

## JOURNAL OF THE SENATE

## Sixty-sixth Legislative Assembly

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Bismarck, April 25, 2019

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

The prayer was offered by Pastor Sue Lynn White, Oak Valley Lutheran Church, Velva.

The roll was called and all members were present.

A quorum was declared by the President.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SCHAIBLE MOVED** that the conference committee report on Reengrossed SB 2265 as printed on SJ pages 1896-1913 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2265, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2265:** A BILL for an Act to create and enact a new section to chapter 15.1-02 and section 15.1-27-04.3 of the North Dakota Century Code, relating to state school aid local property tax effort and credentialing of title I certified teachers and coordinators; to amend and reenact sections 15.1-06-04 and 15.1-07-34, the new section to chapter 15.1-09, as created by section 1 of Senate Bill No. 2230, as approved by the sixty-sixth legislative assembly, and sections 15.1-18-10, 15.1-21-03, 15.1-27-02, 15.1-27-03.1, 15.1-27-04.1, 15.1-27-23, 15.1-27-35, 15.1-29-02.1, 15.1-29-12, and 57-15-14.2 of the North Dakota Century Code, relating to teacher professional development days in the school calendar, youth behavioral health training, school board membership, teaching licenses, high school unit instructional time, per student payments, the determination of weighted average daily membership, state aid payable to school districts, weather emergencies, the calculation of average daily membership, a cross-border attendance contract with South Dakota, the determination of tuition payments, and school district levies; to repeal section 15.1-06-05 of the North Dakota Century Code, relating to applications for reconfiguration of instructional days; to provide for a report to legislative management; to provide an appropriation; to provide an effective date; to provide an expiration 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2265 passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. UNRUH MOVED** that the conference committee report on Engrossed SB 2211 as printed on SJ pages 1894-1896 be adopted, which motion prevailed on a voice vote.

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

**SECOND READING OF SENATE BILL**

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

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Hogan

Reengrossed SB 2211 passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. BEKKEDAH** MOVED that the conference committee report on Engrossed HB 1010 as printed on SJ pages 1913-1914 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1010, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1010:** A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Anderson; Clemens; Fors; Kannianen; Larsen, O.; Meyer; Myrdal

Engrossed HB 1010, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DWYER** MOVED that the conference committee report on Engrossed HB 1393 as printed on SJ page 1914 be adopted, which motion prevailed on a voice vote.

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

**SECOND READING OF HOUSE BILL**

**HB 1393:** A BILL for an Act to create and enact section 12.1-17-01.2 of the North Dakota Century Code, relating to domestic violence; to amend and reenact subsection 4 of section 12-60-16.4, section 12.1-17-01, subsection 6 of section 12.1-17-07.1, sections 12.1-17-13 and 12.1-32-07, and subsection 3 of section 12.1-38-01 of the North Dakota Century Code, relating to simple assault; and to provide a penalty.

**ROLL CALL**

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

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

Engrossed HB 1393, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. COOK MOVED** that the conference committee report on HCR 3055 as printed on SJ page 1914 be adopted, which motion prevailed on a voice vote.

HCR 3055, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3055:** A concurrent resolution directing the Legislative Management to consider studying the potential uses of legacy fund earnings, including the use of earnings to provide tax relief, provide for reinvestment of legacy fund earnings, fund research and technological advancements, promote economic growth and diversification, and promote workforce development and career and technical education.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read. The roll was called and there were 5 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Kannianen; Klein; Larson, D.; Myrdal

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

HCR 3055 was declared lost on a recorded roll call vote.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1010, HB 1393.

**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 2211, SB 2265.

**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: 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: SB 2003.

**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 2004.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1006, HB 1374, HB 1429.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1019, HB 1024, HB 1174, HB 1194, HB 1541.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2293, SB 2345.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1019, HB 1024, HB 1174, HB 1194, HB 1541.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 25, 2019: SB 2293, SB 2345.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2315, as engrossed:** Your conference committee (Sens. Luick, Erbele, O. Larsen and Reps. Schreiber-Beck, Heinert, Tveit) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1451-1453, adopt amendments as follows, and place SB 2315 on the Seventh order:

That the House recede from its amendments as printed on pages 1451-1453 of the Senate Journal and pages 1714-1721 and page 1732 of the House Journal and that Engrossed Senate Bill No. 2315 be amended as follows:

Page 1, line 1, remove "to create and enact chapter 20.1-18 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to a database identifying whether private land is open to hunters;"

Page 1, line 3, after the first comma insert "20.1-01-17,"

Page 1, line 3, remove "20.1-01-19, 20.1-01-20,"

Page 1, line 4, remove "to provide a statement"

Page 1, line 5, replace "of legislative intent" with "to repeal section 20.1-01-20 of the North Dakota Century Code, relating to prima facie evidence of hunting"

Page 1, line 13, after "a" insert "class B misdemeanor for a first offense and a"

Page 1, line 13, after "misdemeanor" insert "for a second or subsequent offense"

Page 1, line 15, remove the overstrike of "a.—Enters"

Page 1, line 15, remove "enters"

Page 1, line 19, replace the second underscored comma with "and"

Page 1, line 19, remove ", 20.1-03-42. and"

Page 1, line 20, replace "20.1-18-03" with ";or

- b. Remains on property that is privately owned and open to the public after being requested to leave the property by a duly authorized individual"

Page 3, line 13, overstrike "An individual is guilty of a class B misdemeanor if that individual remains upon the"

Page 3, overstrike lines 14 through 16

Page 3, line 17, replace "4." with "3."

Page 3, line 17, overstrike "a" and insert immediately thereafter ":

a. A"

Page 3, line 18, after "duties" insert " or

b. An individual who enters land to access buried and aboveground infrastructure for operations, inspection, repair, or maintenance purposes, if the individual has a right to operate, inspect, repair, or maintain the infrastructure

Page 3, after line 18, insert:

**"SECTION 2. AMENDMENT.** Section 20.1-01-17 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-01-17. Posting of lands by owner to prohibit hunting - How posted - Signs defaced.**

1. Only the owner or tenant or an individual authorized by the owner of land may post the land by placing signs alongside the public highway or the land giving notice that hunting is not permitted on the land. The name of the person posting the land must appear on each sign in legible characters. The signs must be readable from the outside of the land and must be placed conspicuously not more than eight hundred eighty yards [804.68 meters] apart. As to land entirely enclosed by a fence or enclosure, posting of signs at or on all gates through the fence or enclosure constitutes a posting of all the enclosed land.
2. A person may not deface, take down, destroy posting signs, or post property without the permission of the owner or tenant or an individual authorized by the owner.
3. Even if the conduct of the owner, tenant, or individual authorized by the owner varies from the provisions of subsection 1, an individual may be found guilty of violating section 20.1-01-18 if the owner, tenant, or individual authorized by the owner substantially complied with subsection 1 and notice against hunting or trespassing is clear from the circumstances.
4. If the state, either directly or through a third party, develops, operates, or maintains an online database or other electronic application for up to three counties which is available to the public and identifies whether land in the counties is available to hunters, an owner or tenant or individual authorized by the owner of land in the counties may submit electronic information for the database or application regarding the availability of the land for hunting. Land designated as posted or closed to hunters in the database or application under this subsection is deemed posted land."

Page 3, line 21, remove the overstrike over "~~on posted land and trapping~~"

Page 3, line 21, remove the overstrike over "~~without permission~~"

Page 3, line 22, remove the overstrike over "~~unlawful -- Penalty~~"

Page 3, line 25, after the underscored comma insert "unless the land is legally posted or the individual is requested to leave by a duly authorized person"

Page 3, line 25, after "person" insert "A person"

Page 3, line 25, remove the overstrike over "~~may~~" and insert immediately thereafter "not"

Page 3, line 25, remove the overstrike over "~~enter upon privately owned land for the~~"

Page 3, remove the overstrike over lines 26 through 28

Page 3, line 29, remove the overstrike over "~~two-year period~~"

Page 3, line 29, remove "unless the land is designated as closed to hunters or open to hunters with"

Page 3, remove line 30

Page 3, line 31, remove "20.1-01-17"

Page 4, remove lines 1 through 14

Page 4, line 24, remove "that are"

Page 4, line 24, overstrike "posted"

Page 4, line 25, overstrike "against hunting or trespassing"

Page 4, line 25, remove "under section 20.1-01-17 or private lands that are"

Page 4, remove line 26

Page 4, line 27, remove "20.1-18-02."

Page 4, remove lines 30 and 31

Page 5, remove lines 1 through 30

Page 6, replace lines 1 through 23 with:

**"SECTION 5. REPEAL.** Section 20.1-01-20 of the North Dakota Century Code is repealed."

Page 6, line 24, remove "**FOR**"

Page 6, line 25, remove "**HUNTING AND TRAPPING**"

Page 6, line 25, after the boldfaced period, insert:

"1."

Page 6, line 26, replace "consider studying" with "study"

Page 6, line 26, after the second comma insert "fishing,"

Page 6, line 26, after "issues" insert ", including trespass violations and penalties, and provide recommendations regarding a land access database with the capability of electronic posting. At the direction of the legislative management, before August 1, 2020, the information technology department and game and fish department shall establish a trial electronic posting and hunter access information system in up to three counties. The information technology department and game and fish department may contract with a third party to assist with the electronic posting and hunter access information system development and operation."

