

JOURNAL OF THE SENATE

Sixty-sixth Legislative Assembly

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Bismarck, April 8, 2019

The Senate convened at 1:00 p.m., with President Sanford presiding.

The prayer was offered by Pastor Daniel Haveman, Open Door Baptist Church, Bismarck.

The roll was called and all members were present except Senators Bakke, Bekkedahl, and Dever.

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that HB 1384, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1119: SEN. ANDERSON (Human Services Committee) MOVED that the amendments on SJ page 1333 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1119: A BILL for an Act to amend and reenact subsection 8 of section 19-24.1-01, paragraph 1 of subdivision a of subsection 24 of section 19-24.1-01, section 19-24.1-03, subsection 2 of section 19-24.1-04, subsection 1 of section 19-24.1-15, subsection 2 of section 19-24.1-18, subsection 13 of section 19-24.1-32, and section 19-24.1-37 of the North Dakota Century Code, relating to the medical marijuana program; to provide for the destroying or redacting of social security numbers in the department's possession; and to declare an emergency.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Dever

HB 1119, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1020, as engrossed: SEN. ERBELE (Appropriations Committee) MOVED that the amendments on SJ pages 1325-1331 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1020: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota state university extension service, northern crops institute, upper great plains transportation institute, main research center, branch research centers, and agronomy seed farm; and to provide an exemption.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Dever

Engrossed HB 1020, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1025, as engrossed: SEN. POOLMAN (Appropriations Committee) MOVED that the amendments on SJ pages 1331-1333 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act to provide an appropriation for defraying the expenses of the department of veterans' affairs; to provide for a report; and to provide an exemption.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Dever

Engrossed HB 1025, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1012, as engrossed: SEN. G. LEE (Appropriations Committee) MOVED that the amendments on SJ pages 1322-1324 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

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 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, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Burckhard; Clemens; Cook; Davison; Dotzenrod; Dwyer; Elkin; Erbele;

Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Dever

Engrossed HB 1012, as amended, passed and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1013, as engrossed: SEN. GRABINGER (Appropriations Committee) MOVED that the amendments on SJ pages 1324-1325 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

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 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, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Dever

Engrossed HB 1013, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1002, as engrossed: SEN. HOGUE (Appropriations Committee) MOVED that the amendments on SJ pages 1318-1321 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 27-02-02, 27-02.1-01, 27-02.1-02, 27-02.1-03, 27-02.1-04, 27-02.1-05, 27-02.1-06, 27-02.1-07, 27-02.1-08, 27-02.1-09, and 27-05-03 of the North Dakota Century Code, relating to salaries of justices of the supreme court, the temporary court of appeals, and salaries of district judges; to provide for a report; to provide for a transfer; 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, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson; Burckhard; Clemens; Cook; Davison; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein;

Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Dever

Engrossed HB 1002, as amended, passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1466: A BILL for an Act to create and enact chapter 10-37 of the North Dakota Century Code, relating to North Dakota public benefit corporations; and to provide a contingent effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Burckhard; Dotzenrod; Dwyer; Grabinger; Heckaman; Hogan; Klein; Marcellais; Mathern; Meyer; Oban; Piepkorn; Robinson; Roers, J.; Roers, K.; Wanzek; Wardner

NAYS: Anderson; Clemens; Cook; Davison; Elkin; Erbele; Fors; Hogue; Holmberg; Kannianen; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Myrdal; Oehlke; Patten; Poolman; Rust; Schaible; Sorvaag; Unruh; Vedaa

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Dever

HB 1466, as amended, failed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHAIBLE MOVED that the Senate do concur in the House amendments to Engrossed SCR 4016 as printed on SJ page 1215, which motion prevailed on a voice vote.

