

## JOURNAL OF THE HOUSE

## Sixty-sixth Legislative Assembly

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Bismarck, April 25, 2019

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

The prayer was offered by Pastor Kurt Chaffee, New Song Church, Bismarck.

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

A quorum was declared by the Speaker.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KEMPENICH MOVED** that the conference committee report on Reengrossed SB 2003 as printed on HJ pages 2097-2101 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2003, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to amend and reenact sections 31-01-16, 53-12.1-09, and 54-12-11 of the North Dakota Century Code, relating to prosecution witness fees, transfers from the lottery operating fund to the multijurisdictional drug task force grant fund, and the salary of the attorney general; to provide an exemption; to provide a statement of legislative intent; and to provide for a report.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; 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; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trotter; Tveit; Vigesaa; Westlind; Zubke; Speaker Klemin

**NAYS:** Becker; Bellew; Ertelt; Hoverson; Johnston; Kading; Koppelman, B.; Magrum; Marschall; McWilliams; Paulson; Paur; Simons; Toman; Vetter; Weisz

**ABSENT AND NOT VOTING:** Blum; O'Brien; Rohr

Reengrossed SB 2003, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. MOCK MOVED** that the conference committee report on Engrossed SB 2004 as printed on HJ pages 2101-2105 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2004, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; to amend and reenact sections 54-10-01 and 54-10-10 of the North

Dakota Century Code, relating to the powers and duties of the state auditor and the salary of the state auditor; to provide for a report; 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 72 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Bellew; 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; Kempenich; Kiefert; Kreidt; Laning; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Strinden; Trottier; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Becker; Ertelt; Hoverson; Johnston; Kading; Keiser; Koppelman, B.; Koppelman, K.; Magrum; Marschall; McWilliams; Paulson; Ruby, D.; Ruby, M.; Schatz; Schauer; Simons; Skroch; Toman; Vetter

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

Engrossed SB 2004, as amended, passed and the emergency clause was declared carried.

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### MOTION

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

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

### 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.

### REPORT OF CONFERENCE COMMITTEE

**SB 2265, as reengrossed:** Your conference committee (Sens. Schaible, Rust, Marcellais and Reprs. Owens, Monson, Sanford) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1385-1397, adopt amendments as follows, and place SB 2265 on the Seventh order:

That the House recede from its amendments as printed on pages 1385-1397 of the Senate Journal and pages 1582-1594 of the House Journal and that Reengrossed Senate Bill No. 2265 be amended as follows:

Page 1, line 1, after "Act" insert "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;"

Page 1, line 1, after "sections" insert "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,"

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

Page 1, line 1, after "15.1-27-04.1" insert ", 15.1-27-23, 15.1-27-35, 15.1-29-02.1, 15.1-29-12, and 57-15-14.2"

Page 1, line 2, after "to" insert "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,"

Page 1, line 2, replace "and" with a comma

Page 1, line 3, after "districts" insert ", 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"

Page 1, line 3, replace "legislative management study" with "a report to legislative management"

Page 1, line 4, remove "and"

Page 1, line 4, after "date" insert "; to provide an expiration date; and to declare an emergency"

Page 1, after line 5, insert:

**"SECTION 1.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

**Credentials for teachers and coordinators of title I.**

The superintendent of public instruction shall create a process to reinstate and recertify title I credentials for individuals in the state who held a valid certification, issued by the department of public instruction, as of July 1, 2018, and continue the process in perpetuity. A school district may advertise employment for a title I certified teacher each year until the position is filled. The board of a school district may authorize the hiring of a teacher who is not certified as a title I teacher for the school year if the school district fails to receive applications from qualified applicants to fill the advertised position by July 1.

**SECTION 2. AMENDMENT.** Section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-06-04. School calendar - Length.**

1. A school district shall provide for a school calendar that includes:
  - a. At least one hundred seventy-five days nine hundred sixty-two and one-half hours of instruction for elementary school students and one thousand fifty hours of instruction for middle and high school students;
  - b. Three holidays, as selected by the board in consultation with district teachers from the list provided for in subdivisions b through j of subsection 1 of section 15.1-06-02;
  - c. No more than two days for:
    - (1) Parent-teacher conferences; or
    - (2) Compensatory time for parent-teacher conferences held outside of regular school hours; and
  - d. At least twothree days of professional development not including meals or breaks.
2. a: AFor the first three days of professional development required under subdivision d of subsection 1, a day of professional development must consist of:
  - (+1)a. Six hours of professional development, exclusive of meals and other breaks, conducted within a single day;

- (2)b. Six hours of cumulative professional development conducted under the auspices of a professional learning community; or
  - (3)c. Two four-hour periods of professional development, exclusive of meals and other breaks, conducted over two days.
- b. ~~If a school district offers a four-hour period of professional development, as permitted in this subsection, the school district may schedule instruction during other available hours on that same day and be credited with providing one-half day of instruction to students. This subdivision does not apply unless the one-half day of instruction equals at least one-half of the time required for a full day of instruction, as defined in this section.~~
3. If because of weather a school must dismiss before completing a full day of instruction, the school is responsible for making up only those hours and portions of an hour between the time of early dismissal and the conclusion of a full day of classroom instruction if the dismissal will result in the school failing to meet the requirements of subdivision a of subsection 1.
4. For purposes of this section, a full day of instruction consists of:
- a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
  - b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.
5. If a school district intends to operate under a school calendar that consists of four days of instruction per week, the school district shall apply and be approved for a waiver by the superintendent of public instruction.

**SECTION 3. AMENDMENT.** Section 15.1-07-34 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-07-34. Provision of youth behavioral health training to teachers, administrators, and ancillary staff.**

1. Every two years, each school district shall provide a minimum of eight hours of professional development on youth behavioral health to elementary, middle, and high school teachers, and administrators. Each school district shall encourage ancillary and support staff to participate in the professional development. Based on the annual needs assessment of the school district, these hours must be designated from the following categories:
  - a. Trauma;
  - b. Social and emotional learning, including resiliency;
  - c. Suicide prevention;
  - d. Bullying;
  - e. Understanding of the prevalence and impact of youth behavioral health wellness on family structure, education, juvenile services, law enforcement, and health care and treatment providers;
  - f. Knowledge of behavioral health symptoms, and risks;

- g. Awareness of referral sources and evidence-based strategies for appropriate interventions; or
  - h. Other evidence-based strategies to reduce risk factors for students; or
  - i. Current or new evidence-based behavior prevention or mitigation techniques.
2. Each school district shall report the professional development hours to the department of public instruction.
  3. The superintendent of public instruction shall collaborate with regional education associations to disseminate information, training materials, and notice of training opportunities to school districts and nonpublic schools.

**SECTION 4. AMENDMENT.** 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, is amended and reenacted 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 relating to criminal convictions~~ 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 relating to criminal convictions. 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 5. AMENDMENT.** Section 15.1-18-10 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-18-10. Specialty areas - Teacher qualification.**

Notwithstanding the requirements of this chapter:

1. An individual may teach art, business education, computer education, a foreign language, music, physical education, special education, and technology education at any grade level from kindergarten through grade eight, provided the individual:
  - a. Is licensed to teach by the education standards and practices board;
  - b. Is approved to teach in that area by the education standards and practices board; and
  - c. Meets all requirements set forth in rule by the superintendent of public instruction.
2. An individual may teach Native American languages provided the individual is an eminence-credentialed teacher.
3. An individual may teach in the areas of trade, industry, technical occupations, or health occupations, provided the individual has been issued a license to teach in such areas by the education standards and practices board.
4. An individual may teach in any subject, except elementary education, special education, mathematics, science, language arts, and social studies, if the individual:
  - a. Has a permit issued by the board and has a high school diploma; and

- b. (1) Possesses at least four thousand hours over five years of relevant work experience in the subject area to be taught;
- (2) Possesses a certificate, permit, or degree in the subject area to be taught; or
- (3) Achieves a passing score on the Praxis content test.

**SECTION 6. AMENDMENT.** Section 15.1-21-03 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-21-03. High school unit - Instructional time.**

1. Except as provided in subsection 2, each unit must consist of at least one hundred twenty hours of ~~instruction~~student engagement per school calendar.
2. The following units must consist of at least one hundred fifty hours of ~~instruction~~student engagement per school calendar: natural sciences, agriculture, business and office technology, marketing, diversified occupations, trade and industrial education, technology education, and health careers.
3. The hour requirements of this section are subject to reductions resulting from the holidays and nonstudent contact days provided for in section 15.1-06-04.
4. This section does not apply to schools or school districts having block schedules approved by the superintendent of public instruction.

**SECTION 7. AMENDMENT.** Section 15.1-27-02 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-02. Per student payments - Required reports.**

1. The superintendent of public instruction may not forward state aid payments to a school district beyond the September payment unless the district has filed the September tenth fall enrollment report with the superintendent.
2. The superintendent of public instruction may not forward state aid payments to a school district beyond the October payment unless the district has filed the following with the superintendent:
  - a. The June thirtieth student membership and attendance report;
  - b. An annual school district financial report; and
  - c. ~~The September tenth fall enrollment report; and~~
  - d. The personnel report forms for licensed and nonlicensed employees.
- ~~2-3.~~ On or before December fifteenth, each school district shall file with the superintendent of public instruction the taxable valuation and mill levy certifications. If a district fails to file the taxable valuation and mill levy certifications by the required date, the superintendent of public instruction may not forward to the district any state aid payments to which the district is entitled, until the taxable valuation and mill levy certifications are filed."

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

Page 3, line 4, replace "1.00" with "0.50"

Page 3, line 6, remove "": and"

Page 3, remove lines 7 through 11

Page 3, line 12, remove "students"

Page 3, after line 15, insert:

**"SECTION 9. AMENDMENT.** Section 15.1-27-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-03.1. Weighted average daily membership - Determination.**

1. For each school district, the superintendent of public instruction shall multiply by:
  - a. 1.00 the number of full-time equivalent students enrolled in an extended educational program in accordance with section 15.1-32-17;
  - b. 0.60 the number of full-time equivalent students enrolled in a summer education program, including a migrant summer education program;
  - c. 0.40 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be least proficient and placed in the first of six categories of proficiency; and
    - (2) Are enrolled in a program of instruction for English language learners;
  - d. 0.28 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the first of six categories of proficiency and therefore placed in the second of six categories of proficiency; and
    - (2) Are enrolled in a program of instruction for English language learners;
  - e. 0.25 the number of full-time equivalent students under the age of twenty-one enrolled in grades nine through twelve in an alternative high school;
  - f. 0.20 the number of full-time equivalent students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
  - g. 0.17 the number of full-time equivalent students enrolled in an early childhood special education program;
  - h. 0.15 the number of full-time equivalent students in grades six through eight enrolled in an alternative education program for at least an average of fifteen hours per week;
  - i. 0.10 the number of students enrolled in average daily membership, if the district has fewer than one hundred students enrolled in average daily membership and the district consists of an area greater than two hundred seventy-five square miles [19424.9 hectares], provided that any school district consisting of an area greater than six hundred square miles [155399 hectares] and enrolling fewer than fifty

students in average daily membership must be deemed to have an enrollment equal to fifty students in average daily membership;

- j. 0.082 the number of students enrolled in average daily membership, in order to support the provision of special education services;
  - k. 0.07 the number of full-time equivalent students who:
    - (1) On a test of English language proficiency approved by the superintendent of public instruction are determined to be more proficient than students placed in the second of six categories of proficiency and therefore placed in the third of six categories of proficiency;
    - (2) Are enrolled in a program of instruction for English language learners; and
    - (3) Have not been in the third of six categories of proficiency for more than three years;
  - l. 0.025 the number of students representing that percentage of the total number of students in average daily membership which is equivalent to the three-year average percentage of students in grades three through eight who are eligible for free or reduced lunches under the Richard B. Russell National School Lunch Act [42 U.S.C. 1751 et seq.];
  - m. 0.002 the number of students enrolled in average daily membership in a school district that is a participating member of a regional education association meeting the requirements of chapter 15.1-09.1; ~~and~~
  - n. ~~0.50~~0.60 the number of students by which the district's September tenth enrollment report exceeds the number of students in the prior year's average daily membership increasing the factor annually by 0.10, not to exceed 1.00; and
  - o. For districts paid based on September tenth enrollment in the prior year, 0.50 the number of students determined by deducting the number of students in the prior year's September tenth enrollment from the prior year's average daily membership, increasing the factor annually by 0.10, not to exceed 1.00. If the prior year's September tenth enrollment exceeds the prior year's average daily membership, then a deduction of 0.50 the number of excess students, increasing the factor annually by 0.10, not to exceed 1.00.
2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership."

Page 3, line 23, overstrike "2012-13" and insert immediately thereafter "2018-19"

Page 3, line 24, overstrike "The district's 2012-13 mill levy reduction grant, as determined in accordance with"

Page 3, overstrike line 25

Page 3, line 26, overstrike "c."

Page 3, line 26, overstrike "that raised by the district's 2012 general fund levy or that"

Page 3, overstrike line 27

Page 3, line 28, overstrike "is less" and insert immediately thereafter "the property tax deducted by the superintendent of public instruction to determine the 2018-19 state aid payment"

Page 3, overstrike lines 29 and 30

Page 4, overstrike line 1

Page 4, line 2, overstrike "program levy;"

Page 4, line 3, overstrike "f." and insert immediately thereafter "c."

Page 4, line 4, replace "2012-13" with "2017-18"

Page 5, line 1, replace "g." with "d."

Page 5, line 2, replace "2012-13" with "2017-18"

Page 5, after line 7, insert;

"e. Beginning with the 2020-21 school year, the superintendent shall reduce the baseline funding for any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2012-13 school year. The reduction must be proportional to the number of weighted student units in the grades that are offered through another school district relative to the total number of weighted student units the school district offered in the year before the school district became an elementary district. The reduced baseline funding applies to the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter. For districts that become an elementary district prior to the 2020-21 school year, the superintendent shall use the reduced baseline funding to calculate state aid for the 2020-21 school year and for each year thereafter."

Page 5, line 8, after "2." insert "a."

Page 5, line 8, overstrike "total"

Page 5, line 8, after "funding" insert "determined in subsection 1"

Page 5, line 9, overstrike "2012-13" and insert immediately thereafter "2017-18"

Page 5, after line 10, insert:

"b. For any school district that becomes an elementary district pursuant to section 15.1-07-27 after the 2017-18 school year, the superintendent shall adjust the district's baseline funding per weighted student unit used to calculate state aid. The superintendent shall divide the district's baseline funding determined in subsection 1 by the district's weighted student units after the school district becomes an elementary district to determine the district's adjusted baseline funding per weighted student unit. The superintendent shall use the district's adjusted baseline funding per weighted student unit in the calculation of state aid for the first school year in which the school district becomes an elementary district and for each year thereafter.

c. Beginning with the 2021-22 school year and for each school year thereafter, the superintendent shall reduce the district's baseline funding per weighted student unit. Each year the superintendent shall calculate the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit provided in subsection 3. The superintendent shall reduce the district's baseline funding per weighted student unit by fifteen

percent of the amount by which the district's baseline funding per weighted student unit exceeds the payment per weighted student unit for the 2021-22 school year. For each year thereafter, the reduction percentage is increased by an additional fifteen percent. However, the district's baseline funding per weighted student unit, after the reduction, may not be less than the payment per weighted student unit provided in subsection 3."

Page 5, line 11, overstrike "In"

Page 5, line 11, after "2017-18" insert "For the"

Page 5, line 11, after "2019-20" insert "school year"

Page 5, line 11, overstrike "multiply the" and insert immediately thereafter "calculate state aid as the greater of:

(1) The"

Page 5, line 12, after "units" insert "multiplied"

Page 5, line 12, overstrike the period

Page 5, overstrike lines 13 and 14 and insert immediately thereafter an underscored semicolon

Page 5, line 15, replace "(1)" with "(2)"

Page 5, line 15, overstrike "eight" and insert immediately thereafter "one"

Page 5, line 17, overstrike "from the previous school year" and insert immediately thereafter ", not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by nine thousand eight hundred thirty-nine dollars"

Page 5, line 18, replace "(2)" with "(3)"

Page 5, line 24, overstrike "In"

Page 5, line 24, after "2018-19" insert "For the"

Page 5, line 24, after "2020-21" insert "school year"

Page 5, line 26, remove "one"

Page 5, line 27, overstrike "hundred"

Page 5, line 27, replace "thirty-four" with "thirty-six"

Page 5, line 29, remove "or"

Page 5, line 30, remove "The amount in paragraph 1 plus the greater of:"

Page 6, line 1, overstrike "(a)"

Page 6, line 1, overstrike "eight" and insert immediately thereafter "two"

Page 6, line 3, overstrike "from the previous school year"

Page 6, remove line 4

Page 6, line 5, replace "percent in 2020-21 and fifteen percent each year thereafter" with ", not to exceed the district's 2017-18 baseline weighted student units, plus any weighted student units in excess of the 2017-18 baseline weighted student units multiplied by ten thousand thirty-six dollars"

Page 6, line 6, overstrike "(b)" and insert immediately thereafter "(3)"

Page 6, line 8, replace "five" with "fifteen"

Page 6, line 8, replace "in 2020-21" with "for the 2021-22 school year"

Page 6, line 8, after "each" insert "school"

Page 6, line 9, after "thereafter" insert ", and then the difference added to the amount determined in paragraph 1"

Page 6, line 11, replace "In" with "For the"

Page 6, line 11, after "2019-20" insert "school year"

Page 6, line 11, replace "forty-five" with "five"

Page 6, line 15, replace "In" with "For the"

Page 6, line 15, after "2020-21" insert "school year and each school year thereafter"

Page 6, line 16, replace "fifty" with "ten"

Page 6, line 25, after "percent" insert ", adjusted pursuant to section 15.1-27-04.3"

Page 6, line 29, replace "f" with "c"

Page 6, line 29, replace "g" with "d"

Page 6, line 29, after the period insert "Before determining the deduction for seventy-five percent of all revenue types, the superintendent of public instruction shall adjust revenues as follows:

- (1) Tuition revenue shall be adjusted as follows:
  - (a) In addition to deducting tuition revenue received specifically for the operation of an educational program provided at a residential treatment facility and tuition revenue received for the provision of an adult farm management program as directed in paragraph 3 of subdivision c of subsection 1, the superintendent of public instruction also shall reduce the total tuition reported by the school district by the amount of tuition revenue received for the education of students not residing in the state and for which the state has not entered a cross-border education contract; and
  - (b) The superintendent of public instruction also shall reduce the total tuition reported by admitting school districts meeting the requirements of subdivision e of subsection 2 of section 15.1-29-12 by the amount of tuition revenue received for the education of students residing in an adjacent school district.
- (2) After adjusting tuition revenue as provided in paragraph 1, the superintendent shall reduce all remaining revenues from all revenue types by the percentage of mills levied in 2018 by the school district for sinking and interest relative to the total mills levied in 2018 by the school district for all purposes."

Page 7, after line 6, insert:

- "7. For purposes of the calculation in subsection 4, each county auditor, in collaboration with the school districts, shall report the following to the superintendent of public instruction on an annual basis:

- a. The amount of revenue received by each school district in the county during the previous school year for each type of revenue identified in subdivisions c and d of subsection 1;
- b. The total number of mills levied in the previous calendar year by each school district for all purposes; and
- c. The number of mills levied in the previous calendar year by each school district for sinking and interest fund purposes.

**SECTION 11. AMENDMENT.** Subdivision a of subsection 4 of section 15.1-27-04.1 of the North Dakota Century Code is amended and reenacted as follows:

- a. ~~Subtract an amount equal to sixty mills multiplied by the taxable valuation of the school district, except the amount in dollars subtracted for purposes of this subdivision may not exceed the previous year's amount in dollars subtracted for purposes of this subdivision by more than twelve percent, adjusted pursuant to section 15.1-27-04.3; and~~

**SECTION 12.** Section 15.1-27-04.3 of the North Dakota Century Code is created and enacted as follows:

**15.1-27-04.3. Adjustment to state aid - Local property tax effort.**

If the amount subtracted from a school district's state aid payment under subdivision a of subsection 4 of section 15.1-27-04.1 is less than the amount generated by sixty mills, the superintendent of public instruction shall adjust the amount subtracted as follows:

1. For the 2020-21 school year, increase the amount subtracted by an amount equal to ten percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section;
2. For the 2021-22 school year, increase the amount subtracted by an amount equal to twenty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section;
3. For the 2022-23 school year, increase the amount subtracted by an amount equal to forty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section;
4. For the 2023-24 school year, increase the amount subtracted by an amount equal to sixty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section; and
5. For the 2024-25 school year, increase the amount subtracted by an amount equal to eighty percent of the difference between the amount generated by sixty mills and the amount determined pursuant to subdivision a of subsection 4 of section 15.1-27-04.1 before adjustment under this section.

