

## JOURNAL OF THE HOUSE

### Sixty-sixth Legislative Assembly

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**Bismarck, March 21, 2019**

The House convened at 1:00 p.m., with Speaker Klemin presiding.

The prayer was offered by Pastor Randy Upgren, Inspire Family Fellowship, Bismarck.

The roll was called and all members were present except Representatives Hoverson, Kempenich, O'Brien, and Owens.

A quorum was declared by the Speaker.

#### COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 20, 2019, I have signed the following: HB 1044, HB 1048, HB 1066, HB 1092, HB 1099, HB 1107, HB 1127, HB 1136, HB 1137, HB 1138, HB 1139, HB 1140, HB 1142, HB 1176, HB 1181, HB 1198, HB 1288, HB 1355, and HB 1387.

#### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Rep. Jay Seibel

#### SECOND READING OF HOUSE RESOLUTIONS ON CONSENT CALENDAR

**SCR 4002:** A concurrent resolution urging Congress to address the rising costs and availability of medications and health care for individuals with diabetes and coverage of those costs.

**SCR 4014:** A concurrent resolution directing the Legislative Management to consider studying the implementation of the recommendations of the Human Services Research Institute's study of North Dakota's behavioral health system.

The question being on the final adoption of the resolutions, which have been read.

SCR 4002 and SCR 4014 were declared adopted on a voice vote.

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#### SIXTH ORDER OF BUSINESS

**SPEAKER KLEMIN DEEMED** approval of the amendments to SB 2173, SB 2240, and Engrossed SB 2243.

SB 2173, SB 2240, and Engrossed SB 2243, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE BILL

**SB 2264:** A BILL for an Act to amend and reenact section 15-01-03 and subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to meetings and policy approval process of the board of university and school lands and exempt administrative agencies.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 36 YEAS, 54 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, P.; Beadle; Becker; Blum; Bosch; Eidson; Grueneich; Guggisberg; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Laning; Longmuir; Louser; Martinson; Mitskog; Mock; Nathe; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Schauer; Schneider; Schobinger; Schreiber-Beck; Zubke

**NAYS:** Adams; Anderson, D.; Bellew; Boe; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Hager; Hanson; Hatlestad; Holman; Johnston; Kading; Keiser; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Lefor; Magrum; Marschall; McWilliams; Meier; Monson; Nelson, J.; Nelson, M.; Paulson; Paur; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schmidt; Simons; Skroch; Steiner; Strinden; Toman; Trotter; Tveit; Vetter; Vigesaa; Weisz; Westlind; Speaker Klemm

**ABSENT AND NOT VOTING:** Hoverson; Kempenich; O'Brien; Owens

SB 2264 failed.

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### SECOND READING OF SENATE BILL

**SB 2359:** A BILL to provide for a legislative management study of the scope of practice and regulation of electricians.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Becker; Ertelt; Johnston; Kading; Koppelman, B.; Marschall; McWilliams; Simons; Toman; Trotter

**ABSENT AND NOT VOTING:** Hoverson; O'Brien; Owens

Engrossed SB 2359 passed.

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### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4012:** A concurrent resolution urging Congress and the President of the United States to pass the Butch Lewis Act.

### ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 21 YEAS, 70 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, P.; Boe; Boschee; Buffalo; Dobervich; Eidson; Guggisberg; Hager; Hanson; Holman; Kasper; Mitskog; Mock; Nelson, J.; Nelson, M.; Schauer; Schneider; Schobinger; Steiner; Vetter

**NAYS:** Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Bosch; Brandenburg; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Grueneich; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schreiber-Beck; Simons; Skroch; Strinden; Toman; Trotter; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemm

**ABSENT AND NOT VOTING:** Hoverson; O'Brien; Owens

SCR 4012 was declared lost on a recorded roll call vote.

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### SECOND READING OF SENATE BILL

**SB 2308:** A BILL for an Act to create and enact a new section to chapter 16.1-15 of the North Dakota Century Code, relating to counting write-in votes; and to amend and reenact sections 16.1-11-12 and 16.1-12-02.2, subsection 1 of section 16.1-12-04, section 16.1-12-07, and subsection 1 of section 16.1-15-08 of the North Dakota Century Code, relating to ballot formats, write-in votes, and certificates of nomination.

### ROLL CALL

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

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

**NAYS:** Becker; Bellew; Brandenburg; Devlin; Ertelt; Johnston; Kempenich; Magrum; McWilliams; Nelson, J.; Paulson; Paur; Ruby, D.; Simons; Skroch; Toman

**ABSENT AND NOT VOTING:** Hoverson; O'Brien

Engrossed SB 2308 passed.

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### SECOND READING OF SENATE BILL

**SB 2307:** A BILL for an Act to create and enact a new section to chapter 16.1-02 of the North Dakota Century Code, relating to use of voter lists; and to amend and reenact sections 16.1-01-03, 16.1-02-12, and 16.1-16-01 of the North Dakota Century Code, relating to hours of polling places, information in the central voter file, and election recounts.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Hoverson; O'Brien

Engrossed SB 2307 passed.