Engrossed SCR 4016, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4016: A concurrent resolution to amend and reenact subsections 2 and 6 of section 6 of article VIII of the Constitution of North Dakota, relating to the membership and meeting requirements of the state board of higher education; to provide for transition; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read. The roll was called and there were 27 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Clemens; Cook; Davison; Dotzenrod; Dwyer; Elkin; Grabinger; Heckaman; Kannianen; Klein; Krebsbach; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Myrdal; Oban; Oehlke; Piepkorn; Robinson; Rust; Schaible; Vedaa; Wanzek; Wardner

NAYS: Anderson; Burckhard; Erbele; Fors; Hogan; Hogue; Holmberg; Kreun; Larsen, O.; Lemm; Meyer; Patten; Poolman; Roers, J.; Roers, K.; Sorvaag; Unruh

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Dever

Reengrossed SCR 4016 was declared adopted on a recorded roll call vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2011 as printed on SJ pages 1261-1262, which motion prevailed on a voice vote.

Engrossed SB 2011, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the securities department; and to amend and reenact subsection 5 of section 10-04-03 of the North Dakota Century Code, relating to collection of fees, civil penalties, and other moneys collected under the Securities Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bakke; Bekkedahl; Dever

Reengrossed SB 2011 passed.

CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. KLEIN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2004 as printed on SJ pages 1270-1272, in the House amendments to Engrossed SB 2214 as printed on SJ pages 1269-1270, and in the House amendments to Engrossed SB 2321 as printed on SJ page 1273 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed SB 2004: Sens. Oehlke, Dever, Grabinger.

Engrossed SB 2214: Sens. Schaible, Rust, Marcellais.

Engrossed SB 2321: Sens. Rust, Dwyer, Bakke.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1074 and Engrossed HB 1541, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1074: Sens. Myrdal, Lemm, Bakke

Engrossed HB 1541: Sens. Luick, Myrdal, Bakke

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1013, HB 1020, HB 1025.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1002, HB 1012, HB 1119.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1466.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2320, SB 2345.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2320

Page 2, line 12, replace "The" with "By August 27, 2019, the"

Page 2, after line 20, insert:

"Upon adoption of the policies under this section, the state board of higher education shall provide a copy of the policies to the legislative management."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2345

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

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

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

Page 4, line 1, after "subsection" insert "are subject to approval by the agriculture commissioner and"

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

Page 4, line 2, overstrike "percent from" and insert immediately thereafter "be a greater distance than"

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

Page 4, line 13, after the underscored period insert "If the county allows animal feeding operations as a conditional use, the county shall inform the applicant of the required procedures upon receipt of the petition, and the conditional use regulations in effect at the time the county receives the petition must control the approval process, except the county shall make a decision on the application within sixty days of the receipt of a complete conditional use permit application."

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

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

Page 4, line 17, remove "of the"

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

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

Page 7, line 6, after "subsection" insert "are subject to approval by the agriculture commissioner and"

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

Page 7, line 7, overstrike "percent from" and insert immediately thereafter "be a greater distance than"

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

Page 7, line 18, after the underscored period insert "If the county allows animal feeding operations as a conditional use, the county shall inform the applicant of the required procedures upon receipt of the petition, and the conditional use regulations in effect at the time the county receives the petition must control the approval process, except the county shall make a decision on the application within sixty days of the receipt of a complete conditional use permit application."

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

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

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

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

Page 7, after line 23, insert:

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

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

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

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

- 4- Any zoning regulation that pertains to a ~~concentrated~~ animal feeding operation ~~and, as defined in section 11-33-02.1,~~ is not effective until filed with the department of environmental quality for inclusion in the central repository established under section 23.1-01-10.
- 2- For purposes of this section:
 - a- ~~"Concentrated animal feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle.~~
 - b- ~~"Livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts."~~

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

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

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

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

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

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

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

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

Page 20, line 11, after "subsection" insert "are subject to approval by the agriculture commissioner and"

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

Page 20, line 12, overstrike "percent from" and insert immediately thereafter "be a greater distance than"

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

Page 20, line 23, after the underscored period insert "If the township allows animal feeding operations as a conditional use, the township shall inform the applicant of the required procedures upon receipt of the petition, and the conditional use regulations in effect at the time the township receives the petition must control the approval process, except the township shall make a decision on the application within sixty days of the receipt of a complete conditional use permit application."