**SECTION 13. AMENDMENT.** Section 15.1-27-23 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-23. Weather or other emergency conditions - Closure of schools - State aid payments to school districts.**

1. ~~The board of each school district shall include in the school calendar days that may be used for the rescheduling of instructional time lost as a result of severe weather or other emergency conditions.~~
2. a. ~~The number of days required under subsection 1 must equal the average number of days per school year, as calculated using the previous five school years, during which the school district remained closed or provided less than a full day of instruction because of severe weather or other emergency conditions.~~
  - b. ~~The number of days determined under subdivision a may be included within the calendar no earlier than the month of January.~~
3. ~~If the number of days during which a public school or school district is closed or provides less than a full day of instruction exceeds the number of days determined under subdivision a of subsection 2, the public school or school district shall make every effort to reschedule the remaining classes, so that students receive at least the number of full instructional days required by section 15.1-06-04 or an equivalent period of instructional time, as determined by the superintendent of public instruction establish the length of a period, day, and week in accordance with the requirements of section 15.1-06-04. If a public school or school district is closed or provides less than a full day of instruction, the public school or school district shall reschedule those hours to ensure students receive at least the minimum number of instructional hours required by subdivision a of subsection 1 of section 15.1-06-04.~~
- 4.2. Any public school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of calculating state aid payments to the school district, the governor waive the rescheduling in whole or in part.
5. ~~The governor may not grant a waiver for less than a full day of instruction. However, if a public school or school district closes for only a portion of its regular schoolday, the hours during which the school or school district is closed may be added together to determine the number of additional full days of instruction that may be waived under this section.~~

**SECTION 14. AMENDMENT.** Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-27-35. Average daily membership - Calculation.**

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of ~~day~~hours that each student in a given grade, school, or school district is in attendance during a school calendar and the total number of ~~day~~hours that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by the greater of:
  - a. ~~The school district's calendar~~Nine hundred sixty-two and one-half hours for elementary school students; or
  - b. ~~One hundred eighty-two thousand fifty hours for middle and high school students.~~One hundred eighty-two thousand fifty hours for middle and high school students.
2. ~~For purposes of calculating average daily membership, all students are deemed to be in attendance on:~~

- a. ~~The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;~~
  - b. ~~The two<sup>three</sup> days set aside for professional development activities under section 15.1-06-04; and~~
  - e. ~~The two full days, or portions thereof, during which parent teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent teacher conferences held outside regular school hours.~~
3. For purposes of calculating average daily membership:
- a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
  - c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

**SECTION 15. AMENDMENT.** Section 15.1-29-02.1 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-29-02.1. Cross-border attendance - Contract with South Dakota.**

1. A student who resides in a North Dakota school district contiguous to the South Dakota border may attend school in South Dakota, and a student who resides in a South Dakota school district contiguous to the North Dakota border may attend school in North Dakota, provided the superintendent of public instruction has entered into a contract with the secretary of the South Dakota department of education for the cross-border attendance of eligible students.
2. A contract entered under subsection 1 must set forth:
  - a. An application procedure;
  - b. Causes for denial of an application; and
  - c. The manner and notification of acceptance.
3. A contract entered under subsection 1 must authorize the superintendent of public instruction to count any South Dakota student participating in cross-border attendance under this section for the purposes of determining the amount of state aid to which a school district in this state is entitled. The superintendent of public instruction may not count a North Dakota student participating in cross-border attendance in accordance with the contract for purposes of determining the amount of state aid to which a school district in this state is entitled.
4. A contract entered under subsection 1 must provide that if there are more students from North Dakota than South Dakota participating in cross-border attendance under this section, the superintendent of public instruction shall forward to the secretary of the South Dakota department of education, on behalf of each excess student, an amount annually

agreed to by the superintendent and the secretary as reflecting the average cost of education per student in the school districts participating in cross-border attendance in accordance with the contract. The contract must also provide that if there are more students from South Dakota than North Dakota participating in cross-border attendance under this section, the secretary shall forward to the superintendent, on behalf of each excess student, an amount annually agreed to by the superintendent and the secretary as reflecting the average cost of education per student in the school districts participating in cross-border attendance in accordance with the contract. The superintendent shall pay the cost of cross-border attendance from funds appropriated by the legislative assembly for state aid to schools. Payments received by the superintendent under this subsection shall be deposited in the general fund.

5. ~~The superintendent of public instruction shall annually reconcile the number of students from each school district in this state who participate in cross-border attendance under this section with the number of students from school districts in South Dakota who participate in cross-border attendance under this section. The superintendent of public instruction shall withhold from each school district's state aid an amount equal to the cost incurred by the state on the part of the school district in permitting the cross-border attendance of students under this section.~~
6. A student who requires special education services may participate in cross-border attendance under this section, provided the contract entered under subsection 1 sets forth each school district's and each state's responsibilities for payment of any excess costs incurred as a result of providing the services to the student.
- ~~7.6.~~ Each school district may provide transportation to students participating in cross-border attendance under this section. However, the superintendent of public instruction may include only transportation provided within this state for purposes of determining the state transportation aid to which a district is entitled.
- ~~8.7.~~ Sections 15.1-29-01 through 15.1-29-13 do not apply to students participating in cross-border attendance under this section.

**SECTION 16. AMENDMENT.** Section 15.1-29-12 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-29-12. Tuition payments - Determination.**

1. Except as provided in section 15.1-29-13, a school district sending a student to another district for purposes of education shall pay the full cost of education per student incurred by the admitting district.
2.
  - a. The admitting district shall determine the cost of education per student for its kindergarten, elementary, and high school students on the basis of its average daily membership and those expenditures permitted in determining the cost of education per student in section 15.1-27-03.
  - b. To the cost of education per student, the admitting district shall add the latest available statewide average per student cost for extracurricular activities and the state average capital outlay per student. The state average capital outlay per student is determined by dividing the total of all school districts' annual expenditures for sinking and interest funds, tax receipts to the building funds, and general fund expenditures for capital outlay by the average daily membership of the state.
  - c. The admitting district shall subtract the following from the amount arrived at under subdivision b:

- (1) The per student payment multiplied by the admitting district's school size weighting factor; and
  - (2) Any credit for taxes paid to the admitting district by the student's parent.
- d. The amount remaining is the full cost of education per student incurred by the admitting district. The tuition amount payable for the individual student is the lesser of:
- (1) The full cost of education per student incurred by the admitting district; or
  - (2) One hundred fifty percent of the state average full cost of education per student.
- e. Admitting school districts shall charge the tuition amount payable determined in subdivision d multiplied by two hundred percent or four thousand dollars, whichever is greater, if the admitting school district:
- (1) Is located in an oil-producing county;
  - (2) Is eligible to receive gross production tax revenue in lieu of property taxes;
  - (3) Is located in cities with populations over twenty-four thousand;
  - (4) Has a tax base fewer than twenty square miles;
  - (5) Levies greater than sixty mills for local property taxes;
  - (6) Has student enrollments of greater than four thousand;
  - (7) Has average student growth of over two hundred per year over the preceding five years;
  - (8) Uses portable classrooms; and
  - (9) Has enrollment exceeding school facility capacity.
3. This section does not affect the right of a school board to charge and collect tuition from students who are not residents of this state, in accordance with section 15.1-29-02.

**SECTION 17. AMENDMENT.** Section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-14.2. School district levies.**

1. ~~For taxable years after 2013, the~~The board of a school district may levy a tax not exceeding the amount in dollars that the school district levied for the prior year, plus twelve percent and the dollar amount of the adjustment required in section 15.1-27-04.3, up to a levy of seventy mills on the taxable valuation of the district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
2. ~~For taxable years after 2013, the~~The board of a school district may levy no more than twelve mills on the taxable valuation of the district, for miscellaneous purposes and expenses. The proceeds of this levy must be deposited into a special fund known as the miscellaneous fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.

3. The board of a school district may levy no more than three mills on the taxable valuation of the district for deposit into a special reserve fund, in accordance with chapter 57-19.
4. The board of a school district may levy no more than the number of mills necessary, on the taxable valuation of the district, for the payment of tuition, in accordance with section 15.1-29-15. The proceeds of this levy must be deposited into a special fund known as the tuition fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.
5. Nothing in this section limits the board of a school district from levying:
  - a. Mills for a building fund, as permitted in sections 15.1-09-49 and 57-15-16; and
  - b. Mills necessary to pay principal and interest on the bonded debt of the district, including the mills necessary to pay principal and interest on any bonded debt incurred under section 57-15-17.1 before July 1, 2013.

**SECTION 18. AMENDMENT.** Subsection 1 of section 57-15-14.2 of the North Dakota Century Code is amended and reenacted as follows:

1. The board of a school district may levy a tax not exceeding the amount in dollars that the school district levied for the prior year, plus twelve percent ~~and the dollar amount of the adjustment required in section 15.1-27-04.3,~~ up to a levy of seventy mills on the taxable valuation of the district, for any purpose related to the provision of educational services. The proceeds of this levy must be deposited into the school district's general fund and used in accordance with this subsection. The proceeds may not be transferred into any other fund.

**SECTION 19. REPEAL.** Section 15.1-06-05 of the North Dakota Century Code is repealed."

Page 7, line 8, after the first boldfaced hyphen insert "**RAPID ENROLLMENT GRANT**"

Page 8, after line 2, insert:

**"SECTION 21. APPROPRIATION - DEPARTMENT OF PUBLIC INSTRUCTION - FOUNDATION AID STABILIZATION FUND - MUSIC EDUCATION GRANTS.** There is appropriated out of any moneys in the foundation aid stabilization fund in the state treasury, not otherwise appropriated, the sum of \$800,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of providing music education grants, for the biennium beginning July 1, 2019, and ending June 30, 2021. At the beginning of the biennium, each eligible school may receive a grant disbursement for kindergarten through grade five based on the average daily membership of the school. Upon request, the department of public instruction shall award an eligible school a music education grant. The department must report to the sixty-seventh legislative assembly regarding the grants awarded and outcomes, including the program's impact on student behavior and mental health. The funding provided in this section is considered a one-time funding item."

Page 8, line 5, replace "funding" with "matching funds"

Page 8, line 7, remove "as matching funds for AmeriCorps funding"

Page 8, line 10, replace "**LEGISLATIVE MANAGEMENT**" with "**EDUCATION FUNDING FORMULA -**"

Page 8, line 10, after the second boldfaced period insert "There is created an education funding formula review committee."

Page 8, line 11, replace "legislative management" with "education funding formula review committee"

Page 8, line 11, remove "consider studying minimum and maximum payments to school"

Page 8, line 12, replace "districts included in the state school aid" with "study the kindergarten through grade twelve education funding"

Page 8, line 12, remove "how school districts could be"

Page 8, remove line 13

Page 8, line 14, replace "transitioning from the minimum and maximum payments" with "the components, adjustments, and weighting factors of the formula. The membership of the committee consists of the chairmen of the standing education committees of the house of representatives and the senate; three additional members of the senate, two of which must be appointed by the majority leader of the senate and one of which must be appointed by the minority leader of the senate; and three additional members of the house of representatives, two of which must be appointed by the majority leader of the house of representatives and one of which must be appointed by the minority leader of the house of representatives. Members appointed to the committee must have a secure knowledge of the current kindergarten through grade twelve funding formula"

Page 8, line 14, replace "legislative management" with "committee"

Page 8, after line 16 insert:

**"SECTION 24. STUDY - EFFECT OF IMPACT AIDE ON THE FUNDING FORMULA.** During the 2019-20 interim, the department of public instruction, the Indian affairs commission, and the kindergarten through grade twelve coordinating council, shall study the effect of impact aide on the funding formula to reservation schools. The department of public instruction, the Indian affairs commission, and the kindergarten through grade twelve coordinating council shall report their findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

**SECTION 25. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT.** The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher permits issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program."

Page 8, line 17, replace "1" with "8"

Page 8, line 17, replace "is" with "becomes"

Page 8, line 17, after "effective" insert "on"

Page 8, line 17, after the period insert "Section 9 of this Act becomes effective on July 1, 2021. Section 17 of this Act is effective for taxable years beginning after December 31, 2018. Section 18 of this Act is effective for taxable years beginning after December 31, 2024. Section 11 of this Act becomes effective on July 1, 2025.

**SECTION 27. EXPIRATION DATE.** Section 12 of this Act is effective through June 30, 2025, and after that date is ineffective.

**SECTION 28. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

Reengrossed SB 2265 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. OWENS MOVED** that the conference committee report on Reengrossed SB 2265 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2265, as amended, was placed on the Fourteenth 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 81 YEAS, 11 NAYS, 0 EXCUSED, 2 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.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Becker; Ertelt; Hoverson; Johnson, M.; Johnston; Magrum; Paulson; Paur; Schatz; Simons; Vetter

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

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

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**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 "10:"

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.

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

**REP. KASPER MOVED** that the conference committee report on Engrossed HB 1521 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1521, as amended, was placed on the Eleventh 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 74 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Adams; Anderson, P.; Bellew; Boe; Boschee; Buffalo; Dobervich; Eidson; Ertelt; Guggisberg; Hager; Hanson; Keiser; Mitskog; Mock; Nelson, M.; Schneider

**ABSENT AND NOT VOTING:** O'Brien; Rohr; Schatz

Reengrossed HB 1521 passed and the emergency clause was declared carried.

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#### MOTION

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

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

#### REPORT OF STANDING COMMITTEE

**SB 2148, as reengrossed: Ethics Committee (Rep. Kasper, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2148 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 legislative management study regarding article XIV of the Constitution of North Dakota and related issues."

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - ETHICS COMMISSION AND LEGISLATIVE ASSEMBLY RESPONSIBILITIES.** During the 2019-20 interim, the legislative management shall study the implementation and requirements of article XIV of the Constitution of North Dakota concerning the transparency of funding sources, lobbyists, conflicts of interest, and related matters, the responsibilities of the legislative assembly and the ethics commission, and potential issues under the Constitution of the United States and the Constitution of North Dakota. The members of the ethics commission must be invited to participate on the study committee as nonvoting members. The study must include a review of existing laws and laws enacted to implement article XIV and consideration of whether the civil and criminal sanctions for violations of the constitutional provisions and the statutes are appropriate; whether legislative action regarding article XIV is necessary or desirable; and an effective means to educate public officials, lobbyists, and the public on the requirements of article XIV and other laws regarding government ethics. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

#### SIXTH ORDER OF BUSINESS

**SPEAKER KLEMIN DEEMED** approval of the amendments to Reengrossed SB 2148.

Reengrossed SB 2148, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2148:** A BILL for an Act to provide for a legislative management study regarding article XIV of the Constitution of North Dakota and related issues.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; 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; 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:** Adams; Buffalo

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

Reengrossed SB 2148, as amended, passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. K. KOPPELMAN MOVED** that the conference committee report on Engrossed HB 1396 as printed on HJ page 2097 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1396, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1396:** A BILL for an Act to create and enact a new subsection to section 12-67-02 of the North Dakota Century Code, relating to electronic monitoring; to amend and reenact section 14-09-22 of the North Dakota Century Code, relating to mandatory sentencing for abuse of a child; 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 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Docket; 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; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Becker; Ertelt; Hoverson; Simons

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

Reengrossed HB 1396 passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. BRANDENBURG MOVED** that the conference committee report on Engrossed HB 1012 as printed on HJ pages 2094-2097 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1012, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to exemptions from motor vehicle excise tax; to amend and reenact section 24-02-45.1 of the North Dakota Century Code, relating to cooperative agreements with private entities for the construction of certain items on the state highway system; to provide for a contingent loan authorization; provide a contingent appropriation; to provide for transfers; to provide legislative intent; to provide an exemption; to provide for a study; to provide for a report; 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 82 YEAS, 10 NAYS, 0 EXCUSED, 2 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.; Johnston; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Strinden; Trotter; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Becker; Ertelt; Hoverson; Kading; Koppelman, B.; Marschall; Nelson, M.; Simons; Steiner; Toman

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

Reengrossed HB 1012 passed and the emergency clause was declared carried.

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### REPORT OF CONFERENCE COMMITTEE

**HB 1014, as engrossed:** Your conference committee (Sens. Sorvaag, Holmberg, Mathern and Reps. Brandenburg, Vigesaa, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1763-1779, adopt amendments as follows, and place HB 1014 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1763-1779 of the House Journal and pages 1454-1470 of the Senate Journal and that Engrossed House Bill No. 1014 be amended as follows:

Page 1, line 2, after the second "commission" insert "; to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to a rebuilders home loan program"

Page 1, line 3, after "reenact" insert "section 54-17-40 and"

Page 1, line 4, after "Code" insert "and section 7 of House Bill No. 1435, as approved by the sixty-sixth legislative assembly"

Page 1, line 4, after "to" insert "the housing incentive fund,"

Page 1, line 5, after "fund" insert ", and a transfer to the statewide interoperable radio network fund"

Page 1, line 5, replace "and" with "to provide for a contingent transfer;"

Page 1, line 6, after "exemption" insert "; to provide for a report; to provide for a study; to provide a statement of legislative intent; and to declare an emergency"

Page 1, remove lines 18 through 24

Page 2, replace line 1 with:

Salaries and wages	\$22,014,084	\$1,570,366	\$23,584,450
Operating expenses	5,305,888	794,339	6,100,227
Capital assets	0	5,000,000	5,000,000
Grants - bond payments	13,210,484	(2,701,717)	10,508,767
Contingencies	<u>221,737</u>	<u>7,807</u>	<u>229,544</u>

Total all funds	\$40,752,193	\$4,670,795	\$45,422,988
Less estimated income	<u>15,343,206</u>	<u>2,650,584</u>	<u>17,993,790</u>
Total general fund	\$25,408,987	\$2,020,211	\$27,429,198"

Page 2, replace lines 7 through 9 with:

"Bank of North Dakota operations	\$58,489,204	\$4,358,595	\$62,847,799
Capital assets	<u>810,000</u>	<u>700,000</u>	<u>1,510,000</u>
Total special funds	\$59,299,204	\$5,058,595	\$64,357,799"

Page 2, replace lines 15 through 19 with:

"Salaries and wages	\$7,892,056	\$616,959	\$8,509,015
Operating expenses	4,743,355	602,921	5,346,276
Grants	31,794,828	1,671,772	33,466,600
Housing finance agency contingencies	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total special funds	\$44,530,239	\$2,891,652	\$47,421,891"

Page 2, replace lines 25 through 30 with:

"Salaries and wages	\$39,308,519	\$7,139,305	\$46,447,824
Operating expenses	28,195,000	1,642,000	29,837,000
Contingencies	500,000	0	500,000
Agriculture promotion	<u>210,000</u>	<u>0</u>	<u>210,000</u>
Total special funds	\$68,213,519	\$8,781,305	\$76,994,824
Full-time equivalent positions	153.00	3.00	156.00"

Page 3, replace lines 4 through 6 with:

"Grand total general fund	\$25,408,987	\$9,540,211	\$34,949,198
Grand total special funds	<u>187,386,168</u>	<u>19,382,136</u>	<u>206,768,304</u>
Grand total all funds	\$212,795,155	\$28,922,347	\$241,717,502"

Page 3, replace lines 12 through 19 with:

"Litigation	\$1,000,000		\$0
Industrial water supply asset study	150,000		0
Soil remediation studies	5,000,000		0
Survey review	800,000		0
Temporary employees	0		175,000
Rare earth elements study	0		160,000
Fracturing sand study	0		110,000
Oil database software upgrade	<u>0</u>		<u>5,000,000</u>
Total all funds	\$6,950,000		\$5,445,000
Less estimated income	<u>6,950,000</u>		<u>5,270,000</u>
Total general fund		\$0	\$175,000"

Page 4, after line 15, insert:

**"SECTION 5. APPROPRIATION - TRANSFER GENERAL FUND TO HIGH-LEVEL RADIOACTIVE WASTE FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, which the office of management and budget shall transfer to the high-level radioactive waste fund during the biennium beginning July 1, 2019, and ending June 30, 2021. The funding provided in this section is considered a one-time funding item.

**SECTION 6. APPROPRIATION - TRANSFER GENERAL FUND TO HOUSING INCENTIVE FUND.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$7,500,000, which the office of management and budget shall transfer to the housing incentive fund during the biennium beginning July 1, 2019, and ending June 30, 2021. The funding provided in this section is considered a one-time funding item."

Page 4, line 16, replace "**APPROPRIATION**" with "**FUNDING**"

Page 4, line 16, remove "**FUNDING**"

Page 4, line 26, replace "\$1,150,782" with "\$1,172,603"

Page 5, line 16, replace "\$3,000,000" with "\$4,000,000"

Page 5, line 18, remove "biennium beginning"

Page 5, line 19, replace "July 1, 2019," with "period beginning with the effective date of this Act"

Page 5, line 19, after the period insert "The Bank may use up to \$1,000,000 of the funding provided in this section to expand the parameters for the agriculture partnership in assisting community expansion program to assist farmers and livestock producers that suffered extraordinary losses related to river flooding in the state due to ice jams in the winter and spring of 2019 for the period beginning with the effective date of this Act and ending June 30, 2021."

Page 6, after line 3, insert:

**"SECTION 15. TRANSFER - REBUILDERS LOAN PROGRAM PAYMENTS TO REBUILDERS HOME LOAN FUND.** From the principal payments received under the rebuilders loan program established in section 6-09-46, which were designated to replenish the Bank of North Dakota's current earnings and undivided profits pursuant to section 3 of chapter 83 of the 2013 Session Laws, the Bank shall transfer the sum of \$3,750,000 to the rebuilders home loan fund during the period beginning with the effective date of this Act and ending June 30, 2021. Any funds not committed to loans by September 30, 2020, must be returned to the Bank's current earnings and undivided profits.

**SECTION 16. CONTINGENT TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO INFRASTRUCTURE REVOLVING LOAN FUND.** The office of management and budget shall transfer up to \$40,000,000 of any oil and gas tax revenues deposited in the strategic investment and improvements fund during the period August 1, 2017, through July 31, 2019, exceeding \$755,000,000, from the strategic investment and improvements fund to the infrastructure revolving loan fund established under section 6-09-49, during the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 6, after line 12, insert:

**"SECTION 19. OIL AND GAS RESEARCH FUND - RECYCLING PRODUCED WATER STUDY - REPORT TO LEGISLATIVE MANAGEMENT.** Pursuant to the continuing appropriation in section 57-51.1-07.3, the industrial commission shall use \$300,000, or so much of the sum as may be necessary, from the oil and gas research fund to contract with the sponsor of the proposal selected for the study. The industrial commission shall issue a request for proposals for a study regarding the recycling of water used in oil and gas operations, also known as produced water, from oil and gas-producing regions of North Dakota. The study must include the development or compilation of data regarding methods for the recycling of produced water specific to this state, and must examine the relevant, objective economic, regulatory, scientific, technological, and feasibility considerations. The contractor shall provide reports on the status of the study at the request of the legislative management during the 2019-20 interim and shall provide a final report to the legislative management by October 1, 2020.

