

JOURNAL OF THE HOUSE

Sixty-sixth Legislative Assembly

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Bismarck, April 23, 2019

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

The prayer was offered by Rep. Bernie Satrom, District 12.

The roll was called and all members were present except Representatives Buffalo and O'Brien.

A quorum was declared by the Speaker.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. LEFOR MOVED that the conference committee report on HB 1202 as printed on HJ pages 2001-2003 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF HOUSE BILL

HB 1202: A BILL for an Act to create and enact a new section to chapter 61-33 of the North Dakota Century Code, relating to determinations of navigability; to amend and reenact section 61-33-01 and subdivision e of subsection 3 of section 61-33.1-03 of the North Dakota Century Code, relating to sovereign land management definitions; and to provide for a state engineer review of determinations of navigability.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 79 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; Anderson, P.; Bellew; Boschee; Dobervich; Ertelt; Guggisberg; Hager; Hanson; Holman; Mitskog; Nelson, M.; Schneider

ABSENT AND NOT VOTING: Buffalo; O'Brien

Engrossed HB 1202 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BOSCH MOVED that the conference committee report on Engrossed HB 1157 as printed on HJ pages 1993-2001 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to amend and reenact sections 43-09-01, 43-09-05, 43-09-09, 43-09-09.2, 43-09-10, 43-09-11, 43-09-12, 43-09-13.2, 43-09-15, 43-09-15.1,

43-09-16, 43-09-18, 43-09-20, 43-09-21, 43-09-22, and 43-09-23 of the North Dakota Century Code, relating to regulation by the state electrical board; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Ertelt; Hager; Hanson; Hoverson; Magrum; Owens; Simons

ABSENT AND NOT VOTING: Buffalo; O'Brien

Reengrossed HB 1157 passed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEMPENICH MOVED that the conference committee report on Engrossed SB 2022 as printed on HJ pages 2003-2004 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2022, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the retirement and investment office; to provide for a report to the legislative assembly; and to provide for transfers.

ROLL CALL

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

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

NAYS: Becker; Bellew; Delzer; Devlin; Ertelt; Hoverson; Johnston; Kading; Magrum; Meier; Paur; Ruby, D.; Simons; Skroch; Toman; Trottier

ABSENT AND NOT VOTING: Buffalo; O'Brien

Engrossed SB 2022, as amended, passed.

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

MR. SPEAKER: The Senate has adopted the conference committee report and

subsequently passed: SB 2140, SB 2146.

REPORT OF CONFERENCE COMMITTEE

SB 2146, as reengrossed: Your conference committee (Sens. Burckhard, Anderson, Kannianen and Reps. Schobinger, Meier, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1089-1090, adopt amendments as follows, and place SB 2146 on the Seventh order:

That the House recede from its amendments as printed on pages 1089 and 1090 of the Senate Journal and pages 1220 and 1221 of the House Journal and that Reengrossed Senate Bill No. 2146 be amended as follows:

Page 1, line 1, replace the second "an" with "a contingent"

Page 1, line 4, after the first boldfaced period insert "**CONTINGENT**"

Page 1, line 5, replace "\$450,000" with "\$150,000"

Page 1, line 9, after the period insert "The funds appropriated in this section may be spent only:

1. Upon certification by the director of the state historical society to the director of the office of management and budget that all pioneer village buildings located on the North Dakota state fairgrounds which are required to be removed to satisfy the court ruling have been removed by June 15, 2019; and
2. If the state fair association provides no less than \$100,000 to the Ward County historical society for matters relating to the pioneer village."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2146 - State Historical Society - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Pioneer village relocation		\$450,000	(\$300,000)	\$150,000	\$250,000	(\$100,000)
Total all funds	\$0	\$450,000	(\$300,000)	\$150,000	\$250,000	(\$100,000)
Less estimated income	0	0	0	0	100,000	(100,000)
General fund	\$0	\$450,000	(\$300,000)	\$150,000	\$150,000	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Department 701 - State Historical Society - Detail of Conference Committee Changes

	Adjusts Funding to Relocate Pioneer Village ¹	Total Conference Committee Changes
Pioneer village relocation	(\$300,000)	(\$300,000)
Total all funds	(\$300,000)	(\$300,000)
Less estimated income	0	0
General fund	(\$300,000)	(\$300,000)
FTE	0.00	0.00

¹ This amendment provides for a contingent general fund appropriation of \$150,000 to the State Historical Society for a grant to relocate Pioneer Village. The Senate provided \$450,000 from the general fund to relocate Pioneer Village and the House provided \$150,000 from the general fund and \$100,000 from the State Fair operating fund to relocate Pioneer Village. The appropriation is contingent upon certification by the Director of the State Historical Society to the Office of Management and Budget that all Pioneer Village buildings located on the North Dakota state fairgrounds that are required to be removed to satisfy the court order have been removed by June 15, 2019, the same as the House version. The Conference Committee added a provision that the State Fair must provide at least \$100,000

to the Ward County Historical Society relating to the Pioneer Village.

Reengrossed SB 2146 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SCHOBINGER MOVED that the conference committee report on Reengrossed SB 2146 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2146, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to provide a contingent appropriation to the state historical society for relocating pioneer village.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Becker; Ertelt; Johnston; Kading; Koppelman, B.; Koppelman, K.; Longmuir; Magrum; Marschall; Paur; Simons; Toman

ABSENT AND NOT VOTING: Buffalo; O'Brien

Reengrossed SB 2146, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

SB 2140, as engrossed: Your conference committee (Sens. Myrdal, Luick, Bakke and Reps. M. Ruby, Damschen, Zubke) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1609, adopt amendments as follows, and place SB 2140 on the Seventh order:

That the House recede from its amendments as printed on page 1609 of the Senate Journal and pages 1747 and 1748 of the House Journal and that Engrossed Senate Bill No. 2140 be amended as follows:

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

Page 1, line 6, after "**request**" insert "**- Penalty**"

Page 1, line 9, after "state" insert "or a digital image of one's concealed firearm or dangerous weapon license issued by this state on an electronic device"

Page 1, line 11, after "license" insert "or digital image of the license"

Page 1, line 23, remove "If within thirty days of the alleged violation, an individual produces satisfactory"

Page 1, remove line 24

Page 2, replace lines 1 through 3 with "An individual who violates this section is guilty of a noncriminal offense punishable by a fee of twenty dollars."

Renumber accordingly

Engrossed SB 2140 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. M. RUBY MOVED that the conference committee report on Engrossed SB 2140 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2140, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2140: A BILL for an Act to amend and reenact section 62.1-04-04 of the North Dakota Century Code, relating to producing a concealed weapon license upon request; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Ertelt; Holman; Nelson, M.

ABSENT AND NOT VOTING: Buffalo; O'Brien

Engrossed SB 2140, as amended, passed.

MOTION

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

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

APPOINTMENT OF CONFERENCE COMMITTEE

REP. LOUSER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2015, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2015: Reps. Pollert, Delzer, Boschee

MOTION

REP. LOUSER MOVED that SB 2042, which is on the Fourteenth order, be laid over one legislative day, and that HB 1320, which is on the Twelfth order, be laid over one legislative day, and that HB 1541, which is on the Seventh order, be laid over one legislative day, and that HB 1194, which is on the Seventh order, be laid over one legislative day, which motion prevailed on a voice vote.

POINT OF PERSONAL PRIVILEGE

REP. MAGRUM rose on a point of personal privilege.