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

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

Page 20, line 27, remove "of the"

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

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

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

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

Page 21, overstrike lines 2 through 4

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

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

Page 23, line 9, after "subsection" insert "are subject to approval by the agriculture commissioner and"

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

Page 23, line 10, overstrike "percent from" and insert immediately thereafter "be a greater distance than"

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

Page 23, line 21, after the underscored period insert "If the township allows animal feeding operations as a conditional use, the township shall inform the applicant of the required procedures upon receipt of the petition, and the conditional use regulations in effect at the time the township receives the petition must control the approval process, except the township shall make a decision on the application within sixty days of the receipt of a complete conditional use permit application."

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

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

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

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

- a. Regulate or impose zoning restrictions or requirements on animal feeding operations or other agricultural operations except as expressly permitted under this section; or

- b. Impose water quality, closure, site security, lagoon, or nutrient plan regulations or requirements on animal feeding operations"

Page 23, after line 27, insert:

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

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

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

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

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

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

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

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

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

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

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

Renumber accordingly

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause failed: SB 2019.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019

Page 1, line 4, remove "and"

Page 1, line 4, after "exemption" insert "; to authorize conveyance of real property owned by the state of North Dakota; and to declare an emergency"

Page 1, replace lines 17 through 23 with:

"Administration	\$2,668,728	(\$63,729)	\$2,604,999
Park operations and maintenance	20,570,558	3,355,161	23,925,719
Recreation	<u>7,039,554</u>	<u>2,284,006</u>	<u>9,323,560</u>
Total all funds	\$30,278,840	\$5,575,438	\$35,854,278
Less estimated income	<u>17,389,561</u>	<u>5,968,174</u>	<u>23,357,735</u>
Total general fund	\$12,889,279	(\$392,736)	\$12,496,543
Full-time equivalent positions	62.50	(1.00)	61.50"

Page 2, replace lines 4 through 7 with:

"International Peace Garden	<u>\$876,329</u>	<u>\$5,000,000</u>	<u>\$5,876,329</u>
Total all funds	\$876,329	\$5,000,000	\$5,876,329
Less estimated income	<u>0</u>	<u>5,000,000</u>	<u>5,000,000</u>
Total general fund	\$876,329	\$0	\$876,329"

Page 2, replace lines 12 through 15 with:

"Lewis and Clark interpretive center	<u>\$1,250,687</u>	<u>\$233,688</u>	<u>\$1,484,375</u>
Total all funds	\$1,250,687	\$233,688	\$1,484,375
Less estimated income	<u>362,019</u>	<u>(27,901)</u>	<u>334,118</u>
Total general fund	\$888,668	\$261,589	\$1,150,257"

Page 2, replace lines 20 through 22 with:

"Grand total general fund	\$14,654,276	(\$131,147)	\$14,523,129
Grand total special funds	<u>17,751,580</u>	<u>10,940,273</u>	<u>28,691,853</u>
Grand total all funds	\$32,405,856	\$10,809,126	\$43,214,982"

Page 2, remove lines 28 through 31

Page 3, replace lines 1 through 10 with:

"Double ditch historic site repairs grant	\$500,000	\$0
Recreational opportunities on sovereign lands grant	500,000	0
Pipeline protest law enforcement support	200,000	0
Electronic payment processing system loan proceeds	88,000	0
Extraordinary repairs	0	634,126
Capital projects	0	1,755,000
International Peace Garden capital projects	0	5,000,000
Additional equipment	0	622,000
State park survey	0	150,000
Recreation mapping	0	75,000
Traffic counters	<u>0</u>	<u>75,000</u>
Total all funds	\$1,288,000	\$8,311,126

Less estimated income	1,288,000	8,311,126
Total general fund	\$0	\$0"

Page 4, after line 18, insert:

"SECTION 9. REQUIREMENTS - MATCHING FUNDS - GRANTS. Of the funds continued in section 1 of chapter 18 of the 2017 Session Laws as referenced in section 5 of chapter 18 of the 2017 Session Laws, the parks and recreation department shall provide a grant of up to \$250,000 to a nonprofit organization for the development of a community event space and visitor center in an area previously affected by river flooding. An entity receiving a grant pursuant to this section must provide one dollar of matching funds from nonstate sources for every dollar of grant funding received."