**SECTION 20.** A new section to chapter 6-09 of the North Dakota Century Code is created and enacted as follows:

**Rebuilders home loan program - Rebuilders home loan fund -  
Continuing appropriation - Requirements.**

1. There is created in the state treasury the rebuilders home loan fund administered by the Bank of North Dakota. The fund consists of all moneys transferred to the fund by the legislative assembly. All moneys in the fund are appropriated to the Bank on a continuing basis for the rebuilders home loan program.
2. The Bank shall develop policies to implement this section. The Bank shall make or participate in loans to North Dakota residents affected by river flooding in the state due to ice jams in the winter and spring of 2019. Loans are available for rebuilding the resident's flood-damaged home or rebuilding nonowner-occupied property. A loan from the fund must have the interest rate fixed at one percent per year for no more than twenty years. A loan made to a homeowner or owner of nonowner-occupied property under this section may not exceed the lesser of seventy-five thousand dollars or the actual amount of documented damage not paid by flood insurance. For purposes of this section, "nonowner-occupied property" means property consisting of one or more rental dwelling units, none of which is occupied by the owner, and does not include hotel or motel accommodations or any other commercial property. For a resident rebuilding the resident's flood-damaged home, up to twenty percent of the loan proceeds disbursed under this program may be used for debt service, debt retirement, or other credit obligations. For every loan made from the fund to a homeowner to rebuild or replace that individual's flood-damaged home, principal and interest payments must be deferred for the first twenty-four months of the loan. There is no deferral of principal and interest payments for a loan for nonowner-occupied property.
3. A resident homeowner or owner of nonowner-occupied property is eligible for a loan under this section only if the home or property is located in an area affected by river flooding in the state due to ice jams in the winter and spring of 2019. To qualify for a loan under this section, the owner of nonowner-occupied property must have been the owner at the time of the flooding event, and the number of rental dwelling units in the property rebuilt under this section must remain the same as before the flooding event. A loan to the owner of nonowner-occupied property must be secured by the property for which the loan is made.
4. An application for a loan from the fund must be made to the Bank or originating financial institution, and, upon approval, a loan must be made from the fund in accordance with this section. An application for a loan to a homeowner or for a loan for nonowner-occupied property under this section may not be accepted after September 30, 2020.
5. Repayments to the rebuilders home loan fund must be transferred annually to replenish the Bank's current earnings and undivided profits which were transferred to the rebuilders home loan fund. If, subsequent to receiving a loan from the fund, the property for which the loan was made is purchased for flood mitigation purposes or otherwise sold, the balance of the loan and any interest accrued on the loan must be repaid to the fund upon the closing of the sale. If the borrower provides financial evidence satisfactory to the Bank to show that the borrower does not have the financial ability to repay the loan in full upon sale of the property, after the sale of the property the Bank may allow the borrower to continue to make payments based on the loan terms.
6. The Bank may deduct, from interest payments received on loans, a service fee for administering the fund for the Bank and originating financial institutions. The Bank shall contract with a certified public accounting firm to audit the fund as necessary. The cost of the audit, and any other actual costs incurred by the Bank on behalf of the fund, must be paid by the fund.

**SECTION 21. AMENDMENT.** Section 54-17-40 of the North Dakota Century Code is amended and reenacted as follows:

**54-17-40. Housing incentive fund - Continuing appropriation - Report to budget section.**

1. The housing incentive fund is created as a special revolving fund at the Bank of North Dakota. The housing finance agency may direct disbursements from the fund and a continuing appropriation from the fund is provided for that purpose.
2.
  - a. After a public hearing, the housing finance agency shall create an annual allocation plan for the distribution of the fund. At least ~~twenty-five~~<sup>fifteen</sup> percent of the fund must be used to assist developing communities to address an unmet housing need or alleviate a housing shortage.
  - b. ~~The annual allocation plan must give first priority through its scoring and ranking process to housing for essential service workers. For purposes of this subsection, "essential service workers" means individuals employed by a city, county, school district, medical or long-term care facility, the state of North Dakota, or others as determined by the housing finance agency who fulfill an essential public service.~~
  - e. ~~The second priority in the annual allocation plan must be to provide housing for individuals and families of low or moderate income. For purposes of this second priority, eligible income limits are determined as a percentage of median family income as published in the most recent federal register notice. Under this second priority, the annual allocation plan must give preference to projects that benefit households with the lowest income and to projects that have rent restrictions at or below department of housing and urban development published federal fair market rents or department of housing and urban development section 8 payment standards.~~
3. The housing finance agency shall adopt guidelines for the fund so as to address unmet housing needs in this state. Assistance from the fund may be used solely for:
  - a. New construction, rehabilitation, or acquisition of a multifamily housing project;
  - b. Gap assistance, matching funds, and accessibility improvements;
  - c. Assistance that does not exceed the amount necessary to qualify for a loan using underwriting standards acceptable for secondary market financing or to make the project feasible; and
  - d. Rental assistance, emergency assistance, or targeted supportive services designated to prevent homelessness.
4. Eligible recipients include units of local, state, and tribal government; local and tribal housing authorities; community action agencies; regional planning councils; and nonprofit organizations and for-profit developers of multifamily housing. Individuals may not receive direct assistance from the fund.
5. Except for subdivision d of subsection 3, assistance is subject to repayment or recapture under the guidelines adopted by the housing finance agency. Any assistance that is repaid or recaptured must be deposited in the fund and is appropriated on a continuing basis for the purposes of this section.

6. The agency may collect a reasonable administrative fee from the fund, project developers, applicants, or grant recipients. The origination fee assessed to grant recipients may not exceed five percent of the project award.
7. ~~The housing finance agency shall maintain a register reflecting the number of housing units owned or master leased by cities, counties, school districts, or other employers of essential service workers. This register must also reflect those entities that are providing rent subsidies for their essential workers.~~
8. Upon request, the housing finance agency shall report to the industrial commission regarding the activities of the housing incentive fund.
- 9-8. At least once per biennium, the housing finance agency shall provide a report to the budget section of the legislative management regarding the activities of the housing incentive fund. ~~The report must include the following:~~
  - a. ~~The overall number of units owned, master leased, or subsidized by political subdivisions or other employers of essential service workers; and~~
  - b. ~~A listing of projects approved and the number of units within those projects that provide housing for essential service workers."~~

Page 6, after line 26, insert:

**"SECTION 23. AMENDMENT.** Section 7 of House Bill No. 1435, as approved by the sixty-sixth legislative assembly, is amended and reenacted as follows:

**SECTION 7. TRANSFER - BANK OF NORTH DAKOTA PROFITS - STATEWIDE INTEROPERABLE RADIO NETWORK FUND.** ~~The~~After other moneys in the statewide interoperable radio network fund, the transfer of \$20,000,000 from the strategic investment and improvements fund, and the \$80,000,000 line of credit have been used, the industrial commission shall transfer the sum of \$20,000,000 from the current earnings and accumulated undivided profits of the Bank of North Dakota to the statewide interoperable radio network fund, during the period beginning with the effective date of this Act, and ending June 30, 2021."

Page 7, line 8, replace "\$14,000,000" with "\$16,000,000"

Page 7, line 11, replace "\$4,000,000" with "\$6,000,000"

Page 7, line 13, replace "a pilot project" with "pilot projects"

Page 7, line 14, replace "project" with "projects"

Page 8, after line 16, insert:

**"SECTION 29. HEDGING STRATEGIES STUDY - BANK OF NORTH DAKOTA - REPORT TO LEGISLATIVE ASSEMBLY.** During the 2019-20 interim, the Bank of North Dakota shall conduct a study on the use of various hedging strategies to protect the state from volatile swings in oil prices. Before January 15, 2021, the Bank of North Dakota shall report the results of its study to the appropriations committees of the sixty-seventh legislative assembly.

**SECTION 30. LEGISLATIVE INTENT - LIGNITE RESEARCH FUND - LIGNITE LITIGATION.** It is the intent of the sixty-sixth legislative assembly that at least \$500,000 of the funding in section 28 of this Act and any funding deposited in the lignite research fund related to successful litigation is available from the lignite research fund to be used to pay fees associated with lignite litigation that may be



### Department 110 - Office of Management and Budget - Detail of Conference Committee Changes

	Transfer to High-Level Radioactive Waste Fund <sup>1</sup>	Transfer to Housing Incentive Fund <sup>2</sup>	Total Conference Committee Changes
High-level radioactive waste fund	\$20,000		\$20,000
Housing incentive fund		\$7,500,000	7,500,000
Total all funds	\$20,000	\$7,500,000	\$7,520,000
Less estimated income	0	0	0
General fund	\$20,000	\$7,500,000	\$7,520,000
FTE	0.00	0.00	0.00

<sup>1</sup> One-time funding of \$20,000 is added from the general fund for a transfer to the high-level radioactive waste fund, the same as the Senate version. The House did not include this transfer.

<sup>2</sup> One-time funding of \$7.5 million is added from the general fund for a transfer to the housing incentive fund, a decrease of \$12.5 million from the Senate version. The House did not transfer funding for the housing incentive fund.

A section is added providing for a contingent transfer of up to \$40 million of oil and gas tax revenue deposited in the strategic investment and improvements fund in excess of approximately \$10 million more than the legislative estimate for the 2017-19 biennium to the infrastructure revolving loan fund.

### House Bill No. 1014 - Industrial Commission - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$22,014,084	\$23,296,820	\$287,630	\$23,584,450	\$23,584,450	
Operating expenses	5,305,888	5,991,987	108,240	6,100,227	6,120,227	(\$20,000)
Capital assets		5,000,000		5,000,000	5,000,000	
Grants - Bond payments	13,210,484	10,508,767		10,508,767	10,508,767	
Contingencies	221,737	229,544		229,544	229,544	
Total all funds	\$40,752,193	\$45,027,118	\$395,870	\$45,422,988	\$45,442,988	(\$20,000)
Less estimated income	15,343,206	17,987,425	6,365	17,993,790	18,013,790	(20,000)
General fund	\$25,408,987	\$27,039,693	\$389,505	\$27,429,198	\$27,429,198	\$0
FTE	110.25	112.25	0.00	112.25	112.25	0.00

### Department 405 - Industrial Commission - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adjusts Funding for Operating Expenses <sup>2</sup>	Adds Funding for Temporary Employees <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	\$112,630		\$175,000	\$287,630
Operating expenses		\$108,240		108,240
Capital assets				
Grants - Bond payments				
Contingencies				
Total all funds	\$112,630	\$108,240	\$175,000	\$395,870
Less estimated income	6,365	0	0	6,365
General fund	\$106,265	\$108,240	\$175,000	\$389,505
FTE	0.00	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 House provided funding for salary increases of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

<sup>2</sup> Funding is added for operating expenses associated with 2 contingent FTE positions that were authorized in the 2017-19 biennium and will continue in the 2019-21 biennium since the contingency was met, the same as the Senate version.

<sup>3</sup> One-time funding of \$175,000 from the general fund is added to hire temporary employees

to record historical information to provide guidance to current and future employees, the same as the Senate version. The House did not include this funding.

This amendment also reflects the following items related to the Industrial Commission:

- Does not include one-time funding of \$20,000 from the high-level radioactive waste fund added by the Senate. The funding is available pursuant to continuing appropriation authority.
- Does not include an appropriation of \$26 million from the general fund during the 2017-19 biennium and an exemption allowing the funding to continue in the 2019-21 biennium to repay bonds issued by the Public Finance Authority, which were added by the Senate.
- Adjusts the transfer for administrative costs to provide a total transfer of \$1,172,603, the same as the Senate version. The House provided for a transfer of \$1,150,782.
- Identifies \$300,000 from the oil and gas research fund for a study regarding the recycling of produced water and requires a report to the legislative management.
- Increases oil and gas tax revenue allocations to the oil and gas research fund for the 2019-21 biennium by \$6 million, from \$10 million to \$16 million for contracting with the Energy and Environmental Research Center for pilot projects relating to underground storage of produced natural gas. The House increased the allocations by \$4 million, and the Senate increased the allocations by \$8 million for this purpose.
- Does not include provisions added by the Senate relating to the Public Finance Authority's authorization to issue bonds to support the infrastructure revolving loan fund and resources trust fund.
- Does not include provisions added by the Senate to clarify the authority of counties to access loans from the infrastructure revolving loan fund.
- Does not include authorization for the Public Finance Authority to issue up to \$500 million of bonds to support the infrastructure revolving loan fund and the resources trust fund with a term of 30 years and authorizes bond anticipation notes. The Senate added the authorization for bonds.
- Does not include a section added by the Senate identifying \$20,000 from the high-level radioactive waste fund for reimbursing travel and other expenses of the high-level radioactive waste advisory council.
- Does not include sections added by the Senate authorizing counties to use property taxes levied for capital projects for county road projects and allowing counties to borrow for up to 20 years when taxes are insufficient to meet the needs of the county, an increase from the current limit of 5 years.
- Provides legislative intent related to funding for lignite litigation expenses from the lignite research fund. The Senate version included the legislative intent for lignite litigation, but the House did not.

#### House Bill No. 1014 - Bank of North Dakota - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Capital assets	\$810,000	\$1,510,000		\$1,510,000	\$1,510,000	
Bank of North Dakota operations	58,489,204	62,654,235	\$193,564	62,847,799	62,847,799	
Total all funds	\$59,299,204	\$64,164,235	\$193,564	\$64,357,799	\$64,357,799	\$0
Less estimated income	59,299,204	64,164,235	193,564	64,357,799	64,357,799	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	181.50	181.50	0.00	181.50	181.50	0.00

### Department 471 - Bank of North Dakota - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Capital assets Bank of North Dakota operations	\$193,564	\$193,564
Total all funds	\$193,564	\$193,564
Less estimated income General fund	193,564 \$0	193,564 \$0
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 a 2.5 percent salary increase on July 1, 2020. The House provided funding for salary increases of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

This amendment also reflects the following items related to the Bank of North Dakota:

- Does not include authorization added by the Senate for the Bank to extend a line of credit up to \$100 million to the infrastructure revolving loan fund to support new loans from the fund prior to the issuance of bonds by the Public Finance Authority.
- Increases the transfer of Bank profits to the agriculture partnership in assisting community expansion by \$1 million, from \$3 million to \$4 million, and authorizes the Bank to use \$1 million to assist farmers impacted by a flooding event. An emergency clause is included related to the transfer. Both the House and the Senate provided \$3 million.
- Transfers \$3.75 million from the principal payments under the rebuilders loan program, which are designated to replenish the Bank's profits, to a newly created rebuilders home loan program. Under the rebuilders home loan program, individuals affected by a flooding event are eligible to receive a loan of up to \$75,000 with a 1 percent interest rate and a 20-year term for eligible costs associated with home repairs. An emergency clause is included related to the transfer and creation of the program. The House and Senate did not include the transfer or the new program.
- Does not include a section requiring the State Water Commission to transfer outstanding loans for water projects to the infrastructure revolving loan fund related to the repeal, effective July 1, 2021, of a revolving loan fund designated for water projects. The Senate added the transfer and repeal related to the revolving loan fund designated for water projects.
- Does not include provisions added by the Senate relating to the infrastructure revolving loan fund to allow additional entities, including institutions of higher education, to obtain low-interest loans for infrastructure projects, and to expand the types of eligible infrastructure projects.
- Adds a section to amend House Bill No. 1435 to clarify the transfer of Bank profits to the statewide interoperable radio network fund is after other funding sources have been used. The House and Senate did not include this section.
- Includes a section added by the Senate requiring the Bank to study hedging strategies related to the volatility of oil prices.

### House Bill No. 1014 - Housing Finance Agency - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$7,892,056	\$8,461,799	\$47,216	\$8,509,015	\$8,509,015	
Operating expenses	4,743,355	5,346,276		5,346,276	5,346,276	
Grants	31,794,828	33,466,600		33,466,600	33,466,600	
HFA contingencies	100,000	100,000		100,000	100,000	
Total all funds	\$44,530,239	\$47,374,675	\$47,216	\$47,421,891	\$47,421,891	\$0
Less estimated income General fund	44,530,239 \$0	47,374,675 \$0	47,216 \$0	47,421,891 \$0	47,421,891 \$0	0 \$0
FTE	44.00	44.00	0.00	44.00	44.00	0.00

**Department 473 - Housing Finance Agency - Detail of Conference Committee Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Salaries and wages	\$47,216	\$47,216
Operating expenses		
Grants		
HFA contingencies		
<b>Total all funds</b>	<b>\$47,216</b>	<b>\$47,216</b>
Less estimated income	47,216	47,216
General fund	\$0	\$0
<b>FTE</b>	<b>0.00</b>	<b>0.00</b>

<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 House provided funding for salary increases of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

This amendment also includes a section added by the Senate to amend Section 54-17-40 relating to the housing incentive fund. The Senate amended the housing incentive fund to decrease the amount of funding designated for small communities and to remove the prioritization for essential service worker housing. The House did not amend the housing incentive fund.

**House Bill No. 1014 - Mill and Elevator - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$39,308,519	\$46,292,812	\$155,012	\$46,447,824	\$46,577,895	(\$130,071)
Operating expenses	28,195,000	29,837,000		29,837,000	29,837,000	
Contingencies	500,000	500,000		500,000	500,000	
Agriculture promotion	210,000	210,000		210,000	210,000	
<b>Total all funds</b>	<b>\$68,213,519</b>	<b>\$76,839,812</b>	<b>\$155,012</b>	<b>\$76,994,824</b>	<b>\$77,124,895</b>	<b>(\$130,071)</b>
Less estimated income	68,213,519	76,839,812	155,012	76,994,824	77,124,895	(130,071)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
<b>FTE</b>	<b>153.00</b>	<b>155.00</b>	<b>1.00</b>	<b>156.00</b>	<b>157.00</b>	<b>(1.00)</b>

**Department 475 - Mill and Elevator - Detail of Conference Committee Changes**

	Adds FTE Positions <sup>1</sup>	Total Conference Committee Changes
Salaries and wages	\$155,012	\$155,012
Operating expenses		
Contingencies		
Agriculture promotion		
<b>Total all funds</b>	<b>\$155,012</b>	<b>\$155,012</b>
Less estimated income	155,012	155,012
General fund	\$0	\$0
<b>FTE</b>	<b>1.00</b>	<b>1.00</b>

<sup>1</sup> Funding is added for 1 FTE food safety position (\$155,012) to provide a total of 3 new FTE positions. The Senate added 4 FTE positions, and the House added 2 FTE positions.

No other sections were added by the Conference Committee related to the Mill and Elevator Association.

Engrossed HB 1014 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BRANDENBURG MOVED** that the conference committee report on Engrossed HB 1014 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1014, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1014:** A BILL for an Act to provide for an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to a rebuilders home loan program; to amend and reenact section 54-17-40 and subdivision f of subsection 1 of section 57-51-15 of the North Dakota Century Code and section 7 of House Bill No. 1435, as approved by the sixty-sixth legislative assembly, relating to the housing incentive fund, the fund balance of the abandoned oil and gas well plugging and site reclamation fund, and a transfer to the statewide interoperable radio network fund; to provide a contingent authorization; to provide for a transfer; to provide for a contingent transfer; to provide an exemption; to provide for a report; to provide for a study; to provide a statement of legislative intent; 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 74 YEAS, 16 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Becker; Bellew; Buffalo; Ertelt; Hoverson; Johnston; Kading; Magrum; McWilliams; Nelson, M.; Paulson; Ruby, D.; Ruby, M.; Simons; Skroch; Toman

**ABSENT AND NOT VOTING:** Headland; Nathe; O'Brien; Rohr

Reengrossed HB 1014 passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. MOCK MOVED** that the conference committee report on Engrossed HB 1011 as printed on HJ pages 2092-2094 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1011, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; to create and enact section 39-03-09.1 of the North Dakota Century Code, relating to job shadowing with the highway patrol; to provide for a transfer; to provide an exemption; and to provide for a report.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 77 YEAS, 14 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; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, D.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Strinden; Trottier; Tveit; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Becker; Delzer; Ertelt; Johnston; Kading; Koppelman, B.; Magrum; Marschall; Ruby, M.; Schatz; Simons; Steiner; Toman; Vetter

**ABSENT AND NOT VOTING:** Nathe; O'Brien; Rohr

Reengrossed HB 1011 passed.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1003, as engrossed:** Your conference committee (Sens. Holmberg, Krebsbach, Robinson and Reps. Sanford, Martinson, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1813-1827, adopt amendments as follows, and place HB 1003 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1813-1827 of the House Journal and pages 1503-1517 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 2, remove "and three new subsections to"

Page 1, line 3, replace "section 15-10-63" with ", two new sections to chapter 15-10, section 15-10-48.1, and a new section to chapter 15-18"

Page 1, line 4, replace "and capital project authorization" with ", the university of North Dakota men's golf program, the professional student exchange program, matching grants for the university of North Dakota school of law, and the Curtis and Annette Hofstad agricultural center"

Page 1, line 4, after "sections" insert "15-10-12.1, 15-10-48,"

Page 1, line 4, after the comma insert "15-10-50,"

Page 1, line 6, after "to" insert "acceptance of buildings and campus improvements,"

Page 1, line 8, replace "section" with "sections 15-10-37 and"

Page 1, line 9, after the first "to" insert "the technology occupations student loan program and"

Page 1, line 9, after the semicolon insert "to authorize the industrial commission to issue and sell evidences of indebtedness for capital projects;"

Page 1, line 10, after "transfer" insert "; to provide for the conveyance of real property; to provide for a legislative management study"

Page 1, line 11, replace "report" with "reports; to provide for application"

Page 1, remove line 24

Page 2, replace lines 1 through 22 with:

"Capital assets - bond payments	\$6,605,326	(\$1,645,878)	\$4,959,448
Competitive research programs	6,027,750	(342,000)	5,685,750
NASA EPSCoR	0	342,000	342,000
System governance	8,163,238	574,629	8,737,867
Title II	1,006,472	(1,006,472)	0
Core technology services	61,527,347	758,781	62,286,128
Student financial assistance grants	21,917,306	2,000,000	23,917,306
Professional student exchange program	3,699,342	0	3,699,342
Academic and technical education scholarships	12,016,749	0	12,016,749
Scholars program	1,807,115	0	1,807,115
Native American scholarship	555,323	0	555,323
Tribally controlled community college	600,000	400,000	1,000,000

grants			
Education incentive programs	2,863,393	(2,353,393)	510,000
Student mental health	284,400	0	284,400
Veterans' assistance grants	277,875	0	277,875
Shared campus services	500,000	0	500,000
Dual-credit instructor assistance	200,000	(200,000)	0
Education challenge fund	0	9,400,000	9,400,000
Tier III capital building fund pool	0	9,000,000	9,000,000
Total all funds	\$128,051,636	\$16,927,667	\$144,979,303
Less estimated income	<u>26,412,106</u>	<u>4,590,100</u>	<u>31,002,206</u>
Total general fund	\$101,639,530	\$12,337,567	\$113,977,097
Full-time equivalent positions	149.40	(0.50)	148.90"

Page 2, remove lines 27 through 31

Page 3, replace lines 1 and 2 with:

"Operations	\$101,670,034	(\$2,926,352)	\$98,743,682
Capital assets	1,922,561	0	1,922,561
Capital building fund	0	851,386	851,386
Total all funds	\$103,592,595	(\$2,074,966)	\$101,517,629
Less estimated income	<u>72,991,998</u>	<u>(2,542,596)</u>	<u>70,449,402</u>
Total general fund	\$30,600,597	\$467,630	\$31,068,227
Full-time equivalent positions	358.35	(34.42)	323.93"