REMARKS OF REPRESENTATIVE MAGRUM

MR. SPEAKER: Apparently I was fat-fingered on the button yesterday and didn't look up at the board which was unusual for me until after the key was closed. I realized I voted wrong on HB 1040. A friend of mine once asked me if I learn from my mistakes? I replied, "Yes". She said, "Then why are you so afraid of making one?" So I did learn that if one makes a mistake when voting and wants to be on record for voting wrong, you can request to go on the Fourth order and declare the mistake and it will be recorded in the House journal. The reason I believe I voted wrong is because my political philosophy is to try to keep taxes low for everyone. For example, when I served as county commissioner we had an entity ask for tax credits which we didn't grant. Another competing county offered them tax credits, but our county was chosen because we were more economical to operate in even without any credits. Whenever one sector gets a tax credit another sector has to pay more, throwing everything off balance. There was a speaker here a short while back who was a former Florida state senator. She had done an in-depth study of these types of tax credits and has proven, by following the money, that they are not a benefit to a state government and its people. Tax credits such as these are a burden in the long term. Now I know most of you are courteous golfers and when a person hits a golf ball way off course usually that person gets a mulligan. Mr. Speaker and members of the assembly, I respectfully ask for a mulligan, so to speak, and apologize for accidentally voting against Republican principles.

MOTION

REP. LOUSER MOVED that the remarks of Rep. Magrum be printed in the Journal, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1393, as engrossed: Your conference committee (Sens. Dwyer, Myrdal, Bakke and Reps. Roers Jones, Vetter, Simons) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1189-1190, adopt amendments as follows, and place HB 1393 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1189 and 1190 of the House Journal and page 909 of the Senate Journal and that Engrossed House Bill No. 1393 be amended as follows:

Page 2, line 27, replace "B" with "A"

Page 3, line 3, replace "B" with "A"

Page 3, line 3, replace "or" with "of subsection 2 and a class C felony for an offense under subdivision"

Page 3, after line 3, insert:

"c. A class B felony for an offense under subdivision b or c of subsection 2 if the victim is under twelve years of age.

4. A person charged with an offense under this section must be prosecuted in district court."

Re-number accordingly

Engrossed HB 1393 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. ROERS JONES MOVED that the conference committee report on Engrossed HB 1393 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1393, as amended, was placed on the Eleventh order of business.

MOTION

REP. K. KOPPELMAN MOVED that the House reconsider its action whereby the conference committee report on Engrossed HB 1393 was adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. K. KOPPELMAN MOVED that the conference committee report on Engrossed HB 1393 be rejected, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

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

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

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

Page 1, remove line 3

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

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

Page 1, remove lines 6 through 24

Page 2, remove lines 1 through 6

Page 2, replace lines 9 through 29 with:

"Reading screening.

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

Page 2, remove lines 30 and 31

Page 3, replace lines 1 through 6 with:

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

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

1. For purposes of this section:

a. "Dyslexia" means a specific learning disability that is neurological in origin and characterized by difficulties with accurate or fluent recognition of words and poor spelling and decoding abilities, independent of the individual's general intelligence level.

b. "Specialist trained in dyslexia" means an individual who:

(1) Has expertise providing training in phonological and phonemic awareness, sound and symbol relationships, alphabet

knowledge, rapid naming skills, and encoding and decoding skills;

- (2) Is fluent in the dyslexia intervention process; and
 - (3) Has training in identifying dyslexia.
2. Beginning with the 2019-20 school year and continuing through the 2022-23 school year, the superintendent of public instruction shall establish and operate a pilot program to provide early screening and intervention services for children with risk factors for dyslexia, including low phonemic awareness.
 3. To be eligible to participate in the program, a school district, regional education association, or special education unit must submit an application to the superintendent which:
 - a. Identifies a method of screening children for low phonemic awareness and other risk factors for dyslexia;
 - b. Provides for the enrollment of children identified as having risk factors for dyslexia in a reading program staffed by specialists trained in dyslexia and multisensory structured language programs; and
 - c. Includes a methodology for evaluating the effects of the reading program on the identified risk factors of the child.
 4. Each grantee selected to participate in the program shall:
 - a. Provide low phonemic awareness and other dyslexia risk factor screenings for children under seven years of age through a reading program established under subsection 3;
 - b. Provide reading intervention services to students identified as having dyslexia;
 - c. Administer assessments, approved by the superintendent of public instruction, to determine the effectiveness of the program in improving the reading and learning skills of children enrolled in the program; and
 - d. Provide professional development on dyslexia identification and interventions to grant participants.
 5. The board of each participating grantee shall report annually to the superintendent of public instruction regarding the operation, results, and effectiveness of the pilot program in a manner prescribed by the superintendent. Before July 1, 2021, the superintendent of public instruction shall compile the information and report to the legislative management with a recommendation whether to continue the pilot program beyond the 2022-23 school year.

SECTION 3. EXEMPTION - DYSLEXIA SCREENING PILOT PROGRAM.

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

Renumber accordingly

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. STRINDEN MOVED that the conference committee report on Engrossed HB 1461 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1461, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1461: A BILL for an Act to create and enact two new sections to chapter 15.1-32 of the North Dakota Century Code, relating to reading screenings and a dyslexia screening pilot program; to provide for a report to the legislative management; and to provide for an exemption.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Ertelt; Laning

ABSENT AND NOT VOTING: Buffalo; Johnson, M.; O'Brien

Reengrossed HB 1461 passed.

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

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

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

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

Page 1, replace lines 12 through 15 with:

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

Page 1, after line 16, insert:

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

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

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

Department 120 - State Treasurer - Detail of Conference Committee Changes

	<u>Adjusts Funding for Salary Increases¹</u>	<u>Adjusts Funding for Salary Equity Increase to State Treasurer²</u>	<u>Adds Funding for Information Technology Costs³</u>	<u>Total Conference Committee Changes</u>
Salaries and wages	\$2,381	(\$37)		\$2,344
Operating expenses			\$35,000	35,000
Coal severance payments				
Total all funds	\$2,381	(\$37)	\$35,000	\$37,344
Less estimated income	0	0	35,000	35,000
General fund	\$2,381	(\$37)	\$0	\$2,344
FTE	0.00	0.00	0.00	0.00

¹ Funding is adjusted to provide employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and a 2.5 percent salary increase on July 1, 2020. The Senate provided funding for salary increases of 2 percent on July 1, 2019, and 3 percent on July 1, 2020.

² Funding is adjusted to provide a salary equity increase of \$14,584 to the State Treasurer to align the State Treasurer's salary with the salary of the State Auditor, the same level as the Senate. The \$37 reduction relates to the 2nd year salary increase on the equity increase. The Senate provided a 2nd year salary increase of 3 percent and the Conference Committee

is providing for a 2.5 percent 2nd year increase. The House did not provide a salary equity increase for the State Treasurer's salary.

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

This amendment also:

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

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BELLEW MOVED that the conference committee report on Engrossed SB 2005 be adopted, which motion prevailed on a verification vote.

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

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 66 YEAS, 25 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Becker; Bellew; Brandenburg; Damschen; Delzer; Devlin; Dockter; Fegley; Fisher; Grueneich; Guggisberg; Hatlestad; Headland; Hoverson; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Louser; Magrum; Marschall; McWilliams; Meier; Mock; Monson; Owens; Paulson; Paur; Pollert; Porter; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Speaker Klemin

NAYS: Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Dobervich; Eidson; Ertelt; Hager; Hanson; Heinert; Holman; Howe; Karls; Longmuir; Martinson; Mitskog; Nathe; Nelson, J.; Nelson, M.; Pyle; Richter; Roers Jones; Zubke

ABSENT AND NOT VOTING: Buffalo; Johnson, M.; O'Brien

Engrossed SB 2005, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

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

Page 1, after line 3, insert:

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

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

1. The owner or transferor of a motor vehicle who transfers title to a vehicle shall endorse an assignment and warranty of title upon the certificate of title for the vehicle. The owner or transferor shall include on the assignment and warranty of title the name of the transferee and the selling price of the vehicle if applicable.
2. If legal title passes to the transferee, the owner shall deliver the endorsed certificate of title to the transferee within ~~fifteen~~thirty days.
3. If legal title passes to a lienholder rather than the transferee, the transferee shall endorse a statement that the lienholder holds the lien and shall send the certificate of title to the department with an application for a new certificate of title showing the names of the new owner and lienholder. The certificate of title when issued must be sent by the department to the lienholder or the department may use an electronic lien notification procedure in lieu of sending a certificate of title to a lienholder.
4. Within thirty days, the transferee shall deliver the endorsed certificate of title to the department with a transfer fee of five dollars, and shall make an application for a new certificate of title. In addition to any other penalty, the registration to a motor vehicle may be suspended or revoked if the transferee fails to present the endorsed certificate of title to the department for transfer and make application for a new certificate of title within thirty days. The department shall deliver the new certificate of title to the lienholder with priority. If there is no lienholder, delivery must be made to the owner.
5. A violation of this section by an owner, lienholder, or transferee is a class B misdemeanor."

