

JOURNAL OF THE HOUSE

Sixty-sixth Legislative Assembly

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Bismarck, February 15, 2019

The House convened at 7:30 a.m., with Acting Speaker Monson presiding.

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

The roll was called and all members were present except Representatives Becker, Kiefert, Klemin, O'Brien, and Weisz.

A quorum was declared by the Acting Speaker.

SIXTH ORDER OF BUSINESS

ACTING SPEAKER MONSON DEEMED approval of the amendments to HB 1001, HB 1002, HB 1003, HB 1007, HB 1011, HB 1012, HB 1013, HB 1014, HB 1025, HB 1031, HB 1207, HB 1286, HB 1287, HB 1290, HB 1329, HB 1347, HB 1396, HB 1425, HB 1453, HB 1493, HB 1534, and HB 1537.

HB 1001, HB 1002, HB 1003, HB 1007, HB 1011, HB 1012, HB 1013, HB 1014, HB 1025, HB 1031, HB 1207, HB 1286, HB 1287, HB 1290, HB 1329, HB 1347, HB 1396, HB 1425, HB 1453, HB 1493, HB 1534, and HB 1537, as amended, were placed on the Eleventh order of business on the calendar.

MOTION

REP. LOUSER MOVED that the rules be suspended, pursuant to House Rule 324, for the purpose of temporarily amending the deadline for rereferral of bills to the **House Appropriations Committee**, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that House Rule 329, paragraph 4, be amended temporarily to replace thirtieth legislative day with thirty-first legislative day for HB 1521, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that HB 1003 and HB 1031 be moved to the top of the Eleventh order, which motion prevailed on a voice vote.

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 and three new subsection to section 15-10-63 of the North Dakota Century Code, relating to the midwestern higher education compact and capital project authorization; to amend and reenact sections 15-10-49, 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 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 section 15-10-61 of the North Dakota Century Code, relating to the dual-credit instructor assistance program; to authorize the state board of higher education to issue and sell bonds for capital projects; to provide for a transfer; to provide for report; 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 76 YEAS, 13 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Hager; Hanson; Hatlestad; Headland; Heinert; Holman;

Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Tveit; Vetter; Vigesaa; Westlind; Zubke

NAYS: Becker; Bellew; Delzer; Devlin; Ertelt; Guggisberg; Johnston; Koppelman, B.; Magrum; Marschall; McWilliams; Toman; Trottier

ABSENT AND NOT VOTING: Kiefert; O'Brien; Simons; Weisz; Speaker Klemin

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

SECOND READING OF HOUSE BILL

HB 1031: A BILL for an Act to amend and reenact section 15-62.4-03 of the North Dakota Century Code, relating to the student financial assistance program; and to provide an appropriation.

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 1 YEAS, 88 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Sanford

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

ABSENT AND NOT VOTING: Kiefert; O'Brien; Simons; Weisz; Speaker Klemin

Engrossed HB 1031 failed.

SECOND READING OF HOUSE BILL

HB 1030: A BILL for an Act to amend and reenact section 15-18.2-06 of the North Dakota Century Code, relating to the minimum amount payable through the higher education funding formula; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS, 89 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Johnson, M.

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.;

Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1030 failed.

SECOND READING OF HOUSE BILL

HB 1191: A BILL for an Act to create and enact a new section to chapter 54-10 and a new section to chapter 54-44.1 of the North Dakota Century Code, relating to the duty of the state auditor to report consecutive audit findings and the reduction of agency appropriations by the office of management and budget; and to amend and reenact section 54-35-02.2 of the North Dakota Century Code, relating to the powers and duties of the legislative audit and fiscal review committee.

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 63 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Becker; Bellew; Blum; Bosch; Brandenburg; Damschen; Delzer; Devlin; Dockter; Ertelt; Fegley; Fisher; Grueneich; Hatlestad; Headland; Heinert; Hoverson; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; McWilliams; Meier; Monson; Nathe; Nelson, J.; Owens; Paulson; Paur; Pollert; Richter; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Simons; Skroch; Steiner; Strinden; Trottier; Tveit; Vigesaa; Westlind; Zubke

NAYS: Adams; Anderson, D.; Anderson, P.; Beadle; Boe; Boschee; Buffalo; Dobervich; Eidson; Guggisberg; Hager; Hanson; Holman; Howe; Keiser; Martinson; Mitskog; Mock; Nelson, M.; Porter; Pyle; Roers Jones; Ruby, D.; Schneider; Schreiber-Beck; Toman; Vetter

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1191 passed.

SECOND READING OF HOUSE BILL

HB 1418: A BILL for an Act to create and enact chapter 8-12 and section 39-01-01.2 of the North Dakota Century Code, relating to automated vehicle network companies and autonomous vehicle operations; and to amend and reenact subsection 1 of section 39-06.1-08 of the North Dakota Century Code, relating to nonmoving violations.

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 85 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

Westlind; Zubke

NAYS: Adams; Bellew; Delzer; Hager; Nelson, M.

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1418 passed.

SECOND READING OF HOUSE BILL

HB 1480: A BILL for an Act to provide for a legislative management study on the capturing of gas and the long-term benefits of capturing gas on the state's revenue stream.

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 87 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Boschee; Brandenburg; Buffalo; 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; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke

NAYS: Bosch; Nathe; Schauer

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Reengrossed HB 1480 passed.

SECOND READING OF HOUSE BILL

HB 1266: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-02 and section 39-07-07 of the North Dakota Century Code, relating to noncriminal traffic violations and halting an individual for violating traffic regulations; and to repeal section 39-07-07.1 of the North Dakota Century Code, relating to providing envelopes for traffic and parking violations on state charitable or penal institution property or state capitol grounds.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 78 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Eidson; Fegley; Koppelman, B.; Koppelman, K.; Laning; Magrum; Marschall; Mock; Ruby, D.; Ruby, M.; Schauer; Steiner

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

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1266 failed.