Page 6, after line 29, insert:

2. The legislative management shall appoint a committee for this study as follows:
  - a. The voting members of the committee, who must be appointed by the legislative management, are:

- (1) Two members representing agriculture landowners;
- (2) Two members representing sportsmen organizations; and
- (3) Five members of the legislative assembly, including:
  - (a) One member of the majority party in the house of representatives;
  - (b) One member of the minority party in the house of representatives;
  - (c) One member of the majority party in the senate;
  - (d) One member of the minority party in the senate; and
  - (e) One member from either party in either chamber to serve as the committee chairman.
- b. The nonvoting members of the committee are:
  - (1) A representative of the North Dakota association of counties;
  - (2) The agriculture commissioner or the commissioner's designee;
  - (3) The director of the game and fish department or the director's designee;
  - (4) The chief information officer or the officer's designee; and
  - (5) A representative of the North Dakota state's attorneys' association.
3. A member of the committee who is not a state employee is entitled to reimbursement for mileage and expenses as provided by law for state officers and employees, to be paid by the legislative council. A state employee who is a member of the committee is entitled to receive that employee's regular salary and is entitled to reimbursement for mileage and expenses to be paid by the employing agency. A member of the committee who is a member of the legislative assembly is entitled to receive per diem compensation at the rate provided under section 54-35-10 for each day performing official duties of the committee. The legislative council shall pay the per diem compensation and reimbursement for travel and expenses as provided by law for any member of the committee who is a member of the legislative assembly.

**SECTION 7. EDUCATION AND MARKETING.** The game and fish department and the tourism division of the department of commerce shall provide public education and marketing regarding the changes to land access in this Act."

Renumber accordingly

Engrossed SB 2315 was placed on the Seventh order of business on the calendar.

**MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

**MOTION**

**SEN. KLEIN MOVED** that Sen. D. Larson replace Sen. Dwyer on the Conference Committee on HB 1050, which motion prevailed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2006, as engrossed:** Your conference committee (Sens. Wanzek, Bekkedahl, Robinson and Reps. Beadle, Headland, Mock) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1382-1385, adopt amendments as follows, and place SB 2006 on the Seventh order:

That the House recede from its amendments as printed on pages 1382-1385 of the Senate Journal and pages 1574-1577 of the House Journal and that Engrossed Senate Bill No. 2006 be amended as follows:

Page 1, line 4, remove "and"

Page 1, line 4, after "transfer" insert "; and to declare an emergency"

Page 1, replace lines 15 through 22 with:

"Salaries and wages	\$21,724,004	\$1,143,952	\$22,867,956
Operating expenses	6,749,295	363,165	7,112,460
Capital assets	6,000	0	6,000
Homestead tax credit	14,800,000	1,000,000	15,800,000
Disabled veterans' tax credit	<u>8,110,200</u>	<u>300,000</u>	<u>8,410,200</u>
Total all funds	\$51,389,499	\$2,807,117	\$54,196,616
Less estimated income	<u>125,000</u>	<u>0</u>	<u>125,000</u>
Total general fund	\$51,264,499	\$2,807,117	\$54,071,616"

Page 1, after line 23, insert:

**"SECTION 2. APPROPRIATION - 2017-19 BIENNIUM.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$590,000, or so much of the sum as may be necessary, to the tax commissioner for the homestead tax credit program and the disabled veterans' tax credit program, for the period beginning with the effective date of this Act, and ending June 30, 2019."

Page 2, line 18, replace "one hundred twenty thousand six hundred" with "one hundred twenty thousand fourteen"

Page 2, after line 18, insert:

**"SECTION 6. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2006 - State Tax Commissioner - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$21,724,004	\$22,938,184	(\$70,228)	\$22,867,956	\$22,604,918	\$263,038
Operating expenses	6,749,295	7,112,460		7,112,460	7,112,460	
Capital assets	6,000	6,000		6,000	6,000	
Homestead tax credit	14,800,000	15,800,000		15,800,000	15,800,000	
Disabled veterans' credit	<u>8,110,200</u>	<u>8,410,200</u>		<u>8,410,200</u>	<u>8,410,200</u>	
Total all funds	\$51,389,499	\$54,266,844	(\$70,228)	\$54,196,616	\$53,933,578	\$263,038
Less estimated income	<u>125,000</u>	<u>125,000</u>	0	<u>125,000</u>	<u>125,000</u>	0
General fund	\$51,264,499	\$54,141,844	(\$70,228)	\$54,071,616	\$53,808,578	\$263,038
FTE	133.00	123.00	0.00	123.00	123.00	0.00



### Department 127 - State Tax Commissioner - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Underfunds Salaries and Wages <sup>2</sup>	Total Conference Committee Changes
Salaries and wages	\$57,520	(\$127,748)	(\$70,228)
Operating expenses			
Capital assets			
Homestead tax credit			
Disabled veterans' credit			
<hr/>	<hr/>	<hr/>	<hr/>
Total all funds	\$57,520	(\$127,748)	(\$70,228)
Less estimated income	0	0	0
General fund	\$57,520	(\$127,748)	(\$70,228)
<hr/>	<hr/>	<hr/>	<hr/>
FTE	0.00	0.00	0.00

<sup>1</sup> 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.

<sup>2</sup> Funding for salaries and wages is reduced by \$127,748 for anticipated savings from vacant positions and employee turnover for total underfunding of \$900,000. The Senate underfunded salaries and wages by \$772,252. The House underfunded salaries and wages by \$772,252 and reduced funding for temporary employees by \$390,786 for a total reduction of \$1,163,038.

This amendment:

- Provides an appropriation of \$590,000 from the general fund for the 2017-19 biennium for the homestead tax credit program and the disabled veterans' tax credit program and includes an emergency clause related to the appropriation. Neither the Senate nor the House included this funding.
- Does not include three sections added by the House to create a legacy income tax rate reduction fund, to transfer 50 percent of the legacy fund earnings at the end of the biennium to the newly created fund, and to provide an effective date of June 1, 2021.
- Includes a section to provide the statutory changes necessary to increase the Tax Commissioner's salary from the current salary of \$114,791 to \$117,087 (2 percent) in fiscal year 2020 and to \$120,014 (2.5 percent) in fiscal year 2021, the same as the House version. The Senate included statutory changes necessary to increase the Tax Commissioner's salary by 2 percent in fiscal year 2020 and by 3 percent in fiscal year 2021.

Engrossed SB 2006 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2012, as engrossed:** Your conference committee (Sens. Dever, Erbele, Mathern and Reps. J. Nelson, Kreidt, Holman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1609-1621, adopt amendments as follows, and place SB 2012 on the Seventh order:

That the House recede from its amendments as printed on pages 1609-1621 of the Senate Journal and pages 1780-1791 of the House Journal and that Engrossed Senate Bill No. 2012 be amended as follows:

Page 1, line 4, replace "section" with "subsection 9 of section 50-06.4-10 and sections 50-24.1-31,"

Page 1, line 4, after "50-24.1-37" insert ", and 54-27-25"

Page 1, line 5, after the first "to" insert "the brain injury advisory council, optional medical assistance for children,"

Page 1, line 5, after "program" insert ", and tobacco settlement trust fund allocations; to provide a statement of legislative intent"

Page 1, line 7, after "exemption" insert "; to provide an effective date; to provide an expiration date"

Page 1, remove lines 19 through 23

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$26,280,139	(\$6,057,639)	\$20,222,500
Operating expenses	116,315,826	31,908,694	148,224,520
Capital assets	0	50,000	50,000
Grants	<u>204,000</u>	<u>(204,000)</u>	<u>0</u>
Total all funds	\$142,799,965	\$25,697,055	\$168,497,020
Less estimated income	<u>85,679,558</u>	<u>18,127,188</u>	<u>103,806,746</u>
Total general fund	\$57,120,407	\$7,569,867	\$64,690,274"

Page 2, replace lines 6 through 13 with:

"Salaries and wages	\$62,782,944	\$6,211,929	\$68,994,873
Operating expenses	125,299,436	25,662,147	150,961,583
Capital assets	10,000	0	10,000
Grants	441,420,827	11,933,680	453,354,507
Grants - medical assistance	<u>2,373,678,247</u>	<u>368,479,473</u>	<u>2,742,157,720</u>
Total all funds	\$3,003,191,454	\$412,287,229	\$3,415,478,683
Less estimated income	<u>1,945,157,519</u>	<u>287,410,619</u>	<u>2,232,568,138</u>
Total general fund	\$1,058,033,935	\$124,876,610	\$1,182,910,545"

Page 2, replace lines 18 through 22 with:

"Human service centers	\$196,049,489	\$8,651,654	\$204,701,143
Institutions	<u>140,421,224</u>	<u>4,025,921</u>	<u>144,447,145</u>
Total all funds	\$336,470,713	\$12,677,575	\$349,148,288
Less estimated income	<u>138,543,705</u>	<u>(4,458,085)</u>	<u>134,085,620</u>
Total general fund	\$197,927,008	\$17,135,660	\$215,062,668"

Page 2, replace lines 27 and 28 with:

"County social services	\$0	\$173,700,000	\$173,700,000
Total special funds	\$0	\$173,700,000	\$173,700,000"

Page 3, replace lines 3 through 6 with:

"Grand total general fund	\$1,313,081,350	\$149,582,137	\$1,462,663,487
Grand total special funds	<u>2,169,380,782</u>	<u>474,779,722</u>	<u>2,644,160,504</u>
Grand total all funds	\$3,482,462,132	\$624,361,859	\$4,106,823,991
Full-time equivalent positions	2,162.23	68.00	2,230.23"

Page 3, after line 20, insert:

"Hyperbaric oxygen therapy grant	0	335,000"
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Page 3, replace line 22 with:

"Total all funds	\$430,650,000	\$22,068,926"
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Page 3, replace line 24 with:

"Total general fund	\$26,150,000	\$1,512,603"
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Page 5, after line 4, insert:

**"SECTION 5. AMENDMENT.** Subsection 9 of section 50-06.4-10 of the North Dakota Century Code is amended and reenacted as follows:

9. ~~The department shall provide the council with administrative contract with a private, nonprofit agency that does not provide brain injury services, to facilitate and provide support services to the council.~~

**SECTION 6. AMENDMENT.** Section 50-24.1-31 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.1-31. Optional medical assistance for families of children with disabilities.**

The department of human services shall establish and implement a buyin program under the federal Family Opportunity Act enacted as part of the Deficit Reduction Act of 2005 [Pub. L. 109-171; 120 Stat. 4; 42 U.S.C. 1396] to provide medical assistance and other health coverage options to families of children with disabilities and whose net income does not exceed two hundred fifty percent of the federal poverty line."

Page 5, line 7, remove the overstrike over "**Effective**"

Page 5, line 8, remove the overstrike over "**January 1, 2014, through July 31,**"

Page 5, line 8, after "**2019**" insert "**2021**"

Page 6, after line 22, insert:

**"SECTION 8. AMENDMENT.** Section 50-24.1-37 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.1-37. Medicaid expansion - Legislative management report. (Effective January 1, 2014, through July 31, ~~2019~~2021 - Contingent repeal - See note)**

1. The department of human services shall expand medical assistance coverage as authorized by the federal Patient Protection and Affordable Care Act [Pub. L. 111-148], as amended by the Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152] to individuals under sixty-five years of age with income below one hundred thirty-eight percent of the federal poverty level, ~~based on modified adjusted gross income line published by the federal office of management and budget applicable to the household size.~~
2. The department of human services shall inform new enrollees in the medical assistance expansion program that benefits may be reduced or eliminated if federal participation decreases or is eliminated.
3. ~~The~~ Except for pharmacy services, the department shall implement the expansion by bidding through private carriers or utilizing the health insurance exchange.
4. ~~The contract between the department and the private carrier must:~~
  - a. ~~Provide a reimbursement methodology for all medications and dispensing fees which identifies the minimum amount paid to pharmacy providers for each medication. The reimbursement methodology, at a minimum, must:~~
    - (1) ~~Be available on the department's website; and~~
    - (2) ~~Encompass all types of pharmacy providers regardless of whether the pharmacy benefits are being paid through the private carrier or contractor or subcontractor of the private carrier under this section.~~
  - b. ~~Provide full transparency of all costs and all rebates in aggregate.~~

- e. ~~Allow an individual to obtain medication from a pharmacy that provides mail order service; however, the contract may not require mail order to be the sole method of service and must allow for all contracted pharmacy providers to dispense any and all drugs included in the benefit plan and allowed under the pharmacy provider's license.~~
  - d. ~~Ensure that pharmacy services obtained in jurisdictions other than this state and its three contiguous states are subject to prior authorization and reporting to the department for eligibility verification.~~
  - e. ~~Ensure the payments to pharmacy providers do not include a required payback amount to the private carrier or one of the private carrier's contractors or subcontractors which is not representative of the amounts allowed under the reimbursement methodology provided in subdivision a.~~
5. The contract between the department and the private carrier must provide the department with full access to provider reimbursement rates. The department shall consider provider reimbursement rate information in selecting a private carrier under this section. Before August first of each even-numbered year, the department shall submit a report to the legislative management regarding provider reimbursement rates under the medical assistance expansion program. This report may provide cumulative data and trend data but may not disclose identifiable provider reimbursement rates.
- ~~6.5. Provider reimbursement rate information received by the department under this section and any information provided to the department of human services or any audit firm by a pharmacy benefit manager under this section is confidential, except the department may use the reimbursement rate information to prepare the report to the legislative management as required under this section.~~

**SECTION 9. AMENDMENT.** Section 54-27-25 of the North Dakota Century Code is amended and reenacted as follows:

**54-27-25. Tobacco settlement trust fund - Interest on fund - Uses.**  
(Effective through June 30, 2019)

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:
  - a. Transfers to a community health trust fund to be administered by the state department of health. The state department of health may use funds as appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. Transfers under this subsection must equal fifty-five percent of total annual transfers from the tobacco settlement trust fund. Transfers to the water development trust fund to be used to address the long-term water development and management needs of the state. Transfers

under this subsection must equal forty-five percent of the total annual transfers from the tobacco settlement trust fund.

2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be used as appropriated by the legislative assembly.
3. Transfers to the funds under this section must be made within thirty days of receipt by the state.

**Tobacco settlement trust fund - Interest on fund - Uses. (Effective after June 30, 2019)**

1. There is created in the state treasury a tobacco settlement trust fund. The fund consists of the tobacco settlement dollars obtained by the state under subsection IX(c)(1) of the master settlement agreement and consent agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Except as provided in subsection 2, moneys received by the state under subsection IX(c)(1) must be deposited in the fund. ~~Interest earned on the fund must be credited to the fund and deposited in the fund. The principal and interest of the fund may be appropriated to the attorney general for the purpose of enforcing the master settlement agreement and any disputes with the agreement. All remaining principal and interest of the fund must be allocated as follows:~~
  - a. ~~Transfers~~Moneys in the fund must be transferred within thirty days of receipt by the state to a community health trust fund to be administered by the state department of health. The state department of health may use funds as. Moneys in the fund may be appropriated for community-based public health programs and other public health programs, including programs with emphasis on preventing or reducing tobacco usage in this state. ~~Transfers under this subsection must equal ten percent of total annual transfers from the tobacco settlement trust fund.~~
  - b. ~~Transfers to the common schools trust fund to become a part of the principal of that fund. Transfers under this subsection must equal forty five percent of total annual transfers from the tobacco settlement trust fund.~~
  - c. ~~Transfers to the water development trust fund to be used to address the long term water development and management needs of the state. Transfers under this subsection must equal forty five percent of the total annual transfers from the tobacco settlement trust fund.~~
2. There is created in the state treasury a tobacco prevention and control trust fund. The fund consists of the tobacco settlement dollars obtained by the state under section IX(c)(2) of the agreement adopted by the east central judicial district court in its judgment entered December 28, 1998 [Civil No. 98-3778] in State of North Dakota, ex rel. Heidi Heitkamp v. Philip Morris, Inc. Interest earned on the fund must be credited to the fund and deposited in the fund. Moneys received into the fund are to be used as appropriated by the legislative assembly.
3. ~~Transfers to the funds under this section must be made within thirty days of receipt by the state."~~

Page 7, line 16, remove "a"

Page 7, line 16, remove the second "service"

Page 7, line 17, replace "redesign project" with "and human services"

Page 7, after line 21, insert:

**"SECTION 15. ESTIMATED INCOME - COMMUNITY HEALTH TRUST FUND.** The estimated income line item in subdivision 2 of section 1 of this Act includes the sum of \$32,400,000 from the community health trust fund for defraying expenses in the medical services division.

**SECTION 16. ESTIMATED INCOME - HEALTH CARE TRUST FUND - NURSING HOME OPERATING MARGIN ADJUSTMENT.** The estimated income line item in subdivision 2 of section 1 of this Act includes the sum of \$1,000,000 from the health care trust fund and \$1,062,000 from other funds derived from federal funds. These funds must be used to increase the nursing facility operating margin up to 4.4 percent for the period beginning January 1, 2020, and ending June 30, 2021. Notwithstanding any other provision of law, the draft appropriations acts submitted to the legislative assembly for the 2021-23 biennium pursuant to section 54-44.1-06 may not contain a nursing facility operating margin in excess of 3.74 percent.

**SECTION 17. EXPENDITURES MAY NOT EXCEED APPROPRIATION - MEDICAL ASSISTANCE EXPANSION PROGRAM.**

1. Subdivision 2 of section 1 of this Act includes the sum of \$567,367,511, of which \$60,776,487 is from the general fund, for the medical assistance expansion program for the biennium beginning July 1, 2019, and ending June 30, 2021. The expenditures for individuals eligible for the medical assistance expansion program may not exceed this amount. For purposes of this section:
  - a. Expenditures do not include those made for individuals identified as medically frail and who receive services through the traditional Medicaid program administered by the department of human services for which there is a separate appropriation of \$5,185,101 included in subdivision 2 of section 1 of this Act.
  - b. Expenditures do not include prescription drugs for the medical assistance expansion program population which is administered by the department of human services through its fee-for-service Medicaid program for which there is a separate appropriation of \$52,548,356 included in subdivision 2 of section 1 of this Act.
  - c. Expenditures do not include funding from the federal health insurance provider fee for which a separate appropriation of \$9,619,987 is included in subdivision 2 of section 1 of this Act.
2. The department of human services may exceed appropriations for increases in medical assistance expansion program caseload and for the addition of coverage consistent with the traditional Medicaid 1915i state plan.
3. The managed care organization under contract with the department to manage the medical assistance expansion program shall reimburse providers within the same provider type and specialty at consistent levels and with consistent methodology and may not provide incentive, quality, or supplemental payments to providers, unless part of a value-based program offered to all eligible providers and approved by the department. The managed care organization may consider urban and rural providers as different provider types. Critical access hospitals may not be paid less than one hundred percent of Medicare allowable costs.

