54-21.3-03 of the North Dakota Century Code, relating to the installation of carbon monoxide and smoke detection alarms; to provide a penalty; 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 64 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dobervich; Dockter; Guggisberg; Hanson; Hatlestad; Headland; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; McWilliams; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Owens; Paur; Pyle; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schneider; Schobinger; Schreiber-Beck; Seibel; Steiner; Sukut; Trottier; Westlind; Zubke

NAYS: Becker, Rick C.; Bosch; Delzer; Devlin; Ertelt; Heinert; Johnston; Kading;

Koppelman, B.; Koppelman, K.; Kreidt; Magrum; Marschall; Meier; Oliver; Olson; Pollert; Porter; Ruby, D.; Schatz; Schmidt; Simons; Skroch; Streyle; Toman; Vetter; Vigesaa; Weisz; Speaker Bellew

ABSENT AND NOT VOTING: Grueneich

Reengrossed HB 1201 passed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2139.

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 1201, HB 1392.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2047.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1002, HB 1007.

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 2203.

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 1019.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2144.

REPORT OF CONFERENCE COMMITTEE

SB 2047, as engrossed: Your conference committee (Sens. Schaible, Cook, Kreun and Reps. D. Anderson, Damschen, Devlin) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 981 and place SB 2047 on the Seventh order.

Engrossed SB 2047 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2203, as engrossed: Your conference committee (Sens. Myrdal, Dever, Grabinger and Reps. Kading, Schatz, Meier) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1078, adopt amendments as follows, and place SB 2203 on the Seventh order:

That the House recede from its amendments as printed on page 1078 of the Senate Journal and pages 1248 and 1249 of the House Journal and that Engrossed Senate Bill No. 2203 be amended as follows:

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

Page 1, line 3, after "management" insert "; and to declare an emergency"

Page 1, line 7, replace "\$500,000" with "\$125,000"

Page 1, after line 17, insert:

"SECTION 2. OIL AND GAS IMPACT GRANT FUND - REPORTS TO ATTORNEY GENERAL, LEGISLATIVE ASSEMBLY, AND LEGISLATIVE MANAGEMENT. The board of university and school lands, from funds designated in

subsection 3 of section 5 of chapter 463 of the 2015 Session Laws and in addition to the funds designated in section 2 of chapter 375 of the 2015 Session Laws, shall award, based on recommendations from the attorney general, up to \$700,000 in grants to organizations involved in providing prevention and treatment services related to human trafficking victims for the period beginning with the effective date of this Act and ending June 30, 2019. The board of university and school lands, based on the recommendations from the attorney general, may provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-sixth legislative assembly on the use of the funds received and the outcomes of its program. The attorney general shall report to the legislative management during the 2017-18 interim on the status and results of the grant program. Grants awarded but not yet paid under this section are not subject to section 54-44.1-11.

SECTION 3. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

Engrossed SB 2203 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1004, as engrossed: Your conference committee (Sens. Oehlke, Davison, Mathern and Reps. Nathe, Brabandt, Boehning) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1277-1278, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1277 and 1278 of the House Journal and pages 994 and 995 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

Page 1, replace lines 10 through 18 with:

| | | | |
|---|------------------|------------------|------------------|
| "Salaries and wages | \$11,655,646 | (\$111,666) | \$11,767,312 |
| Operating expenses | 1,176,806 | (34,023) | 1,142,783 |
| North Dakota university system information technology security audits | 200,000 | (200,000) | 0 |
| Information technology consultants | <u>250,000</u> | <u>(250,000)</u> | <u>0</u> |
| Total all funds | \$13,282,452 | (\$372,357) | \$12,910,095 |
| Less estimated income | <u>3,505,870</u> | <u>(94,383)</u> | <u>3,411,487</u> |
| Total general fund | \$9,776,582 | (\$277,974) | \$9,498,608 |
| Full-time equivalent positions | 59.80 | (3.80) | 56.00" |

Page 1, line 20, replace "\$163,134" with "\$140,696"

Page 1, line 20, replace "\$123,788" with "\$104,201"