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

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

Page 1, remove lines 15 and 16

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

Page 1, after line 17, insert:

- "a. If the transferee is an insurer that has paid a total loss claim on a vehicle but the payment has not satisfied all liens of record on the vehicle, the transferee is not required to comply with the procedures outlined in title 35 to establish satisfactory proof of ownership and the department may cancel the old certificate of title and issue a new

certificate to the insurer free and clear of all liens and claims of ownership.

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

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

Renumber accordingly

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

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

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

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Buffalo; Johnson, M.; O'Brien

Reengrossed HB 1407 passed.

MOTION

REP. LOUSER MOVED that the House stand in recess until 4:30 p.m., which motion prevailed on a voice vote.

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

REPORT OF CONFERENCE COMMITTEE

HB 1056, as engrossed: Your conference committee (Sens. Davison, Meyer, Marcellais and Reps. B. Koppelman, Louser, Johnston) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1324, adopt amendments as follows, and place HB 1056 on the Seventh order:

That the Senate recede from its amendments as printed on page 1324 of the House Journal and page 1049 of the Senate Journal and that Engrossed House Bill No. 1056 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 section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Section 48-05-01.1 of the North Dakota Century Code is created and enacted as follows:

48-05-01.1. Display of prisoner of war and missing in action flag - State capitol grounds.

The prisoner of war and missing in action flag:

1. Must be flown daily on the state capitol grounds at the following flagpole locations:
 - a. Immediately south of the state capitol building;
 - b. In front of the all veterans memorial; and
 - c. On the east side of the heritage center.
2. May be flown either below the flag of the United States on the same flagpole or alone on a separate flagpole.
3. Must be displayed using proper flag etiquette."

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

Renumber accordingly

Engrossed HB 1056 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. B. KOPPELMAN MOVED that the conference committee report on Engrossed HB 1056 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1056, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1056: A BILL for an Act to create and enact section 48-05-01.1 of the North Dakota Century Code, relating to the display of the prisoner of war and missing in action flag on the state capitol grounds; 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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Anderson, D.; Buffalo; Johnson, M.; O'Brien; Porter

Reengrossed HB 1056 passed and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1533, as engrossed: Your conference committee (Sens. Cook, Kannianen, Dotzenrod and Reps. Headland, Dockter, Mitskog) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1326, adopt amendments as follows, and place HB 1533 on the Seventh order:

That the Senate recede from its amendments as printed on page 1326 of the House Journal and page 1052 of the Senate Journal and that Engrossed House Bill No. 1533 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 50-06-22, 53-06.1-08.2, and 53-06.1-12 of the North Dakota Century Code, relating to deposits in the gambling disorder prevention and treatment fund, electronic pull tab device requirements and limitations, and the charitable gaming tax; to provide for a legislative management study; to provide a continuing appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-06-22 of the North Dakota Century Code is amended and reenacted as follows:

50-06-22. Gambling disorder prevention and treatment fund - Continuing appropriation.

Funds deposited in the gambling disorder prevention and treatment fund under ~~sections~~sections 53-06.1-12 and 53-12.1-09 are appropriated to the department on a continuing basis for the purpose of providing the services under section 50-06-21.

SECTION 2. AMENDMENT. Section 53-06.1-08.2 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-08.2. Electronic pull tab device requirements and limitations.

A licensed organization may not install more than ten electronic pull tab devices in a site. An electronic pull tab device must display an electronic pull tab in which the player may win credits that can be redeemed for cash or used to purchase

more pull tabs. The device may not directly dispense coins, cash, tokens, or anything else of value other than a credit ticket voucher.

SECTION 3. AMENDMENT. Section 53-06.1-12 of the North Dakota Century Code is amended and reenacted as follows:

53-06.1-12. Gaming tax - Deposits and allocations - Continuing appropriation.

1. A gaming tax is imposed on the total gross proceeds received by a licensed organization in a quarter and it must be computed and paid to the attorney general on a quarterly basis on the tax return. This tax must be paid from adjusted gross proceeds and is not part of the allowable expenses. ~~For a licensed organization with gross proceeds~~The tax is:
 - a. ~~Not exceeding one million five hundred thousand dollars the tax is one~~Three-fourths of one percent of gross proceeds from electronic pull tabs.
 - b. One percent of gross proceeds from all other games for a licensed organization with gross proceeds not exceeding one million five hundred thousand dollars.
 - b. ~~Exceeding one million five hundred thousand dollars the tax is fifteen~~
 - c. Fifteen thousand dollars plus two and twenty-five hundredths percent of gross proceeds exceeding one million five hundred thousand dollars from all other games for a licensed organization with gross proceeds exceeding one million five hundred thousand dollars.
2. The tax must be paid to the attorney general at the time tax returns are filed.
3. Except as provided in subsection 4, the attorney general shall deposit gaming taxes, monetary fines, and interest and penalties collected in the general fund in the state treasury.
4. The attorney general shall ~~deposit:~~
 - a. Transfer thirty-one thousand two hundred fifty dollars of the taxes collected under this section each quarter to the state treasurer for deposit in the gambling disorder prevention and treatment fund.
 - b. Deposit thirty-one thousand two hundred fifty dollars of the taxes collected under this section each quarter into the gaming tax allocation fund. Funds deposited pursuant to this subdivision are appropriated to the attorney general on a continuing basis for purposes of the distributions listed in subdivision c.
 - c. Deposit seven percent of the total taxes, less refunds, collected under this section each quarter into the gaming tax allocation fund. Pursuant to legislative appropriation, moneys in the gaming tax allocation fund must be distributed quarterly to cities and counties in proportion to the taxes collected under this section from licensed organizations conducting games within each city, for sites within city limits, or within each county, for sites outside city limits. If a city or county allocation under this subsection is less than two hundred dollars, that city or county is not entitled to receive a payment for the quarter and the undistributed amount must be included in the total amount to be distributed to other cities and counties for the quarter. Each city or county entitled to distributions under this subsection shall report to the attorney general the total number of electronic pull tab devices located at sites within the city or county. The attorney general shall verify the information reported by the city or county before making distributions under this subsection.

SECTION 4. LEGISLATIVE MANAGEMENT STUDY - CHARITABLE GAMING LAWS. During the 2019-20 interim, the legislative management shall consider studying the state's charitable gaming laws. The study must include:

1. An evaluation of whether charitable gaming is being expanded properly; whether the addition of new games, such as sports betting and historic horse racing, is appropriate; and whether such expansion should be approved by the voters;
2. An evaluation regarding the appropriate limitations, restrictions, and oversight if new games are added;
3. An evaluation of whether a portion of gaming proceeds should be deposited in the gambling disorder prevention and treatment fund; and
4. A review of whether the laws regarding taxation, eligible uses for proceeds, gambling sites and locations, limitations, enforcement, conduct and play of charitable gaming are fair, adequate, and appropriate.