Page 3, replace lines 7 through 13 with:

"Operations	\$36,449,048	\$1,110,079	\$37,559,127
Capital assets	362,667	3,000,000	3,362,667
Capital building fund	0	354,750	354,750
Total all funds	\$36,811,715	\$4,464,829	\$41,276,544
Less estimated income	<u>24,111,092</u>	<u>4,220,172</u>	<u>28,331,264</u>
Total general fund	\$12,700,623	\$244,657	\$12,945,280
Full-time equivalent positions	129.61	(11.51)	118.10"

Page 3, replace lines 18 through 24 with:

"Operations	\$26,954,133	\$5,641,927	\$32,596,060
Capital assets	1,261,968	0	1,261,968
Capital building fund	0	275,894	275,894
Total all funds	\$28,216,101	\$5,917,821	\$34,133,922
Less estimated income	<u>19,855,598</u>	<u>4,210,581</u>	<u>24,066,179</u>
Total general fund	\$8,360,503	\$1,707,240	\$10,067,743
Full-time equivalent positions	100.75	(0.27)	100.48"

Page 3, remove lines 29 through 31

Page 4, replace lines 1 through 4 with:

"Operations	\$864,554,974	\$26,999,006	\$891,553,980
Capital assets	4,411,566	145,000,000	149,411,566
Capital building fund	0	8,723,602	8,723,602
Total all funds	\$868,966,540	\$180,722,608	\$1,049,689,148
Less estimated income	<u>728,870,450</u>	<u>170,538,829</u>	<u>899,409,279</u>
Total general fund	\$140,096,090	\$10,183,779	\$150,279,869
Full-time equivalent positions	2,218.07	(85.90)	2,132.17"

Page 4, replace lines 9 through 15 with:

"Operations	\$732,673,267	\$12,602,304	\$745,275,571
Capital assets	7,799,104	79,800,000	87,599,104
Capital building fund	0	5,799,192	5,799,192
Total all funds	\$740,472,371	\$98,201,496	\$838,673,867
Less estimated income	<u>611,881,329</u>	<u>94,077,555</u>	<u>705,958,884</u>

Total general fund	\$128,591,042	\$4,123,941	\$132,714,983
Full-time equivalent positions	1,895.66	(25.50)	1,870.16"

Page 4, replace lines 20 through 26 with:

"Operations	\$91,682,610	\$4,042,801	\$95,725,411
Capital assets	1,012,379	0	1,012,379
Capital building fund	0	1,001,390	1,001,390
Total all funds	\$92,694,989	\$5,044,191	\$97,739,180
Less estimated income	57,605,613	3,591,545	61,197,158
Total general fund	\$35,089,376	\$1,452,646	\$36,542,022
Full-time equivalent positions	345.04	(34.31)	310.73"

Page 4, remove line 31

Page 5, replace lines 1 through 7 with:

"Operations	\$47,135,592	\$1,425,402	\$48,560,994
Capital assets	409,078	0	409,078
Capital building fund	0	537,724	537,724
Theodore Roosevelt digitization	0	200,000	200,000
Total all funds	\$47,544,670	\$2,163,126	\$49,707,796
Less estimated income	29,737,827	1,376,906	31,114,733
Total general fund	\$17,806,843	\$786,220	\$18,593,063
Full-time equivalent positions	168.90	44.36	213.26"

Page 5, replace lines 12 through 18 with:

"Operations	\$44,197,761	\$3,521,794	\$47,719,555
Capital assets	358,992	0	358,992
Capital building fund	0	480,058	480,058
Total all funds	\$44,556,753	\$4,001,852	\$48,558,605
Less estimated income	30,307,148	1,830,841	32,137,989
Total general fund	\$14,249,605	\$2,171,011	\$16,420,616
Full-time equivalent positions	210.53	(1.26)	209.27"

Page 5, replace lines 23 through 29 with:

"Operations	\$100,710,275	\$1,614,798	\$102,325,073
Capital assets	1,099,620	0	1,099,620
Capital building fund	0	1,145,602	1,145,602
Total all funds	\$101,809,895	\$2,760,400	\$104,570,295
Less estimated income	62,058,916	2,614,686	64,673,602
Total general fund	\$39,750,979	\$145,714	\$39,896,693
Full-time equivalent positions	441.65	(34.07)	407.58"

Page 6, replace lines 3 through 9 with:

"Operations	\$48,444,336	(\$267,408)	\$48,176,928
Capital assets	455,823	0	455,823
Capital building fund	0	618,274	618,274
Total all funds	\$48,900,159	\$350,866	\$49,251,025
Less estimated income	28,470,657	(1,878,565)	26,592,092
Total general fund	\$20,429,502	\$2,229,431	\$22,658,933
Full-time equivalent positions	202.75	(22.07)	180.68"

Page 6, replace lines 14 through 20 with:

"Operations	\$17,168,111	\$4,272,495	\$21,440,606
Capital assets	114,007	2,500,000	2,614,007
Capital building fund	0	212,128	212,128
Total all funds	\$17,282,118	\$6,984,623	\$24,266,741
Less estimated income	9,629,173	6,896,742	16,525,915
Total general fund	\$7,652,945	\$87,881	\$7,740,826
Full-time equivalent positions	84.30	(2.01)	82.29"

Page 6, replace lines 25 through 30 with:

"Operations	\$205,926,712	\$5,369,938	\$211,296,650
Health care workforce initiative	<u>0</u>	<u>10,676,150</u>	<u>10,676,150</u>
Total all funds	\$205,926,712	\$16,046,088	\$221,972,800
Less estimated income	<u>154,078,620</u>	<u>4,958,391</u>	<u>159,037,011</u>
Total general fund	\$51,848,092	\$11,087,697	\$62,935,789
Full-time equivalent positions	435.75	49.57	485.32"

Page 7, replace lines 4 through 9 with:

"Operations	\$14,958,447	\$264,889	\$15,223,336
Capital assets	<u>118,728</u>	<u>0</u>	<u>118,728</u>
Total all funds	\$15,077,175	\$264,889	\$15,342,064
Less estimated income	<u>10,650,748</u>	<u>14,652</u>	<u>10,665,400</u>
Total general fund	\$4,426,427	\$250,237	\$4,676,664
Full-time equivalent positions	27.00	0.00	27.00"

Page 7, replace lines 14 through 16 with:

"Grand total general fund	\$613,242,154	\$47,275,651	\$660,517,805
Grand total special funds	<u>1,866,661,275</u>	<u>294,499,839</u>	<u>2,161,161,114</u>
Grand total all funds	\$2,479,903,429	\$341,775,490	\$2,821,678,919"

Page 7, line 17, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY"

Page 7, remove lines 21 through 31

Page 8, replace lines 1 and 2 with:

"Capital projects - other funds	\$168,505,000	\$230,300,000
Education challenge grants	2,000,000	9,400,000
School of law matching grants	0	250,000
Tier II and tier III capital building funds	0	29,000,000
Theodore Roosevelt digitization	0	200,000
University of North Dakota campus network upgrades	0	1,500,000
North Dakota state university campus network upgrades	0	1,500,000
Institution operations distributions	2,000,000	0
Dickinson state university operations and debt repayment	8,284,626	0
Two-year campus study	40,000	0
Valley City state university integrated carbon project	22,500,000	0
Minot state university projects	2,284,000	0
Midwestern higher education compact dues	<u>230,000</u>	<u>0</u>
Total all funds	\$205,843,626	\$272,150,000
Total other funds	<u>193,289,000</u>	<u>260,300,000</u>
Total general fund	\$12,554,626	\$11,850,000"

Page 8, after line 7, insert:

**"SECTION 3. APPROPRIATION - 2017-19 BIENNIUM - WILLISTON STATE COLLEGE.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$491,850, or so much of the sum as may be necessary, to Williston state college for institution operations, for the period beginning with the effective date of this Act, and ending June 30, 2019. In accordance with section 54-44.1-11, any unexpended funds from this appropriation may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 4. APPROPRIATION - 2017-19 BIENNIUM - DICKINSON STATE UNIVERSITY.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$550,000, or so much of the sum as may be necessary, to Dickinson state university for the digitization of documents at the Theodore Roosevelt center, for the period beginning with the effective date of this Act, and ending June 30, 2019. In accordance with section

54-44.1-11, any unexpended funds from this appropriation may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 5. APPROPRIATION - 2017-19 BIENNIUM - STATE BOARD OF HIGHER EDUCATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,700,000, or so much of the sum as may be necessary, to the state board of higher education for campus workforce initiative projects, including \$1,000,000 for the Bismarck state college polytechnic transition, \$1,000,000 for the Dickinson state university dual-mission transition, and \$700,000 for Williston state college, for the period beginning with the effective date of this Act, and ending June 30, 2019. In accordance with section 54-44.1-11, any unexpended funds from this appropriation may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 13, after line 26, insert:

**"SECTION 7. AMENDMENT.** Section 15-10-12.1 of the North Dakota Century Code is amended and reenacted as follows:

**15-10-12.1. Acceptance of buildings and campus improvements - Legislative approval.**

The state board of higher education may authorize campus improvements and building maintenance on land under the control of the board which are financed by donations, gifts, grants, and bequests if the cost of the improvement or building maintenance is not more than seven hundred thousand dollars. The consent of the legislative assembly is required for construction of any building or any addition to a building on land under the control of the board which is financed by donations, gifts, grants, and bequests. The consent of the legislative assembly is required for campus improvements or building maintenance financed by donations, gifts, grants, and bequests if the cost of the improvements or maintenance is more than seven hundred thousand dollars. During the time the legislative assembly is not in session, except for the six months preceding the convening of a regular session and the three months following the close of a regular session, and unless otherwise restricted by previous legislative action or other law, the state board of higher education, with the approval of the budget section of the legislative management, may authorize the use of land under the control of the board and construct buildings financed by donations, gifts, grants, and bequests and campus improvements and building maintenance financed by donations, gifts, grants, and bequests if the cost of the improvement or maintenance is more than seven hundred thousand dollars. Any project request submitted to the budget section for the construction of a building financed by donations, gifts, grants, and bequests must include the removal of a building or buildings with an equivalent or greater total number of square feet compared to the proposed building. The budget section approval must include a specific dollar limit for each building, campus improvement project, or maintenance project. The state board of higher education may authorize the sale of any real property or buildings which an institution of higher learning has received by gift or bequest. The board shall prescribe such conditions for the sale of the property as it determines necessary. The conditions must include requiring an appraisal and public auction or advertisement for bids, unless the gift instrument requires a different process. If the state board of higher education submits a request for campus improvements or, building maintenance, or to construct buildings under this section to the budget section for approval, the legislative council shall notify each member of the legislative assembly of the date of the budget section meeting at which the request will be considered and provide a copy of the meeting agenda to each member of the legislative assembly. The chairman of the budget section shall allow any member of the legislative assembly an opportunity to present testimony to the budget section regarding any such request.

**SECTION 8. AMENDMENT.** Section 15-10-48 of the North Dakota Century Code is amended and reenacted as follows:

**15-10-48. Advancement of academics - Matching grants - University of North Dakota and North Dakota state university.**

1. a. Subject to legislative appropriations, each biennium during the period beginning July first of each odd-numbered year and ending December thirty-first of each even-numbered year, the state board of higher education shall award one dollar in matching grants for every two dollars raised by the institutional foundations of the university of North Dakota and North Dakota state university for projects dedicated exclusively to the advancement of academics.
- b. To be eligible for a matching grant, an institution must demonstrate that:
  - (1) Its foundation has raised at least fifty thousand dollars in cash or monetary pledges for a qualifying project; and
  - (2) The project has been approved by the grant review committee established in section 15-10-51.
- c. The board may award up to ~~two hundred thousand~~ one million seven hundred thousand dollars in matching grants to each institution.
- d. Projects at the university of North Dakota school of medicine and health sciences are not eligible to receive a grant under this section.
2. a. If any available dollars have not been awarded by the board before January first of each odd-numbered year, in accordance with subsection 1, either the university of North Dakota or North Dakota state university may apply for an additional matching grant.
- b. An application submitted under this subsection must meet the same criteria as an original application.
- c. The board shall consider each application submitted under this subsection in chronological order.
- d. If the remaining dollars are insufficient to provide a matching grant in the amount of one dollar for every two dollars raised by the institutional foundation, the board shall award a lesser amount.
3. The state board of higher education shall retain up to one-quarter of one percent of any grant awarded under this section to assist with administrative expenses incurred in the grant review process.

**SECTION 9.** Section 15-10-48.1 of the North Dakota Century Code is created and enacted as follows:

**15-10-48.1. Clinical legal education, including indigent legal services, and faculty recruitment and retention - Matching grants - University of North Dakota school of law.**

1. a. Subject to legislative appropriations, each biennium the state board of higher education shall award one dollar in matching grants for every two dollars raised by the institutional foundation of the university of North Dakota for projects dedicated exclusively to clinical legal education, including indigent legal services, or the recruitment and retention of faculty at the school of law.
- b. To be eligible for a matching grant, the institution shall demonstrate:
  - (1) Its foundation has raised at least twenty-five thousand dollars in cash or monetary pledges for a qualifying project; and

- (2) The project has been approved by the grant review committee established in section 15-10-51.
  - c. The board may award up to two hundred fifty thousand dollars in matching grants under this section.
  - d. If the remaining dollars are insufficient to provide a matching grant in the amount of one dollar for every two dollars raised by the institutional foundation, the board shall award a lesser amount.
2. The state board of higher education shall retain up to one-quarter of one percent of any grant awarded under this section to assist with the administrative expenses incurred in the grant review process."

Page 14, line 16, overstrike "two hundred thousand dollars in matching grants to"

Page 14, overstrike line 17 and insert immediately thereafter ":

- (1) Nine hundred fifty thousand dollars each to Bismarck state college, Minot state university, and the North Dakota state college of science;
- (2) Seven hundred thousand dollars each to Dickinson state university, Mayville state university, and Valley City state university; and
- (3) Three hundred fifty thousand dollars each to Dakota college at Bottineau, Lake Region state college, and Williston state college."

Page 15, remove lines 1 through 31

Page 16, replace lines 1 through 4 with:

**"SECTION 11. AMENDMENT.** Section 15-10-50 of the North Dakota Century Code is amended and reenacted as follows:

**15-10-50. Liability for pledged amount.**

If in accordance with section 15-10-48, 15-10-48.1, or 15-10-49, the state board of higher education provides grant funds to an institution, on the basis of a monetary pledge, and if the amount forthcoming is less than the amount pledged, the institutional foundation is liable to the institution for any shortfall.

**SECTION 12.** A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

**Professional student exchange programs - Bank of North Dakota - Agreements - Repayment.**

- 1. The state board of higher education may not make a payment to an out-of-state institution on behalf of an individual participating in a professional student exchange program in veterinary medicine, dentistry, or optometry unless that individual signed a legally binding agreement with the state board of higher education which identifies the amount of the award under the professional student exchange program.
- 2. If the individual who signed the agreement under subsection 1 is not practicing veterinary medicine, dentistry, or optometry in this state within thirty-six months following graduation or of leaving the education program, the individual shall repay the amount of the agreement in full at that time.
- 3. If the individual who signed the agreement under subsection 1 practices veterinary medicine, dentistry, or optometry in this state within thirty-six

- months following graduation, the state board of higher education shall reduce the amount of the agreement by one-third, for each full year the individual continues practicing in the state. If the individual stops practicing in this state before the amount of the agreement is waived in its entirety, the individual shall repay the remaining portion of the agreement in full from the date the individual stopped practicing in the state.
4. If the individual who signed the agreement under subsection 1 departs before graduation from a program in dentistry or optometry, at the time of departure that individual shall repay the amount of the agreement in full.
  5. The Bank of North Dakota shall allow an individual who is required to repay all or a portion of an agreement under this section to utilize one of the Bank's student loan programs as an option for repayment, up to the amount certified by the state board of higher education. To qualify under this subsection, the individual must meet student loan credit criteria as established by the Bank.
  6. The state board of higher education shall defer any repayment of an agreement otherwise due under this section for the period of time the individual who signed the agreement is pursuing full-time graduate or postdoctoral studies or is called to active duty as a member of the armed forces. The repayment provisions under an agreement signed under this section must provide for cancellation of the repayment requirements if the individual dies or becomes permanently or totally disabled.
  7. The state board of higher education shall adopt policies and procedures implementing this section. The state board of higher education shall confirm eligibility, to the Bank, of any individual who uses the Bank's student loan program to repay any outstanding agreement amounts in full.

**SECTION 13.** A new section to chapter 15-10 of the North Dakota Century Code is created and enacted as follows:

**University of North Dakota men's varsity golf program.**

If certain real property known as the Ray Richards golf course or Ray Richards golf course addition, 3801 demers avenue, lot 1, block 1, and Ray Richards golf course addition, 3501 demers avenue, lot 2, block 1, in the records of the city of Grand Forks, or any portion of the property, is conveyed, fifty-three and fifty-seven one hundredths percent of the sale price must be transferred to a permanent endowment fund named the Ray Richards golf endowment fund, which must be controlled and administered by the university of North Dakota alumni foundation for the sole benefit of the university of North Dakota men's varsity golf program in honor of the Ray Richards family. If the university of North Dakota men's varsity golf program has been terminated prior to the conveyance, so much of the funds in the Ray Richards golf endowment fund as necessary must be used to reinstate the program, and the remainder must be used for the sole benefit of the program.

**SECTION 14.** A new section to chapter 15-18 of the North Dakota Century Code is created and enacted as follows:

**Curtis and Annette Hofstad agricultural center.**

The agricultural center constructed on the campus of Lake Region state college is officially named the Curtis and Annette Hofstad agricultural center."

Page 17, line 26, overstrike "10.5" and insert immediately thereafter "14.0"

Page 18, line 16, replace "\$60.70" with "\$60.87"

Page 18, line 18, replace "\$90.48" with "\$90.98"

Page 18, line 20, replace "\$96.52" with "\$97.06"

Page 21, line 2, replace "Section" with "Sections 15-10-37 and"

Page 21, line 2, replace "is" with "are"

Page 21, line 29, replace "biennium" with "period"

Page 21, line 29, remove "July 1,"

Page 21, line 30, replace "2019" with "with the effective date of this Act"

Page 22, after line 12, insert:

**"SECTION 26. SALE OF PROPERTY AUTHORIZED.** The state of North Dakota, by and through the state board of higher education, may sell and convey certain real property known as gallery apartments, lots 1, 2, and 3, block 13, university heights addition, and lots 1, 2, 3, 4, 5, and 6, block 1, university heights 2<sup>nd</sup> addition, in the records of the city of Grand Forks. The state of North Dakota, by and through the state board of higher education, may sell and convey certain real property located at 1225 stanford road, lots 1 and 2, block 5, university heights addition, in the records of the city of Grand Forks. If any of the real property authorized to be conveyed under this section is conveyed, the terms of the conveyance must be determined jointly by the state board of higher education or a designee of the board and the commissioner of university and school lands. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfers authorized by this section.

**SECTION 27. PROJECT AUTHORIZATIONS.** The industrial commission, acting as the North Dakota building authority, shall arrange for the funding of the projects authorized in this section, declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, beginning with the effective date of this Act, and ending June 30, 2021. The industrial commission shall issue evidences of indebtedness under this section with the condition that lease rental payments need not begin until July 1, 2021. The authority of the industrial commission to issue evidences of indebtedness under this section ends June 30, 2021, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and comply with any covenants entered before that date. The proceeds of the evidences of indebtedness are included in the appropriation in subdivision 5 of section 1, beginning with the effective date of this Act, and ending June 30, 2021, for the following projects:

University of North Dakota - deferred maintenance and parking projects	<u>\$30,000,000</u>
Total special funds	\$30,000,000

The university of North Dakota is responsible for the repayment of any evidences of indebtedness issued under this section from institution operations funding or other local funds."

Page 22, replace lines 23 through 25 with:

"University of North Dakota - memorial union	\$80,000,000
North Dakota state university - university village phase II	37,600,000
Dakota college at Bottineau - dining facility	<u>2,500,000</u>
Total special funds	\$120,100,000"

Page 23, line 3, remove "and \$8,648,555 from a one percent per year increase in tuition"

Page 23, replace lines 5 through 18 with:

"	<u>Bank of North Dakota</u>
Bismarck state college	\$425,693
Lake Region state college	177,375
Williston state college	137,947
University of North Dakota	4,361,801
North Dakota state university	2,899,596

North Dakota state college of science	500,695
Dickinson state university	268,862
Mayville state university	240,029
Minot state university	572,801
Valley City state university	309,137
Dakota college at Bottineau	<u>106,064</u>
Total	\$10,000,000"

Page 23, line 20, remove "and for each one dollar generated from the"

Page 23, line 21, remove "one percent per year increase in tuition"

Page 23, line 26, replace "\$5,000,000" with "\$7,000,000"

Page 23, line 30, replace "\$5,000,000" with "\$7,000,000"

Page 24, line 1, replace "\$4,000,000" with "\$2,000,000"

Page 24, line 22, replace "Subject" with "After the institution has matched seventy-five percent of the funding appropriated from the general fund for institution extraordinary repairs pursuant to section 25 of this Act and subject"

Page 24, line 26, remove "Lake Region state college is authorized to use up to \$3,000,000 from its"

Page 24, line 27, replace "capital building fund line item for the precision agriculture center project." with "the following projects are authorized to use funding from the corresponding institution's capital building fund line item:

Lake Region state college - precision agriculture center	\$3,000,000
North Dakota state college of science - Hektner Student Center	6,708,000
Minot state university - dome wellness emergency generators	1,130,335
Valley City state university - life safety projects	2,529,323
Dakota college at Bottineau - Nelson Science Center	<u>1,177,758</u>
Total	\$14,545,416"

Page 24, after line 31, insert:

**"SECTION 32. TRANSFER - BANK OF NORTH DAKOTA PROFITS - CAMPUS NETWORK UPGRADES.** The industrial commission shall transfer to the university of North Dakota a total of \$1,500,000, or so much of the sum as may be necessary, and to North Dakota state university a total of \$1,500,000, or so much of the sum as may be necessary, from the current earnings and accumulated undivided profits of the Bank of North Dakota during the biennium beginning July 1, 2019, and ending June 30, 2021, as requested by the commissioner of higher education. The estimated income line items in subdivisions 5 and 6 of section 1 include \$1,500,000 each for the university of North Dakota and North Dakota state university for campus network upgrades."