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**SECOND READING OF SENATE BILL**

**SB 2270:** A BILL for an Act to amend and reenact sections 18-01-05, 18-01-06, and 18-08-09, subsection 2 of section 18-08-12, and sections 18-09-02, 18-12-16, and 18-12-25 of the North Dakota Century Code, relating to the reporting of fires and fire losses to the state fire marshal, misconduct at fires, fire inspections of state buildings, rules for storage and handling of liquefied petroleum gases, fire alarms in school buildings, and reference data used in the fire prevention code for school buildings; and to repeal section 18-01-08 of the North Dakota Century Code, relating to compensation of fire officials for reporting fires.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Hoverson; O'Brien

Engrossed SB 2270 passed.

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**SECOND READING OF SENATE BILL**

**SB 2323:** A BILL for an Act to amend and reenact sections 43-13-19, 43-13-20, 43-13-21.1, 43-13-22, and 43-13-26.1 of the North Dakota Century Code, relating to optometry licenses; and to repeal section 43-13-23, 43-13-24, 43-13-25, 43-13-26, and 43-13-32 of the North Dakota Century Code, relating to the state board of optometry.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Ertelt

**ABSENT AND NOT VOTING:** Hoverson; O'Brien

SB 2323 passed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2257, SB 2312.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2037, SB 2055, SB 2304.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2258.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2282.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, unchanged: HB 1077, HB 1131, HB 1200, HB 1351, HB 1485.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1271, HB 1407, HB 1462.

#### SENATE AMENDMENTS TO HOUSE BILL NO. 1271

Page 2, after line 9, insert:

"5. An auditor's certificate of transfer under section 11-18-02 and a statement of full consideration under section 11-18-02.2 are not required to record a transfer on death deed or a revocation instrument."

Re-number accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1407

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

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

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

Page 1, after line 3, insert:

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

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

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

department to the lienholder or the department may use an electronic lien notification procedure in lieu of sending a certificate of title to a lienholder.

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

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

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

Page 1, remove lines 15 and 16

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

Page 1, after line 17, insert:

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

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1462

Page 4, line 15, remove "antlered"

Page 4, line 23, replace "A" with "If a"

Page 4, line 23, after "youth" insert "is"

Page 4, line 23, after "hunting" insert "on private land with written permission from the landowner and"

Page 4, line 23, after "section" insert ", the qualified youth"

Page 4, line 24, after "legal" insert "in any season"

Page 4, line 24, remove ". However, a"

Page 4, remove line 25

Page 4, line 26, remove "subsection on private land with the written permission from the landowner"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1192.

### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1192

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact 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 61-33.1-04 and 61-33.1-05 of the North Dakota Century Code, relating to the ownership of mineral rights of land inundated by Pick-Sloan Missouri basin project dams; and to declare an emergency.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new subsection to section 61-33.1-03 of the North Dakota Century Code is created and enacted as follows:

Upon adoption of the final review findings by the industrial commission, the board of university and school lands may contract with a qualified engineering and surveying firm to analyze the final review findings and determine the acreage on a quarter basis or government lot basis above and below the ordinary high water mark as delineated by the final review findings of the industrial commission. The acreage determination is final upon approval by the board.

**SECTION 2. AMENDMENT.** Section 61-33.1-04 of the North Dakota Century Code is amended and reenacted as follows:

#### **61-33.1-04. Implementation. (Retroactive application - See note)**

1. Within six months after the adoption of the final review findings acreage determination by the industrial commission board of university and school lands:
  - a. Any royalty proceeds held by operators attributable to oil and gas mineral tracts lying entirely above the ordinary high water mark of the historical Missouri riverbed channel on both the corps survey and the state phase two survey must be released to the owners of the tracts, absent a showing of other defects affecting mineral title; and
  - b. Any royalty proceeds held by the board of university and school lands attributable to oil and gas mineral tracts lying entirely above the ordinary high water mark of the historical Missouri riverbed channel on both the corps survey and the state phase two survey must be released to the relevant operators to distribute to the owners of the tracts, absent a showing of other defects affecting mineral title.

2. Upon adoption of the final review findings acreage determination by the industrial commission board of university and school lands:
  - a. The board of university and school lands shall begin to implement any acreage adjustments, lease bonus and royalty refunds, and payment demands as may be necessary relating to state-issued oil and gas leases. The board shall complete the adjustments, refunds, and payment demands within two years after ~~the date of adoption of the final review findings~~ approving the acreage determination.
  - b. Operators of oil and gas wells affected by the ~~final review findings~~ acreage determination immediately shall begin to implement any acreage and revenue adjustments relating to state-owned and privately owned oil and gas interests. The operators shall complete the adjustments within two years after ~~the date of adoption of the review findings~~ board approves the acreage determination. Any applicable penalties, liability, or interest for late payment of royalties or revenues from an affected oil or gas well may not begin to accrue until the end of the two-year deadline. The filing of an action under section 61-33.1-05 tolls the deadline for any oil and gas well directly affected by the action challenging the review finding or acreage determination.