4. The managed care organization and the department of human services shall ensure payments to Indian or Tribal 638 health care providers, federally qualified health centers, and rural health clinics meet the federally required minimum levels of reimbursement.
5. The department of human services shall ensure providers within the same provider type and specialty are reimbursed at consistent levels and with consistent methodology and shall ensure the capitation rates under risk contracts are actuarially sound and are adequate to meet managed care organization contractual requirements regarding availability of services, assurance of adequate capacity and services, and coordination and continuity of care."

Page 7, line 24, remove the second "and"

Page 7, line 25, remove "implement"

Page 7, line 28, replace "use of" with "potential need for"

Page 8, line 2, remove the second "and"

Page 8, line 4, after "centers" insert: "; and"

5. The potential use of available Medicaid authorities, including waivers or plan amendments"

Page 8, remove lines 5 and 6

Page 8, line 7, remove "Medicaid demonstration waiver."

Page 8, replace lines 10 through 28 with:

**"SECTION 19. REVISED PAYMENT METHODOLOGY FOR NURSING FACILITY SERVICES - REPORT TO LEGISLATIVE MANAGEMENT.** The department of human services shall develop an implementation plan for a revised payment methodology for nursing facility services that must include recommendations for:

1. Methods of reimbursement for nursing facility cost categories including direct patient care, administrative expenses, and capital assets;
2. Considerations regarding establishing peer groups for payments based on factors such as geographical location or nursing facility size;
3. The feasibility and desirability of equalizing payments for nursing facilities in the same peer group, including the time frame for equalization; and
4. Payment incentives related to care quality or operational efficiency.

The executive director of the department of human services and representatives of the nursing home industry shall appoint a committee to advise the department on the development of the revised payment methodology for nursing facility services. Before October 1, 2020, the department shall report to the legislative management regarding the plan to implement the revised payment methodology. The estimated costs related to the implementation of the revised payment methodology must be included in the department's 2021-23 biennium budget request submitted to the sixty-seventh legislative assembly.

**SECTION 20. HYPERBARIC OXYGEN THERAPY PILOT PROGRAM GRANT.** Subdivision 2 of subsection 1 of this Act includes the sum of \$335,000 from the general fund for the purpose of providing a grant to an entity to develop a hyperbaric oxygen therapy pilot program.

**SECTION 21. ADAPTIVE SKIING GRANT - EXEMPTION.** Subdivision 2 of section 1 of this Act includes the sum of \$200,000 from the general fund for a grant

for an adaptive skiing program affiliated with a winter park that is located in a county of less than 10,000 individuals. The requirements of chapter 54-44.4 do not apply to the selection of a grantee, the grant award, or payments made under this section.

**SECTION 22. PERMANENT HOUSING PROGRAM GRANTS - EXEMPTION - REPORT TO LEGISLATIVE MANAGEMENT.** Subdivision 3 of section 1 of this Act includes the sum of \$925,000 from the general fund to provide grants to entities to provide services to individuals experiencing chronic homelessness in the northeast and southeast human service regions. The requirements of chapter 54-44.4 do not apply to the selection of grantees, the grant awards, or payments made under this section. The department of human services' oversight for these services is limited to receiving information relating to annual service numbers and the expenditure of appropriated funds for these services. The department shall develop and implement standardized processes for the distribution of the permanent housing grants.

The funds identified for permanent housing grants may be used only for services not reimbursed by other funding sources. The department of human services, in cooperation with the grant recipients, shall provide reports to the legislative management during the 2019-20 interim regarding the services provided by the programs, the nonidentifiable demographics of the individuals receiving services, and the other funding or reimbursement being used to support the programs.

**SECTION 23. SCHOOL BEHAVIORAL HEALTH GRANTS.** Subdivision 2 of section 1 of this Act includes the sum of \$1,500,000 from the general fund for the purpose of providing behavioral health services and support grants to school districts to address student behavioral health needs. To be eligible to receive a student behavioral health grant, a school district must submit a plan to the department of human services detailing the school district's collaboration with other regional school districts regarding student behavioral health needs and the use of grant funding to develop student behavioral health interventions. A school district may not use grant funding to duplicate or fund existing services. The department of human services shall provide student behavioral health grants only during the second year of the 2019-21 biennium."

Page 8, line 30, after "\$300,000" insert "from the general fund"

Page 10, after line 8, insert:

**"SECTION 31. EXEMPTION.** The sum of \$728,207 from the general fund appropriated for the department's operating expenses for the legal advisory unit in chapter 11 of the 2017 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation may be used for the Ireland lawsuit or its settlement during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 32. EXEMPTION.** The sum of \$150,000 from the general fund appropriated for the purpose of establishing a children's prevention and early intervention behavioral health services pilot project in chapter 333 of the 2017 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to be used for the completion of the children's prevention and early intervention behavioral health services pilot project during the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 11, line 24, after "disturbance" insert "for dates of service"

Page 11, line 30, after "illness" insert "for dates of service"

Page 12, after line 5, insert:

**"SECTION 43. IMPLEMENTATION OF 1915i MEDICAID STATE PLAN.** The department of human services shall implement and manage a 1915i Medicaid state plan amendment for children and adults, for the period beginning July 1, 2020, and ending June 30, 2021. The requirements of chapter 54-44.4 do not apply to the



addition of coverage consistent with the traditional Medicaid 1915i state plan to the managed care contract between the department of human services and the Medicaid expansion managed care organization. The department of human services and the Medicaid managed care organization shall ensure the appropriate contract amendment is adopted for coverage to begin July 1, 2020.

**SECTION 44. HOME AND COMMUNITY-BASED SERVICES TARGETED POPULATION.** The department of human services shall adopt rules, on or before January 1, 2021, establishing a process and requirements to involve public and private entities in identifying individuals who are at serious risk of accessing Medicaid-funded long-term care in a nursing facility and inform them about home and community-based services options.

**SECTION 45. AUTISM SPECTRUM DISORDER TASK FORCE.** The department of human services shall consult with the autism spectrum disorder task force at the November 2019 task force meeting to evaluate biennium autism spectrum disorder Medicaid waiver expenditures to date. Based on input from the task force, the department may expand the number of slots or increase the ages covered by the autism spectrum disorder Medicaid waiver for the remainder of the 2019-21 biennium.

**SECTION 46. AUTISM SPECTRUM DISORDER VOUCHER PROGRAM.** The department of human services shall propose changes to North Dakota administrative code to seek additional flexibility for the administration of the autism spectrum disorder voucher program to ensure more families can be served within available appropriations. The proposed administrative code changes should consider changes that include a voucher that is solely for technology support and one that is for in-home supports; adding case management or parent-to-parent support as an allowable service for voucher funds; and reducing the amount of time during which a household may use approved voucher funds."

Page 12, after line 17, insert:

**"SECTION 49. LEGISLATIVE INTENT - UTILIZATION RATE ADJUSTMENTS.** It is the intent of the sixty-sixth legislative assembly that the department of human services seek a deficiency appropriation from the sixty-seventh legislative assembly for any expenditures that exceed appropriated amounts as a result of reductions made in estimated utilization rates during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 50. EFFECTIVE DATE.** Section 8 of this Act becomes effective on January 1, 2020.

**SECTION 51. EXPIRATION DATE.** Section 7 of this Act is effective through December 31, 2019, and after that date is ineffective."