Page 1, line 21, replace "\$1,249" with "\$1,241"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1004 - State Auditor - Conference Committee Action

| | Base Budget | House Version | Conference Committee Changes | Conference Committee Version | Senate Version | Comparison to Senate |
|--------------------------------------|--------------|---------------|------------------------------|------------------------------|----------------|----------------------|
| Salaries and wages | \$11,655,646 | \$11,714,840 | \$52,472 | \$11,767,312 | \$12,002,621 | (\$235,309) |
| Operating expenses | 1,176,806 | 1,136,039 | 6,744 | 1,142,783 | 1,162,783 | (20,000) |
| University system IT security audits | 200,000 | | | | | |
| Information technology consultants | 250,000 | | | | | |

| | | | | | | |
|-----------------------|--------------|--------------|----------|--------------|--------------|-------------|
| Total all funds | \$13,282,452 | \$12,850,879 | \$59,216 | \$12,910,095 | \$13,165,404 | (\$255,309) |
| Less estimated income | 3,505,870 | 3,414,338 | (2,851) | 3,411,487 | 3,411,487 | 0 |
| General fund | \$9,776,582 | \$9,436,541 | \$62,067 | \$9,498,608 | \$9,753,917 | (\$255,309) |
| FTE | 59.80 | 57.80 | (1.80) | 56.00 | 57.80 | (1.80) |

Department No. 117 - State Auditor - Detail of Conference Committee Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Removes .8 FTE Position ² | Removes 1 FTE Performance Audit Manager Position ³ | Restores Funding for Salaries and Wages ⁴ | Restores Funding for Operating Expenses ⁵ | Total Conference Committee Changes |
|--------------------------------------|---|--------------------------------------|---|--|--|------------------------------------|
| Salaries and wages | (\$22,438) | | (\$277,191) | \$352,101 | | \$52,472 |
| Operating expenses | | | | | 6,744 | 6,744 |
| University system IT security audits | | | | | | |
| Information technology consultants | | | | | | |
| Total all funds | (\$22,438) | \$0 | (\$277,191) | \$352,101 | \$6,744 | \$59,216 |
| Less estimated income | (2,851) | 0 | 0 | 0 | 0 | (2,851) |
| General fund | (\$19,587) | \$0 | (\$277,191) | \$352,101 | \$6,744 | \$62,067 |
| FTE | 0.00 | (0.80) | (1.00) | 0.00 | 0.00 | (1.80) |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also changed to reflect the revised premium rate, the same as the Senate version.

² Full-time equivalent positions are reduced as a result of underfunding salaries and wages. This change was not included in the House or Senate version.

³ One FTE performance audit manager position (Position No. 00000510-1) and related funding for salaries and wages are removed. This change was not included in the House or Senate version.

⁴ Funding for salaries and wages is restored agencywide, the same as the Senate version. The House underfunded salaries and wages by an additional \$373,869.

⁵ Funding for operating expenses is partially restored to provide for a reduction of \$20,000 agencywide. The House reduced operating expenses agencywide by \$26,744. The Senate version restored the House reduction.

Engrossed HB 1004 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1378, as engrossed: Your conference committee (Sens. Unruh, Cook, Roers and Reps. Beadle, Laning, Dobervich) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1401-1402, adopt amendments as follows, and place HB 1378 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1401 and 1402 of the House Journal and pages 1093 and 1094 of the Senate Journal and that Engrossed House Bill No. 1378 be amended as follows:

Page 1, line 2, replace "aircraft detection lighting systems on wind generators" with "light-mitigating technology systems on wind energy conversion facilities"

Page 1, line 6, replace "**Aircraft detection lighting**" with "**Light-mitigating technology**"

Page 1, after line 6 insert

"1. The commission shall adopt rules by January 1, 2019, relating to the implementation of light-mitigating technology systems on wind energy conversion facilities. The rules must be consistent with the federal aviation administration regulations [14 CFR 1.1 et seq.] and must include service and maintenance requirements, safety standards, and lighting system requirements.

2."

Page 1, line 7, remove "generator, designed for or capable of wind energy"

Page 1, remove line 8

Page 1, line 9, replace "aircraft detection lighting system in accordance" with "energy conversion facility for which the commission issued a certificate of site compatibility after June 5, 2016, must be equipped with a functioning light-mitigating technology system that complies"

Page 1, line 9, remove "The"

Page 1, remove lines 10 and 11

Page 1, line 12, replace "standards, and lighting system requirements." with:

"3. By December 31, 2021, every wind energy conversion facility for which the commission issued a certificate of site compatibility before June 5, 2016, must be equipped with a functioning light-mitigating technology system that complies with the rules adopted by the commission. After public hearing, the commission may grant an extension of time based on technical or economic feasibility considerations.

4."

Page 1, line 12, replace "cost" with "costs"

Page 1, line 12, after "with" insert "the"

Page 1, line 13, replace "these systems" with "light-mitigating technology systems"

Page 1, line 13, replace "a turbine" with "the wind energy conversion facility"

Renumber accordingly

Engrossed HB 1378 was placed on the Seventh order of business on the calendar.