**SECTION 3. AMENDMENT.** Section 61-33.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**61-33.1-05. Actions challenging review findings or acreage determination. (Retroactive application - See note)**

1. An interested party seeking to bring an action challenging the review findings or recommendations or the industrial commission actions under this chapter shall commence an action in district court within two years of the date of adoption of the final review findings by the industrial commission. The plaintiff bringing an action under this section may challenge only the final review finding for the section or sections of land in which the plaintiff asserts an interest. The state and all owners of record of fee or leasehold estates or interests affected by the finding, recommendation, or industrial commission action challenged in the action under this section must be joined as parties to the action. A plaintiff or defendant claiming a boundary of the ordinary high water mark of the historical Missouri riverbed channel which varies from the boundary determined under this chapter bears the burden of establishing the variance by clear and convincing evidence based on evidence of the type required to be considered by the engineering and surveying firm under subsection 3 of section 61-33.1-03.
2. An interested party seeking to bring an action challenging the final acreage determination under this chapter shall commence an action in district court within two years of the date the acreage determinations were approved by the board of university and school lands. The plaintiff bringing an action under this section may challenge only the acreage determination for the section or sections of land in which the plaintiff asserts an interest. The state and all owners of record of fee or leasehold estates or interests affected by the final acreage determination challenged in the action under this section must be joined as parties to the action. A plaintiff or defendant claiming a determination of the acreage above or below the historical Missouri riverbed channel which varies from the final acreage determination under this chapter bears the burden of establishing the variance by clear and convincing evidence based on evidence of the type required to be considered by the engineering and surveying firm contracted by the board of university and school lands under subsection 2 of section 61-33.1-03.
3. Notwithstanding any other provision of law, an action brought in district court under this section is the sole remedy for challenging the final

review, recommendations, and determination of the ordinary high water mark under this chapter, and preempts any right to rehearing, reconsideration, administrative appeal, or other form of civil action provided under law.

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

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1154.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1210, HB 1524, HB 1530.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1029, HB 1097, HB 1478.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2153.

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

**MR. SPEAKER:** The President has signed: HB 1029, HB 1097, HB 1478.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1065, HB 1129, HB 1141, HB 1143, HB 1193, HB 1209, HB 1223, HB 1224, HB 1263, HB 1470, HCR 3042.

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

**MR. SPEAKER:** The President has signed: SB 2051, SB 2192, SB 2193, SB 2231, SB 2318, SB 2325, SB 2338, SB 2355, SB 2360.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 21, 2019: HB 1065, HB 1129, HB 1141, HB 1143, HB 1193, HB 1209, HB 1223, HB 1224, HB 1263, HB 1470.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on March 21, 2019: HCR 3042.

#### **MOTION**

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

#### **MOTION**

**REP. LOUSER MOVED** that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 12:30 p.m., Friday, March 22, 2019, which motion prevailed on a voice vote.

#### **REPORT OF STANDING COMMITTEE**

**SB 2039, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2039 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact two new sections to chapter 6-09 of the North Dakota Century Code, relating to the development and implementation of a skilled workforce student loan repayment program; to provide a continuing appropriation; to provide for a transfer; to provide an expiration date; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

**Skilled workforce student loan repayment program - Development and implementation.**

1. The Bank of North Dakota shall adopt rules to develop, implement, promote, and administer a skilled workforce student loan repayment program in conjunction with the North Dakota university system and the North Dakota workforce development council with the intent of attracting and retaining individuals for professional or technical skills in high demand in this state.
2. The North Dakota workforce development council in cooperation with job service North Dakota shall use available labor market information to determine annually the eligible high-demand and emerging occupations in this state.
3. The North Dakota workforce development council shall compile a list of qualifying educational programs by April first of each year. Qualifying educational programs may include degree or certificate programs.
4. Graduates of qualifying educational programs from institutions or entities in this state may apply for the skilled workforce student loan repayment program. To be eligible to receive student loan repayment grants under the program, the applicant:
  - a. Must have successfully completed a qualifying educational program from a Bank of North Dakota-approved institution or entity after January 1, 2019;
  - b. Must have a student loan with the Bank of North Dakota or other participating lender;
  - c. Following completion of a qualifying educational program must remain and work in this state in an eligible high-demand or emerging occupation; and
  - d. Must have met and shall continue to meet any requirements established by rule.
5. The Bank of North Dakota shall adopt rules to ensure compliance with residency and occupation requirements after completion of the qualifying educational program.
6. The Bank of North Dakota shall distribute student loan repayment grants from the skilled workforce student loan repayment program fund directly to the Bank of North Dakota or other participating lender to repay outstanding student loan principal balances for eligible applicants. The maximum annual student loan repayment grant amount for which an applicant may qualify is five thousand six hundred sixty-seven dollars, or one-third of the applicant's outstanding student loan principal balance, whichever is less. The maximum total student loan repayment grant amount for which any applicant may qualify is seventeen thousand dollars.
7. If an individual is receiving loan forgiveness under any other provision, the individual may not receive a student loan repayment grant under this section during the same application year.
8. The skilled workforce student loan repayment program must be a joint public and private effort. The Bank of North Dakota shall provide one dollar of funding for each one dollar of funding raised from the private sector.