Page 4, line 21, replace "\$2,000,000" with "\$5,000,000"

Page 4, line 29, replace "\$2,000,000" with "\$5,000,000"

Page 5, after line 13, insert:

"SECTION 13. TRANSFER OF LAND AUTHORIZED. The state of North Dakota, by and through the department of corrections and rehabilitation, shall convey certain real property consisting of approximately 250 acres in the northwest quarter and northeast quarter of section 29, township 138, range 80 west, Burleigh County, North Dakota, described as part of government lots 1, 2, 3, and 4, and the northwest quarter of the northeast quarter of section 29, and what is described as auditor's lot "A" in the plat recorded with the Burleigh County recorder as document 851887 and as exhibit A to document number 851886; and that part of the northeast quarter and the northwest quarter of section 30, township 138 north, range 80 west, Burleigh County, North Dakota, and what is now described as auditor's lot "A" in the plat recorded with the Burleigh County recorder as document number 851888 and as exhibit B to document number 851886 (the State Property), but subject to any designated sovereign lands within the ordinary high water mark of the Missouri River in accordance with section 61-33-03 of the North Dakota Century Code to the North Dakota parks and recreation department. The department of corrections and rehabilitation shall provide public access to the described land in this section. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfer authorized by this section.

SECTION 14. EMERGENCY. Section 9 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2019 - Parks and Recreation Department - House Action

	Base Budget	Senate Version	House Changes	House Version
Administration	\$2,668,728	\$2,603,605	\$1,394	\$2,604,999
Park operations and maintenance	20,570,558	23,910,920	14,799	23,925,719
Recreation	7,039,554	9,324,299	(739)	9,323,560
International Peace Garden	876,329	2,876,329	3,000,000	5,876,329
Lewis and Clark Interpretive Center	1,250,687	1,301,704	182,671	1,484,375
Total all funds	\$32,405,856	\$40,016,857	\$3,198,125	\$43,214,982
Less estimated income	17,751,580	25,691,408	3,000,445	28,691,853
General fund	\$14,654,276	\$14,325,449	\$197,680	\$14,523,129
FTE	62.50	61.50	0.00	61.50

Department 750 - Parks and Recreation Department - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Adds One-Time Funding for Capital Projects ²	Adds Funding for Lewis and Clark Interpretive Center Operations ³	Total House Changes
Administration	\$1,394			\$1,394
Park operations and maintenance	14,799			14,799
Recreation	(739)			(739)
International Peace Garden		\$3,000,000		3,000,000
Lewis and Clark Interpretive Center	2,671		\$180,000	182,671
Total all funds	\$18,125	\$3,000,000	\$180,000	\$3,198,125
Less estimated income	445	3,000,000	0	3,000,445
General fund	\$17,680	\$0	\$180,000	\$197,680
FTE	0.00	0.00	0.00	0.00

¹ 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 Senate provided funding for a 2 percent salary increase on July 1, 2019, and a 3 percent salary increase on July 1, 2020.

² One-time funding of \$3 million is added from the strategic investment and improvements fund for International Peace Garden capital projects. The Senate provided \$2 million from the strategic investment and improvements funding for the project. The total fund for International Peace Garden capital projects provided by the House is \$5 million.

³ Funding of \$180,000 is added from the general fund for Lewis and Clark Interpretive Center operations.

This amendment also:

- Adds a section directing the Parks and Recreation Department to grant up to \$250,000 to the Fort Abraham Lincoln Foundation for heritage river landing and requires a dollar-for-dollar matching of funds from nonstate sources.
- Amends the section identifying funding from the strategic investment and improvements fund for International Peace Garden projects and park capital projects.
- Adds a section authorizing conveyance of real property owned by the state of North Dakota and requiring the Department of Corrections and Rehabilitation to provide public access to the real property.
- Adds a section declaring the grant of \$250,000 to the Fort Abraham Lincoln Foundation to be an emergency measure.