The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 5. EXPIRATION DATE. Sections 1 through 3 of this Act are effective through June 30, 2021, and after that date are ineffective."

Renumber accordingly

Engrossed HB 1533 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HEADLAND MOVED that the conference committee report on Engrossed HB 1533 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1533, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1533: A BILL for an Act to amend and reenact sections 50-06-22, 53-06.1-08.2, and 53-06.1-12 of the North Dakota Century Code, relating to deposits in the gambling disorder prevention and treatment fund, electronic pull tab device requirements and limitations, and the charitable gaming tax; to provide for a legislative management study; to provide a continuing appropriation; 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 58 YEAS, 31 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, P.; Beadle; Blum; Boschee; Brandenburg; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Jones; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Lefor; Longmuir; Louser; Marschall; Martinson; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; Owens; Pyle; Richter; Roers Jones; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schreiber-Beck; Simons; Steiner; Strinden; Toman; Trottier; Vetter; Westlind; Zubke; Speaker Klemin

NAYS: Anderson, B.; Becker; Bellew; Boe; Bosch; Damschen; Delzer; Devlin; Ertelt; Guggisberg; Hoverson; Johnston; Kading; Keiser; Kreidt; Laning; Magrum; McWilliams; Meier; Monson; Paulson; Paur; Pollert; Rohr; Ruby, D.; Schatz; Schobinger; Skroch; Tveit; Vigasaa; Weisz

ABSENT AND NOT VOTING: Anderson, D.; Buffalo; Johnson, M.; O'Brien; Porter

Reengrossed HB 1533 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1174: Your conference committee (Sens. Kannianen, Cook, Dotzenrod and Reps. Dockter, Headland, Mitskog) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1440-1441, adopt amendments as follows, and place HB 1174 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1440 and 1441 of the House Journal and pages 1190 and 1191 of the Senate Journal and that House Bill No. 1174 be amended as follows:

Page 2, remove line 30

Page 3, line 2, remove the overstrike over "; and"

Page 3, remove the overstrike over line 3

Page 3, line 4, remove the overstrike over "Revenue Code" and insert immediately thereafter "to the extent included in North Dakota taxable income"

Page 3, line 14, replace "Reduced" with "For taxpayers with federal adjusted gross income of fifty thousand dollars or less, or one hundred thousand dollars or less if married filing jointly, reduced"

Renumber accordingly

HB 1174 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOCKTER MOVED that the conference committee report on HB 1174 be adopted, which motion prevailed on a voice vote.

HB 1174, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1174: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to an individual income tax deduction for social security benefits; to amend and reenact subsection 5 of section 57-02-08.1 and section 57-38-01.28 of the North Dakota Century Code, relating to the homestead tax credit and the marriage penalty credit; 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 82 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Boe; Delzer; Howe; Koppelman, B.; Laning; Vigesaa; Zubke

ABSENT AND NOT VOTING: Anderson, D.; Buffalo; Johnson, M.; O'Brien; Porter

Engrossed HB 1174 passed.

REPORT OF CONFERENCE COMMITTEE

HCR 3055: Your conference committee (Sens. Cook, Unruh, Dotzenrod and Reps. Headland, Grueneich, Eidson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1941-1942 and place HCR 3055 on the Seventh order.

HCR 3055 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HEADLAND MOVED that the conference committee report on HCR 3055 be adopted.

REQUEST

REP. HEADLAND REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on HCR 3055, the roll was called and there were 31 YEAS, 58 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, P.; Blum; Brandenburg; Damschen; Delzer; Dockter; Fegley; Fisher; Grueneich; Headland; Heinert; Johnson, D.; Jones; Karls; Kreidt; Laning; Lefor; Monson; Nathe; Owens; Paur; Pollert; Richter; Steiner; Trottier; Tveit; Vigesaa; Weisz; Zubke; Speaker Klemin

NAYS: Adams; Beadle; Becker; Bellew; Boe; Bosch; Boschee; Devlin; Dobervich; Eidson; Ertelt; Guggisberg; Hager; Hanson; Hatlestad; Holman; Hoverson; Howe; Johnson, C.; Johnston; Kading; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Nelson, J.; Nelson, M.; Paulson; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Strinden; Toman; Vetter; Westlind

ABSENT AND NOT VOTING: Anderson, D.; Buffalo; Johnson, M.; O'Brien; Porter

The conference committee report on HCR 3055 was rejected on a recorded roll call vote.

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

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

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 4, line 17, remove "of the"

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

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

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

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

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

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

Page 7, line 18, after the underscored period insert "If the county allows animal feeding operations as a conditional use, the conditional use regulations must be limited to the board's authority under this section, and the approval process must comply with

this section. The county shall make a decision on the application within sixty days of the receipt of a complete conditional use permit application."

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

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

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

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

Page 7, after line 23, insert:

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

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

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

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

- 1- Any zoning regulation that pertains to a ~~concentrated~~an animal feeding operation and, as defined in section 11-33-02.1, is not effective until filed with the department of environmental quality for inclusion in the central repository established under section 23.1-01-10.
- 2- For purposes of this section:
 - a- "~~Concentrated animal feeding operation~~" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred

~~square feet [55.74 square meters]. The term does not include normal wintering operations for cattle.~~

- b. ~~"Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts."~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 20, line 27, remove "of the"

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

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

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

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

Page 21, overstrike lines 2 through 4

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

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

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

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

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

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

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

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

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

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

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

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

Page 23, after line 27, insert:

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

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

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

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

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

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

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

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

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

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

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

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

Renumber accordingly

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

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

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

SECOND READING OF SENATE BILL

SB 2345: A BILL for an Act to amend and reenact sections 11-33-02.1, 11-33-22, 23-25-11, 23.1-06-15, 58-03-11.1, and 58-03-17 of the North Dakota Century Code, relating to animal feeding operations and zoning regulations; to provide a report to the legislative management; to provide an effective date; to provide a contingent effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 14 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Adams; Anderson, P.; Boschee; Dobervich; Eidson; Guggisberg; Hager; Hanson; Holman; Keiser; Longmuir; Nelson, M.; Paur; Schneider

ABSENT AND NOT VOTING: Anderson, D.; Buffalo; Johnson, M.; O'Brien; Porter

Engrossed SB 2345, as amended, passed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2293.

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 1, remove line 13

Page 1, line 17, remove "1."

Page 2, replace lines 1 through 7 with:

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

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

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

1. For a resident, age sixteen and over, small game hunting license, ten dollars.
2. For a nonresident small game hunting license, one hundred dollars.
3. For a resident big game hunting license, thirty dollars, except the fee for a licensee under age sixteen is ten dollars, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1.
4. Except for a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents under subsection 4 of section 20.1-03-11, for a nonresident big game hunting license, two hundred fifty dollars, and for a nonresident bow license, two hundred fifty dollars, and a nonrefundable five dollar application fee must accompany any lottery license fee under this subsection, except as provided in a gubernatorial proclamation issued pursuant to section 20.1-08-04.1. For a nonresident who participates on the same basis as a resident in a lottery for deer licenses remaining after the second lottery for residents, fifty dollars.
5. For a resident fur-bearer license, fifteen dollars.
6. For a resident fishing license, sixteen dollars, except that for a resident sixty-five years or over, a resident totally or permanently disabled, or a resident disabled veteran who has a fifty percent service-connected disability as determined by the department of veterans' affairs or has an extra-schedular rating to include individual unemployability that brings the veteran's total disability ratio to fifty percent, the license fee is five dollars.
7. For a nonresident fishing license, forty-five dollars.
8. For a resident husband and wife fishing license, twenty-two dollars.
9. For a nonresident nongame hunting license, fifteen dollars.
10. For a resident wild turkey permit, fifteen dollars.
11. For an annual general game license, three dollars.
12. For a license to a nonresident buyer or shipper of green furs, or that person's agent, the amount that the nonresident buyer or shipper of green furs would pay for a nonresident buyer or shipper of green furs license or comparable license in that person's state of residence, or fifty dollars, whichever is greater.
13. For a license to a resident buyer or shipper of green furs, eight dollars for each place of business maintained by that person within this state.
14. For a license to a resident traveling agent, buyer, or shipper of green furs, twenty dollars.
15. For an annual license to practice taxidermy, twenty-five dollars.
16. For a permit to ship, by a person having a resident hunting license, during the respective open seasons, not to exceed in any one season twenty-five game birds, to points within this state other than that person's home or to points outside this state, three dollars.
17. For a permit to make collections of protected birds and animals for scientific purposes, ten dollars.
18. For a motorboat certificate of number and license: Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, eighteen dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty feet [6.1 meters] in

length, excluding canoes, thirty-six dollars. Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, forty-five dollars.