9. The North Dakota university system in cooperation with the North Dakota workforce development council shall seek private matching funds for the skilled workforce student loan repayment program. Any matching funds received must be deposited in the skilled workforce student loan repayment program fund.

**SECTION 2.** A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

**Skilled workforce student loan repayment program fund established - Continuing appropriation.**

The skilled workforce student loan repayment program fund is established as a revolving fund. All moneys deposited or transferred into the fund and interest earned on moneys in the fund are appropriated for the purposes of section 1 of this Act.

**SECTION 3. TRANSFER - BANK OF NORTH DAKOTA - SKILLED WORKFORCE STUDENT LOAN REPAYMENT PROGRAM FUND.** The Bank of North Dakota shall transfer the sum of \$5,000,000, or so much of the sum as may be necessary, from the Bank's current earnings and undivided profits to the skilled workforce student loan repayment program fund during the period beginning with the effective date of this Act, and ending June 30, 2021.

**SECTION 4. EXPIRATION DATE.** Section 2 of this Act is effective through June 30, 2021, and after that date is ineffective.

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2043, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2043 was placed on the Sixth order on the calendar.

Page 2, line 17, after "and" insert ", including"

Page 2, line 17, remove the overstrike over "~~the use of an automated external defibrillator~~"

Page 2, line 19, remove the overstrike over "~~and automated external defibrillator~~"

Page 2, line 25, after "and" insert ", including"

Page 2, line 25, remove the overstrike over "~~the use of an automated external defibrillator~~"

Page 2, line 27, remove the overstrike over "~~and automated external defibrillator~~"

Page 5, line 31, after "and" insert ", including"

Page 5, line 31, remove the overstrike over "~~the use of an automated external defibrillator~~"

Page 6, line 2, remove the overstrike over "~~and automated external defibrillator~~"

Page 6, line 5, after "and" insert ", including"

Page 6, line 5, remove the overstrike over "~~the use of an automated~~"

Page 6, line 6, remove the overstrike over "~~external defibrillator~~"

Page 6, line 7, remove the overstrike over "~~and automated external defibrillator~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2107: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2107 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2108: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2109, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2109 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2113, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2113 was placed on the Sixth order on the calendar.

Page 2, line 16, after "person" insert "but not for the purpose of electronically monitoring a resident"

Page 3, line 10, remove "placement of the"

Page 3, line 10, replace "focused" with "placed in a fixed, stationary position; monitors"

Page 3, line 10, remove "on"

Page 3, line 11, remove "on"

Page 3, line 12, after "roommate" insert an underscored semicolon

Page 3, line 16, after "A" insert "video"

Page 3, line 21, after the underscored semicolon insert "and"

Page 3, line 22, replace "Written consent" with "A signed authorization for the disclosure of protected health information, as defined by title 45, Code of Federal Regulations, part 160, section 103, compliant with the federal Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.] and consenting to the use of the device"

Page 3, line 23, remove "3; and"

Page 3, remove lines 24 through 29

Page 3, line 30, replace "of the authorized electronic monitoring device is concerned" with "4"

Page 4, line 1, after "2." insert "A facility that uses an authorized electronic monitoring device in compliance with this chapter is not guilty of a crime or civilly liable under this code for a violation of a resident's privacy."

3."

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

Page 4, line 4, replace "written consent" with "signed authorization"

Page 4, line 5, after "room" insert "in accordance with subsection 1"

Page 4, line 5, replace "consent" with "authorization"

Page 4, line 5, replace "given" with "signed"

Page 4, line 6, replace "consent" with "authorization"

Page 4, line 7, replace ", including the" with "to only audio monitoring or only video monitoring and may limit the device's"

Page 4, line 7, after the third underscored comma insert "and"

Page 4, line 8, remove ", and use of visual or audio recording or transmission"

Page 4, line 9, remove "may request the authorized"

Page 4, remove lines 10 through 15

Page 4, line 16, replace "transmitting component of the authorized monitoring device" with "who did not request the authorized electronic monitoring device in the resident's room may withdraw, in writing, the signed authorization for the use of the device. The resident who requested the device or the resident's resident representative is responsible for having the device disabled in compliance with the facility's standards and regulations after receipt of the written withdrawal"

Page 4, remove lines 17 through 20

Page 4, line 24, replace "consent to" with "authorize"

Page 4, line 25, remove "A reasonable attempt to accommodate includes the"

Page 4, remove lines 26 through 28

Page 4, line 29, remove the second "the"

Page 4, remove line 30

Page 5, line 1, replace "unless the resident or resident representative has consented to the use of" with "and another resident will be moved into the room, the resident who requested the device or the resident's resident representative is responsible for having"

Page 5, line 2, after "monitoring" insert "device disabled in compliance with the facility's standards and regulations unless the new resident or the resident's resident representative authorizes the device pursuant to subsections 1 and 4"