Page 12, line 19, replace "21" with "34"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2012 - Summary of Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
State Department of Health						
Total all funds	\$0	\$0	\$0	\$0	\$335,000	(\$335,000)
Less estimated income	0	0	0	0	0	0
General fund	\$0	\$0	\$0	\$0	\$335,000	(\$335,000)
FTE	0.00	0.00	0.00	0.00	0.00	0.00
DHS - Management						
Total all funds	\$142,799,965	\$168,418,321	\$78,699	\$168,497,020	\$168,497,020	\$0
Less estimated income	85,679,558	103,780,027	26,719	103,806,746	103,806,746	0
General fund	\$57,120,407	\$64,638,294	\$51,980	\$64,690,274	\$64,690,274	\$0
FTE	140.45	107.95	0.00	107.95	107.95	0.00

DHS - Program/Policy						
Total all funds	\$3,003,191,454	\$3,447,390,889	(\$31,912,206)	\$3,415,478,683	\$3,414,643,683	\$835,000
Less estimated income	1,945,157,519	2,191,493,617	41,074,521	2,232,568,138	2,200,168,138	32,400,000
General fund	\$1,058,033,935	\$1,255,897,272	(\$72,986,727)	\$1,182,910,545	\$1,214,475,545	(\$31,565,000)
FTE	366.50	377.25	6.00	383.25	383.25	0.00
DHS - County Social Services						
Financing						
Total all funds	\$0	\$182,300,000	(\$8,600,000)	\$173,700,000	\$173,700,000	\$0
Less estimated income	0	182,300,000	(8,600,000)	173,700,000	173,700,000	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	223.00	(83.00)	140.00	140.00	0.00
DHS - Field Services						
Total all funds	\$336,470,713	\$351,044,271	(\$1,895,983)	\$349,148,288	\$349,048,288	\$100,000
Less estimated income	138,543,705	132,151,522	1,934,098	134,085,620	134,085,620	0
General fund	\$197,927,008	\$218,892,749	(\$3,830,081)	\$215,062,668	\$214,962,668	\$100,000
FTE	1,655.28	1,599.03	0.00	1,599.03	1,599.03	0.00
Bill total						
Total all funds	\$3,482,462,132	\$4,149,153,481	(\$42,329,490)	\$4,106,823,991	\$4,106,223,991	\$600,000
Less estimated income	2,169,380,782	2,609,725,166	34,435,338	2,644,160,504	2,611,760,504	32,400,000
General fund	\$1,313,081,350	\$1,539,428,315	(\$76,764,828)	\$1,462,663,487	\$1,494,463,487	(\$31,800,000)
FTE	2,162.23	2,307.23	(77.00)	2,230.23	2,230.23	0.00

**Senate Bill No. 2012 - State Department of Health - Conference Committee Action**

The Conference Committee did not include one-time funding added by the House for the State Department of Health to contract with a private entity to establish a hyperbaric oxygen therapy pilot program. The Conference Committee amendments include a \$335,000 general fund appropriation to the Department of Human Services to provide a grant to an entity to establish a hyperbaric oxygen therapy pilot program.

**Senate Bill No. 2012 - DHS - Management - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$26,280,139	\$20,143,801	\$78,699	\$20,222,500	\$20,222,500	
Operating expenses	116,315,826	148,224,520		148,224,520	148,224,520	
Capital assets		50,000		50,000	50,000	
Grants	204,000					
Total all funds	\$142,799,965	\$168,418,321	\$78,699	\$168,497,020	\$168,497,020	\$0
Less estimated income	85,679,558	103,780,027	26,719	103,806,746	103,806,746	0
General fund	\$57,120,407	\$64,638,294	\$51,980	\$64,690,274	\$64,690,274	\$0
FTE	140.45	107.95	0.00	107.95	107.95	0.00

**Department 326 - DHS - Management - Detail of Conference Committee Changes**

	Adjusts Funding for Salary Increase <sup>1</sup>	Total Conference Committee Changes
Salaries and wages	\$78,699	\$78,699
Operating expenses		
Capital assets		
Grants		
Total all funds	\$78,699	\$78,699
Less estimated income	26,719	26,719
General fund	\$51,980	\$51,980
FTE	0.00	0.00

<sup>1</sup> 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 version. The Senate provided funding for a 2 percent salary increase on July 1, 2019, and a 3 percent salary increase on July 1, 2020. The same salary adjustments are being provided for all areas of the department.

## Senate Bill No. 2012 - DHS - Program/Policy - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$62,782,944	\$67,904,611	\$1,090,262	\$68,994,873	\$68,994,873	
Operating expenses	125,299,436	148,265,426	2,696,157	150,961,583	150,461,583	\$500,000
Capital assets	10,000	10,000		10,000	10,000	
Grants	441,420,827	448,876,175	4,478,332	453,354,507	453,019,507	335,000
Grants - Medical assistance	<u>2,373,678,247</u>	<u>2,782,334,677</u>	<u>(40,176,957)</u>	<u>2,742,157,720</u>	<u>2,742,157,720</u>	
Total all funds	\$3,003,191,454	\$3,447,390,889	(\$31,912,206)	\$3,415,478,683	\$3,414,643,683	\$835,000
Less estimated income	<u>1,945,157,519</u>	<u>2,191,493,617</u>	<u>41,074,521</u>	<u>2,232,568,138</u>	<u>2,200,168,138</u>	<u>32,400,000</u>
General fund	\$1,058,033,935	\$1,255,897,272	(\$72,986,727)	\$1,182,910,545	\$1,214,475,545	(\$31,565,000)
FTE	366.50	377.25	6.00	383.25	383.25	0.00

<sup>1</sup> Funding for program and policy is adjusted as follows:

	FTE Positions	General Fund	Other Funds	Total
<b>2019-21 Ongoing Funding Changes</b>				
Adjusts salary increase funding as detailed in Management section		\$98,534	\$156,235	\$254,769
Adjusts provider inflationary increases to 2 percent the 1st year of the biennium and to 2.5 percent the 2nd year of the biennium, the same as the House version. The Senate provided funding for inflationary increases of 2 percent the 1st year of the biennium and 3 percent the 2nd year of the biennium.		(2,293,611)	(2,587,825)	(4,881,436)
Adjusts the federal medical assistance percentage estimate to 50.05 for federal fiscal year 2020 and to 52.66 for federal fiscal year 2021. The House version also made this adjustment.		(24,656,101)	24,149,902	(506,199)
<b>Economic Assistance</b>				
Reduces funding added by the Senate for temporary assistance for needy families tribal kinship care from \$2,935,800 to \$2 million, the same as the House version.		(935,800)		(935,800)
Increases funding for the alternatives to abortion program to provide total funding of \$600,000, the same as the House version.			100,000	100,000
<b>Medical Services</b>				
Adjusts the department's savings plan for revised estimates, the same as the House version.		(174,829)	(387,518)	(562,347)
Provides for the department to administer Medicaid Expansion pharmacy services rather than utilizing a private carrier. The House version also made this change.	2.00	(551,686)	(4,940,257)	(5,491,943)
Adjusts funding added by Senate for a Medicaid 1915i plan amendment based on revised cost estimates, the same as the House version.		(1,400,202)	99,799	(1,300,403)
Adjusts funding added by the Senate for the children with disabilities buy in program due to FMAP change, the same as the House version.		(28,061)	28,061	0
Adjusts estimated estate collections due to a lawsuit, the same as the House version.		1,500,000	(1,500,000)	0
Adjusts funding for Medicaid funeral cost exemption changes approved in House Bill No. 1318, the same as the House version.		326,053	341,131	667,184
Adjusts funding to expand Medicaid coverage for pregnant women as approved in House Bill No. 1515, the same as the House version.		797,532	834,414	1,631,946

Adjusts estimated medical services utilization rates, the same as the House version.	(3,909,600)	(4,090,400)	(8,000,000)
Adjusts Medicare drug clawback funding based on revised estimates, the same as the House version.	1,222,206		1,222,206
Adjusts the funding sources for medical services to utilize funding from the community health trust fund rather than the general fund. The Senate and House versions did not include funding from the community health trust fund.	(32,400,000)	32,400,000	0

**Long-Term Care**

Adjusts funding for licensure of pediatric subacute care facilities as provided in Senate Bill No. 2317, the same as the House version.	648,485	716,287	1,364,772
Transfers funding added by the Senate for autism extended services to human service centers. The House also made this transfer.	(170,000)		(170,000)
Adjusts estimated long-term care utilization rates, the same as the House version.	(9,774,000)	(10,226,000)	(20,000,000)
Adds funding, including \$1 million from the health care trust fund, to increase the nursing home operating margin amount up to 4.4 percent for the period beginning January 1, 2020, and ending June 30, 2021. The House version also provided this adjustment.		2,062,000	2,062,000
Adjusts funding to allow nursing facility software costs to be classified as a passthrough expense as approved in House Bill No. 1124. The House version also made this adjustment.	829,129	867,472	1,696,601

**Aging Services**

Adds funding to contract with subject matter experts for Aging Services programs, the same as the House version.	500,000		500,000	
Adds funding for contracting and operating expenses of the Aging and Disability Resource Link service, the same as the House version.	331,936	292,794	624,730	
Adds intake FTE positions for the Aging and Disability Resource link service, the same as the House version.	5.00	437,250	387,750	825,000
Increases funding for dementia care services grants to provide total funding of \$1.2 million, the same as the House version.	150,000		150,000	

**Behavioral Health Division**

Reduces funding added by the Senate to expand the free through recovery program from \$4.5 million to \$4 million. The House reduced the funding by \$1 million, to \$3.5 million.	(500,000)		(500,000)
Reduces funding added by the Senate for the Parents LEAD program to provide total funding of \$200,000, the same as the House version.	(160,000)		(160,000)
Increases federal funds authority for the children's system of care grant to provide a total of \$6 million, the same as the House version.		3,000,000	3,000,000
Adjusts funding added by the Senate to expand the eligibility of the substance voucher use disorder program to individuals 18 to 14 years of age or older to reflect revised estimated costs, the same as the House version.	(138,062)		(138,062)

Reduces funding added by the Senate for early intervention services from \$600,000 to \$300,000, the same as the House version.		(300,000)		(300,000)
Removes funding and 1 FTE position added by the Senate for a mental health voucher program, the same as the House version.	(1.00)	(1,050,000)		(1,050,000)
Adds federal funds authority for a state opioid response grant, the same as the House version.			2,098,462	2,098,462
Adds funding for a new behavioral health grant program for schools, the same as the House version.		1,500,000		1,500,000

**Vocational Rehabilitation**

Adds federal funding for services provided by the Attorney General for the cooperative disability investigation unit. The House also added this funding.			851,314	851,314
Restores funding removed during the August 2016 budget reductions for adaptive skiing programs, the same as the House version.		200,000		200,000

**Developmental Disabilities**

Adjusts estimated developmental disability utilization rates, the same as the House version.		(3,420,900)	(3,579,100)	(7,000,000)
Total ongoing funding changes	6.00	(\$73,321,727)	\$41,074,521	(\$32,247,206)

**One-Time Funding Items**

Adds funding for a hyperbaric oxygen therapy pilot program grant		\$335,000		\$335,000
Total one-time funding changes	0.00	\$335,000	\$0	\$335,000

Total changes to base level funding	6.00	(\$72,986,727)	\$41,074,521	(\$31,912,206)
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**Senate Bill No. 2012 - DHS - County Social Services Financing - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
County social services		\$182,300,000	(\$8,600,000)	\$173,700,000	\$173,700,000	
Total all funds	\$0	\$182,300,000	(\$8,600,000)	\$173,700,000	\$173,700,000	\$0
Less estimated income	0	182,300,000	(8,600,000)	173,700,000	173,700,000	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	223.00	(83.00)	140.00	140.00	0.00

**Department 333 - DHS - County Social Services Financing - Detail of Conference Committee Changes**

	Adjusts Funding for Human Service Redesign Project <sup>1</sup>	Total Conference Committee Changes
County social services	(\$8,600,000)	(\$8,600,000)
Total all funds	(\$8,600,000)	(\$8,600,000)
Less estimated income	(8,600,000)	(8,600,000)
General fund	\$0	\$0
FTE	(83.00)	(83.00)

<sup>1</sup> Funding and FTE positions for the human services redesign project are adjusted consistent with changes approved in Senate Bill No. 2124 and for changes to employee salary increase guidelines. The House also approved this funding change.

## Senate Bill No. 2012 - DHS - Field Services - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes <sup>1</sup>	Conference Committee Version	House Version	Comparison to House
Human service centers	\$196,049,489	\$203,344,121	\$1,357,022	\$204,701,143	\$204,601,143	\$100,000
Institutions	140,421,224	147,700,150	(3,253,005)	144,447,145	144,447,145	
Total all funds	\$336,470,713	\$351,044,271	(\$1,895,983)	\$349,148,288	\$349,048,288	\$100,000
Less estimated income	138,543,705	132,151,522	1,934,098	134,085,620	134,085,620	0
General fund	\$197,927,008	\$218,892,749	(\$3,830,081)	\$215,062,668	\$214,962,668	\$100,000
FTE	1,655.28	1,599.03	0.00	1,599.03	1,599.03	0.00

<sup>1</sup> Funding for field services is adjusted as follows:

2019-21 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Adjusts salary increases as detailed in the Management section		\$800,291	\$492,546	\$1,292,837
Adjusts provider inflation increases to 2 percent the 1st year of the biennium and 2.5 percent the 2nd year of the biennium, the same as the House version. The Senate provided funding for inflation increases of 2 percent the 1st year of the biennium and 3 percent the 2nd year of the biennium.		343,589	4,271	347,860
Adjusts the federal medical assistance percentage estimate to 50.05 for federal fiscal year 2020 and to 52.66 for federal fiscal year 2021. The House also made this adjustment.		(1,026,739)	1,026,739	0
<b>Human Service Centers</b>				
Reduces funding added by the Senate for a supportive housing grant from \$550,000 to \$375,000. The House version reduced the grant funding to \$275,000.		(175,000)		(175,000)
Increases funding for lease costs of the Badlands Human Service Center, the same increase provided by the House.		264,000		264,000
Transfers funding added by the Senate for autism extended services from long-term care. The House also provided for this transfer.		170,000		170,000
<b>Institutions</b>				
Removes one-time capital funding from the 2017-19 biennium. The House also removed this funding.		(2,199,430)		(2,199,430)
Adjusts the funding source related to beds restored at the State Hospital by the Senate. The House also made this adjustment.		(830,050)	830,050	0
Adjusts anticipated utilization rates at the State Hospital, the same as the House version.		(1,400,000)	(196,250)	(1,596,250)
Adjusts funding for estimated estate collections due to lawsuit. The House also made this adjustment.		223,258	(223,258)	0
Total ongoing funding changes	0.00	(\$3,830,081)	\$1,934,098	(\$1,895,983)

## Senate Bill No. 2012 - Other Changes - Conference Committee Action

This amendments also:

- Amends North Dakota Century Code Section 50-06.4-10 to provide the Department of Human Services (DHS) contract with a private entity to provide support services for the Brain Injury Advisory Council. This section was also added by the House.
- Amends Section 50-24.1-31 to increase the net income limit for the optional medical assistance program for families with children with disabilities program from 200 to 250 percent of the federal poverty level. This section was also added by the House.
- Amends Section 50-24.1-37 to provide for DHS to administer the pharmacy benefits portion of the Medicaid Expansion program effective January 1, 2020, and provides for the Medicaid Expansion program to sunset on July 31, 2021. This section was also added by the House.

- Amends Section 54-27-25 to allocate moneys in the tobacco settlement trust fund only to the community health trust fund rather than the community health trust fund, the common schools trust fund, and the water development trust fund.
- Provides that expenditures of the Medicaid Expansion program may not exceed appropriated amounts with certain exceptions. This section was also added by the House.
- Identifies \$32.4 million from the community health trust fund for defraying expenses of the Medical Services Division.
- Identifies \$1 million of funding included in the appropriation for nursing facilities is from the health care trust fund to be used to increase the nursing facility operating margin up to 4.4 percent for the period beginning January 1, 2020, and ending June 30, 2021. This section was also added by the House.
- Removes a section added by the Senate to require DHS to establish a mental health voucher program. This section was also removed by the House.
- Requires DHS to develop an implementation plan for revised payment methodology for nursing facility services. This section was also added by the House.
- Adds a section to identify \$335,000 of funding from the general fund for providing a hyperbaric oxygen therapy grant to the Dakota Medical Foundation.
- Adds a section to identify the use of \$200,000 of funding from the general fund for adaptive skiing grants. This section was also added by the House.
- Provides guidelines regarding the use of grant funding provided for supportive housing grants. This section was also added by the House.
- Adds a section to identify the use of \$1.5 million from the general fund for school behavioral health grants. This section was also added by the House.
- Provides an exemption for DHS to continue up to \$728,207 of general fund appropriation authority for legal services into the 2019-21 biennium. This section was also added by the House.
- Provides an exemption for DHS to continue a \$150,000 general fund appropriation for a children's behavioral health pilot project into the 2019-21 biennium. This section was also added by the House.
- Requires DHS to implement a 1915i Medicaid state plan amendment for children and adults during the 2019-21 biennium. This section was also added by the House.
- Requires DHS to adopt rules to establish a process to provide information to individuals regarding home- and community-based services. This section was also added by the House.
- Requires DHS to review the need to expand the number of slots or increase the age of eligibility for the autism spectrum disorder Medicaid waiver. This section was also added by the House.
- Requires DHS to propose administrative code changes to allow more individuals to receive services under the autism spectrum disorder voucher program. This section was also added by the House.
- Adds a section of legislative intent that the department seek a deficiency appropriation if program expenditures exceed legislative appropriations due to adjustments made to estimated utilization rates.

Engrossed SB 2012 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2023, as engrossed:** Your conference committee (Sens. Krebsbach, Poolman, Robinson and Reps. Bellew, Kempenich, Mock) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1366-1367, adopt amendments as follows, and place SB 2023 on the Seventh order:

That the House recede from its amendments as printed on pages 1366 and 1367 of the Senate Journal and pages 1535-1537 of the House Journal and that engrossed Senate Bill No. 2023 be amended as follows:

Page 1, line 2, remove "to the legislative assembly"

Page 1, replace lines 12 through 17 with:

"Salaries and wages	\$6,316,169	\$336,435	\$6,652,604
Operating expenses	2,692,221	(208,629)	2,483,592
Capital assets	0	190,000	190,000
Contingencies	<u>250,000</u>	<u>0</u>	<u>250,000</u>
Total special funds	\$9,258,390	\$317,806	\$9,576,196
Full-time equivalent positions	34.50	0.00	34.50"

Page 2, after line 11, insert:

**"SECTION 4. PUBLIC EMPLOYEES RETIREMENT SYSTEM - HOSPITAL AND MEDICAL BENEFITS COVERAGE - REPORT.** During the 2019-21 biennium, the public employees retirement system board shall solicit and receive bids for the 2021-23 biennium hospital benefits coverage and medical benefits coverage for state employees under section 54-52.1-04. The request for proposal must include an option for coverage through a self-insurance plan. The board shall report to the majority and minority leaders of the House and Senate and the chairmen of the appropriations committees, or their designees, when bids are received during the biennium beginning July 1, 2019, and ending June 30, 2021. The report must provide comparative information and the board's evaluation of the bids received, including information on the self-insurance option."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2023 - Public Employees Retirement System - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$6,316,169	\$6,666,052	(\$13,448)	\$6,652,604	\$6,442,668	\$209,936
Operating expenses	2,692,221	2,483,592		2,483,592	2,456,912	26,680
Capital assets		190,000		190,000	190,000	
Contingencies	<u>250,000</u>	<u>250,000</u>		<u>250,000</u>	<u>250,000</u>	
Total all funds	\$9,258,390	\$9,589,644	(\$13,448)	\$9,576,196	\$9,339,580	\$236,616
Less estimated income	<u>9,258,390</u>	<u>9,589,644</u>	<u>(13,448)</u>	<u>9,576,196</u>	<u>9,339,580</u>	<u>236,616</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	34.50	34.50	0.00	34.50	33.50	1.00

**Department 192 - Public Employees Retirement System - Detail of Conference Committee Changes**

	Reduces Funding for Temporary Salaries <sup>1</sup>	Adjusts Funding for Salary and Benefit Increases <sup>2</sup>	Total Conference Committee Changes
Salaries and wages	(\$28,804)	\$15,356	(\$13,448)
Operating expenses			
Capital assets			
Contingencies			
Total all funds	(\$28,804)	\$15,356	(\$13,448)
Less estimated income	<u>(28,804)</u>	<u>15,356</u>	<u>(13,448)</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> Funding for temporary salaries is reduced by \$28,804 from other funds. The House reduced funding for temporary salaries by \$89,402. The Senate did not reduce funding for temporary salaries.

<sup>2</sup> 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 version. The Senate provided funding for a 2 percent salary increase on July 1, 2019, and a 3 percent salary increase on July 1, 2020.

The House removed funding for 1 FTE position and related operating expenses. The



Conference Committee did not remove any FTE positions, the same as the Senate version.

A section is added requiring the Public Employees Retirement System Board to solicit and receive bids for the state employees health insurance plan and report to legislative leadership regarding the bids. The House included a section requiring the board to report to and receive input from the 67th Legislative Assembly prior to entering a contract for the health insurance plan for the 2021-23 biennium. The Senate did not include this section.

Engrossed SB 2023 was placed on the Seventh order of business on the calendar.

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LUICK MOVED** that the conference committee report on Engrossed SB 2315 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2315, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2315:** A BILL for an Act to amend and reenact sections 12.1-22-03, 20.1-01-17, 20.1-01-18, and 20.1-03-42 of the North Dakota Century Code, relating to criminal trespass and hunting on private land; to repeal section 20.1-01-20 of the North Dakota Century Code, relating to prima facie evidence of hunting; to provide for a legislative management study; and to provide a penalty.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Clemens; Davison; Dotzenrod; Elkin; Erbele; Heckaman; Hogue; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Lee, G.; Lee, J.; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Anderson; Bakke; Bekkedahl; Burckhard; Cook; Dever; Fors; Grabinger; Hogan; Holmberg; Larson, D.; Marcellais; Mathern; Oban; Piepkorn; Poolman; Robinson

**ABSENT AND NOT VOTING:** Dwyer

Reengrossed SB 2315 passed.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KREBSBACH MOVED** that the conference committee report on Engrossed SB 2023 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2023, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2023:** A BILL for an Act to provide an appropriation for defraying the expenses of the public employees retirement system; to provide for a report; 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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Larsen, O.

**ABSENT AND NOT VOTING:** Dwyer

Reengrossed SB 2023 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WANZEK MOVED** that the conference committee report on Engrossed SB 2006 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2006, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans' credit; to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner; to provide for a transfer; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Dwyer

Reengrossed SB 2006 passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DEVER MOVED** that the conference committee report on Engrossed SB 2012 be adopted, which motion prevailed on a voice vote.

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

**SECOND READING OF SENATE BILL**

**SB 2012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to create and enact two new sections to chapter 50-06 of the North Dakota Century Code, relating to peer support specialist certification and the establishment of a community behavioral health program; to amend and reenact subsection 9 of section 50-06.4-10 and sections 50-24.1-31, 50-24.1-37, and 54-27-25 of the North Dakota Century Code, relating to the brain injury advisory council, optional medical assistance for children, the Medicaid expansion program, and tobacco settlement trust fund allocations; to provide a statement of legislative intent; to provide for transfers; to provide for a legislative management report; to provide for a legislative management study; to provide an exemption; to provide an effective date; to provide an expiration 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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick;

Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Veda; Wanzek; Wardner

**NAYS:** Kannianen

**ABSENT AND NOT VOTING:** Dwyer

Reengrossed SB 2012 passed and the emergency clause was declared carried.

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

**MR. SPEAKER:** The President has appointed Sen. D. Larson to replace Sen. Dwyer on the Conference Committee on HB 1050.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2023, SB 2315.

**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 2006, SB 2012.

**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 1521.

**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 2265.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1010, HB 1393.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2003, SB 2004, SB 2010, SB 2014, SB 2214.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2003, SB 2004, SB 2010, SB 2014, SB 2214.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2019, SB 2215, SB 2317.

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

**MR. SPEAKER:** The President has signed: SB 2019, SB 2215, SB 2317.

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

**MR. SPEAKER:** The President has signed: HB 1006, HB 1056, HB 1374, HB 1429.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1056.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1019, HB 1024, HB 1174, HB 1194, HB 1407, HB 1461, HB 1541.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 25, 2019: SB 2019, SB 2215, SB 2317.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1521, as engrossed:** Your conference committee (Sens. Dever, Hogue, Oban and

Reps. Kasper, Louser, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1899-1907, adopt amendments as follows, and place HB 1521 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1899-1907 of the House Journal and pages 1660-1668 of the Senate Journal and that Engrossed House Bill No. 1521 be amended as follows:

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

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

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

Page 1, line 6, after "16.1-08.1-04.1" insert "16.1-08.1-06.2"

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

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

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

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

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

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

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

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

Page 1, remove lines 20 and 21

Page 1, line 22, remove "2."

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

Page 2, line 6, remove "3."

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

Page 2, line 13, remove "4."

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

Page 2, line 26, remove "5."

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

Page 3, line 3, remove "6."

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

Page 3, line 29, remove "7."

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

Page 4, line 4, remove "8."

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

Page 4, line 14, remove "9."

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

Page 4, line 21, remove "10."

Page 4, line 26, remove the overstrike over "40:"

Page 4, line 26, remove "11."

Page 4, line 28, remove the overstrike over "41:"

Page 4, line 28, remove "12."

Page 5, line 1, remove the overstrike over "42:"

Page 5, line 1, remove "13."

Page 5, line 4, remove the overstrike over "43:"

Page 5, line 4, remove "14."

Page 5, line 26, remove the overstrike over "44:"

Page 5, line 26, remove "15."

Page 5, line 30, remove the overstrike over "45:"

Page 5, line 30, remove "16."

Page 6, line 10, remove the overstrike over "46:"

Page 6, line 10, remove "17."

Page 6, line 12, remove the overstrike over "47:"

Page 6, line 12, remove "18."

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

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

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

Page 6, remove lines 17 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 31

Page 12, remove lines 1 through 31

Page 13, replace lines 1 through 6 with:

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

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

A political committee that organizes and registers according to federal law and makes an independent expenditure or makes a disbursement in excess of two hundred dollars to a nonfederal candidate seeking public office or to a political party or political committee in this state shall file a copy of that portion of the committee's federal report detailing the independent expenditure or the disbursement made. The political committee shall file a copy of the committee's federal report, and supplementary information as necessary under this section, with the secretary of state at the time of filing the report with the applicable federal agency. The report and supplementary information must include:

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

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

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

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

**SECTION 4. AMENDMENT.** Section 16.1-08.1-06.2 of the North Dakota Century Code is amended and reenacted as follows:

**16.1-08.1-06.2. Secretary of state to provide instructions, make adjustments for inflation, and conduct training.**

The secretary of state shall provide instructions and conduct training for the purpose of promoting uniform application of campaign finance and disclosure requirements and the uniform filing of statements, registrations, or reports according to this chapter. The secretary also shall determine adjustments for inflation of the reporting thresholds in this chapter and instruct persons submitting reports under this chapter of the adjustments. On January first of each year, the secretary shall determine whether the accumulated change in the consumer price index for all urban consumers (all items, United States city average), as applied to each reporting threshold in this chapter, would result in an adjustment of at least ten dollars of the

threshold in effect on that date. If so, the secretary shall deem the reporting threshold adjusted by ten dollars."

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

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

Page 13, line 30, remove "A failure to"

Page 13, remove line 31

Page 18, remove lines 16 through 29

Page 19, remove lines 1 through 3

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

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

Page 20, line 13, remove ", or"

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

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

Page 22, line 16, remove "or commission"

Page 22, line 18, remove "or commission"

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

Page 23, line 13, remove "or commission"

Page 23, line 14, remove "or commission"

Page 23, line 16, remove "or commission"

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

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

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

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

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

Page 28, remove lines 17 through 31

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

Page 30, remove lines 9 through 31

Page 31, remove lines 1 through 31

Page 32, remove lines 1 through 31

Page 33, remove lines 1 and 2

Page 34, remove lines 11 through 30

Page 35, remove lines 1 through 24

Page 37, line 15, replace "an individual" with "a lobbyist, public official, candidate for public office, political committee, or contributor"

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

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

Page 37, remove lines 19 and 20

Page 37, line 21, remove "3."