19. For the taking of undesirable fish from the waters of this state pursuant to section 20.1-06-05, fifteen dollars for each hoop-net or trap, and fifteen dollars for each seine of fifty feet [15.24 meters] or any fraction thereof.
20. For a resident paddlefish tag annual license, ten dollars per tag.
21. For a nonresident paddlefish tag annual license, twenty-five dollars and fifty cents per tag.
22. For an annual resident license to sell minnows or other live bait at wholesale, fifty dollars.
23. For an annual license to sell minnows or other live bait at retail, fifteen dollars, except the fee is seventy-five dollars if white suckers are sold.
24. For an annual license to operate a private fish hatchery, seventy-five dollars.
25. For a resident commercial frog license, fifty dollars.
26. For a nonresident commercial frog license, two hundred dollars.
27. For a resident frog license, three dollars.
28. For a resident husband and wife frog license, five dollars.
29. For a shooting preserve operating permit, one hundred dollars, plus thirty cents per acre [.40 hectare] for each acre [.40 hectare].
30. For a nonresident waterfowl hunting license, one hundred dollars.
31. For a nonresident husband and wife fishing license, sixty dollars.
32. For a nonresident short-term three-day fishing license, twenty-five dollars.
33. For a nonresident fur-bearer and nongame hunting license, forty dollars.
34. For a combination license, fifty dollars.
35. For a white-tailed deer license sold to certified guides or outfitters and provided by them to nonresidents, two hundred fifty dollars.
36. For a resident swan license, ten dollars.
37. For a nonresident swan license, thirty dollars.
38. For a resident sandhill crane license, ten dollars.
39. For a nonresident sandhill crane license, thirty dollars.
40. For a resident commercial clam license, one hundred dollars.
41. For a nonresident commercial clam license, one thousand dollars.
42. For a commercial clam dealer's permit, two thousand dollars. In addition, the applicant shall submit to the director a surety bond in the sum of two thousand dollars.
43. For an annual class B nonresident license to sell minnows or other live bait at wholesale, two hundred fifty dollars.

44. For a bighorn sheep license issued to a nonresident, five hundred dollars.
45. For a nonresident reciprocal trapping license, three hundred fifty dollars.
46. For a nonresident spring white goose license, fifty dollars.
47. For a resident certificate fee, one dollar, and for a nonresident certificate fee, two dollars. An agent may not charge a service fee for issuing a resident or nonresident certificate fee.
48. For a nonresident short-term ten-day fishing license, thirty-five dollars.
49. For a nonresident wild turkey permit, eighty dollars.
50. For a statewide nonresident waterfowl hunting license, one hundred fifty dollars.
51. For an annual class A nonresident license to sell minnows or other live bait at wholesale, five hundred dollars.
52. For a resident early Canada goose season license, five dollars.
53. For a nonresident early Canada goose season license, fifty dollars.
54. For a resident disabled veteran combined general game, habitat stamp, small game, and fur-bearer license, three dollars.
55. For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars valid concurrent with motorboat licensure.
56. For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid.

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

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

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

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

Page 2, line 12, remove "who is"

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

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

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

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

Page 2, after line 17, insert:

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

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.

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

SECTION 6. APPROPRIATION - 2017-19 BIENNIUM - TRANSFER - EXEMPTION. There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of administering aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department shall transfer moneys deposited in the aquatic nuisance species program fund to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

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

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

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

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

Renumber accordingly

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

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

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

SECOND READING OF SENATE BILL

SB 2293: A BILL for an Act to create and enact a new section to chapter 20.1-02, a new section to chapter 20.1-03, and a new section to chapter 20.1-13 of the North Dakota Century Code, relating to the creation of the aquatic nuisance species program fund and surcharges for fishing, combination, and waterfowl licenses and requiring aquatic nuisance species fees for motorboats; to amend and reenact sections 20.1-02-16.1 and 20.1-03-12 of the North Dakota Century Code, relating to the investment of the state game and fish fund and aquatic nuisance species fees

for motorboats; to provide a penalty; to provide an appropriation; to provide for a transfer; to provide an exemption; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 67 YEAS, 22 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Becker; Bellew; Blum; Boe; Delzer; Ertelt; Hoverson; Johnston; Kading; Koppelman, B.; Koppelman, K.; Magrum; McWilliams; Paulson; Paur; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Toman; Vetter

ABSENT AND NOT VOTING: Anderson, D.; Buffalo; Johnson, M.; O'Brien; Porter

Engrossed SB 2293, as amended, passed and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1019, as engrossed: Your conference committee (Sens. Poolman, Erbele, Robinson and Reps. Schatz, Monson, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1521-1523, adopt amendments as follows, and place HB 1019 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1521-1523 of the House Journal and pages 1284-1286 of the Senate Journal and that Engrossed House Bill No. 1019 be amended as follows:

Page 1, line 2, remove "create and enact sections 15-20.1-26 and 15-20.1-27 of the"

Page 1, replace lines 3 through 7 with "provide a statement of legislative intent; and to provide for a report to the sixty-seventh legislative assembly."

Page 1, remove lines 17 through 24

Page 2, replace lines 1 through 6 with:

"Salaries and wages	\$4,699,975	\$112,790	\$4,812,765
Operating expenses	1,240,589	1,117,207	2,357,796
Grants	30,106,356	(20,899,007)	9,207,349
Grants - secondary	0	24,587,780	24,587,780
Marketplace for kids	0	300,000	300,000
Grants - postsecondary	296,207	(39,225)	256,982
Adult farm management	579,822	1,314,427	1,894,249
Workforce training	2,000,000	0	2,000,000
Center for distance education	0	<u>9,351,188</u>	<u>9,351,188</u>
Total all funds	\$38,922,949	\$15,845,160	\$54,768,109
Less estimated income	<u>9,616,666</u>	<u>5,086,455</u>	<u>14,703,121</u>
Total general fund	\$29,306,283	\$10,758,705	\$40,064,988
Full-time equivalent positions	24.50	27.80	52.30"

Page 2, remove lines 15 through 30

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 30

Page 5, replace lines 1 through 17 with:

"SECTION 3. CENTER FOR DISTANCE EDUCATION - FUNDING DESIGNATION - LEGISLATIVE INTENT - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. Section 1 of this Act includes the sum of \$9,351,188, of which \$6,301,188 is from the general fund and \$3,050,000 is from other funds for the center for distance education for the biennium beginning July 1, 2019, and ending June 30, 2021. The general fund appropriation of \$6,301,188 includes a sum of \$102,759 that may only be used for new enrollments during the biennium beginning July 1, 2019, and ending June 30, 2021. It is the intent of the sixty-sixth legislative assembly that the center for distance education develop a fee structure during the 2019-20 interim to become self-sustaining beginning in the biennium beginning July 1, 2021, and ending June 30, 2023. The department of career and technical education shall report to the appropriations committees of the sixty-seventh legislative assembly regarding the development of the new center for distance education fee structure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1019 - Dept. of Career and Technical Education - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$4,699,975	\$4,793,318	\$19,447	\$4,812,765	\$4,812,765	
Operating expenses	1,240,589	2,315,589	42,207	2,357,796	2,357,796	
Grants	30,106,356	9,065,142	142,207	9,207,349	9,207,349	
Grants - Postsecondary	296,207	341,396	(84,414)	256,982	256,982	
Adult farm management	579,822	1,794,242	100,007	1,894,249	2,144,249	(\$250,000)
Workforce training	2,000,000	2,000,000		2,000,000	2,000,000	
Educational Technology Council		770,978	(770,978)			
Grants - Secondary		22,537,780	2,050,000	24,587,780	24,937,780	(350,000)
Center for Distance Education		8,994,167	357,021	9,351,188	9,751,188	(400,000)
Marketplace for Kids		300,000		300,000	300,000	
Total all funds	\$38,922,949	\$52,912,612	\$1,855,497	\$54,768,109	\$55,768,109	(\$1,000,000)
Less estimated income	9,616,666	15,203,121	(500,000)	14,703,121	14,703,121	0
General fund	\$29,306,283	\$37,709,491	\$2,355,497	\$40,064,988	\$41,064,988	(\$1,000,000)
FTE	24.50	52.80	(0.50)	52.30	52.30	0.00

Department 270 - Dept. of Career and Technical Education - Detail of Conference Committee Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Removes Funding for the Educational Technology Council ²	Line Item Transfers ³	Restores Funding for Adult Farm Management Grants ⁴	Adds Funding to Maintain Reimbursement Rates ⁵	Adds Funding for New and Expanding Programs ⁶
Salaries and wages	\$19,447					
Operating expenses			\$42,207			
Grants			142,207			
Grants - Postsecondary			(84,414)			
Adult farm management				\$100,007		
Workforce training						
Educational Technology Council		(\$770,978)				
Grants - Secondary			(100,000)		\$1,000,000	\$1,150,000
Center for Distance Education	34,262					
Marketplace for Kids						
Total all funds	\$53,709	(\$770,978)	\$0	\$100,007	\$1,000,000	\$1,150,000
Less estimated income	0	(500,000)	0	0	0	0
General fund	\$53,709	(\$270,978)	\$0	\$100,007	\$1,000,000	\$1,150,000
FTE	0.00	(0.50)	0.00	0.00	0.00	0.00

	Adds Funding for the Center for Distance Education ¹	Total Conference Committee Changes
Salaries and wages		\$19,447
Operating expenses		42,207
Grants		142,207
Grants - Postsecondary		(84,414)
Adult farm management		100,007
Workforce training		
Educational Technology Council		(770,978)
Grants - Secondary		2,050,000
Center for Distance Education	\$322,759	357,021
Marketplace for Kids		
<hr/>		
Total all funds	\$322,759	\$1,855,497
Less estimated income	0	(500,000)
General fund	\$322,759	\$2,355,497
<hr/>		
FTE	0.00	(0.50)

¹ Funding of \$53,709 from the general fund is added for 2019-21 biennium salary increases of 2 percent with a minimum monthly increase of \$120 and a maximum monthly increase of \$200 on July 1, 2019, and 2.5 percent on July 1, 2020, the same as the Senate. The House approved 2019-21 biennium salary increases of 2 percent per year.

² Funding of \$770,978 for the Educational Technology Council (ETC) is removed, of which \$270,978 is from the general fund and \$500,000 is from federal funds. Of the amount removed, \$82,412 was for salaries, \$103,566 was for operating expenses, \$85,000 was for grants, and \$500,000 was for capital assets. A 0.50 FTE administrative assistant II position related to the \$82,412 of salaries is also removed. The Senate also removed the funding and FTE for the ETC.

³ Funding of \$184,414 from the general fund is transferred between the following line items:

<u>Line Item Transfer</u>	<u>General Fund</u>
Grants - secondary line item to the grants line item	\$100,000
Grants - postsecondary line item to the grants line item	42,207
Grants - postsecondary line item to the operating expenses line item	<u>42,207</u>
Total	\$184,414

The Senate also provided for these transfers.

⁴ Funding of \$100,007 is restored for adult farm management grants to provide a total appropriation of \$1,894,249 from the general fund. The Senate approved \$2,144,249 and the House approved \$1,794,242 from the general fund for this program.

⁵ Funding of \$1 million is added from the general fund for the cost to continue and to maintain current reimbursement rates for Department of Career and Technical Education center expenditures, including instructor salaries and supplies, the same as provided by the Senate. The House did not provide funding for the cost to continue and to maintain reimbursement rates.

⁶ Funding of \$1.15 million is added from the general fund for new and expanding Department of Career and Technical Education secondary programs. The Senate provided \$1.5 million for new and expanding programs. The House did not provide funding for new and expanding programs.

⁷ Funding of \$322,759 is added from the general fund for the Center for Distance Education (CDE), of which \$102,759 may be used only for new enrollments during the 2019-21 biennium. The Conference Committee approved a total appropriation of \$9,351,188 for CDE, of which \$6,301,188 is from the general fund and \$3,050,000 is from the independent study operating fund, including 28.80 FTE.

The Senate provided a total appropriation of \$9,751,188 for CDE, of which \$6,701,188 was from the general fund and \$3,050,000 was from the independent study operating fund, including 28.80 FTE positions. The House provided a total of \$8,994,167, of which \$5,944,167 was from the general fund and \$3,050,000 was from the independent study operating fund, including 28.80 FTE positions.

This amendment also:

- Removes sections amending statutory provisions related to the Center for Distance Education and the Educational Technology Council. These sections were also removed by the Senate.
- Adds a section requiring \$102,759 of funding from the general fund provided for the Center for Distance Education be used only for new enrollments. The section also provides a statement of legislative intent that the Center for Distance Education develop a fee structure during the 2019-20 interim to become self-sustaining beginning in the 2021-23 biennium. The Senate version included \$502,759 from the general fund for this purpose.

Engrossed HB 1019 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SCHATZ MOVED that the conference committee report on Engrossed HB 1019 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1019, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education; to provide a statement of legislative intent; and to provide for a report to the sixty-seventh legislative assembly.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 9 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Becker; Bellew; Ertelt; Hoverson; Magrum; McWilliams; Paulson; Schreiber-Beck; Simons

ABSENT AND NOT VOTING: Anderson, D.; Buffalo; Johnson, M.; O'Brien; Porter

Reengrossed HB 1019 passed.

MOTION

REP. LOUSER MOVED that Rep. B. Koppelman replace Rep. Grueneich on the Conference Committee on HCR 3055, which motion prevailed on a voice vote.

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

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

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

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

SB 2015: Reps. Pollert; Delzer; Boschee

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

MR. PRESIDENT: The Speaker has appointed Rep. B. Koppelman to replace Rep. Grueneich on the Conference Committee on HCR 3055.

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

MR. PRESIDENT: The House has not adopted the conference committee report on: HB 1393.

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

MR. PRESIDENT: The House has not adopted the conference committee report on: HCR 3055.

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 1019, HB 1533.

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

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

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1174.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1407, HB 1461.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2005.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2022, SB 2140, SB 2146.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2345.

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: HB 1056.

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 2293.

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

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

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1025, HB 1040.