Page 25, line 5, replace "three" with "four"

Page 25, line 14, replace "three" with "four"

Page 26, line 1, after "6." insert: "This section does not apply to differentiated tuition rates charged for higher cost programs.

7."

Page 26, replace lines 7 through 18 with:

**"SECTION 34. LEGISLATIVE MANAGEMENT STUDY.** During the 2019-20 interim, the legislative management shall consider studying North Dakota university system competitive research programs, including the established program to stimulate competitive research. The legislative management shall report its findings

and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly.

**SECTION 35. APPLICATION.** Section 12 of this Act applies to individuals initially entering a professional student exchange program in veterinary medicine, dentistry, or optometry after June 30, 2020."

Page 26, line 19, replace "14, 16, 18, 19, 20, 21, and 22" with "3, 4, 5, 21, 23, 25, 26, 27, 28, 29, 30, and 31"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1003 - Summary of Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
University System Office						
Total all funds	\$128,051,636	\$137,139,110	\$7,840,193	\$144,979,303	\$148,079,303	(\$3,100,000)
Less estimated income	26,412,106	28,962,716	2,039,490	31,002,206	29,002,206	2,000,000
General fund	\$101,639,530	\$108,176,394	\$5,800,703	\$113,977,097	\$119,077,097	(\$5,100,000)
FTE	149.40	148.90	0.00	148.90	148.90	0.00
Bismarck State College						
Total all funds	\$103,592,595	\$100,824,502	\$693,127	\$101,517,629	\$101,495,222	\$22,407
Less estimated income	72,991,998	69,929,126	520,276	70,449,402	70,449,402	0
General fund	\$30,600,597	\$30,895,376	\$172,851	\$31,068,227	\$31,045,820	\$22,407
FTE	358.35	323.93	0.00	323.93	323.93	0.00
Lake Region State College						
Total all funds	\$36,811,715	\$41,390,022	(\$113,478)	\$41,276,544	\$41,267,208	\$9,336
Less estimated income	24,111,092	28,516,764	(185,500)	28,331,264	28,331,264	0
General fund	\$12,700,623	\$12,873,258	\$72,022	\$12,945,280	\$12,935,944	\$9,336
FTE	129.61	118.10	0.00	118.10	118.10	0.00
Williston State College						
Total all funds	\$28,216,101	\$29,729,665	\$4,404,257	\$34,133,922	\$35,132,709	(\$998,787)
Less estimated income	19,855,598	19,717,935	4,348,244	24,066,179	24,066,179	0
General fund	\$8,360,503	\$10,011,730	\$56,013	\$10,067,743	\$11,066,530	(\$998,787)
FTE	100.75	100.48	0.00	100.48	100.48	0.00
University of North Dakota						
Total all funds	\$868,966,540	\$1,019,612,441	\$30,076,707	\$1,049,689,148	\$1,045,109,300	\$4,579,848
Less estimated income	728,870,450	872,789,252	26,620,027	899,409,279	895,409,279	4,000,000
General fund	\$140,096,090	\$146,823,189	\$3,456,680	\$150,279,869	\$149,700,021	\$579,848
FTE	2,218.07	2,132.17	0.00	2,132.17	2,132.17	0.00
UND Medical Center						
Total all funds	\$205,926,712	\$221,782,733	\$190,067	\$221,972,800	\$221,972,800	\$0
Less estimated income	154,078,620	158,846,944	190,067	159,037,011	159,037,011	0
General fund	\$51,848,092	\$62,935,789	\$0	\$62,935,789	\$62,935,789	\$0
FTE	435.75	485.32	0.00	485.32	485.32	0.00
North Dakota State University						
Total all funds	\$740,472,371	\$841,887,616	(\$3,213,749)	\$838,673,867	\$839,673,867	(\$1,000,000)
Less estimated income	611,881,329	709,543,285	(3,584,401)	705,958,884	706,958,884	(1,000,000)
General fund	\$128,591,042	\$132,344,331	\$370,652	\$132,714,983	\$132,714,983	\$0
FTE	1,895.66	1,870.16	0.00	1,870.16	1,870.16	0.00
State College of Science						
Total all funds	\$92,694,989	\$97,843,036	(\$103,856)	\$97,739,180	\$127,712,826	(\$29,973,646)
Less estimated income	57,605,613	61,504,318	(307,160)	61,197,158	91,197,158	(30,000,000)
General fund	\$35,089,376	\$36,338,718	\$203,304	\$36,542,022	\$36,515,668	\$26,354
FTE	345.04	310.73	0.00	310.73	310.73	0.00
Dickinson State University						
Total all funds	\$47,544,670	\$49,955,579	(\$247,783)	\$49,707,796	\$50,257,796	(\$550,000)
Less estimated income	29,737,827	31,413,599	(298,866)	31,114,733	31,114,733	0
General fund	\$17,806,843	\$18,541,980	\$51,083	\$18,593,063	\$19,143,063	(\$550,000)
FTE	168.90	213.26	0.00	213.26	213.26	0.00

Mayville State University						
Total all funds	\$44,556,753	\$48,544,353	\$14,252	\$48,558,605	\$48,558,605	\$0
Less estimated income	30,307,148	32,213,980	(75,991)	32,137,989	32,137,989	0
General fund	\$14,249,605	\$16,330,373	\$90,243	\$16,420,616	\$16,420,616	\$0
FTE	210.53	209.27	0.00	209.27	209.27	0.00
Minot State University						
Total all funds	\$101,809,895	\$104,947,947	(\$377,652)	\$104,570,295	\$104,570,295	\$0
Less estimated income	62,058,916	65,266,608	(593,006)	64,673,602	64,673,602	0
General fund	\$39,750,979	\$39,681,339	\$215,354	\$39,896,693	\$39,896,693	\$0
FTE	441.65	407.58	0.00	407.58	407.58	0.00
Valley City State University						
Total all funds	\$48,900,159	\$47,919,475	\$1,331,550	\$49,251,025	\$49,251,025	\$0
Less estimated income	28,470,657	26,887,399	(295,307)	26,592,092	26,592,092	0
General fund	\$20,429,502	\$21,032,076	\$1,626,857	\$22,658,933	\$22,658,933	\$0
FTE	202.75	180.68	0.00	180.68	180.68	0.00
Dakota College at Bottineau						
Total all funds	\$17,282,118	\$18,451,501	\$5,815,240	\$24,266,741	\$24,261,158	\$5,583
Less estimated income	9,629,173	10,753,741	5,772,174	16,525,915	16,525,915	0
General fund	\$7,652,945	\$7,697,760	\$43,066	\$7,740,826	\$7,735,243	\$5,583
FTE	84.30	82.29	0.00	82.29	82.29	0.00
Forest Service						
Total all funds	\$15,077,175	\$15,307,224	\$34,840	\$15,342,064	\$15,342,064	\$0
Less estimated income	10,650,748	10,665,400	0	10,665,400	10,665,400	0
General fund	\$4,426,427	\$4,641,824	\$34,840	\$4,676,664	\$4,676,664	\$0
FTE	27.00	27.00	0.00	27.00	27.00	0.00
Bill total						
Total all funds	\$2,479,903,429	\$2,775,335,204	\$46,343,715	\$2,821,678,919	\$2,852,684,178	(\$31,005,259)
Less estimated income	1,866,661,275	2,127,011,067	34,150,047	2,161,161,114	2,186,161,114	(25,000,000)
General fund	\$613,242,154	\$648,324,137	\$12,193,668	\$660,517,805	\$666,523,064	(\$6,005,259)
FTE	6,767.76	6,609.87	0.00	6,609.87	6,609.87	0.00

**House Bill No. 1003 - North Dakota University System - General Fund Summary**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
University System Office	\$101,639,530	\$108,176,394	\$5,800,703	\$113,977,097	\$119,077,097	(\$5,100,000)
Bismarck State College	30,600,597	30,895,376	172,851	31,068,227	31,045,820	22,407
Lake Region State College	12,700,623	12,873,258	72,022	12,945,280	12,935,944	9,336
Williston State College	8,360,503	10,011,730	56,013	10,067,743	11,066,530	(998,787)
University of North Dakota	140,096,090	146,823,189	3,456,680	150,279,869	149,700,021	579,848
UND Medical Center	51,848,092	62,935,789		62,935,789	62,935,789	
North Dakota State University	128,591,042	132,344,331	370,652	132,714,983	132,714,983	
State College of Science	35,089,376	36,338,718	203,304	36,542,022	36,515,668	26,354
Dickinson State University	17,806,843	18,541,980	51,083	18,593,063	19,143,063	(550,000)
Mayville State University	14,249,605	16,330,373	90,243	16,420,616	16,420,616	
Minot State University	39,750,979	39,681,339	215,354	39,896,693	39,896,693	
Valley City State University	20,429,502	21,032,076	1,626,857	22,658,933	22,658,933	
Dakota College at Bottineau	7,652,945	7,697,760	43,066	7,740,826	7,735,243	5,583
Forest Service	4,426,427	4,641,824	34,840	4,676,664	4,676,664	
Total general fund	\$613,242,154	\$648,324,137	\$12,193,668	\$660,517,805	\$666,523,064	(\$6,005,259)

**Detail of Conference Committee Changes to the General Fund**

	Adjusts Funding for University System Office <sup>1</sup>	Provides Funding Formula Adjustments <sup>2</sup>	Adjusts Special Funds <sup>3</sup>	Adds One-Time Funding for Campus Network Upgrades <sup>4</sup>	Adjusts One-Time Funding for Theodore Roosevelt Digitization <sup>5</sup>	Adds Funding for Capital Projects <sup>6</sup>
University System Office	\$5,800,703					
Bismarck State College		\$172,851				
Lake Region State College		72,022				
Williston State College		56,013				
University of North Dakota		3,456,680				
UND Medical Center						
North Dakota State University		370,652				
State College of Science		203,304				
Dickinson State University		101,083			(\$50,000)	
Mayville State University		90,243				
Minot State University		215,354				
Valley City State University		1,626,857				
Dakota College at Bottineau		43,066				
Forest Service						
<b>Total general fund</b>	<b>\$5,800,703</b>	<b>\$6,408,125</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$50,000)</b>	<b>\$0</b>

	Adjusts Funding for Capital Building Funds <sup>1</sup>	Adjusts Forest Service Funding <sup>2</sup>	Total General Fund Changes
University System Office			\$5,800,703
Bismarck State College			172,851
Lake Region State College			72,022
Williston State College			56,013
University of North Dakota			3,456,680
UND Medical Center			
North Dakota State University			370,652
State College of Science			203,304
Dickinson State University			51,083
Mayville State University			90,243
Minot State University			215,354
Valley City State University			1,626,857
Dakota College at Bottineau			43,066
Forest Service		\$34,840	34,840
<b>Total general fund</b>	<b>\$0</b>	<b>\$34,840</b>	<b>\$12,193,668</b>

**House Bill No. 1003 - North Dakota University System - Other Funds Summary**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
University System Office	\$26,412,106	\$28,962,716	\$2,039,490	\$31,002,206	\$29,002,206	\$2,000,000
Bismarck State College	72,991,998	69,929,126	520,276	70,449,402	70,449,402	
Lake Region State College	24,111,092	28,516,764	(185,500)	28,331,264	28,331,264	
Williston State College	19,855,598	19,717,935	4,348,244	24,066,179	24,066,179	
University of North Dakota	728,870,450	872,789,252	26,620,027	899,409,279	895,409,279	4,000,000
UND Medical Center	154,078,620	158,846,944	190,067	159,037,011	159,037,011	
North Dakota State University	611,881,329	709,543,285	(3,584,401)	705,958,884	706,958,884	(1,000,000)
State College of Science	57,605,613	61,504,318	(307,160)	61,197,158	91,197,158	(30,000,000)
Dickinson State University	29,737,827	31,413,599	(298,866)	31,114,733	31,114,733	
Mayville State University	30,307,148	32,213,980	(75,991)	32,137,989	32,137,989	
Minot State University	62,058,916	65,266,608	(593,006)	64,673,602	64,673,602	
Valley City State University	28,470,657	26,887,399	(295,307)	26,592,092	26,592,092	
Dakota College at Bottineau	9,629,173	10,753,741	5,772,174	16,525,915	16,525,915	
Forest Service	10,650,748	10,665,400		10,665,400	10,665,400	
<b>Total other funds</b>	<b>\$1,866,661,275</b>	<b>\$2,127,011,067</b>	<b>\$34,150,047</b>	<b>\$2,161,161,114</b>	<b>\$2,186,161,114</b>	<b>(\$25,000,000)</b>

**Detail of Conference Committee Changes to Other Funds**

	Adjusts Funding for University System Office <sup>1</sup>	Provides Funding Formula Adjustments <sup>2</sup>	Adjusts Special Funds <sup>3</sup>	Adds One-Time Funding for Campus Network Upgrades <sup>4</sup>	Adjusts One-Time Funding for Theodore Roosevelt Digitization <sup>5</sup>	Adds Funding for Capital Projects <sup>6</sup>
University System Office	\$2,039,490					
Bismarck State College			\$1,347,972			
Lake Region State College			88,026			
Williston State College			4,508,162			
University of North Dakota			1,789,883	\$1,500,000		\$30,000,000
UND Medical Center			190,067			
North Dakota State University			1,518,219	1,500,000		
State College of Science			229,432			
Dickinson State University			121,052			
Mayville State University			277,783			
Minot State University			304,220			
Valley City State University			115,105			
Dakota College at Bottineau			3,417,746			2,500,000
Forest Service						
<b>Total other funds</b>	<b>\$2,039,490</b>	<b>\$0</b>	<b>\$13,907,667</b>	<b>\$3,000,000</b>	<b>\$0</b>	<b>\$32,500,000</b>

	Adjusts Funding for Capital Building Funds <sup>1</sup>	Adjusts Forest Service Funding <sup>2</sup>	Total Other Funds Changes
University System Office			\$2,039,490
Bismarck State College		(\$827,696)	520,276
Lake Region State College		(273,526)	(185,500)
Williston State College		(159,918)	4,348,244
University of North Dakota		(6,669,856)	26,620,027
UND Medical Center			190,067
North Dakota State University		(6,602,620)	(3,584,401)
State College of Science		(536,592)	(307,160)
Dickinson State University		(419,918)	(298,866)
Mayville State University		(353,774)	(75,991)
Minot State University		(897,226)	(593,006)
Valley City State University		(410,412)	(295,307)
Dakota College at Bottineau		(145,572)	5,772,174
Forest Service			
<b>Total other funds</b>		<b>(\$17,297,110)</b>	<b>\$34,150,047</b>

**House Bill No. 1003 - North Dakota University System - All Funds Summary**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
University System Office	\$128,051,636	\$137,139,110	\$7,840,193	\$144,979,303	\$148,079,303	(\$3,100,000)
Bismarck State College	103,592,595	100,824,502	693,127	101,517,629	101,495,222	22,407
Lake Region State College	36,811,715	41,390,022	(113,478)	41,276,544	41,267,208	9,336
Williston State College	28,216,101	29,729,665	4,404,257	34,133,922	35,132,709	(998,787)
University of North Dakota	868,966,540	1,019,612,441	30,076,707	1,049,689,148	1,045,109,300	4,579,848
UND Medical Center	205,926,712	221,782,733	190,067	221,972,800	221,972,800	
North Dakota State University	740,472,371	841,887,616	(3,213,749)	838,673,867	839,673,867	(1,000,000)
State College of Science	92,694,989	97,843,036	(103,856)	97,739,180	127,712,826	(29,973,646)
Dickinson State University	47,544,670	49,955,579	(247,783)	49,707,796	50,257,796	(550,000)
Mayville State University	44,556,753	48,544,353	14,252	48,558,605	48,558,605	
Minot State University	101,809,895	104,947,947	(377,652)	104,570,295	104,570,295	
Valley City State University	48,900,159	47,919,475	1,331,550	49,251,025	49,251,025	
Dakota College at Bottineau	17,282,118	18,451,501	5,815,240	24,266,741	24,261,158	5,583
Forest Service	15,077,175	15,307,224	34,840	15,342,064	15,342,064	
<b>Total all funds</b>	<b>\$2,479,903,429</b>	<b>\$2,775,335,204</b>	<b>\$46,343,715</b>	<b>\$2,821,678,919</b>	<b>\$2,852,684,178</b>	<b>(\$31,005,259)</b>
FTE	6,767.76	6,609.87	0.00	6,609.87	6,609.87	0.00

**Detail of Conference Committee Changes to All Funds**

	Adjusts Funding for University System Office <sup>1</sup>	Provides Funding Formula Adjustments <sup>2</sup>	Adjusts Special Funds <sup>3</sup>	Adds One-Time Funding for Campus Network Upgrades <sup>4</sup>	Adjusts One-Time Funding for Theodore Roosevelt Digitization <sup>5</sup>	Adds Funding for Capital Projects <sup>6</sup>
University System Office	\$7,840,193					
Bismarck State College		\$172,851	\$1,347,972			
Lake Region State College		72,022	88,026			
Williston State College		56,013	4,508,162			
University of North Dakota		3,456,680	1,789,883	\$1,500,000		\$30,000,000
UND Medical Center			190,067			
North Dakota State University		370,652	1,518,219	1,500,000		
State College of Science		203,304	229,432			
Dickinson State University		101,083	121,052		(\$50,000)	
Mayville State University		90,243	277,783			
Minot State University		215,354	304,220			
Valley City State University		1,626,857	115,105			
Dakota College at Bottineau		43,066	3,417,746			2,500,000
Forest Service						
<b>Total all funds</b>	<b>\$7,840,193</b>	<b>\$6,408,125</b>	<b>\$13,907,667</b>	<b>\$3,000,000</b>	<b>(\$50,000)</b>	<b>\$32,500,000</b>
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adjusts Funding for Capital Building Funds <sup>2</sup>	Adjusts Forest Service Funding <sup>3</sup>	Total All Funds Changes
University System Office			\$7,840,193
Bismarck State College	(\$827,696)		693,127
Lake Region State College	(273,526)		(113,478)
Williston State College	(159,918)		4,404,257
University of North Dakota	(6,669,856)		30,076,707
UND Medical Center			190,067
North Dakota State University	(6,602,620)		(3,213,749)
State College of Science	(536,592)		(103,856)
Dickinson State University	(419,918)		(247,783)
Mayville State University	(353,774)		14,252
Minot State University	(897,226)		(377,652)
Valley City State University	(410,412)		1,331,550
Dakota College at Bottineau	(145,572)		5,815,240
Forest Service		\$34,840	34,840
<b>Total all funds</b>	<b>(\$17,297,110)</b>	<b>\$34,840</b>	<b>\$46,343,715</b>
FTE		0.00	0.00

<sup>1</sup> Funding for the North Dakota University System office is adjusted as detailed in the schedules below:

The following schedule details funding adjustments for system governance:

**System Governance**

	General Fund	Other Funds	Total
Salary adjustment	(\$1,055)	\$589	(\$466)
Audit fees	250,000	0	250,000
Western Interstate Commission for Higher Education dues	45,000	0	45,000
<b>Total</b>	<b>\$293,945</b>	<b>\$589</b>	<b>\$294,534</b>

The Senate did not provide funding for audit fees, but made the same adjustments to system governance for salaries and Western Interstate Commission for Higher Education dues.

The following schedule details funding adjustments for core technology services:

**Core Technology Services**

	General Fund	Other Funds	Total
Salary adjustment	\$56,758	\$38,901	\$95,659

The Senate made the same adjustments to core technology services for salaries.

The following schedule details funding included in other line items in the University System office budget that were adjusted by the Conference Committee:

**Other Line Items**

General Fund - Other Line Items

	<u>House Version</u>	<u>Senate Version</u>	<u>Conference Committee Version</u>
Competitive research programs	\$6,027,750	\$5,685,750	\$5,685,750
NASA EPSCoR	0	342,000	342,000
Challenge grants	2,200,000	12,500,000	9,400,000
Education incentive programs	760,000	760,000	510,000
Tribal college grants	500,000	1,000,000	1,000,000
Total	\$9,487,750	\$20,287,750	\$16,937,750

Of the \$510,000 appropriated in the education incentive programs line item in the Conference Committee version, \$250,000 is for matching grants for the University of North Dakota School of Law and \$260,000 is for graduate programs. The Conference Committee removed \$500,000 from the general fund for the technology occupations student loan program.

<sup>2</sup> The following adjustments are made to institution general fund appropriations through the higher education funding formula:

	<u>Credit-Hour Completion Adjustment</u>	<u>Salary Adjustment</u>	<u>School of Law Adjustment</u>	<u>Total</u>
Bismarck State College	\$0	\$172,851	\$0	\$172,851
Lake Region State College	0	72,022	0	72,022
Williston State College	0	56,013	0	56,013
University of North Dakota (UND)	0	663,298	2,793,382	3,456,680
North Dakota State University	0	370,652	0	370,652
North Dakota State College of Science	0	203,304	0	203,304
Dickinson State University	0	101,083	0	101,083
Mayville State University	0	90,243	0	90,243
Minot State University	0	215,354	0	215,354
Valley City State University	1,443,717	183,140	0	1,626,857
Dakota College at Bottineau	0	43,066	0	43,066
Total	\$1,443,717	\$2,171,026	\$2,793,382	\$6,408,125

The Senate also provided for the credit-hour completion adjustment at Valley City State University and provided \$2,234,682 for the UND School of Law adjustment. A cost of living adjustment added by the Senate was not included by the Conference Committee version.

<sup>3</sup> The following adjustments are made to institution other funds appropriations, the same as the Senate version:

	<u>Salary Adjustment</u>	<u>Updated Other Funds Estimate</u>	<u>Total</u>
Bismarck State College	\$258,585	\$1,089,387	\$1,347,972
Lake Region State College	88,026	0	88,026
Williston State College	65,468	4,442,694	4,508,162
UND	1,789,883	0	1,789,883
UND School of Medicine	190,067	0	190,067
North Dakota State University	1,518,219	0	1,518,219
North Dakota State College of Science	229,432	0	229,432
Dickinson State University	121,052	0	121,052
Mayville State University	277,783	0	277,783
Minot State University	304,220	0	304,220
Valley City State University	115,105	0	115,105
Dakota College at Bottineau	59,159	3,358,587	3,417,746
Total	\$5,016,999	\$8,890,668	\$13,907,667

<sup>4</sup> One-time funding of \$3 million is added from Bank of North Dakota profits, including \$1.5 million each for UND and North Dakota State University, for campus network upgrades. The Senate appropriated \$5 million from Bank of North Dakota profits to provide \$2.5 million each for UND and North Dakota State University for the research digital initiative.