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

Page 37, line 23, after "that" insert "a lobbyist, public official, candidate for public office, political committee, or contributor has violated"

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

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

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

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

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

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

Page 37, line 30, remove "final"

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

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

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

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

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

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

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

Page 38, line 13, remove "inflation."

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

Page 38, line 16, remove "adjusted for"

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

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



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

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

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

Page 38, line 28, remove "This section does not require a person to report the ultimate and true source of funds"

Page 38, remove lines 29 through 31

Page 39, remove lines 1 through 10

Page 39, line 11, remove "5."

Page 39, line 14, remove "A failure to"

Page 39, replace line 15 with:

"5. The secretary of state shall determine adjustments for inflation of the reporting thresholds in this section and instruct persons submitting reports under this section of the adjustments. On January first of each year, the secretary shall determine whether the accumulated change in the consumer price index for all urban consumers (all items, United States city average), as applied to each reporting threshold in this section, would result in an adjustment of at least ten dollars of the threshold in effect on that date. If so, the secretary of state shall deem the reporting threshold adjusted by ten dollars."

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

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

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

Page 39, remove lines 20 through 31

Page 40, remove lines 1

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

Page 40, line 4, remove the underscored colon

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

Page 40, line 5, remove the underscored semicolon

Page 40, remove line 6

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

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

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

a. If the gift has a value of five hundred dollars or more, the civil penalty must be two times the value of the gift.

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

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

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

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

Page 40, line 21, replace "54-66-10" with "54-66-09"

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

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

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

Page 41, line 12, remove "1."

Page 41, line 12, after "writing" insert ". If a complainant does not provide the complainant's name, address, and telephone number with the complaint, the ethics commission may not investigate, refer, or take other action regarding the complaint. The commission shall summarize each oral complaint in writing unless the complaint must be disregarded under this section"

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

Page 41, remove lines 13 through 23

Page 41, line 28, replace "ten" with "twenty"

Page 41, line 29, replace "ten" with "twenty"

Page 42, line 2, replace "may" with "shall"

Page 42, line 3, after "complainant" insert "unless the commission disregards the complaint pursuant to section 54-66-05 or for any other reason. The accused individual may be accompanied by legal counsel in a negotiation or mediation"

Page 42, remove lines 4 through 29

Page 43, replace lines 1 through 21 with:

**"54-66-08. Investigations - Referrals.**

1. If an informal resolution is not reached under section 54-66-07, the ethics commission may:
  - a. Disregard the complaint;
  - b. Require ethics commission staff to investigate the allegations in the complaint; or
  - c. Engage an outside investigator to investigate allegations in the complaint.
2. If the commission believes a complaint contains allegations of criminal conduct, the ethics commission shall refer the allegations of criminal conduct to the bureau of criminal investigations or other law enforcement

agency and may not take further action on the referred allegations. The commission shall inform the accused individual by registered mail of a referral under this section and the nature of the referred allegations as soon as reasonably possible.

**54-66-09. Investigation findings - Ethics commission determinations.**

1. An investigator, other than a law enforcement agency, of a complaint shall provide written findings of the investigation to the ethics commission within a reasonable amount of time. The ethics commission shall provide copies of the written findings to the accused individual, who may respond to the commission in person or in writing within a reasonable time. If the accused individual responds in person, no fewer than three members of the commission shall meet in a closed meeting with the accused individual. An accused individual may be accompanied by legal counsel when responding to the commission in person.
2. After providing a reasonable time for an accused individual to respond to the investigation findings and considering any response to the findings, the ethics commission shall determine whether a violation of article XIV of the Constitution of North Dakota, this chapter, or another law or rule regarding transparency, corruption, elections, or lobbying occurred, and inform the accused individual of the determination. If the commission determined a violation occurred, the commission may impose a penalty authorized by law for the violation or refer the matter to the agency with enforcement authority over the violation.
3. The commission may not terminate the employment of a public official or otherwise remove a public official from the public official's public office.
4. The ethics commission may not reconsider, invalidate, or overturn a decision, ruling, recommended finding of fact, recommended conclusion of law, finding of fact, conclusion of law, or order by a hearing officer under chapter 28-32 on the grounds the hearing officer failed to grant a request for disqualification under section 28-32-27 or failed to comply with subsection 5 of section 2 of article XIV of the Constitution of North Dakota.

**54-66-10. Appeals.**

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

**54-66-11. Rulemaking.**

When adopting rules, the ethics commission shall follow the provisions in chapter 28-32 which are specifically applicable to the commission."

Page 43, line 22, replace "**54-66-11.**" with "**54-66-12.**"

Page 43, line 22, remove "**- Penalty**"

Page 43, line 26, replace "government ethics" with "transparency, corruption, elections, or lobbying."

Page 43, line 30, remove "or"

Page 43, line 31, remove "complainant"

Page 44, line 5, remove "or"

Page 44, line 6, remove "complainant"

Page 44, line 10, remove "Willful publication of information included in subsections 1 and 2 by a person who"

Page 44, line 11, replace "knows the information to be false is criminal defamation under section 12.1-15-01" with "Information that reasonably may be used to identify the complainant is confidential unless the complainant waives confidentiality, authorizes its disclosure, or divulges information that reasonably would identify the complainant. However, the ethics commission shall notify an accused individual of the identity of the complainant who made an allegation against the accused individual, and the information deemed confidential under this subsection may be disclosed as required by law or as necessary to conduct an investigation arising from a complaint"

Page 44, line 12, replace "A public official who violates this section is guilty of a class C felony." with "The information deemed confidential in subsections 1 and 2 may be disclosed by the ethics commission if the accused individual agrees to the disclosure."

Page 44, line 13, replace "54-66-12." with "54-66-13."

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

Page 44, line 18, replace "54-66-13." with "54-66-14."

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

Page 44, line 23, replace "54-66-14." with "54-66-15."

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

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

Page 44, line 29, after "misdemeanor" insert ", and, if the lobbyist is a registered lobbyist, the secretary of state may revoke the lobbyist's registration. For purposes of this section, 'deliver' means to transport, transfer, or otherwise transmit, either physically or electronically. This prohibition does not apply to an individual who delivers a campaign contribution to the individual's own campaign or to the campaign of the individual's immediate family member. This prohibition may not be interpreted to prohibit any person from making a campaign contribution, encouraging others to make a campaign contribution, or otherwise supporting or opposing a candidate."

#### **54-66-16. Removal of ethics commission members.**

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

**54-66-17. Participation in quasi-judicial proceedings.**

For purposes of subsection 5 of section 2 of article XIV of the Constitution of North Dakota, an individual is not disqualified from participating in any capacity in a quasi-judicial proceeding, including an adjudicative proceeding under chapter 28-32, due to an investment in a mutual fund, an ownership interest in one of the parties to the proceeding which is shared by the general public, and an investment or ownership interest in a retirement account of one of the parties to the proceeding"

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

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

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

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

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

Page 45, line 5, replace "32" with "25"

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

Page 45, remove lines 7 through 11

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

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

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

Renumber accordingly

Engrossed HB 1521 was placed on the Seventh order of business on the calendar.

**MOTION**

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

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tempore O. Larsen presiding.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DEVER MOVED** that the conference committee report on Engrossed HB 1521 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1521, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1521:** A BILL for an Act to create and enact a new section to chapter 16.1-08.1 and chapter 54-66 of the North Dakota Century Code, relating to reporting campaign contributions and expenditures, restrictions on public officials and lobbyists, investigations of ethics violations, and implementing requirements of article XIV of the Constitution of North Dakota; to amend and reenact sections 16.1-08.1-01, 16.1-08.1-03.7, 16.1-08.1-04.1, 16.1-08.1-06.2, 28-32-01, 28-32-03, 28-32-06, 28-32-07, 28-32-08, 28-32-08.1, 28-32-08.2, 28-32-09, 28-32-10, 28-32-11, 28-32-12, 28-32-15, 28-32-16, and 28-32-18.1, subsections 2 and 4 of section 28-32-19, and sections 28-32-47, 28-32-48, and 28-32-49 of the North Dakota Century Code, relating to rulemaking procedures, implementing article XIV of the Constitution of North Dakota, and requirements for the North Dakota ethics commission; to provide for a legislative management study; to provide for a penalty; to provide an appropriation; 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 36 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Dwyer

Engrossed HB 1521, as amended, passed and the emergency clause was declared carried.

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**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 1521.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** Your signature is respectfully requested on: SB 2001, SB 2265.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2001, SB 2265.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2001, SB 2265.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2003, SB 2004, SB 2010, SB 2014, SB 2214.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1010, HB 1393.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 25, 2019: SB 2001, SB 2265.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 25, 2019: SB 2003, SB 2004, SB 2010, SB 2014, SB 2214.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on April 25, 2019, I have signed the following: SB 2020.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:15 a.m., Friday, April 26, 2019, which motion prevailed.

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

**Shanda Morgan, Secretary**