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

MR. PRESIDENT: The House has failed to pass, unchanged: SB 2341, SB 2353.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2011 and SCR 4016.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2004, SB 2214, and SB 2321, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2004: Sens. Oehlke; Dever; Grabinger

SB 2214: Sens. Schaible; Rust; Marcellais

SB 2321: Sens. Rust; Dwyer; Bakke

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

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

SB 2035: Reps. Pyle; Hatlestad; Toman
SB 2078: Reps. Hatlestad; Magrum; Guggisberg
SB 2186: Reps. Heinert; Hoverson; Hager
SB 2215: Reps. Owens; Schreiber-Beck; Hager
SB 2216: Reps. Owens; Schreiber-Beck; Guggisberg

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1157, HB 1283, HB 1287, HB 1346, HB 1383, HB 1461, and HB 1531, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1157: Reps. Bosch; Louser; M. Nelson
HB 1283: Reps. M. Ruby; Devlin; Damschen
HB 1287: Reps. Owens; Schreiber-Beck; Guggisberg
HB 1346: Reps. Owens; Zubke; Guggisberg
HB 1383: Reps. Schreiber-Beck; Brandenburg; Boe
HB 1461: Reps. Schreiber-Beck; Strinden; Hager
HB 1531: Reps. Owens; Zubke; Guggisberg

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

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

HB 1074: Sens. Myrdal; Lemm; Bakke
HB 1541: Sens. Luick; Myrdal; Bakke

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2106, SB 2268, SB 2273, SB 2362.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1005, HB 1246, HB 1256, HCR 3048.

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

MR. PRESIDENT: The Speaker has signed: SB 2036, SB 2046, SB 2047, SB 2061, SB 2073, SB 2106, SB 2110, SB 2113, SB 2120, SB 2121, SB 2162, SB 2176, SB 2181, SB 2185, SB 2212, SB 2268, SB 2273, SB 2278, SB 2281, SB 2340, SB 2362.

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

MR. SPEAKER: The President has signed: SB 2036, SB 2046, SB 2047, SB 2061, SB 2073, SB 2106, SB 2110, SB 2113, SB 2120, SB 2121, SB 2162, SB 2176, SB 2181, SB 2185, SB 2212, SB 2268, SB 2273, SB 2278, SB 2281, SB 2340, SB 2362.

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

MR. SPEAKER: The President has signed: HB 1005, HB 1246, HB 1256, HCR 3048.

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

MR. PRESIDENT: The Speaker has signed: HB 1082, HB 1394, HCR 3058.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 8, 2019: SB 2036, SB 2046, SB 2047, SB 2061, SB 2073, SB 2106, SB 2110, SB 2113, SB 2120, SB 2121, SB 2162, SB 2176, SB 2181, SB 2185, SB 2212, SB 2268, SB 2273, SB 2278, SB 2281, SB 2340, SB 2362.

MOTION

SEN. KLEIN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until

1:00 p.m., Tuesday, April 9, 2019, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1011, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "job"

Page 1, line 3, remove "shadowing with the"

Page 1, line 3, after "patrol" insert "community outreach"

Page 1, line 3, remove "and"

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

Page 1, replace lines 13 through 17 with:

"Highway patrol	<u>\$57,230,706</u>	<u>\$4,934,030</u>	<u>\$62,164,736</u>
Total all funds	\$57,230,706	\$4,934,030	\$62,164,736
Less estimated income	<u>14,703,278</u>	<u>2,867,475</u>	<u>17,570,753</u>
Total general fund	\$42,527,428	\$2,066,555	\$44,593,983
Full-time equivalent positions	204.00	(3.00)	201.00"

Page 2, line 14, replace "**Job shadowing**" with "**Community outreach**"

Page 2, line 16, after "may" insert "implement programs to provide coordination for victims, witnesses, and families following a traffic crash or traumatic event. The superintendent may also"