<sup>5</sup> One-time funding from the general fund is reduced by \$50,000 to provide a total 2019-21 biennium appropriation of \$200,000 from the general fund for the digitization of documents at the Theodore Roosevelt Center. The Conference Committee also provided a 2017-19 biennium appropriation of \$550,000 from the general fund, to provide total funding of \$750,000 for the digitization of documents at the Theodore Roosevelt Center. The Senate provided \$750,000 and the House provided \$250,000 from the general fund for the digitization of documents at the Theodore Roosevelt Center.

<sup>6</sup> One-time funding is added for the following capital building projects:

	<u>Other Funds</u>
UND deferred maintenance and parking (appropriation bonds)	\$30,000,000
Dakota College at Bottineau dining facility (revenue bonds)	2,500,000
Total	\$32,500,000

<sup>7</sup> The 1 percent tuition increase component of the Tier II capital building fund program is removed as follows, the same as the Senate version:

	<u>1 Percent Tuition</u>		<u>Total</u>
	<u>Increase</u>	<u>Institution Match</u>	
Bismarck State College	(\$413,848)	(\$413,848)	(\$827,696)
Lake Region State College	(136,763)	(136,763)	(273,526)
Williston State College	(79,959)	(79,959)	(159,918)
UND	(3,334,928)	(3,334,928)	(6,669,856)
North Dakota State University	(3,301,310)	(3,301,310)	(6,602,620)
North Dakota State College of Science	(268,296)	(268,296)	(536,592)
Dickinson State University	(209,959)	(209,959)	(419,918)
Mayville State University	(176,887)	(176,887)	(353,774)
Minot State University	(448,613)	(448,613)	(897,226)
Valley City State University	(205,206)	(205,206)	(410,412)
Dakota College at Bottineau	<del>(72,786)</del>	<del>(72,786)</del>	<del>(145,572)</del>
Total	(\$8,648,555)	(\$8,648,555)	(\$17,297,110)

<sup>8</sup> Funding for the Forest Service 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 Senate version. The House provided funding for a 2 percent salary increase on July 1, 2019, and a 2 percent salary increase on July 1, 2020.

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#### House Bill No. 1003 - Other Changes - Conference Committee Action

This amendment also:

- Adds a 2017-19 biennium appropriation of \$491,850 from the general fund for Williston State College due to a funding formula error, the same as the Senate version.
- Does not add a 2017-19 biennium appropriation of \$250,000 from the general fund for a UND School of Law challenge grant program added by the Senate. The Conference Committee provided a 2019-21 biennium appropriation of \$250,000 from the general fund for the program.
- Adds a 2017-19 biennium appropriation of \$550,000 from the general fund for the digitization of documents at the Theodore Roosevelt Center at Dickinson State University, to provide total funding of \$750,000 for the project. The Senate included a 2019-21 biennium appropriation of \$750,000 from the general fund for the project.
- Adds a 2017-19 biennium appropriation of \$2.7 million from the general fund for campus workforce initiative projects. The Senate provided a 2017-19 biennium appropriation of \$3 million from the general fund for campus workforce initiative projects.
- Removes three sections added by the House relating to facility space and maintenance reserves, the same as the Senate version.
- Amends North Dakota Century Code Section 15-10-12.1 to allow Budget Section approval of building projects that, net of removed buildings, do not result in additional square footage on campus.
- Creates a new section to Chapter 15-10 to provide repayment provisions for the professional student exchange program.
- Creates a new section to Chapter 15-10 relating to Ray Richards golf course and the UND men's varsity golf program.
- Names the Lake Region State College precision agriculture center the Curtis and Annette Hofstad Agricultural Center.
- Repeals Section 15-10-37, relating to the technology occupations student loan program.
- Provides for the sale of certain properties owned by UND, the same as the Senate version.
- Provides appropriation bond authority for UND deferred maintenance and parking projects. The Senate provided appropriation bond authority for only the deferred

- maintenance projects
- Provides revenue bond authority for the Dakota College at Bottineau dining facility project. The Senate had also included revenue bond authority for UND parking projects.
- Does not make the Senate adjustment to reduce the matching requirement for Tier III capital building fund money to provide for a dollar-to-dollar match. The match is 2 to 1, the same as the House version.
- Provides authority to use capital building fund money for additional capital projects, the same as the Senate version.
- Provides Tier II and Tier III capital building fund money may not be used until an institution has matched 75 percent of its extraordinary repairs funding appropriated from the general fund.
- Adjusts the tuition rate increase limitation for certain resident undergraduate tuition rate increases to 4 percent per year, the same as the Senate version.
- Provides for a Legislative Management study of EPSCoR.

Engrossed HB 1003 was placed on the Seventh order of business on the calendar.

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

**REP. SANFORD MOVED** that the conference committee report on Engrossed HB 1003 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1003, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to create and enact a new chapter to title 15, two new sections to chapter 15-10, section 15-10-48.1, and a new section to chapter 15-18 of the North Dakota Century Code, relating to the midwestern higher education compact, the university of North Dakota men's golf program, the professional student exchange program, matching grants for the university of North Dakota school of law, and the Curtis and Annette Hofstad agricultural center; to amend and reenact sections 15-10-12.1, 15-10-48, 15-10-49, 15-10-50, 15-18.2-02, 15-18.2-05, 15-62.4-03, and 54-44.1-11 of the North Dakota Century Code, relating to acceptance of buildings and campus improvements, matching grants for institutions under the control of the state board of higher education, state aid to institutions, the student financial assistance grant program, and the cancellation of unexpended appropriations; to repeal sections 15-10-37 and 15-10-61 of the North Dakota Century Code, relating to the technology occupations student loan program and the dual-credit instructor assistance program; to authorize the industrial commission to issue and sell evidences of indebtedness for capital projects; to authorize the state board of higher education to issue and sell bonds for capital projects; to provide for a transfer; to provide for the conveyance of real property; to provide for a legislative management study; to provide for reports; 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 68 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Becker; Bellew; Delzer; Devlin; Ertelt; Fisher; Hoverson; Johnson, M.; Johnston; Kading; Koppelman, B.; Magrum; Marschall; McWilliams; Meier; Paulson; Rohr;

Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Toman

**ABSENT AND NOT VOTING:** Nathe; O'Brien; Porter

Reengrossed HB 1003 passed and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1013, as engrossed:** Your conference committee (Sens. Wanzek, Hogue, Grabinger and Reps. Kempenich, Bellew, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1556-1557, adopt amendments as follows, and place HB 1013 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1556 and 1557 of the House Journal and pages 1324 and 1325 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 2, remove "to create and enact a new subdivision to subsection 1 of section"

Page 1, remove lines 3 and 4

Page 1, line 5, replace "Code, relating to the investments of the board of university and school lands;" with "to create and enact a new section to chapter 15-02 of the North Dakota Century Code; relating to investment reports;"

Page 1, line 8, after the first semicolon insert "and"

Page 1, line 8, remove "; and to provide a contingent effective date"

Page 1, replace lines 18 through 22 with:

"Salaries and wages	\$6,005,550	(\$280,171)	\$5,725,379
Operating expenses	1,775,723	857,299	2,633,022
Grants	0	2,000,000	2,000,000
Contingencies	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total special funds	\$7,881,273	\$2,577,128	\$10,458,401"

Page 2, replace lines 6 through 11 with:

"Information technology replacement project	\$3,600,000	\$0
Airport grants	40,000,000	0
Mineral revenue repayments	187,000,000	0
Oil and gas impact grants	0	2,000,000
Mineral valuation study	<u>0</u>	<u>350,000</u>
Total special funds	\$230,600,000	\$2,350,000"

Page 3, line 6, replace "\$4,000,000" with "\$2,000,000"

Page 3, replace lines 12 through 21 with:

**"SECTION 6.** A new section to chapter 15-02 of the North Dakota Century Code is created and enacted as follows:

**Investment reports - Report to budget section.**

The commissioner shall prepare annual reports on the investment performance of each fund under its control. The reports must be comparable to the reports prepared by the state investment board under section 21-10-06.1. The reports must identify the expenses deducted from each fund, including details on investment management fees, advisory fees, transaction fees, the agency's expenses attributed to the fund, and any other costs. The commissioner shall report at least annually to the budget section on the status of its investment performance."

Page 3, line 24, replace "\$4,000,000" with "\$2,000,000"

Page 4, line 11, remove "- CONTINGENT EFFECTIVE DATE"

Page 4, line 11, remove "Sections 6 and 7 of"

Page 4, remove lines 12 through 14

Page 4, line 15, remove "to the state investment board."

Page 4, line 15, replace "8" with "7"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1013 - Department of Trust Lands - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$6,005,550	\$5,705,584	\$19,795	\$5,725,379	\$5,725,379	
Operating expenses	1,775,723	2,203,680	429,342	2,633,022	2,633,022	
Grants		4,000,000	(2,000,000)	2,000,000	4,000,000	(\$2,000,000)
Contingencies	100,000	100,000		100,000	100,000	
Total all funds	\$7,881,273	\$12,009,264	(\$1,550,863)	\$10,458,401	\$12,458,401	(\$2,000,000)
Less estimated income	7,881,273	12,009,264	(1,550,863)	10,458,401	12,458,401	(2,000,000)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	31.00	28.00	0.00	28.00	28.00	0.00

#### Department 226 - Department of Trust Lands - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds FTE Positions <sup>2</sup>	Adjusts Funding and FTE Positions for IT Unification <sup>3</sup>	Reduces Funding for Grants <sup>4</sup>	Total Conference Committee Changes
Salaries and wages	\$13,906	\$371,822	(\$365,933)		\$19,795
Operating expenses		43,670	385,672		429,342
Grants				(\$2,000,000)	(2,000,000)
Contingencies					
Total all funds	\$13,906	\$415,492	\$19,739	(\$2,000,000)	(\$1,550,863)
Less estimated income	13,906	415,492	19,739	(2,000,000)	(1,550,863)
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	2.00	(2.00)	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 House provided funding for salary increases of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

<sup>2</sup> Funding is added for 2 FTE positions, including an administrative assistant (\$123,361) and an attorney (\$248,461), and related operating expenses (\$43,670). Pursuant to the provisions of North Dakota Century Code Section 54-12-09, the attorney position is assigned to the agency under appointment by the Attorney General. The Senate included the FTE positions, but the House did not.

<sup>3</sup> Two FTE positions are transferred to the Information Technology Department for the information technology unification project, reducing salaries and wages by \$365,933 and increasing operating expenses by \$385,672. The Senate included the information technology unification project, but the House did not.

<sup>4</sup> One-time funding for grants from the oil and gas impact grant fund is reduced by \$2 million, from \$4 million to \$2 million. This funding is in addition to the estimated \$1 million of funding available from prior bienniums and authorized to continue in the 2019-21 biennium. The related transfer from the strategic investment and improvements fund is also reduced. Both the House and the Senate provided \$4 million for grants.

This amendment:

- Reduces the transfer from the strategic investment and improvements fund to the oil and gas impact grant fund by \$2 million, from \$4 million to \$2 million. The House and the Senate transferred \$4 million.
- Does not include two sections, which were added by the House, to provide the statutory changes necessary to require the Board of University and School Lands to make investments through the State Investment Board. A contingent effective date relating to the statutory changes was not included.
- Creates a new section to Chapter 15-02 requiring the Commissioner of University and School Lands to prepare investment reports in a manner similar to the State Investment Board's reports and to report to the Budget Section semiannually. Neither the House nor the Senate included this reporting provision.

Engrossed HB 1013 was placed on the Seventh order of business on the calendar.

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

**REP. KEMPENICH MOVED** that the conference committee report on Engrossed HB 1013 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1013, as amended, was placed on the Eleventh order of business.

#### **SECOND READING OF HOUSE BILL**

**HB 1013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to create and enact a new section to chapter 15-02 of the North Dakota Century Code; relating to investment reports; to repeal section 57-51-15.1 of the North Dakota Century Code, relating to the energy impact fund; to provide for transfers; to provide for distributions from permanent funds; to provide an exemption; to provide a report; and to provide an effective date.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 79 YEAS, 11 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Becker; Bellew; Ertelt; Johnston; Kading; Koppelman, B.; Magrum; Marschall; Paulson; Ruby, M.; Simons

**ABSENT AND NOT VOTING:** Damschen; Nathe; O'Brien; Porter

Reengrossed HB 1013 passed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2148.

**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 SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1011, HB 1013, HB 1396.

**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: HB 1003, HB 1012, HB 1014.

**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 2004.

**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 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 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 2006, SB 2012.

**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:** 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:** 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 1010, HB 1393.

**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:** Your signature is respectfully requested on: SB 2001, SB 2265.

**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 HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1006, HB 1056, HB 1374, HB 1429.

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

**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.

**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.

**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: SB 2001, SB 2265.

**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 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: SB 2019, SB 2215, SB 2317.

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

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

The following bills were delivered to the Governor for approval on April 25, 2019: HB 1019, HB 1024, HB 1174, HB 1194, HB 1407, HB 1461, HB 1541.

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

The following bill was delivered to the Governor for approval on April 25, 2019: HB 1056.

#### **MOTION**

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

#### **MOTION**

**REP. LOUSER MOVED** that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Friday, April 26, 2019, which motion prevailed on a voice vote.

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

**HB 1002, as engrossed:** Your conference committee (Sens. Hogue, Dever, Grabinger and Reps. Bellew, Beadle, Mock) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1565-1569, adopt amendments as follows, and place HB 1002 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1565-1569 of the House Journal and pages 1318-1321 of the Senate Journal and that Engrossed House Bill No. 1002 be amended as follows:

Page 1, line 5, remove the second "and"

Page 1, line 5, after "transfer" insert "; to provide a statement of legislative intent; to provide for a study; and to declare an emergency"

Page 1, replace lines 16 through 21 with:

"Salaries and wages	\$10,909,112	\$429,608	\$11,338,720
Operating expenses	2,731,582	(25,820)	2,705,762
Capital assets	0	977,500	977,500
Judges' retirement	80,764	(80,764)	0
Guardianship monitoring program	<u>316,204</u>	<u>(33,162)</u>	<u>283,042</u>
Total all funds	\$14,037,662	\$1,267,362	\$15,305,024
Less estimated income	<u>0</u>	<u>970,000</u>	<u>970,000</u>
Total general fund	\$14,037,662	\$297,362	\$14,335,024"

Page 2, replace lines 3 through 11 with:

"Salaries and wages	\$67,602,628	\$5,639,640	\$73,242,268
Operating expenses	20,881,207	(484,305)	20,396,902
Capital assets	0	139,852	139,852
Judges' retirement	343,290	(62,958)	280,332
University of North Dakota central legal research	<u>40,000</u>	<u>(40,000)</u>	<u>0</u>
Total all funds	\$88,867,125	\$5,192,229	\$94,059,354
Less estimated income	<u>1,339,138</u>	<u>320,458</u>	<u>1,659,596</u>
Total general fund	\$87,527,987	\$4,871,771	\$92,399,758"

Page 2, replace lines 16 through 20 with:

"Judicial conduct commission and disciplinary board	<u>\$1,174,822</u>	<u>\$76,140</u>	<u>\$1,250,962</u>
Total all funds	\$1,174,822	\$76,140	\$1,250,962
Less estimated income	<u>482,701</u>	<u>0</u>	<u>482,701</u>
Total general fund	\$692,121	\$76,140	\$768,261"

Page 2, replace lines 25 through 28 with:

"Grand total general fund	\$102,257,770	\$5,245,273	\$107,503,043
Grand total special funds	<u>1,821,839</u>	<u>1,290,458</u>	<u>3,112,297</u>
Grand total all funds	\$104,079,609	\$6,535,731	\$110,615,340
Full-time equivalent positions	355.50	7.50	363.00"

Page 3, replace lines 2 through 6 with:

"Pipeline protest trials	\$1,500,000	\$0
Copy machines	0	82,500
Audio and visual equipment	0	64,852
Law library remodel	<u>0</u>	<u>970,000</u>
Total all funds	\$1,500,000	\$1,117,352
Less estimated income	<u>1,500,000</u>	<u>970,000</u>
Total general fund	\$0	\$147,352"

Page 3, after line 10, insert:

**"SECTION 3. ESTIMATED INCOME - CAPITOL BUILDING FUND - LEGISLATIVE INTENT.** The estimated income line item in subdivision 1 of section 1 of this Act includes \$970,000 of one-time funding from the capitol building fund to remodel the supreme court law library space in the judicial wing of the state capitol. It is the intent of the sixty-sixth legislative assembly that any remodel of judicial wing space result in at least two study rooms remaining in the judicial wing for use by attorneys appearing in cases before the supreme court."

Page 3, line 15, remove "one hundred sixty thousand one hundred"

Page 3, line 16, replace "forty-nine" with "one hundred fifty-nine thousand four hundred nine"

Page 3, line 16, remove "one"

Page 3, line 17, replace "hundred sixty-three thousand three hundred fifty-two" with "one hundred sixty-three thousand three hundred ninety-four"

Page 3, line 19, replace "four thousand five hundred ninety-eight" with "four thousand five hundred eight"

Page 3, line 20, remove "four thousand six hundred"

Page 3, line 21, replace "ninety" with "four thousand six hundred twenty-one"

Page 6, line 30, remove "one hundred forty-six thousand seven hundred"

Page 6, line 31, replace the first "forty-six" with "one hundred forty-six thousand two hundred sixty-nine"

Page 7, line 1, replace "one hundred forty-nine thousand six hundred eighty-one" with "one hundred forty-nine thousand nine hundred twenty-six"

Page 7, line 6, replace "four thousand two hundred forty" with "four thousand one hundred fifty-six"

Page 7, line 7, replace "four thousand three hundred twenty-four" with "four thousand two hundred sixty"

Page 7, after line 17, insert:

**"SECTION 17. LEGISLATIVE INTENT - NEW DISTRICT COURT JUDGES.**

It is the intent of the sixty-sixth legislative assembly that the judicial branch consider the relocation of current district court judge positions prior to submitting a future request for any additional district court judge positions.

**SECTION 18. JUDICIAL BRANCH STUDY - DISTRICT COURT REPORTERS - REPORT.** During the 2019-20 interim, the judicial branch shall study the need for one full-time equivalent court reporter position for each district court judgeship. The judicial branch shall report the results of its study to the budget section by December 31, 2020.

**SECTION 19. EMERGENCY.** The \$970,000 appropriated from the capitol building fund in section 1 to remodel the law library space and section 3 of this Act are declared to be an emergency measure."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1002 - Summary of Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Supreme Court						
Total all funds	\$14,037,662	\$14,315,486	\$989,538	\$15,305,024	\$15,330,024	(\$25,000)
Less estimated income	0	0	970,000	970,000	970,000	0
General fund	\$14,037,662	\$14,315,486	\$19,538	\$14,335,024	\$14,360,024	(\$25,000)
FTE	43.50	43.50	0.00	43.50	43.50	0.00
District Courts						
Total all funds	\$88,867,125	\$93,107,909	\$951,445	\$94,059,354	\$94,330,110	(\$270,756)
Less estimated income	1,339,138	1,654,171	5,425	1,659,596	1,659,596	0
General fund	\$87,527,987	\$91,453,738	\$946,020	\$92,399,758	\$92,670,514	(\$270,756)
FTE	308.00	313.00	2.00	315.00	316.00	(1.00)
Judicial Conduct Commission						
Total all funds	\$1,174,822	\$1,246,948	\$4,014	\$1,250,962	\$1,250,962	\$0
Less estimated income	482,701	501,425	(18,724)	482,701	482,701	0
General fund	\$692,121	\$745,523	\$22,738	\$768,261	\$768,261	\$0
FTE	4.00	4.50	0.00	4.50	4.50	0.00
Bill total						
Total all funds	\$104,079,609	\$108,670,343	\$1,944,997	\$110,615,340	\$110,911,096	(\$295,756)
Less estimated income	1,821,839	2,155,596	956,701	3,112,297	3,112,297	0
General fund	\$102,257,770	\$106,514,747	\$988,296	\$107,503,043	\$107,798,799	(\$295,756)
FTE	355.50	361.00	2.00	363.00	364.00	(1.00)

## House Bill No. 1002 - Supreme Court - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$10,909,112	\$11,307,672	\$31,048	\$11,338,720	\$11,338,720	
Operating expenses	2,731,582	2,730,762	(25,000)	2,705,762	2,730,762	(\$25,000)
Capital assets		7,500	970,000	977,500	977,500	
Judges' retirement	80,764					
Guardianship monitoring program	316,204	269,552	13,490	283,042	283,042	
Total all funds	\$14,037,662	\$14,315,486	\$989,538	\$15,305,024	\$15,330,024	(\$25,000)
Less estimated income	0	0	970,000	970,000	970,000	0
General fund	\$14,037,662	\$14,315,486	\$19,538	\$14,335,024	\$14,360,024	(\$25,000)
FTE	43.50	43.50	0.00	43.50	43.50	0.00

## Department 181 - Supreme Court - Detail of Conference Committee Changes

	Adds Funding for Salary and Benefit Increases <sup>1</sup>	Reduces Funding for Operating Expenses <sup>2</sup>	Adds Funding for Guardianship Monitoring <sup>3</sup>	Adds One-Time Funding to Remodel the Law Library <sup>4</sup>	Total Conference Committee Changes
Salaries and wages	\$31,048				\$31,048
Operating expenses		(\$25,000)			(25,000)
Capital assets				\$970,000	970,000
Judges' retirement					
Guardianship monitoring program	490		\$13,000		13,490
Total all funds	\$31,538	(\$25,000)	\$13,000	\$970,000	\$989,538
Less estimated income	0	0	0	970,000	970,000
General fund	\$31,538	(\$25,000)	\$13,000	\$0	\$19,538
FTE	0.00	0.00	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 2.5 percent on July 1, 2020, the same as the Senate version. The House provided funding for a 2 percent salary increase on July 1, 2019, and a 2 percent salary increase on July 1, 2020.

<sup>2</sup> Funding for operating expenses is reduced by \$25,000 from the general fund.

<sup>3</sup> Funding is added from the general fund for guardian certification and continuing education, the same as the Senate version.