ANNOUNCEMENT

SPEAKER BELLEW ANNOUNCED that the House stand in recess until 5:00 p.m.

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

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1705, line 20, replace "17" with "16"

Page 1705, line 20, replace "18" with "17"

Page 1705, line 24, replace "18" with "17"

Page 1705, line 24, replace "22" with "21"

REP. KLEMM MOVED that the report 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 2134 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2134, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2134: A BILL for an Act to create and enact chapter 61-33.1 of the North Dakota Century Code, relating to the ownership of mineral rights of land inundated by Pick-Sloan Missouri basin project dams; to provide appropriations; to provide a contingent line of credit; to provide for retroactive application; 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 75 YEAS, 15 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker, Rick C.; Blum; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Ertelt; Hatlestad; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Paur; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Westlind; Zubke; Speaker Bellew

NAYS: Anderson, P.; Becker, Rich S.; Boe; Boschee; Delmore; Dobervich; Guggisberg; Hanson; Hogan; Holman; Mitskog; Nelson, M.; Owens; Schneider; Weisz

ABSENT AND NOT VOTING: Grueneich; Headland; Kempenich; Pollert

Engrossed SB 2134, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NATHE MOVED that the conference committee report on Engrossed SB 2021 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2021, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; to provide appropriations to certain agencies for an electronic payment processing system; to authorize borrowing authority; to provide for transfers; to provide for a report; to create and enact sections 15-19-01.1 and 15-19-02.1 of the North Dakota Century Code, relating to the centers for distance education; to amend and reenact subsection 1 of section 37-17.3-02.2, section 54-59-31, and subsection 1 of section 54-59-34 of the North Dakota Century Code, relating to the statewide interoperability executive committee, certified electronic health information systems, and the statewide longitudinal data system; and to provide a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 67 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Dobervich; Dockter; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Owens; Porter; Pyle; Roers

Jones; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke

NAYS: Becker, Rick C.; Delzer; Devlin; Ertelt; Johnston; Kading; Kasper; Koppelman, B.; Koppelman, K.; Magrum; Marschall; McWilliams; Meier; Nelson, M.; Oliver; Olson; Paur; Rohr; Ruby, D.; Ruby, M.; Schatz; Simons; Vetter; Speaker Bellew

ABSENT AND NOT VOTING: Grueneich; Headland; Pollert

Engrossed SB 2021, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. J. NELSON MOVED that the conference committee report on Reengrossed SB 2025 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2025, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act to provide an appropriation for defraying the expenses of the department of veterans' affairs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Hanson; Hatlestad; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Owens; Paur; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke

NAYS: Guggisberg; Hogan; Mitskog; Nelson, M.; Speaker Bellew

ABSENT AND NOT VOTING: Grueneich; Headland; Pollert

Reengrossed SB 2025, as amended, passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KADING MOVED that the conference committee report on Engrossed SB 2203 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2203, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act to provide an appropriation to the attorney general for human trafficking victims treatment and support services; to provide for reports to the attorney general, legislative assembly, and legislative management; 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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore;

Delzer; Devlin; Dobervich; Dockter; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Becker, Rick C.; Ertelt; Johnston; Magrum; Paur; Simons

ABSENT AND NOT VOTING: Grueneich; Headland; Pollert

Engrossed SB 2203, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BEADLE MOVED that the conference committee report on Engrossed HB 1378 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1378, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to light-mitigating technology systems on wind energy conversion facilities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Delmore; Dobervich; Dockter; Ertelt; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Paur; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Weisz; Zubke; Speaker Bellew

NAYS: Damschen; Delzer; Devlin; Kasper; Monson; Owens; Vigesaa; Westlind

ABSENT AND NOT VOTING: Grueneich; Headland; Pollert

Reengrossed HB 1378 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. D. ANDERSON MOVED that the conference committee report on Engrossed SB 2047 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NATHE MOVED that the conference committee report on Engrossed HB 1004 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1004, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Olson; Owens; Paur; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Westlind; Zubke

NAYS: Johnston; Kasper; Magrum; Oliver; Simons; Weisz; Speaker Bellew

ABSENT AND NOT VOTING: Grueneich; Headland; Pollert

Reengrossed HB 1004 passed.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report on: SB 2047.

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 1004.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2134.

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 1378.

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 2021, SB 2025.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2203.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2010, SB 2042.

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: HB 1392.