Page 2, line 25, replace "\$7,089,982" with "\$7,224,923"

Page 2, line 31, replace "\$3,349,489" with "\$3,356,069"

Page 3, after line 16, insert:

"SECTION 8. RELOCATION OF LAW ENFORCEMENT TRAINING ACADEMY - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY. During the 2019-20 interim, the highway patrol shall develop alternatives to relocate the housing and classroom portions of the law enforcement training academy. In developing the alternatives, the highway patrol shall review locations for a new facility, evaluate the proper capacity of the facility to serve future law enforcement training needs, and obtain estimated costs of each alternative. The highway patrol shall report to the appropriations committees of the sixty-seventh legislative assembly regarding the alternatives to relocate the training academy."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Highway patrol	<u>\$57,230,706</u>	<u>\$60,496,496</u>	<u>\$1,668,240</u>	<u>\$62,164,736</u>
Total all funds	\$57,230,706	\$60,496,496	\$1,668,240	\$62,164,736
Less estimated income	<u>14,703,278</u>	<u>17,062,742</u>	<u>508,011</u>	<u>17,570,753</u>
General fund	\$42,527,428	\$43,433,754	\$1,160,229	\$44,593,983
FTE	204.00	195.00	6.00	201.00

Department 504 - Highway Patrol - Detail of Senate Changes

	Adjusts Funding for Salary Increases ¹	Adjusts Salary Funding ²	Restores Trooper Positions ³	Adds Crash Assistance Program Positions ⁴	Total Senate Changes
Highway patrol	\$176,497	\$195,110	\$742,000	\$554,633	\$1,668,240
Total all funds	\$176,497	\$195,110	\$742,000	\$554,633	\$1,668,240
Less estimated income	48,316	0	108,520	351,175	508,011
General fund	\$128,181	\$195,110	\$633,480	\$203,458	\$1,160,229
FTE	0.00	0.00	4.00	2.00	6.00

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

² Funding is adjusted for the salaries and wages of 2 FTE positions that were miscoded in the agency's budget request.

³ Four FTE trooper positions and related funding removed by the House are restored.

⁴ Two FTE positions and related operating costs are added for a crash assistance program.

This amendments also:

- Amends Section 3 of the bill relating to Highway Patrol community outreach programs.
- Amends Sections 4 and 5 of the bill to adjust the amount of funding provided from the highway tax distribution fund and motor carrier electronic permit fund.
- Adds a section to require the Highway Patrol to develop alternatives to relocate the Law Enforcement Training Academy and to report to the Appropriations Committees of the 67th Legislative Assembly regarding the alternatives.

REPORT OF STANDING COMMITTEE

HB 1024, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1024 was placed on the Sixth order on the calendar.

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

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

Page 1, line 8, remove "and"

Page 1, line 9, remove "for"

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

Page 1, remove lines 19 through 24

Page 2, replace line 1 with:

"Salaries and wages	\$27,040,544	\$3,546,814	\$30,587,358
Operating expenses	8,005,878	1,996,302	10,002,180
Capital assets	1,258,249	1,005,180	2,263,429
Grants	<u>13,407,000</u>	<u>2,454,529</u>	<u>15,861,529</u>
Total all funds	\$49,711,671	\$9,002,825	\$58,714,496
Less estimated income	<u>38,987,520</u>	<u>6,661,022</u>	<u>45,648,542</u>
Total general fund	\$10,724,151	\$2,341,803	\$13,065,954"

Page 2, replace lines 21 through 25 with:

"SECTION 4. ESTIMATED INCOME - PETROLEUM RELEASE

COMPENSATION FUND. The estimated income line item included in section 1 of this Act includes \$594,434, or so much of the sum as may be necessary, to be made available to the department of environmental quality from the petroleum release compensation fund for expenses related to the petroleum tank release program, for the biennium beginning July 1, 2019, and ending June 30, 2021."

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

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

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

Page 10, after line 6, insert:

"SECTION 16. A new section to chapter 23.1-12 of the North Dakota Century Code is created and enacted as follows:

Registration fees before adoption of rules.