<sup>4</sup> One-time funding of \$970,000 from the Capitol building fund is added to remodel the Supreme Court Law Library space in the judicial wing of the State Capitol, the same as the Senate version. Legislative intent is also provided for the judicial branch to maintain at least two study rooms for attorneys appearing in cases before the Supreme Court.

## House Bill No. 1002 - District Courts - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$67,602,628	\$72,327,095	\$915,173	\$73,242,268	\$73,413,024	(\$170,756)
Operating expenses	20,881,207	20,426,202	(29,300)	20,396,902	20,446,902	(50,000)
Capital assets		75,000	64,852	139,852	189,852	(50,000)
Judges' retirement	343,290	279,612	720	280,332	280,332	
UND central legal research	40,000					
Total all funds	\$88,867,125	\$93,107,909	\$951,445	\$94,059,354	\$94,330,110	(\$270,756)
Less estimated income	1,339,138	1,654,171	5,425	1,659,596	1,659,596	0
General fund	\$87,527,987	\$91,453,738	\$946,020	\$92,399,758	\$92,670,514	(\$270,756)
FTE	308.00	313.00	2.00	315.00	316.00	(1.00)

### Department 182 - District Courts - Detail of Conference Committee Changes

	Adds Funding for Salary and Benefit Increases <sup>1</sup>	Adds FTE Positions <sup>2</sup>	Reduces Funding for Operating Expenses <sup>3</sup>	Adds Funding for Drug Court <sup>4</sup>	Adds One- Time Funding for Audio and Video Equipment <sup>5</sup>	Total Conference Committee Changes
Salaries and wages	\$215,696	\$594,937		\$104,540		\$915,173
Operating expenses			(\$50,000)	20,700		(29,300)
Capital assets					\$64,852	64,852
Judges' retirement	720					720
UND central legal research						
<b>Total all funds</b>	<b>\$216,416</b>	<b>\$594,937</b>	<b>(\$50,000)</b>	<b>\$125,240</b>	<b>\$64,852</b>	<b>\$951,445</b>
Less estimated income	5,425	0	0	0	0	5,425
General fund	\$210,991	\$594,937	(\$50,000)	\$125,240	\$64,852	\$946,020
FTE	0.00	2.00	0.00	0.00	0.00	2.00

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

<sup>2</sup> The following FTE positions and related funding are added:

	FTE Positions	General Fund
Judge - South central district	1.0	\$413,932
Court reporter - South central district	1.0	181,005
Total	2.0	\$594,937

The Conference Committee did not include \$170,756 for 1 FTE juvenile court officer in the southeast district, which the Senate had added.

<sup>3</sup> Funding for operating expenses is reduced by \$50,000 from the general fund.

<sup>4</sup> Funding is added for a drug court in the Southeast Judicial District.

<sup>5</sup> One-time funding of \$64,852 is added from the general fund for district court audio and video equipment. The Senate provided \$114,852 from the general fund and the House did not provide funding for audio and video equipment.

### House Bill No. 1002 - Judicial Conduct Commission - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Judicial Conduct Commission	\$1,174,822	\$1,246,948	\$4,014	\$1,250,962	\$1,250,962	
Total all funds	\$1,174,822	\$1,246,948	\$4,014	\$1,250,962	\$1,250,962	\$0
Less estimated income	482,701	501,425	(18,724)	482,701	482,701	0
General fund	\$692,121	\$745,523	\$22,738	\$768,261	\$768,261	\$0
FTE	4.00	4.50	0.00	4.50	4.50	0.00

### Department 183 - Judicial Conduct Commission - Detail of Conference Committee Changes

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Total Conference Committee Changes
Judicial Conduct Commission	\$4,014	\$4,014
Total all funds	\$4,014	\$4,014
Less estimated income	(18,724)	(18,724)
General fund	\$22,738	\$22,738
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 Senate version. The House provided funding for a 2 percent salary increase on July 1, 2019, and a 2 percent salary increase on July 1,

2020. Funding is also adjusted to provide that the salary and benefit increases be provided from the general fund, the same as the Senate version.

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**House Bill No. 1002 - Other Changes - Conference Committee Action**

This amendment also:

- Adds a section to provide legislative intent that the judicial branch consider the relocation of current district court judge positions prior to submitting a future request for any additional district court judge positions, the same as the Senate version.
- Adds a new section to provide for the judicial branch to study the need for 1 FTE court reporter position for each district court judge, and to report its findings to the Budget Section.

Engrossed HB 1002 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1015, as engrossed:** Your conference committee (Sens. Wanzek, G. Lee, Mathern and Reps. J. Nelson, B. Anderson, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1734-1738, adopt amendments as follows, and place HB 1015 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1734-1738 of the House Journal and pages 1429-1433 of the Senate Journal and that Engrossed House Bill No. 1015 be amended as follows:

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 5 of section 12-47-36 of the North Dakota Century Code, relating to disclosure of confidential records;"

Page 1, line 3, remove "and"

Page 1, line 3, after "report" insert "to provide for a department of corrections and rehabilitation review committee; and to provide an exemption"

Page 1, replace lines 13 through 17 with:

"Adult services	\$220,757,448	\$18,590,187	\$239,347,635
Youth services	<u>30,740,509</u>	<u>1,545,821</u>	<u>32,286,330</u>
Total all funds	\$251,497,957	\$20,136,008	\$271,633,965
Less estimated income	<u>37,161,253</u>	<u>4,794,636</u>	<u>41,955,889</u>
Total general fund	\$214,336,704	\$15,341,372	\$229,678,076"

Page 2, replace lines 3 and 4 with:

"Youth correctional center campus infrastructure study	0	75,000
Department of corrections and rehabilitation study	0	400,000"

Page 2, replace lines 15 through 17 with:

"Total all funds	\$2,102,907	\$3,222,950
Less estimated income	<u>2,102,907</u>	<u>1,831,700</u>
Total general fund	\$0	\$1,391,250"

Page 2, line 23, replace "\$1,468,000" with "\$1,218,000"

Page 2, line 24, remove "campus infrastructure studies,"

Page 2, after line 26, insert:

**"SECTION 4. AMENDMENT.** Subsection 5 of section 12-47-36 of the North Dakota Century Code is amended and reenacted as follows:

5. Medical, psychological, or treatment records may be disclosed without prior application to the court to a public hospital or treatment facility, the

department of human services, a community behavioral health program, a vocational rehabilitation program, a transitional living facility, or to a licensed private medical or treatment facility, when necessary for the evaluation, treatment, or care of a person who is or who has been in the custody of, or is or who has been under the supervision and management of, the adult services division of the department of corrections and rehabilitation.

**SECTION 5. PRETRIAL SERVICES - PILOT PROGRAM - REPORT.** The appropriation in section 1 of this Act includes \$755,034 and seven full-time equivalent positions for pretrial services. The department of corrections and rehabilitation shall establish a pretrial services program as a pilot project in three judicial districts of the state during the biennium beginning July 1, 2019, and ending June 30, 2021. The department of corrections and rehabilitation and the judicial branch shall collaborate with each other and with the commission on legal counsel for indigents and county and regional corrections to develop guidelines and procedures for the administration of pretrial services for the district courts for individuals charged with felony and misdemeanor offenses. The department of corrections and rehabilitation and the judicial branch shall provide a report regarding the process and outcome measures of the pretrial services program together with recommendations to the sixty-seventh legislative assembly."

Page 3, line 1, after "program" insert "for individuals in custody or under the supervision of the department of corrections and rehabilitation or for the continuation of programming, when necessary, for individuals no longer in custody or under the supervision of the department,"

Page 3, line 15, remove "The provisions of chapters 48-01.1 and 54-44.7"

Page 3, remove line 16

Page 3, line 17, replace "services for construction and renovation" with "Sections 54-01-05.2 and 54-01-05.5"

Page 3, remove lines 18 through 31

Page 4, replace lines 1 through 11 with:

**"SECTION 9. LEGISLATIVE MANAGEMENT STUDY - DEPARTMENT OF CORRECTIONS AND REHABILITATION REVIEW COMMITTEE - MEMBERSHIP - DUTIES.**

1. During the 2019-20 interim, the legislative management shall study the department of corrections and rehabilitation. The legislative management shall create a department of corrections and rehabilitation review committee to conduct the study, consisting of six members as follows:
  - a. Three members of the house of representatives selected by the majority leader of the house of representatives, two of whom must represent the majority faction of the house of representatives and one of whom must represent the minority faction of the house of representatives; and
  - b. Three members of the senate selected by the majority leader of the senate, two of whom must represent the majority faction of the senate and one of whom must represent the minority faction of the senate.
2. The legislative management chairman shall designate the committee chairman and vice chairman and the legislative council shall provide staff services for the committee.
3. The committee shall conduct a comprehensive study of the department of corrections and rehabilitation. The study must include:

- a. A review, with input from a consultant engaged by the department of corrections and rehabilitation, of gender-responsive correctional and rehabilitation facility and service needs. The review must include:
    - (1) The preferable location of facilities;
    - (2) The service needs of individuals sentenced to the department of corrections and rehabilitation; and
    - (3) The impact on families of individuals sentenced to the department of corrections and rehabilitation.
  - b. An assessment of facilities at the Missouri River correctional center, the James River correctional center, and the state hospital, with input from a consultant engaged by the department of corrections and rehabilitation. The assessment must:
    - (1) Include the department of corrections and rehabilitation master plan, staffing plan, comprehensive service delivery strategy, and cost estimates;
    - (2) Be based on providing comprehensive services to those committed to the care, custody, and control of the department of corrections and rehabilitation;
    - (3) Include options for community-based and family-involved environments; and
    - (4) Consider the opportunity for vocational and workforce development.
  - c. A review of vocational opportunities, educational opportunities, workforce development, and medical and behavioral health treatment for those committed to the care, custody, and control of the department of corrections and rehabilitation.
4. The committee shall advise the department of corrections and rehabilitation on the department's selection of consultants to assist the department and the committee in its study, for which \$400,000 is included in the appropriation from the general fund in section 1 of this Act.
  5. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1015 - Department of Corrections and Rehab. - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Adult services	\$220,757,448	\$236,440,488	\$2,907,147	\$239,347,635	\$251,051,383	(\$11,703,748)
Youth services	30,740,509	32,095,945	190,385	32,286,330	32,286,330	
Total all funds	\$251,497,957	\$268,536,433	\$3,097,532	\$271,633,965	\$283,337,713	(\$11,703,748)
Less estimated income	37,161,253	42,139,308	(183,419)	41,955,889	45,200,190	(3,244,301)
General fund	\$214,336,704	\$226,397,125	\$3,280,951	\$229,678,076	\$238,137,523	(\$8,459,447)
FTE	845.29	899.79	0.00	899.79	933.59	(33.80)

**Department 530 - Department of Corrections and Rehab. - Detail of Conference Committee Changes**

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Adjusts Funding for Transitional Services <sup>2</sup>	Adjusts One-Time Funding for Infrastructure Studies <sup>3</sup>	Adds One-Time Funding for Consultants <sup>4</sup>	Total Conference Committee Changes
Adult services	\$1,082,780	\$1,599,367	(\$175,000)	\$400,000	\$2,907,147
Youth services	190,385				190,385
Total all funds	\$1,273,165	\$1,599,367	(\$175,000)	\$400,000	\$3,097,532
Less estimated income	66,581	0	(250,000)	0	(183,419)
General fund	\$1,206,584	\$1,599,367	\$75,000	\$400,000	\$3,280,951
FTE	0.00	0.00	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 2.5 percent on July 1, 2020, the same as the Senate version. The House provided funding for a 2 percent salary increase on July 1, 2019, and a 2 percent salary increase on July 1, 2020.

<sup>2</sup> Funding is adjusted for transitional services, including the addition of \$549,626 for the Bismarck Transition Center contract and the restoration of \$1,049,741 removed by the House. The Senate version also included this adjustment.

<sup>3</sup> One-time funding from the strategic investment and improvements fund for a campus infrastructure study of the James River Correctional Center and State Hospital is removed. The funding for the campus infrastructure study at the Youth Correctional Center is adjusted to provide funding from the general fund rather than the strategic investment and improvements fund. Both the House and Senate included funding from the strategic investment and improvements fund for the studies.

<sup>4</sup> One-time funding of \$400,000 from the general fund is added for the Department of Corrections and Rehabilitation to hire consultants, with advice from a newly created Legislative Management committee, to assist the department and the Legislative Management in a study of the Department of Corrections and Rehabilitation. Neither the House nor the Senate provided funding to assist with this study.

The Conference Committee did not include the following adjustments made by the Senate:

- The addition of 8.6 FTE Missouri River Correctional Center treatment positions and \$1.9 million from the general fund;
- The addition of 25.2 FTE James River Correctional Center minimum security positions and \$4.2 million from the general fund;
- The addition of \$2.4 million of one-time funding from the general fund for minimum security facilities at the James River Correctional Center;
- The addition of \$100,000 of one-time funding from the general fund for a study of gender-responsive services and facilities;
- The addition of \$1.9 million of one-time funding from the strategic investment and improvements fund for Missouri River Correctional Center renovations; and
- The addition of \$1.1 million of one-time funding from the Rough Rider Industries fund for construction of a Rough Rider Industries building at the James River Correctional Center.

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**House Bill No. 1015 - Other Changes - Conference Committee Action**

This amendment also:

- Does not include a section added by the Senate to provide a 2017-19 biennium appropriation of \$3 million from the general fund to the Department of Corrections and Rehabilitation to enhance vocational and education opportunities for inmate workforce development.
- Adds a section to amend North Dakota Century Code Section 12-47-36(5) relating to disclosure of confidential records. The Senate also included this section.

- Does not include a section added by the Senate to provide for a Department of Corrections and Rehabilitation study of gender-responsive services and facilities.
- Does not include a section added by the Senate to provide legislative intent that the Governor determine the location of male and female inmates in consultation with the Department of Corrections and Rehabilitation and the Southwest Multi-County Correction Center.
- Does not include a section added by the Senate to provide legislative intent that a campus infrastructure study of the James River Correctional Center and the State Hospital consider the potential for placement of minimum security male inmates in current structures on the campus.
- Does not include a section added by the Senate to provide legislative intent that no fence be placed around facilities used for minimum security male inmates.
- Adds a section to provide for the establishment of a pretrial services pilot project. The Senate included a similar section.
- Adjusts the section providing carryover authority relating to the free through recovery program to allow the funding to be used for the continuation of programming for individuals no longer in the custody or under the supervision of the Department of Corrections and Rehabilitation. The Senate also included this adjustment.
- Does not include a section added by the Senate to allow for the conveyance of the 12 West and 16 West buildings from the State Hospital to the Department of Corrections and Rehabilitation for use as a minimum security facility.
- Adds a section to create a Department of Corrections and Rehabilitation review committee to study the department during the 2019-20 interim.

Engrossed HB 1015 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1020, as engrossed:** Your conference committee (Sens. Erbele, Wanzek, Robinson and Reps. Monson, Nathe, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1558-1563, adopt amendments as follows, and place HB 1020 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1558-1563 of the House Journal and pages 1325-1331 of the Senate Journal and that Engrossed House Bill No. 1020 be amended as follows:

Page 1, line 3, after "farm" insert "; to provide for a report; to provide a statement of legislative intent; to provide an exemption; and to declare an emergency"

Page 1, replace lines 19 through 24 with:

"Extension service	\$51,188,489	\$3,207,816	\$54,396,305
Soil conservation committee	<u>1,091,520</u>	<u>0</u>	<u>1,091,520</u>
Total all funds	\$52,280,009	\$3,207,816	\$55,487,825
Less estimated income	<u>26,646,689</u>	<u>1,131,470</u>	<u>27,778,159</u>
Total general fund	\$25,633,320	\$2,076,346	\$27,709,666
Full-time equivalent positions	252.98	(10.47)	242.51"

Page 2, replace lines 5 through 9 with:

"Northern crops institute	<u>\$3,642,721</u>	<u>\$197,306</u>	<u>\$3,840,027</u>
Total all funds	\$3,642,721	\$197,306	\$3,840,027
Less estimated income	<u>1,755,830</u>	<u>140,387</u>	<u>1,896,217</u>
Total general fund	\$1,886,891	\$56,919	\$1,943,810
Full-time equivalent positions	11.80	1.00	12.80"

Page 2, replace lines 14 through 19 with:

"Upper great plains transportation institute	<u>\$22,060,242</u>	<u>\$1,231,981</u>	<u>\$23,292,223</u>
Total all funds	\$22,060,242	\$1,231,981	\$23,292,223
Less estimated income	<u>18,617,068</u>	<u>278,826</u>	<u>18,895,894</u>
Total general fund	\$3,443,174	\$953,155	\$4,396,329
Full-time equivalent positions	43.88	0.00	43.88"

Page 2, replace lines 24 through 28 with:

"Main research center	<u>\$108,642,243</u>	<u>\$2,718,323</u>	<u>\$111,360,566</u>
Total all funds	\$108,642,243	\$2,718,323	\$111,360,566
Less estimated income	<u>59,084,828</u>	<u>(1,141,588)</u>	<u>57,943,240</u>
Total general fund	<u>\$49,557,415</u>	<u>\$3,859,911</u>	<u>\$53,417,326</u>
Full-time equivalent positions	336.12	7.93	344.05"

Page 3, replace lines 3 through 13 with:

"Dickinson research center	\$6,825,551	\$190,311	\$7,015,862
Central grasslands research center	3,423,624	87,201	3,510,825
Hettinger research center	4,975,133	137,270	5,112,403
Langdon research center	2,964,607	87,453	3,052,060
North central research center	4,953,652	183,918	5,137,570
Williston research center	5,118,890	167,943	5,286,833
Carrington research center	<u>9,175,491</u>	<u>510,370</u>	<u>9,685,861</u>
Total all funds	<u>\$37,436,948</u>	<u>\$1,364,466</u>	<u>\$38,801,414</u>
Less estimated income	<u>20,281,691</u>	<u>318,697</u>	<u>20,600,388</u>
Total general fund	<u>\$17,155,257</u>	<u>\$1,045,769</u>	<u>\$18,201,026</u>
Full-time equivalent positions	110.29	(0.48)	109.81"

Page 3, replace lines 18 through 20 with:

"Agronomy seed farm	<u>\$1,536,129</u>	<u>\$29,846</u>	<u>\$1,565,975</u>
Total special funds	<u>\$1,536,129</u>	<u>\$29,846</u>	<u>\$1,565,975</u>
Full-time equivalent positions	3.00	0.00	3.00"

Page 3, replace lines 25 through 27 with:

"Grand total general fund	<u>\$97,676,057</u>	<u>\$7,992,100</u>	<u>\$105,668,157</u>
Grand total other funds	<u>127,922,235</u>	<u>757,638</u>	<u>128,679,873</u>
Grand total all funds	<u>\$225,598,292</u>	<u>\$8,749,738</u>	<u>\$234,348,030"</u>

Page 3, line 28, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY"

Page 4, replace lines 2 through 8 with:

"Seed cleaning plants	\$1,500,000	\$750,000
Extraordinary repairs	0	940,465
Junior master gardener program	15,000	0
Road and bridge asset management system	300,000	0
Greenhouse	0	500,000
Total all funds	<u>\$1,815,000</u>	<u>\$2,190,465</u>
Total other funds	<u>1,700,000</u>	<u>1,440,465</u>
Total general fund	<u>\$115,000</u>	<u>\$750,000"</u>

Page 4, line 23, replace "\$1,440,465" with "\$940,465"

Page 5, after line 24, insert:

**"SECTION 11. EXEMPTION - CARRINGTON RESEARCH CENTER AND NORTH CENTRAL RESEARCH CENTER.** Any amounts continued for seed cleaning plants at the Carrington research center and North Central research center pursuant to section 12 of chapter 45 of the 2017 Session Laws are not subject to the provisions of section 54-44.1-11 and any unexpended funds may be used to defray the expenses of seed cleaning plants at the Carrington research center and the North Central research center during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 12. LEGISLATIVE INTENT - WILLISTON RESEARCH CENTER GREENHOUSE.** It is the intent of the sixty-sixth legislative assembly that any future operations and maintenance expenses relating to the Williston research center greenhouse be paid from other funds.