MOTION

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

MOTION

REP. VIGESAA 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 20, 2017, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1006, as engrossed: Your conference committee (Sens. Wanzek, Sorvaag, Mathern and Reprs. Vigesaa, Nathe, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1291-1292, adopt amendments as follows, and place HB 1006 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1291 and 1292 of the House Journal and pages 1058 and 1059 of the Senate Journal and that Engrossed House Bill No. 1006 be amended as follows:

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

Page 1, replace lines 16 through 23 with:

| | | | |
|---------------------------|--------------|---------------|---------------|
| "Salaries and wages | \$21,528,135 | \$195,869 | \$21,724,004 |
| Operating expenses | 7,628,262 | (878,967) | 6,749,295 |
| Capital assets | 16,000 | (10,000) | 6,000 |
| Homestead tax credit | 18,690,000 | (3,890,000) | 14,800,000 |
| Disabled veterans' credit | 7,175,091 | 935,109 | 8,110,200 |
| Total all funds | \$55,037,488 | (\$3,647,989) | \$51,389,499 |
| Less estimated income | 125,000 | 0 | 125,000 |
| Total general fund | \$54,912,488 | (\$3,647,989) | \$51,264,499" |

Page 2, line 2, replace "\$380,646" with "\$353,067"

Page 2, line 3, replace "\$1,249" with "\$1,241"

Page 2, after line 25, insert:

"SECTION 7. EXEMPTION - SALES TAX AUDIT POSITION. Up to \$75,000 of the amount appropriated from the general fund to the tax commissioner in section 1 of chapter 40 of the 2015 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this amount are available to provide salaries and wages funding for a sales tax audit position during the biennium beginning July 1, 2017, and ending June 30, 2019."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1006 - State Tax Commissioner - Conference Committee Action

| | Base Budget | House Version | Conference Committee Changes | Conference Committee Version | Senate Version | Comparison to Senate |
|---------------------------|--------------|---------------|------------------------------|------------------------------|----------------|----------------------|
| Salaries and wages | \$21,528,135 | \$21,601,583 | \$122,421 | \$21,724,004 | \$22,214,004 | (\$490,000) |
| Operating expenses | 7,628,262 | 6,749,295 | | 6,749,295 | 6,749,295 | |
| Capital assets | 16,000 | 6,000 | | 6,000 | 6,000 | |
| Homestead tax credit | 18,690,000 | 16,000,000 | (1,200,000) | 14,800,000 | 14,800,000 | |
| Disabled veterans' credit | 7,175,091 | 6,910,200 | 1,200,000 | 8,110,200 | 8,110,200 | |
| Total all funds | \$55,037,488 | \$51,267,078 | \$122,421 | \$51,389,499 | \$51,879,499 | (\$490,000) |
| Less estimated income | 125,000 | 125,000 | 0 | 125,000 | 125,000 | 0 |
| General fund | \$54,912,488 | \$51,142,078 | \$122,421 | \$51,264,499 | \$51,754,499 | (\$490,000) |
| FTE | 136.00 | 133.00 | 0.00 | 133.00 | 133.00 | 0.00 |

Department No. 127 - State Tax Commissioner - Detail of Conference Committee Changes

| | Adjusts Funding for Health Insurance Increases ¹ | Adds Funding for Salaries and Wages ² | Rebalances Funding for Tax Credit Programs ³ | Total Conference Committee Changes |
|--------------------|---|--|---|------------------------------------|
| Salaries and wages | (\$27,579) | \$150,000 | | \$122,421 |
| Operating expenses | | | | |
| Capital assets | | | | |

| | | | | |
|---------------------------|------------|-----------|-------------|-------------|
| Homestead tax credit | | | (1,200,000) | (1,200,000) |
| Disabled veterans' credit | | | 1,200,000 | 1,200,000 |
| Total all funds | (\$27,579) | \$150,000 | \$0 | \$122,421 |
| Less estimated income | 0 | 0 | 0 | 0 |
| General fund | (\$27,579) | \$150,000 | \$0 | \$122,421 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is adjusted to reflect this change.

² Funding of \$150,000 from the general fund is added to restore funding for 1 FTE sales tax audit position that had been reduced as part of the 2015-17 biennium budget reductions. The Senate restored \$640,000 from the general fund relating to 4 FTE audit positions.

³ Funding of \$1.2 million is transferred from the homestead tax credit program to the disabled veterans' tax credit program to align the appropriations with the anticipated funding needs for the 2017-19 biennium, the same as the Senate.

A section is added to provide an exemption to allow up to \$75,000 of unspent 2015-17 biennium appropriation authority to continue in the 2017-19 biennium for a sales tax auditor position. With the \$150,000 from the general fund restored by the Conference Committee as described above, a total of \$225,000 is provided to restore funding for 2 FTE sales tax audit positions.

Engrossed HB 1006 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk