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

Page 21, line 15, replace "state fire and tornado fund" with "general fund"

Page 22, after line 6, insert:

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

Page 22, line 8, remove "and"

Page 22, line 8, after "28" insert ", and 29"

Page 22, line 13, remove "and"

Page 22, line 13, after "28" insert ", and 29"

Page 22, after line 14, insert:

"SECTION 32. CONTINGENT EXPIRATION DATE. Section 16 of this Act is effective until the date the legislative council receives certification from the department of environmental quality that rules establishing a schedule of registration fees under section 23.1-12-17 have been adopted, and after that date is ineffective."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1024 - Department of Environmental Quality - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$27,040,544	\$30,196,953	\$390,405	\$30,587,358
Operating expenses	8,005,878	10,002,180		10,002,180
Capital assets	1,258,249	2,263,429		2,263,429
Grants	13,407,000	15,861,529		15,861,529
Total all funds	\$49,711,671	\$58,324,091	\$390,405	\$58,714,496
Less estimated income	38,987,520	46,415,932	(767,390)	45,648,542
General fund	\$10,724,151	\$11,908,159	\$1,157,795	\$13,065,954
FTE	152.50	165.50	0.00	165.50

Department 303 - Department of Environmental Quality - Detail of Senate Changes

	Adds Funding for Salary Increases ¹	Adds Funding for Health Insurance Increases ²	Adds 2 FTE Positions for the Supremacy of Federal Programs ³	Removes 2 FTE Positions for the Supremacy of Federal Programs ⁴	Adjusts the Funding Source of the Boiler Inspection Program ⁵	Total Senate Changes
Salaries and wages	\$184,841	\$13,386	\$384,356	(\$192,178)		\$390,405
Operating expenses						
Capital assets						
Grants						
Total all funds	\$184,841	\$13,386	\$384,356	(\$192,178)	\$0	\$390,405
Less estimated income	111,289	3,570	0	0	(882,249)	(767,390)
General fund	\$73,552	\$9,816	\$384,356	(\$192,178)	\$882,249	\$1,157,795
FTE	0.00	0.00	2.00	(2.00)	0.00	0.00

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

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

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

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

⁵ Funding provided for the boiler inspection program, including funding for salaries and wages of \$793,249 and operating expenses of \$89,000, is provided from the general fund instead of the state fire and tornado fund.

This amendment also:

- Removes a section identifying funding from the state fire and tornado fund for the boiler inspection program because funding for the program is provided from the general fund;
- Adds a section to identify funding from the petroleum release compensation fund for expenses related to the petroleum release program;
- Adjusts the contingent appropriation from the general fund for federal program supremacy to reduce total funding and FTE added in the 2nd year of the biennium;
- Adds a section to provide for petroleum tank fees to be assessed until the Department of Environmental Quality adopts rules regarding fees;

- Amends the section created to transfer the boiler inspection program to the Department of Environmental Quality to require fees collected under the section are deposited in the general fund, which will result in an estimated increase in general fund revenues of \$600,000;
- Adds a section to require that the Department of Environmental Quality review the boiler inspection program during the 2019-20 interim, develop a plan for program fees to meet program expenses, and report to the Legislative Management regarding the plan before June 30, 2020; and
- Adds a section to provide for a contingent expiration date for the section which provides for petroleum tank fees to be assessed until the Department of Environmental Quality adopts rules regarding fees.

REPORT OF CONFERENCE COMMITTEE

SB 2102: Your conference committee (Sens. Kreun, Vedaa, Piepkorn and Reps. Kasper, Louser, P. Anderson) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1068 and place SB 2102 on the Seventh order.

SB 2102 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2258, as engrossed: Your conference committee (Sens. Cook, Patten, Dotzenrod and Reps. Headland, Grueneich, Mitskog) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1026-1027 and place SB 2258 on the Seventh order.

Engrossed SB 2258 was placed on the Seventh order of business on the calendar.

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

Shanda Morgan, Secretary