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

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

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

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

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2001, SB 2297, SB 2317.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1004.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: SB 2172.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1007, HB 1022, HB 1171, HB 1234, HB 1384, HB 1435, HB 1453, HB 1474, HB 1517, HB 1531.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2022, SB 2140, SB 2146.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1007, HB 1022, HB 1171, HB 1234, HB 1384, HB 1435, HB 1453, HB 1474, HB 1517, HB 1531.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1007, HB 1022, HB 1171, HB 1234, HB 1384, HB 1435, HB 1453, HB 1474, HB 1517, HB 1531.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2022, SB 2140, SB 2146.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2017, SB 2216, SB 2306, SB 2321.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2022, SB 2140, SB 2146.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 23, 2019: HB 1007, HB 1022, HB 1171, HB 1234, HB 1384, HB 1435, HB 1453, HB 1474, HB 1517, HB 1531.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 22, 2019, I have signed the following: HB 1016, HB 1017, and HB 1023.

MOTION

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

MOTION

REP. LOUSER MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, April 24, 2019, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1024, as engrossed: Your conference committee (Sens. Bekkedahl, Hogue, Mathern and Reps. Schobinger, B. Anderson, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1667-1669, adopt amendments as follows, and place HB 1024 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1667-1669 of the House Journal and pages 1354-1357 of the Senate Journal and that Engrossed House Bill No. 1024 be amended as follows:

Page 1, line 2, after "enact" insert "a new section to chapter 23.1-12 and"

Page 1, line 3, after "inspections" insert "and the petroleum tank release compensation fund"

Page 1, line 6, remove "and"

Page 1, line 6, after "23.1-12-30" insert ", and 23.1-16-13"

Page 1, line 8, remove "and"

Page 1, line 9, replace "for a contingent" with "an"

Page 1, line 9, after "date" insert "; and to provide a contingent expiration date"

Page 1, remove lines 19 through 24

Page 2, replace line 1 with:

"Salaries and wages	\$27,040,544	\$3,546,814	\$30,587,358
Operating expenses	8,005,878	1,996,302	10,002,180
Capital assets	1,258,249	1,005,180	2,263,429
Grants	<u>13,407,000</u>	<u>2,454,529</u>	<u>15,861,529</u>
Total all funds	\$49,711,671	\$9,002,825	\$58,714,496
Less estimated income	<u>38,987,520</u>	<u>7,246,054</u>	<u>46,233,574</u>
Total general fund	\$10,724,151	\$1,756,771	\$12,480,922"

Page 2, line 22, replace "\$879,312" with "\$882,249"

Page 2, after line 25, insert:

**"SECTION 5. ESTIMATED INCOME - PETROLEUM RELEASE
COMPENSATION FUND.** The estimated income line item included in section 1 of this Act includes \$297,217, or so much of the sum as may be necessary, to be made available to the department of environmental quality from the petroleum release compensation fund for expenses related to the petroleum tank release program, for the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 2, line 26, remove "**CONTINGENT**"

Page 3, line 1, remove "The funding may be spent only upon certification by the"

Page 3, remove lines 2 through 4

Page 3, line 5, replace "**CONTINGENT APPROPRIATION**" with "**FUNDING**"

Page 3, line 6, replace "\$1,248,945" with "\$1,056,767"

Page 3, line 6, replace "ten" with "eight"

Page 3, line 6, after "positions" insert ", related to the state assuming primacy over the quad O and quad Oa federal air pollution programs,"

Page 3, line 7, remove ", and may be spent only upon certification by"

Page 3, remove lines 8 and 9

Page 3, line 10, remove "assuming primacy over the quad O and quad Oa federal air pollution programs"

Page 10, after line 6, insert:

"SECTION 17. A new section to chapter 23.1-12 of the North Dakota Century Code is created and enacted as follows:

Registration fees before adoption of rules.

Until the department adopts rules establishing a schedule of registration fees under section 23.1-12-17, registration fees must comply with this section. An owner or operator of a tank shall pay an annual registration fee of fifty dollars for each aboveground or underground tank owned or operated by the person. If, after the fiscal year has been closed and all expenses relating to the fiscal year have been accounted for, the fund balance is less than six million dollars, the annual registration fee of fifty dollars is increased to one hundred dollars. If, after the fiscal year has been closed and all expenses relating to the fiscal year have been accounted for, the fund balance is five million five hundred thousand dollars or more and the annual registration fee has been increased to one hundred dollars, the fee must be reduced to fifty dollars. If, after the fiscal year has been closed and all expenses relating to the fiscal year have been accounted for, the fund balance exceeds nine million dollars, the annual registration fee is reduced to five dollars. Annual registration fees must continue at five dollars until the fund balance does not exceed nine million dollars."

Page 22, after line 5, insert:

"SECTION 30. AMENDMENT. Section 23.1-16-13 of the North Dakota Century Code is amended and reenacted as follows:

23.1-16-13. Disposition of funds.

All funds collected and received under this chapter must be paid to the state treasurer and deposited in the ~~state fire and tornado~~department of environmental quality operating fund to be used to defray the costs of boiler inspections."

Page 22, after line 6, insert:

"SECTION 32. BOILER INSPECTION PROGRAM EVALUATION - PLAN - REPORT TO LEGISLATIVE MANAGEMENT. The department of environmental quality shall evaluate the boiler inspection program during the 2019-20 interim, develop a plan for program fees to meet program expenses, and report to the legislative management regarding the plan before June 30, 2020."

Page 22, line 7, remove "Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19,"

Page 22, replace lines line 8 through 14 with "Section 30 of this Act becomes effective on July 1, 2020.

SECTION 34. CONTINGENT EXPIRATION DATE. Section 17 of this Act is effective until the date the legislative council receives certification from the department of environmental quality that rules establishing a schedule of registration fees under section 23.1-12-17 have been adopted, and after that date is ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1024 - Department of Environmental Quality - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$27,040,544	\$30,196,953	\$390,405	\$30,587,358	\$30,587,358	
Operating expenses	8,005,878	10,002,180		10,002,180	10,002,180	
Capital assets	1,258,249	2,263,429		2,263,429	2,263,429	
Grants	13,407,000	15,861,529		15,861,529	15,861,529	
Total all funds	\$49,711,671	\$58,324,091	\$390,405	\$58,714,496	\$58,714,496	\$0
Less estimated income	38,987,520	46,415,932	(182,358)	46,233,574	45,648,542	585,032
General fund	\$10,724,151	\$11,908,159	\$572,763	\$12,480,922	\$13,065,954	(\$585,032)
FTE	152.50	165.50	0.00	165.50	165.50	0.00

Department 303 - Department of Environmental Quality - Detail of Conference Committee Changes

	Adds Funding for Salary Increases ¹	Adds Funding for Health Insurance Increases ²	Adds 2 FTE Positions for the Supremacy of Federal Programs ³	Removes 2 FTE Positions for the Supremacy of Federal Programs ⁴	Adjusts the Funding Source of the Petroleum Tank Release Program ⁵	Total Conference Committee Changes
Salaries and wages	\$184,841	\$13,386	\$384,356	(\$192,178)		\$390,405
Operating expenses						
Capital assets						
Grants						
Total all funds	\$184,841	\$13,386	\$384,356	(\$192,178)	\$0	\$390,405
Less estimated income	111,289	3,570	0	0	(297,217)	(182,358)
General fund	\$73,552	\$9,816	\$384,356	(\$192,178)	\$297,217	\$572,763
FTE	0.00	0.00	2.00	(2.00)	0.00	0.00

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

² Funding is added for health insurance increases related to an information technology unification FTE position not removed and the 2 FTE positions related to the supremacy of federal programs, the same as the Senate version.

³ Two of the FTE positions provided by the House in the 2nd year of the biennium and related funding for salaries and wages are added in the 1st year of the biennium for the supremacy of federal programs, the same as the Senate version. The House provided contingent funding and 10 FTE positions in the 2nd year of the biennium for the supremacy of federal programs.

⁴ Two of the contingent 10 FTE positions provided by the House in the 2nd year of the biennium for the supremacy of federal programs and related funding for salaries and wages are removed because they are added in the 1st year of the biennium, the same as the Senate version, to provide 8 FTE positions in the 2nd year of the biennium.

⁵ Funding for 50 percent of the total provided for defraying the expenses of the petroleum tank release program is provided from the general fund, instead of the petroleum release compensation fund. The House and the Senate provided \$594,434, including funding for salaries and wages of \$355,846 and operating expenses of \$238,588, from the petroleum release compensation fund for the program.

This amendment also:

- Amends a section identifying funding from the state fire and tornado fund for the boiler inspection program. The Senate provided the funding for the program from the general fund;
- Adds a section to identify funding from the petroleum release compensation fund for 50 percent of the funding related to the petroleum release program. Both the House and Senate had provided 100 percent of the funding for the program from the petroleum release compensation fund;
- Adjusts the section relating to the appropriation from the general fund for federal program supremacy to reduce total funding and FTE added in the 2nd year of the biennium;
- Adds a section to provide for petroleum tank fees to be assessed until the Department of Environmental Quality adopts rules regarding fees, the same as the Senate version;
- Amends the section related to the disposition of funds in the boiler inspection program, created to transfer the boiler inspection program to the Department of Environmental Quality, to require fees collected under the section are deposited in the Department of Environmental Quality operating fund beginning July 1, 2020.

The House had continued to deposit the fees in the state fire and tornado fund and the senate had provided the fees be deposited in the general fund;

- Adds a section to require that the Department of Environmental Quality review the boiler inspection program during the 2019-20 interim, develop a plan for program fees to meet program expenses, and report to the Legislative Management regarding the plan before June 30, 2020, the same as the Senate version;
- Removes the contingent effective date related to Department of Environmental Quality programs because the department has received federal certification of the transfer of authority, powers, and duties to the Department of Environmental Quality; and
- Adds a section to provide for a contingent expiration date for the section which provides for petroleum tank fees to be assessed until the Department of Environmental Quality adopts rules regarding fees, the same as the Senate version.

House Bill No. 1024 - Other Changes - Conference Committee Action

The Conference Committee provided \$882,249 for the boiler inspection program, including funding for salaries and wages of \$793,249 and operating expenses of \$89,000, from the state fire and tornado fund, the same as the House version, instead of the general fund which was included in the Senate version. The Conference Committee also amended North Dakota Century Code Section 23.1-16-13, related to the disposition of boiler inspection funds, to provide, effective July 1, 2020, fees related to the boiler inspection program are deposited in the Department of Environmental Quality operating fund. The Senate provided for fees to be deposited in the general fund effective July 1, 2019, which would have increased general fund revenues by \$600,000.

Engrossed HB 1024 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1194, as reengrossed: Your conference committee (Sens. Anderson, K. Roers, Hogan and Reps. Rohr, D. Anderson, Dobervich) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1326-1327, adopt amendments as follows, and place HB 1194 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1326-1327 of the House Journal and pages 868 of the Senate Journal and that Reengrossed House Bill No. 1194 be amended as follows:

Page 1, line 2, remove "to amend and reenact"

Page 1, line 3, remove "section 50-24.1-37 of the North Dakota Century Code, relating to Medicaid expansion;"

Page 1, remove lines 7 through 22

Page 2, remove lines 1 through 30

Page 3, remove lines 1 and 2

Page 3, line 18, replace "fifty" with "sixty"

Page 3, line 18, replace "fifty" with "forty"

Page 3, line 26, after "include" insert "population"

Page 3, line 27, remove "and"

Page 3, line 28, replace "capital construction directly related to health-related programs or services" with "or developing or enhancing community health representative programs or services. Health-related purposes may not include capital construction, stipends to individuals for services, or services that are covered by Indian health services, Medicaid, or other third-party payers, or state-funded programs"

Page 4, line 1, replace "four" with "two"

Page 4, line 6, replace "four" with "two"

Renumber accordingly

Reengrossed HB 1194 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

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

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

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

1. The department shall establish standards for basic care facilities. The department shall inspect all places and grant annual licenses to basic

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

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

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

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

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

Renumber accordingly

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

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

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

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

Page 1, remove lines 10 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 15

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

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

Page 4, line 4, remove "and"

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

j."

Page 5, after line 21 insert:

- "8. The council shall meet at least four times per calendar year.
9. The council shall prepare and present an annual report of council activities to the state board of public school education and to the legislative management."

Page 5, remove lines 22 through 29

Renumber accordingly

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

REPORT OF CONFERENCE COMMITTEE

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

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

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

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

Page 1, remove lines 17 through 24

Page 2 replace lines 1 through 11 with:

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

1. North Dakota state university may obtain and utilize local funds obtained from fundraising or other sources for the Dunbar Hall project. There is appropriated to North Dakota state university the sum of \$3,200,000, or so much of the sum as may be necessary, from any local or other funds that may become available for this project for the period beginning with the effective date of this Act, and ending June 30, 2021.
2. a. North Dakota state university may obtain and utilize local funds obtained from fundraising or other sources for the agriculture products development center project. There is appropriated to North Dakota state university the sum of \$20,000,000, or so much of the sum as may be necessary, from any local or other funds that may

become available for this project for the period beginning with the effective date of this Act, and ending June 30, 2021.

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

SECTION 2. APPROPRIATION - CAPITAL PROJECTS - EXEMPTION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The \$20 million reduction shown is due to the general fund appropriation being provided during the 2017-19 biennium. Provisions are also added to provide the bonding authority and

general fund appropriation for the project are available only if North Dakota State University certifies to the Industrial Commission and the Office of Management and Budget that \$20 million of local and other funds has been obtained for the project or if the university receives approval from the Legislative Assembly or Budget Section for a change in project scope.

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

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

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

	Adjusts Funding for Pulver Hall Project ¹	Total Conference Committee Changes
Capital assets	(\$500,000)	(\$500,000)
Total all funds	(\$500,000)	(\$500,000)
Less estimated income	(500,000)	(500,000)
General fund	\$0	\$0
FTE	0.00	0.00

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

REPORT OF CONFERENCE COMMITTEE

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

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

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 54-07 of the North Dakota Century Code, relating to the Theodore Roosevelt presidential library and museum endowment fund;"

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

Page 1, line 4, remove "and"

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

Page 1, replace line 13 with:

"Salaries and wages	\$3,422,574	\$201,372	\$3,623,946"
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Page 1, replace line 17 with:

"Governor's salary	265,928	8,184	274,112"
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Page 1, replace line 20 with:

"Total general fund	\$4,007,758	\$484,348	\$4,492,106"
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Page 2, line 23, replace "six hundred twenty-three" with "three hundred sixty-four"

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

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

Page 2, after line 25, insert:

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

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

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

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

3. The governor provides a report to the budget section which includes copies of the documentation received for the certification provided in subsection 1; and
4. The governor provides a report to the budget section within thirty days of applying for the loan authorized in section 8 of this Act which includes all completed loan application documents."

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

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

Page 3, replace lines 3 through 9 with:

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

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

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

¹ Funding is adjusted to provide employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and 2.5 percent on July 1, 2020, the same as the House. The Senate provided funding for a 2 percent salary increase on July 1, 2019, and a 3 percent salary increase on July 1, 2020.

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

This amendment also:

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

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

REPORT OF CONFERENCE COMMITTEE

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

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

Page 1, line 16, overstrike "public"

Page 1, line 16, after "awareness" insert "and provide information to education personnel and the general public"

Page 2, line 1, remove "Provide information to teachers and administrators in this state regarding human"

Page 2, line 2, replace "trafficking awareness and prevention" with "Present annually regarding human trafficking awareness and prevention at professional development conferences directed toward teachers, administrators, and support staff which are hosted by educational organizations in this state or by the department of public instruction"

Renumber accordingly

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

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

Buell J. Reich, Chief Clerk