**SECTION 13. APPROPRIATION - 2017-19 BIENNIUM - WEBSITE AND DIGITAL UPGRADES.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$345,000, or so much of the sum as may be necessary, to the North Dakota state university extension service for website and digital upgrades, for the period beginning with the effective date of this Act, and ending June 30, 2019. In accordance with section 11 of chapter 45 of the 2017 Session Laws any unexpended funds from this appropriation may be continued into the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 14. EMERGENCY.** Section 13 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1020 - Summary of Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
<b>Transportation Institute</b>						
Total all funds	\$22,060,242	\$22,837,729	\$454,494	\$23,292,223	\$23,392,223	(\$100,000)
Less estimated income	18,617,068	18,874,323	21,571	18,895,894	18,895,894	0
General fund	\$3,443,174	\$3,963,406	\$432,923	\$4,396,329	\$4,496,329	(\$100,000)
FTE	43.88	43.88	0.00	43.88	43.88	0.00
<b>Branch Research Centers</b>						
Total all funds	\$37,436,948	\$37,336,491	\$1,464,923	\$38,801,414	\$38,676,414	\$125,000
Less estimated income	20,281,691	20,741,029	(140,641)	20,600,388	20,600,388	0
General fund	\$17,155,257	\$16,595,462	\$1,605,564	\$18,201,026	\$18,076,026	\$125,000
FTE	110.29	109.81	0.00	109.81	109.81	0.00
<b>NDSU Extension Service</b>						
Total all funds	\$52,280,009	\$54,447,194	\$1,040,631	\$55,487,825	\$56,079,105	(\$591,280)
Less estimated income	26,646,689	27,628,956	149,203	27,778,159	27,778,159	0
General fund	\$25,633,320	\$26,818,238	\$891,428	\$27,709,666	\$28,300,946	(\$591,280)
FTE	252.98	242.51	0.00	242.51	242.51	0.00
<b>Northern Crops Institute</b>						
Total all funds	\$3,642,721	\$3,829,147	\$10,880	\$3,840,027	\$3,840,027	\$0
Less estimated income	1,755,830	1,892,840	3,377	1,896,217	1,896,217	0
General fund	\$1,886,891	\$1,936,307	\$7,503	\$1,943,810	\$1,943,810	\$0
FTE	11.80	12.80	0.00	12.80	12.80	0.00
<b>Main Research Center</b>						
Total all funds	\$108,642,243	\$107,866,866	\$3,493,700	\$111,360,566	\$112,460,566	(\$1,100,000)
Less estimated income	59,084,828	59,242,367	(1,299,127)	57,943,240	58,443,240	(500,000)
General fund	\$49,557,415	\$48,624,499	\$4,792,827	\$53,417,326	\$54,017,326	(\$600,000)
FTE	336.12	340.05	4.00	344.05	344.05	0.00
<b>Agronomy Seed Farm</b>						
Total all funds	\$1,536,129	\$1,562,334	\$3,641	\$1,565,975	\$1,565,975	\$0
Less estimated income	1,536,129	1,562,334	3,641	1,565,975	1,565,975	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	3.00	3.00	0.00	3.00	3.00	0.00
<b>Bill total</b>						
Total all funds	\$225,598,292	\$227,879,761	\$6,468,269	\$234,348,030	\$236,014,310	(\$1,666,280)
Less estimated income	127,922,235	129,941,849	(1,261,976)	128,679,873	129,179,873	(500,000)
General fund	\$97,676,057	\$97,937,912	\$7,730,245	\$105,668,157	\$106,834,437	(\$1,166,280)
FTE	758.07	752.05	4.00	756.05	756.05	0.00

## House Bill No. 1020 - Transportation Institute - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Upper Great Plains Trans. Institute	\$22,060,242	\$22,837,729	\$454,494	\$23,292,223	\$23,392,223	(\$100,000)
Total all funds	\$22,060,242	\$22,837,729	\$454,494	\$23,292,223	\$23,392,223	(\$100,000)
Less estimated income	18,617,068	18,874,323	21,571	18,895,894	18,895,894	0
General fund	\$3,443,174	\$3,963,406	\$432,923	\$4,396,329	\$4,496,329	(\$100,000)
FTE	43.88	43.88	0.00	43.88	43.88	0.00

## Department 627 - Transportation Institute - Detail of Conference Committee Changes

	Adds Funding for Salary Increases <sup>1</sup>	Adds Funding for a Road and Bridge Study <sup>2</sup>	Total Conference Committee Changes
Upper Great Plains Trans. Institute	\$29,494	\$425,000	\$454,494
Total all funds	\$29,494	\$425,000	\$454,494
Less estimated income	21,571	0	21,571
General fund	\$7,923	\$425,000	\$432,923
FTE	0.00	0.00	0.00

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

<sup>2</sup> Ongoing funding of \$425,000 from the general fund is added to continue the road and bridge study, for a total of \$875,000. The Senate provided \$975,000 and the House provided \$450,000 from the general fund for the study.

## House Bill No. 1020 - Branch Research Centers - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Dickinson Research Center	\$6,825,551	\$6,673,082	\$342,780	\$7,015,862	\$6,953,362	\$62,500
Central Grasslands Research Center	3,423,624	3,366,743	144,082	3,510,825	3,510,825	
Hettinger Research Center	4,975,133	4,952,233	160,170	5,112,403	5,112,403	
Langdon Research Center	2,964,607	2,947,911	104,149	3,052,060	3,052,060	
North Central Research Center	4,953,652	4,953,966	183,604	5,137,570	5,075,070	62,500
Williston Research Center	5,118,890	5,068,765	218,068	5,286,833	5,286,833	
Carrington Research Center	9,175,491	9,373,791	312,070	9,685,861	9,685,861	
Total all funds	\$37,436,948	\$37,336,491	\$1,464,923	\$38,801,414	\$38,676,414	\$125,000
Less estimated income	20,281,691	20,741,029	(140,641)	20,600,388	20,600,388	0
General fund	\$17,155,257	\$16,595,462	\$1,605,564	\$18,201,026	\$18,076,026	\$125,000
FTE	110.29	109.81	0.00	109.81	109.81	0.00

## Department 628 - Branch Research Centers - Detail of Conference Committee Changes

	Adds Funding for Salary Increases <sup>1</sup>	Adds Funding for Salaries <sup>2</sup>	Adds Funding for Operating Expenses <sup>3</sup>	Adds Funding for Oakes Irrigation Site <sup>4</sup>	Total Conference Committee Changes
Dickinson Research Center	\$16,894	\$62,500	\$263,386		\$342,780
Central Grasslands Research Center	13,113		130,969		144,082
Hettinger Research Center	18,420		141,750		160,170
Langdon Research Center	10,698		93,451		104,149
North Central Research Center	17,788	62,500	103,316		183,604
Williston Research Center	19,337		198,731		218,068
Carrington Research Center	43,113		268,957		312,070
Total all funds	\$139,363	\$125,000	\$1,200,560	\$0	\$1,464,923
Less estimated income	59,359	0	0	(200,000)	(140,641)
General fund	\$80,004	\$125,000	\$1,200,560	\$200,000	\$1,605,564
FTE	0.00	0.00	0.00	0.00	0.00

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

<sup>2</sup> Funding of \$125,000 from the general fund is added for salaries, including \$62,500 each for the Dickinson Research Center and the North Central Research Center. Neither the Senate nor the House provided this funding.

<sup>3</sup> Funding of \$1,200,560 from the general fund reduced by the House for operating expenses is restored, the same as the Senate version.

<sup>4</sup> The funding source for \$200,000 added to the Carrington Research Center for the Oakes irrigation site is changed from other funds as added by the House to the general fund, the same as the Senate version.

### House Bill No. 1020 - NDSU Extension Service - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Extension Service	\$51,188,489	\$53,355,674	\$1,040,631	\$54,396,305	\$54,866,305	(\$470,000)
Soil Conservation Committee	1,091,520	1,091,520		1,091,520	1,212,800	(121,280)
Total all funds	\$52,280,009	\$54,447,194	\$1,040,631	\$55,487,825	\$56,079,105	(\$591,280)
Less estimated income	26,646,689	27,628,956	149,203	27,778,159	27,778,159	0
General fund	\$25,633,320	\$26,818,238	\$891,428	\$27,709,666	\$28,300,946	(\$591,280)
FTE	252.98	242.51	0.00	242.51	242.51	0.00

### Department 630 - NDSU Extension Service - Detail of Conference Committee Changes

	Adds Funding for Salary Increases <sup>1</sup>	Reduces Funding for Salaries <sup>2</sup>	Adds Funding for Extension Agent Funding <sup>3</sup>	Total Conference Committee Changes
Extension Service	\$295,631	(\$125,000)	\$870,000	\$1,040,631
Soil Conservation Committee				
Total all funds	\$295,631	(\$125,000)	\$870,000	\$1,040,631
Less estimated income	149,203	0	0	149,203
General fund	\$146,428	(\$125,000)	\$870,000	\$891,428
FTE	0.00	0.00	0.00	0.00

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

<sup>2</sup> Funding for salaries and wages is reduced by \$125,000 from the general fund. Neither the House nor the Senate made this reduction.

<sup>3</sup> Funding of \$870,000 from the general fund is added for providing additional state funding for the cost of county extension agents, the same as the Senate version. The House did not add funding for county extension agent funding.

This amendment:

- Does not include \$121,280 from the general fund added by the Senate for soil conservation grants.
- Provides a 2017-19 biennium appropriation of \$345,000 from the general fund for NDSU Extension Service website and digital upgrades. The Senate provided the funding from the 2019-21 biennium and the House did not provide funding for website and digital upgrades.

**House Bill No. 1020 - Northern Crops Institute - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Northern Crops Institute	\$3,642,721	\$3,829,147	\$10,880	\$3,840,027	\$3,840,027	
Total all funds	\$3,642,721	\$3,829,147	\$10,880	\$3,840,027	\$3,840,027	\$0
Less estimated income	1,755,830	1,892,840	3,377	1,896,217	1,896,217	0
General fund	\$1,886,891	\$1,936,307	\$7,503	\$1,943,810	\$1,943,810	\$0
FTE	11.80	12.80	0.00	12.80	12.80	0.00

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

	Adds Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Northern Crops Institute	\$10,880	\$10,880
Total all funds	\$10,880	\$10,880
Less estimated income	3,377	3,377
General fund	\$7,503	\$7,503
FTE	0.00	0.00

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

**House Bill No. 1020 - Main Research Center - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Main Research Center	\$108,642,243	\$107,866,866	\$3,493,700	\$111,360,566	\$112,460,566	(\$1,100,000)
Total all funds	\$108,642,243	\$107,866,866	\$3,493,700	\$111,360,566	\$112,460,566	(\$1,100,000)
Less estimated income	59,084,828	59,242,367	(1,299,127)	57,943,240	58,443,240	(500,000)
General fund	\$49,557,415	\$48,624,499	\$4,792,827	\$53,417,326	\$54,017,326	(\$600,000)
FTE	336.12	340.05	4.00	344.05	344.05	0.00

**Department 640 - Main Research Center - Detail of Conference Committee Changes**

	Adds Funding for Salary Increases <sup>1</sup>	Adds FTE Positions for Agribiome Initiative <sup>2</sup>	Adjusts Funding for Miscellaneous Expenses <sup>3</sup>	Adjusts One-Time Funding for Williston Seed Cleaning Plant <sup>4</sup>	Adds One-Time Funding for a Williston Greenhouse <sup>5</sup>	Reduces Funding for Extraordinary Repairs <sup>6</sup>
Main Research Center	\$377,958	\$1,160,000	\$1,955,742		\$500,000	(\$500,000)
Total all funds	\$377,958	\$1,160,000	\$1,955,742	\$0	\$500,000	(\$500,000)
Less estimated income	200,873	0	(1,000,000)	(500,000)	500,000	(500,000)
General fund	\$177,085	\$1,160,000	\$2,955,742	\$500,000	\$0	\$0
FTE	0.00	4.00	0.00	0.00	0.00	0.00

	Total Conference Committee Changes
Main Research Center	\$3,493,700
Total all funds	\$3,493,700
Less estimated income	(1,299,127)
General fund	\$4,792,827
FTE	4.00

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

<sup>2</sup> The following FTE positions and related funding are added for the agribiome initiative, the same as the Senate version:

	<u>FTE Positions</u>	<u>General Fund</u>
Scientist and technician	2.0	\$580,000
Scientist and technician	<u>2.0</u>	<u>580,000</u>
Total	4.0	\$1,160,000

<sup>3</sup> Funding is adjusted for miscellaneous expenses by adding \$2,955,742 from the general fund and reducing \$1,000,000 of other funds, the same as the Senate version. The House reduced funding for miscellaneous expenses by \$2,955,742 from the general fund but increased funding by \$3,000,000 of other funds.

<sup>4</sup> One-time funding of \$500,000 from the general fund is added to the \$250,000 of one-time funding from the general fund added by the House for the Williston Research Center seed cleaning plant, for a total of \$750,000 from the general fund, the same as the Senate version. The \$500,000 of other funds added by the House for the seed cleaning plant is not included.

<sup>5</sup> One-time funding of \$500,000 of other funds is added for a Williston Research Center greenhouse, the same as the Senate version. The House did not add funding for a Williston greenhouse.

<sup>6</sup> Funding for extraordinary repairs is reduced by \$500,000, to provide a total of \$940,465 from the strategic investment and improvements fund for extraordinary repairs. The House and Senate both provided \$1,440,465 from the strategic investment and improvements fund for extraordinary repairs.

This amendment:

- Does not include \$600,000 of one-time funding from the general fund added by the Senate for equipment storage sheds.
- Includes a section added by the Senate to allow funds appropriated for the 2015-17 biennium for seed cleaning plants at the Carrington Research Center and the North Central Research Center to be continued and spent during the 2019-21 biennium.
- Adds a new section to provide legislative intent that maintenance and operating costs relating to the Williston Research Center greenhouse be paid from other funds.

**House Bill No. 1020 - Agronomy Seed Farm - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Agronomy Seed Farm	\$1,536,129	\$1,562,334	\$3,641	\$1,565,975	\$1,565,975	
Total all funds	\$1,536,129	\$1,562,334	\$3,641	\$1,565,975	\$1,565,975	\$0
Less estimated income	1,536,129	1,562,334	3,641	1,565,975	1,565,975	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	3.00	3.00	0.00	3.00	3.00	0.00

**Department 649 - Agronomy Seed Farm - Detail of Conference Committee Changes**

	Adds Funding for Salary Increases <sup>1</sup>	Total Conference Committee Changes
Agronomy Seed Farm	\$3,641	\$3,641
Total all funds	\$3,641	\$3,641
Less estimated income	3,641	3,641
General fund	\$0	\$0
FTE	0.00	0.00

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

2020.

Engrossed HB 1020 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1286, as engrossed:** Your conference committee (Sens. D. Larson, Dwyer, Bakke and Reps. K. Koppelman, Jones, Satrom) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1419, adopt amendments as follows, and place HB 1286 on the Seventh order:

That the Senate recede from its amendments as printed on page 1419 and pages 1659 and 1660 of the House Journal and pages 1172 and 1173 and page 1185 of the Senate Journal and that Engrossed House Bill No. 1286 be amended as follows:

Page 1, line 3, after the second comma insert "and"

Page 1, line 3, remove ", 29-27-02.1, and subsection 1 of"

Page 1, line 4, remove "section 54-12-14"

Page 1, line 5, remove ", disposition of statutory fees,"

Page 1, line 6, remove "fines, forfeitures, and the attorney general assets forfeiture fund"

Page 1, line 17, remove the third "or"

Page 1, line 18, after the first "property" insert ", or it can be established beyond a reasonable doubt the property was used in the commission of a crime or constituted the proceeds of criminal activity"

Page 2, line 6, remove "clear and convincing"

Page 2, line 7, remove "evidence"

Page 2, line 7, overstrike "for instituting the forfeiture action following which" and insert immediately thereafter "the property meets the requirements of subsection 2 of section 19-03.1-36.2. Following the state's case."

Page 2, line 15, remove "order the proper costs and"

Page 2, remove lines 16 and 17

Page 2, line 18, replace "remaining proceeds to be deposited as provided in subsection 2 of section 29-27-02.1" with "order only the forfeited property or proceeds from the sale of forfeited property to be deposited with a political subdivision if the political subdivision has created a civil asset forfeiture fund. If the political subdivision does not have a civil asset forfeiture fund, any forfeited property and proceeds from the sale of forfeited property must be deposited in the attorney general's asset forfeiture fund."

3. A political subdivision that has a civil asset forfeiture fund shall establish an application process, including eligibility criteria, to accept and process applications from law enforcement agencies within the political subdivision's jurisdiction for an appropriation from the civil asset forfeiture fund.
4. This section does not prohibit the state and a political subdivision from entering an agreement to divide forfeited property and the proceeds from the sale of forfeited property"

Page 3, line 3, remove "Currency with the value of seven hundred and fifty United States dollars or less"

Page 3, remove line 4

Page 3, line 5, remove "c."

Page 3, line 6, replace "d." with "c."

Page 3, line 6, replace "determine" with "consider all factors, including"

Page 3, line 9, remove "sentence imposed for committing the offense"

Page 3, line 10, replace "subject to forfeiture" with "possible penalty that could be imposed for the alleged or committed offense subject to forfeiture"

Page 3, line 11, replace "e." with "d."

Page 3, line 19, after "forfeiture" insert "of property or to collaborate with a federal agency under federal law to conduct or engage in seizure and forfeiture of property. The term includes a multijurisdictional task force"

Page 3, line 20, remove "Annually, each law enforcement agency shall compile the following information"

Page 3, remove lines 21 through 27 with "Every civil forfeiture judgment issued by a district court must be made publicly available and include the following information in the findings of fact:

- a. Case number of the forfeiture proceeding and the district court where the case was filed.
- b. Who filed a claim or counterclaim for the seized property, if any.
- c. Date the forfeiture order was issued.
- d. Whether a forfeiture settlement agreement was reached.
- e. The date and the final disposition of the property.
- f. Estimated value of the forfeited property.
- g. Estimate of the total costs accrued by the law enforcement agency for storage and disposal of the civilly forfeited property.
- h. Amount of any attorney fees awarded to owners of seized and forfeited property."

Page 3, line 28, after "3." insert "Annually, a prosecutor who litigates the criminal case and forfeiture proceeding shall provide to the attorney general a copy of the judgment that includes the information required under subsection 2 and the total value of the forfeited property held by the agency at the end of the reporting period.

4. By November first of each year, the attorney general shall submit to the legislative management and the governor a written report summarizing activity in the state for the preceding fiscal year, the type, approximate value, and disposition of any civilly forfeited property, and the amount of proceeds received.
  - a. Summary data and civilly forfeited property must be disaggregated by agency.
  - b. The attorney general shall make the report available on the attorney general's website.
5. The attorney general may recover any costs under this section by withdrawing money from the asset forfeiture fund.
6. A law enforcement agency may use forfeiture proceeds to pay the costs of compiling and reporting data under this section.

7. The data and reports compiled under this section are public information and not exempt from disclosure.

8."

page 3, line 30, remove "electronic data entry for"

Page 4, remove lines 1 through 6

page 4, line 7, replace the "5." with "9."

Page 4, remove lines 10 through 31

Page 5, remove lines 1 through 29

Renumber accordingly

Engrossed HB 1286 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1333, as engrossed:** Your conference committee (Sens. Kreun, J. Roers, Sorvaag and Reps. Lefor, Keiser, P. Anderson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1525-1527, adopt amendments as follows, and place HB 1333 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1525-1527 of the House Journal and pages 1288-1290 of the Senate Journal and that Engrossed House Bill No. 1333 be amended as follows:

Page 1, line 3, remove "to provide an exemption;"

Page 1, line 10, after the underscored period insert: "Commissioner" means the commissioner of the department of commerce.

2."

Page 1, line 12, replace "2." with "3."

Page 2, line 1, replace "president of the Bank of North Dakota" with "commissioner"

Page 2, line 1, replace "president's" with "commissioner's"

Page 2, line 5, remove ". who must be appointed by the president of the Bank of North"

Page 2, line 6, remove "Dakota"

Page 2, line 7, remove ". who"

Page 2, line 8, remove "must be appointed by the president of the Bank of North Dakota"

Page 2, line 10, remove ". who must be appointed by the commissioner of the department of"

Page 2, line 11, remove "commerce"

Page 2, line 12, after the underscored period insert "The commissioner, in consultation with the president of the Bank of North Dakota, shall appoint the members of the committee."

Page 2, remove line 14

Page 2, line 15, replace "appointed by the commissioner of the department of commerce expire" with "under subdivisions b and c of subsection 1 expires"

Page 2, line 15, after "year" insert ", and so that no more than one of the members' terms appointed under subdivision d of subsection 1 expires each year"

Page 2, line 17, replace "appointing entity" with "commissioner"

Page 2, line 20, remove "The committee shall select a vice chairperson."

Page 2, line 20, after "member" insert "appointed under subdivision b of subsection 1"

Page 2, line 21, replace "qualify as a member of the appointing entity" with "represent an active venture capital firm, private entity, or angel capital fund"

Page 2, line 22, replace "appointing entity" with "commissioner, in consultation with the president of the Bank of North Dakota."

Page 3, line 3, replace "Bank of North Dakota" with "department of commerce"

Page 3, line 3, after "program" insert "in consultation with the Bank of North Dakota"

Page 3, line 4, replace "Bank" with "department of commerce"

Page 3, line 8, after the underscored period insert "Program guidelines relating to ownership of intellectual property, inventions, and discoveries must address activities and issues unique to technologies, patents, and companies created as a result of a legacy innovation technology loan."

Page 3, line 24, replace "all" with "the business plan, financial statements, and other information necessary for the Bank to determine which"

Page 3, line 25, after "committee" insert "will be approved by the Bank"

Page 3, after line 29, insert:

"4. To be eligible for a loan under this chapter, an entity shall agree to provide the Bank of North Dakota with information as requested by the Bank."

Page 4, line 3, replace "Bank of North Dakota" with "department of commerce"

Page 4, line 4, replace "Bank" with "department of commerce"

Page 4, line 5, replace "Bank" with "department of commerce"

Page 4, line 19, remove the boldfaced dash

Page 4, line 20, remove "**Exemption**"

Page 4, line 21, remove "1."

Page 4, line 21, remove "Bank of"

Page 4, line 22, replace "North Dakota" with "department of commerce"

Page 4, line 24, replace "a." with "1."

Page 4, line 28, replace "b." with "2."

Page 4, line 30, replace "c." with "3."

Page 5, remove lines 1 and 2

Page 5, line 5, replace "\$3,000,000" with "\$15,000,000"

Renumber accordingly

Engrossed HB 1333 was placed on the Seventh order of business on the calendar.

### 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
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.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2211, as engrossed:** Your conference committee (Sens. Unruh, Schaible, Piepkorn and Reps. Keiser, Martinson, Porter) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1677-1680, adopt amendments as follows, and place SB 2211 on the Seventh order:

That the House recede from its amendments as printed on pages 1677-1680 of the Senate Journal and pages 1909-1911 of the House Journal and that Engrossed Senate Bill No. 2211 be amended as follows:

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

Page 1, line 2, remove "and"

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

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

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

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

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

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

Page 1, after line 6, insert:

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

#### **61-33-01. Definitions.**

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

1. "Board" means the sovereign lands advisory board.
2. "Board of university and school lands" means that entity created by section 15-01-01.
3. "Ordinary high water mark" means that line below which the presence and action of the water upon the land is continuous enough so as to prevent the growth of terrestrial vegetation, destroy its value for agricultural purposes by preventing the growth of what may be termed an ordinary agricultural crop, including hay, or restrict its growth to predominantly aquatic species.
4. "Sovereign lands" means those areas, including beds and islands, lying within the ordinary high water mark of navigable lakes and streams. Lands established to be riparian accretion or reliction lands pursuant to

section 47-06-05 are considered to be above the ordinary high water mark and are not sovereign lands.

- 4.5. "State engineer" means the person appointed by the state water commission pursuant to section 61-03-01.

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

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

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

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

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

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

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

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

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

Page 3, after line 26, insert:

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

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

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

**SECTION 9. APPLICATION.** Sections 1 and 2 of this Act do not apply to the ordinary high water mark study required for the historical Missouri riverbed channel in chapter 61-33.1. This Act does not affect or limit the authority of the state engineer to regulate waters of this state.

**SECTION 10. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2211 was placed on the Seventh order of business on the calendar.

**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 other 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.

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

**Buell J. Reich, Chief Clerk**