Page 5, line 5, replace "consent to" with "authorization of"

Page 5, line 7, remove "at or near the facility's main"

Page 5, remove line 8

Page 5, line 9, remove "facility and at the entrance of a resident's room"

Page 5, line 10, after "conducted" insert "to alert and inform visitors"

Page 5, line 19, after "be" insert "guilty of a crime or"

Page 5, line 19, after the underscored period insert "In any civil proceeding, administrative proceeding, or survey process, material obtained through the use of an authorized electronic monitoring device may not be used if a person intentionally hampered, obstructed, or tampered with the material without the express written consent of the resident or resident representative, or if the material was obtained through the operation of an electronic monitoring device which was not compliant with this section."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2122: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2122 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2139: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2139 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2149, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "mandatory instruction for students in mental health awareness and suicide"

Page 1, line 3, replace "prevention" with "behavioral health resource coordinators"

Page 1, line 7, remove "**and instruction**"

Page 2, line 4, after "school" insert "within a"

Page 2, line 4, remove "provide instruction on mental health awareness and suicide"

Page 2, remove lines 5 and 6

Page 2, line 7, replace "the availability of resources in the school and the community" with "designate an individual as a behavioral health resource coordinator"

Page 2, line 11, remove ", in collaboration with the department of human"

Page 2, remove lines 12 through 14

Page 2, line 15, replace "subsection 1" with "shall maintain the contact information of the behavioral health resource coordinator in each school"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2156, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2156 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2181, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2181 was placed on the Sixth order on the calendar.

Page 2, line 17, remove the overstrike over "white"

Page 2, remove the overstrike over lines 18 and 19

Page 2, line 20, remove the overstrike over "activity or event,"

Page 3, line 10, overstrike "an investigation by"

Page 3, line 11, overstrike "results in" and insert immediately thereafter "have"

Page 3, line 12, after "occurred" insert "on or off school district property"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2186, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2186 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 1172 and 1173 of the House Journal, Senate Bill No. 2186 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to school safety and crisis reporting programs; and to provide a continuing appropriation.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 54-12 of the North Dakota Century Code is created and enacted as follows:

**School safety and crisis reporting programs - Confidentiality of records - Continuing appropriation.**

1. The attorney general shall encourage and promote the use of statewide and locally selected school safety and crisis reporting programs.
2. If funding becomes available, the attorney general may:
  - a. Expand a statewide program to include tailored reporting mechanisms targeted to incidents of bullying and physical or sexual abuse; and
  - b. Conduct outreach to promote awareness of statewide and locally selected school safety and crisis reporting programs.
3. All records or information related to the operation of programs described in subsection 1 are exempt records as defined in section 44-04-18.1.
4. The attorney general may seek and accept gifts, grants, and donations from any source for the purpose of carrying out its duties under this section. All moneys received as gifts, grants, and donations are appropriated to the attorney general on a continuing basis for the purpose of carrying out this section.
5. The attorney general may adopt rules necessary to administer the duties required to carry out this section."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2196, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2196 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "state health officer" with "forensic pathology department of the university of North Dakota school of medicine and health sciences"

Page 1, line 8, remove "and shall designate the presiding officer"

Page 1, line 13, after the first "of" insert "nonregulatory divisions of"

Page 1, line 15, remove "Other than initial appointments designed to stagger the expiration of terms, a panel"

Page 1, remove lines 16 through 18

Page 1, line 19, remove "3."

Page 1, line 19, after "The" insert "state"

Page 1, line 19, after "department" insert "of health and the university of North Dakota school of medicine and health sciences"

Page 1, line 22, replace "is" with "and the university of North Dakota school of medicine and health sciences are"

Page 2, line 20, after "as" insert "prescription"

Page 2, line 20, after "drug" insert ", illicit drug, or alcohol"

Page 2, line 21, remove "drug-related"

Page 2, line 21, after "drug" insert "or alcohol"

Page 2, line 22, replace "Based on legislative appropriation, the" with "The"

Page 3, line 6, remove "and may not be used by"

Page 3, line 7, remove "the panel for research"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2198, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **DO PASS** (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2198 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2201: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2214, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2214 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a transfer from the foundation aid stabilization fund to the school construction assistance revolving loan fund.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. TRANSFER - FOUNDATION AID STABILIZATION FUND TO SCHOOL CONSTRUCTION ASSISTANCE REVOLVING LOAN FUND.** The office of management and budget shall transfer the sum of \$75,000,000 from the foundation aid stabilization fund to the school construction assistance revolving loan fund during the biennium beginning July 1, 2019, and ending June 30, 2021. Pursuant to the continuing appropriation authority under section 15.1-36-08, \$5,000,000, or so much of the sum as may be necessary, is available from the school construction assistance revolving loan fund to the Bank of North Dakota to provide interest rate buydowns associated with loans issued under section 15.1-36-06. In addition, provided sufficient funding is available for loans to local school districts, the Bank of North Dakota may utilize funding from the school construction assistance revolving loan fund to repay a portion of the outstanding principal balance of loans issued under section 15.1-36-06 for the purpose of transferring a portion of the loans issued under that section from the Bank of North Dakota to the school construction assistance revolving loan fund. The remaining amount transferred to the school construction assistance revolving loan fund is available for new school construction loans."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2217, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2217 was placed on the Sixth order on the calendar.

Page 1, line 13, after "program" insert "; the correlation and effectiveness of the program in relation to other teacher development programs; and how the program operates in relation to the statewide education strategic vision"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2222: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Sixth order on the calendar.

Page 1, after line 17, insert:

- "4. A custom, ritual, religious practice, or the consent of the parent or guardian of a minor is not a defense against a violation under this section.
5. Notwithstanding the limitations of section 29-04-02, prosecution for a violation of subsection 3 must be commenced within three years of the date of the offense or within three years after the offense is reported to law enforcement, whichever is later."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2230: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2230 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to public school board membership in a school district located on tribal land; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

**School board membership - Prohibition.**

If a tribal government has prescribed by tribal law or resolution qualifications for eligibility for candidates for public office which are more restrictive than the laws of this state, the qualifications of candidates for eligibility for membership of a public school board of a school district located on tribal land may not be less restrictive than the qualifications for eligibility prescribed by tribal law or resolution for public office. For purposes of this section, "tribal land" means that portion of the land within the exterior boundaries of an Indian reservation which is located in the state.

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2245, as engrossed: Human Services Committee (Rep. Weisz, Chairman)**

recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2245 was placed on the Sixth order on the calendar.

Page 2, line 2, remove the overstrike over "~~whether public or private,~~"

Page 2, line 6, remove the overstrike over "~~subsection 1 of~~"

Page 2, line 6, remove the overstrike over "~~15.1-06-06~~"

Page 2, line 6, remove "15.1-06-06.1"

Page 2, line 7, remove the overstrike over "~~Child care, preschool, and prekindergarten services~~"

Page 2, line 7, remove "Early childhood education"

Page 2, line 8, remove "program"

Page 2, line 8, remove the overstrike over "~~to children under six years of age~~"

Page 2, line 9, remove the overstrike over "~~by the superintendent of public instruction~~"

Page 2, line 9, remove "pursuant"

Page 2, line 10, remove "to chapter 15.1-37"

Page 2, line 26, remove "\"Educational facility\" means a public or nonpublic school."

Page 2, line 27, remove "9."

Page 3, line 1, remove the overstrike over "~~9:~~"

Page 3, line 1, remove "10."

Page 3, line 3, remove the overstrike over "~~10:~~"

Page 3, line 3, remove "11."

Page 3, line 6, remove the overstrike over "~~11:~~"

Page 3, line 6, remove "12."

Page 3, line 8, remove the overstrike over "~~12:~~"

Page 3, line 8, remove "13."

Page 3, line 10, remove the overstrike over "~~13:~~"

Page 3, line 10, remove "14."

Page 3, line 12, remove the overstrike over "~~14:~~"

Page 3, line 12, remove "15."

Page 3, line 14, remove the overstrike over "~~15:~~"

Page 3, line 14, remove "16."

Page 3, line 17, remove the overstrike over "~~16:~~"

Page 3, line 17, remove "17."

Page 3, line 19, remove the overstrike over "~~17:~~"

Page 3, line 19, remove "18."

Page 3, line 21, remove the overstrike over "~~and which serves no child for more~~"

Page 3, remove the overstrike over line 22

Page 3, line 23, remove the overstrike over "~~18.~~"

Page 3, line 23, remove "19."

Page 3, line 25, remove the overstrike over " ~~19.~~"

Page 3, line 25, remove "20."

Page 3, line 27, remove the overstrike over " ~~20.~~"

Page 3, line 27, remove "21."

Page 4, line 1, remove the overstrike over "~~21.~~"

Page 4, line 1, remove "22."

Page 4, line 4, remove the overstrike over "~~22.~~"

Page 4, line 4, remove "23."

Page 4, line 7, remove the overstrike over "~~23.~~"

Page 4, line 7, remove "24."

Page 4, line 9, remove the overstrike over "~~24.~~"

Page 4, line 9, remove "25."

Page 4, line 12, remove the overstrike over " ~~25.~~"

Page 4, line 12, remove "26."

Page 5, line 27, after "~~and~~" insert ", including"

Page 5, line 27, remove the overstrike over "~~the use of an automated external defibrillator~~"

Page 5, line 29, remove the overstrike over "~~and automated external defibrillator~~"

Page 6, line 4, after "~~and~~" insert ", including"

Page 6, line 4, remove the overstrike over "~~the use of an automated external defibrillator~~"

Page 6, line 6, remove the overstrike over "~~and automated external defibrillator~~"

Page 8, line 21, replace "license" with "self-declaration document"

Page 8, line 24, replace "license" with "self-declaration document"

Page 8, line 26, replace "license" with "self-declaration document"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2254: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).  
SB 2254 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SB 2291, as engrossed: Human Services Committee (Rep. Weisz, Chairman)**

recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2291 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2293, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2293 was placed on the Sixth order on the calendar.

Page 1, line 2, after "20.1-03" insert ", a new section to chapter 20.1-13, and two new subsections to section 20.1-03-12"

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

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

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

Page 1, line 9, replace "Continuing appropriation" with "**Appropriation**"

Page 1, line 11, replace "sections 2 and 3" with "section 20.1-02-16.1 and sections 5 and 6"

Page 1, line 12, replace "All moneys" with "Moneys"

Page 1, line 12, after "department" insert "upon budget section approval"

Page 1, line 13, after the underscored period insert "Budget section approval under this section must comply with the new section to chapter 54-35 as created by section 15 of Senate Bill No. 2055, as approved by the sixty-sixth legislative assembly."

Page 2, after line 7, insert:

**"SECTION 3.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For each motorboat licensed in this state, an aquatic nuisance species fee of fifteen dollars every three years.

**SECTION 4.** A new subsection to section 20.1-03-12 of the North Dakota Century Code is created and enacted as follows:

For each motorboat operated on waters of this state and not licensed in this state, an aquatic nuisance species fee of fifteen dollars for the calendar year in which it is paid."

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

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

Page 2, line 12, remove "who is"

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

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

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

Page 2, after line 17, insert:

**"SECTION 6.** A new section to chapter 20.1-13 of the North Dakota Century Code is created and enacted as follows:

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

1. For each motorboat operated on waters of this state, an aquatic nuisance species fee must be paid.
  - a. For each motorboat licensed in this state, the fee must accompany each application for a number and license under section 20.1-13-03.
  - b. For each motorboat operated on waters of this state and exempt from licensure in this state, the owner or operator shall apply to the department for an aquatic nuisance species sticker, and the application must be accompanied by the fee. The sticker must be attached to the motorboat in a manner prescribed by the department so the sticker is clearly visible.
2. Fees collected under this section must be deposited with the state treasurer and credited to the aquatic nuisance species program fund.
3. A person who violates this section is guilty of a class 2 noncriminal offense.

**SECTION 7. APPROPRIATION - TRANSFER - EXEMPTION.** There is appropriated out of any moneys in the state game and fish fund in the state treasury, not otherwise appropriated, the sum of \$467,100, or so much of the sum as may be necessary, to the game and fish department for the purpose of carrying out aquatic nuisance species education, inspection, and monitoring programs, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided in this section is not subject to section 54-44.1-11 and may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021. The game and fish department is authorized two full-time equivalent positions for this purpose. Moneys deposited in the aquatic nuisance species program fund must be transferred to the state game and fish fund to repay any moneys expended from the state game and fish fund under this section.

**SECTION 8. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2300, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2300 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2306, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2306 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove ", 43-51-11"

Page 1, line 5, remove "; to provide a"

Page 1, remove line 6

Page 1, line 7, remove "provide for a legislative management study"

Page 3, remove the overstrike over lines 8 through 15

Page 3, line 16, remove the overstrike over "b:"

Page 4, remove lines 7 through 20

Page 4, line 24, remove the overstrike over "~~or shall grant on a~~"

Page 4, line 25, remove the overstrike over "~~case-by-case basis exceptions to the board's licensing standards~~"

Page 5, line 3, overstrike "exception" and insert immediately thereafter "issuance of the license"

Page 5, line 7, remove "two-year"

Page 5, line 8, overstrike "one or more of"

Page 5, line 9, overstrike "not"

Page 5, line 9, after "been" insert "substantially"

Page 5, line 11, after "subsection" insert "may not exceed two years and"

Page 5, line 13, overstrike "necessary"

Page 6, after line 5, insert:

- "5. If within thirty days of receipt of a completed application under subsection 1 the board does not grant or deny a license under subsection 1 or does not issue a provisional license or temporary permit under subsection 2, the board automatically shall issue a provisional license or temporary permit. A provisional license or temporary permit issued under this subsection remains valid until the board grants or denies the application for licensure under subsection 1 or issues a provisional license or temporary permit under subsection 2.
6. For purposes of this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.

Page 6, after line 8 insert:

"1."

Page 6, line 12, replace "implement issuance of" with "commence the process to issue"

Page 6, after line 13, insert:

- "2. For purposes of this section, the term "board" includes the state board of accountancy, state electrical board, North Dakota real estate appraiser qualifications and ethics board, state real estate commission, secretary of state with respect to contractor licensing, North Dakota board of medicine, and state board of dental examiners.

Page 6, remove lines 14 through 29

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2313, as engrossed: Human Services Committee (Rep. Weisz, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2313 was placed on the Sixth order on the calendar.**

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "subsection" with "subsections"

Page 1, after line 14, insert:

**"SECTION 2.** A new subsection to section 50-06-05.1 of the North Dakota Century Code is created and enacted as follows:

To provide resources on mental health awareness and suicide prevention to the behavioral health resource coordinator at each school. The resources must include information on identifying warning signs, risk factors, and the availability of resources in the community."

Page 2, line 6, remove "of each"

Page 2, line 6, replace "are" with "is"

Page 2, line 13, replace "governor, or the governor's designee" with "chairman of legislative management"

Page 2, line 19, after "regarding" insert "early care and"

Page 2, line 28, remove "and"

Page 2, line 30, replace the underscored period with "; and

h. Receive information and recommendations from the department of human services, department of corrections and rehabilitation, and other state agencies."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2317, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2317 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new subsection to section 23-16-01.1,"

Page 1, line 2, remove the first comma

Page 1, line 3, remove "long-term care bed capacity,"

Page 1, remove lines 8 through 13

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2343: Industry, Business and Labor Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2343 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2347, as engrossed: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2347 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "\"Abuse\" means conduct by a provider or other person involving disregard of and an"

Page 1, remove lines 8 through 11

Page 1, line 12, remove "2."

Page 1, line 14, replace "3." with "2."

Page 1, line 14, replace "any" with ":

a. Any"

Page 1, line 17, replace "a." with "(1)"

Page 1, line 18, replace "b." with "(2)"

Page 1, line 21, replace "(1)" with "(a)"

Page 1, line 23, replace "(2)" with "(b)"

Page 1, line 24, replace "; and does" with ":

b. A claim does"

Page 2, line 4, replace "4." with "3."

Page 2, line 5, replace "5." with "4."

Page 2, line 7, replace "6." with "5."

Page 2, line 10, replace "7." with "6."

Page 2, line 10, remove "or "knowing" requires no proof of specific intent to defraud and means a"

Page 2, remove lines 11 and 12

Page 2, line 13, replace "the information" with "means "knowingly" as defined in section 12.1-02-02"

Page 2, line 14, replace "8." with "7."

Page 2, line 16, replace "9." with "8."

Page 2, line 20, replace "10." with "9."

Page 2, line 25, replace "11." with "10."

Page 2, remove lines 29 through 31

Page 3, remove lines 1 and 2

Page 3, line 3, replace "13." with "11."

Page 3, line 8, replace "14." with "12."

Page 3, remove lines 14 and 15

Page 3, line 16, replace "16." with "13."

Page 3, line 18, replace "17." with "14."

Page 3, line 26, replace "subsection" with "subsections"

Page 3, line 26, after "2" insert "and 3"

Page 3, line 27, replace "ten" with "one"

Page 3, line 27, remove "nine hundred fifty-seven"

Page 3, line 28, replace "twenty-one" with "ten"

Page 3, line 28, remove "nine hundred fifty-six"

Page 4, line 30, remove "Annually, the attorney general shall review the civil penalty rates and by administrative"

Page 4, remove line 31

Page 5, remove line 1

Page 5, line 2, replace "890; 28 U.S.C. 2461]" with "If the total claim made or presented by a person under subsection 1 is less than one hundred thousand dollars, the civil penalty for which the person is liable may not be more than fifteen percent of the total claim submitted"

Page 5, line 14, remove "enforce this Act and may"

Page 5, line 15, after "and" insert "may"

Page 5, remove lines 17 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 27

Page 8, remove lines 1 through 18

Page 8, remove lines 23 through 31

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 6

Page 10, line 19, remove "A plaintiff is"

Page 10, remove lines 20 and 21

Page 10, line 22, remove "or the state prevails in the action."

Page 10, line 23, remove "If the attorney general does not intervene in a civil action and the person bringing"

Page 10, remove lines 24 and 25

Page 10, line 26, remove "defendant is entitled to reasonable costs and attorney's fees."

Page 11, remove lines 17 through 23

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2358, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).** Engrossed SB 2358 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subdivision b of subsection 2 of section 61-32-03.1 of the North Dakota Century Code, relating to notice of proposed subsurface water management systems.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subdivision b of subsection 2 of section 61-32-03.1 of the North Dakota Century Code is amended and reenacted as follows:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4004: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4004 was placed on the Sixth order on the calendar.

Page 1, remove line 2

Page 1, line 3, replace "by students against" with "students who experience behavioral health crisis or who engage in intense and aggressive behavior for communication purposes, both of which result in behaviors that make learning environments unsafe for"

Page 1, line 10, after the first comma insert "behavioral health crisis or engagement in intense and aggressive behavior for communication purposes can result in"

Page 1, after line 13, insert:

**"WHEREAS**, students who experience behavioral health crisis or engagement in intense and aggressive behavior for communication purposes deserve effective and up-to-date screening, assessment, and treatment strategies to address their needs; and"

Page 1, line 16, after the second comma insert "antecedents, resolutions,"

Page 1, line 17, replace "perpetrator" with "student"

Page 1, line 17, after "circumstances" insert a comma

Page 1, line 18, after "event" insert ", eligibility for special education"

Page 1, line 22, remove "violent, disruptive, and"

Page 1, replace line 23 with "students who experience behavioral health crisis or who engage in intense and aggressive behavior for communication purposes, both of which result in behaviors that make learning environments unsafe for"

Renumber accordingly

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

**Buell J. Reich, Chief Clerk**