SECOND READING OF HOUSE BILL

HB 1318: A BILL for an Act to amend and reenact sections 43-10.1-03.1 and 50-24.1-02.3 of the North Dakota Century Code, relating to Medicaid assets exempt for funeral expenses.

CONFLICT OF INTEREST

REP. NATHE STATED that he had a conflict of interest on Engrossed HB 1318.

MOTION

REP. LOUSER MOVED that Rep. Nathe be allowed to vote on Engrossed HB 1318, which motion prevailed on a voice vote.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1318 passed.

SECOND READING OF HOUSE BILL

HB 1259: A BILL for an Act to create and enact a new section to chapter 25-13 of the North Dakota Century Code, relating to the misrepresentation of a pet as a service animal; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 5 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; 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; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Westlind; Zubke

NAYS: Beadle; Bellew; Magrum; Schneider; Simons

ABSENT AND NOT VOTING: Devlin; Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1259 passed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3021: A concurrent resolution requesting the Legislative Management to study the feasibility and desirability of privatizing Minot State University and two additional institutions of higher education under the control of the State Board of Higher Education which are not research universities.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 27 YEAS, 63 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Beadle; Becker; Blum; Boe; Delzer; Devlin; Ertelt; Fisher; Grueneich; Headland; Hoverson; Johnston; Kading; Koppelman, B.; Louser; Magrum; Marschall; Paulson; Satrom; Schatz; Schmidt; Simons; Skroch; Strinden; Toman; Vetter; Vigasaa

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Bellew; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Dobervich; Dockter; Eidson; Fegley; Guggisberg; Hager; Hanson; Hatlestad; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Schauer; Schneider; Schobinger; Schreiber-Beck; Steiner; Trottier; Tveit; Westlind; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HCR 3021 was declared lost on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3038: A concurrent resolution urging North Dakota courts to refrain from referencing the United States Supreme Court decision in Roe v. Wade, 410 U.S. 113 (1973), or its holding in any decision or order.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 30 YEAS, 60 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bellew; Bosch; Brandenburg; Dockter; Ertelt; Headland; Hoverson; Johnston; Kading; Kempenich; Koppelman, B.; Koppelman, K.; Laning; Lefor; Magrum; Marschall; McWilliams; Monson; Paulson; Ruby, D.; Satrom; Schatz; Schauer; Simons; Skroch; Steiner; Strinden; Trottier; Vetter; Vigasaa

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Boschee; Buffalo; Damschen; Delzer; Devlin; Dobervich; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kreidt; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Schmidt; Schneider; Schobinger; Schreiber-Beck; Toman; Tveit; Westlind; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HCR 3038 was declared lost on a recorded roll call vote.

MOTION

REP. LOUSER MOVED that the House stand in recess until 12:30 p.m., which motion

prevailed on a voice vote.

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

MOTION

REP. LOUSER MOVED that HCR 3004, HCR 3009, HCR 3025, and HCR 3029 be moved to the bottom of the Eleventh order, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1355: A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on basic care and nursing facility bed capacity.

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 79 YEAS, 11 NAYS, 0 EXCUSED, 4 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; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke

NAYS: Becker; Delzer; Johnston; Kading; Koppelman, B.; Marschall; Martinson; McWilliams; Porter; Simons; Toman

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1355 passed.

SECOND READING OF HOUSE BILL

HB 1124: A BILL for an Act to create and enact a new subsection to section 50-24.4-15 of the North Dakota Century Code, relating to nursing home rate setting.

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 82 YEAS, 7 NAYS, 0 EXCUSED, 5 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; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke

NAYS: Becker; Johnston; Koppelman, B.; Marschall; Ruby, D.; Simons; Toman

ABSENT AND NOT VOTING: Kiefert; O'Brien; Sanford; Weisz; Speaker Klemin

Engrossed HB 1124 passed.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide appropriation for defraying the expenses of the office of administrative hearings.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1017 passed.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota.

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 89 YEAS, 1 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Ertelt

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1016 passed.

SECOND READING OF HOUSE BILL

HB 1503: A BILL for an Act to amend and reenact section 12.1-31-14 of the North Dakota Century Code, relating to prohibiting use of a device to observe, record, or photograph wildlife on private property without permission and a permanently affixed identifier; and to provide a penalty.

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 74 YEAS, 16 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Beadle; Bellew; Dobervich; Ertelt; Guggisberg; Heinert; Holman; Howe; Johnson, M.; Keiser; Nelson, M.; Owens; Pyle; Roers Jones; Ruby, D.; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1503 passed.

SECOND READING OF HOUSE BILL

HB 1302: A BILL for an Act to create and enact a new section to chapter 32-15 of the North Dakota Century Code, relating to the sale of property acquired by eminent domain or acquired when the property was eligible for taking by eminent domain, but no longer needed for a public purpose.

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 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Beadle; Johnson, M.; Porter; Roers Jones

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1302 passed.

SECOND READING OF HOUSE BILL

HB 1234: A BILL for an Act to amend and reenact sections 29-06-05.2 and 29-06-15 of the North Dakota Century Code, relating to the authority of federal agents.

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 70 YEAS, 20 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch;

Boschee; Brandenburg; Buffalo; Damschen; 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; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Strinden; Trottier; Tveit; Vetter; Vigasaa; Westlind; Zubke

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

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1234 passed.

SECOND READING OF HOUSE BILL

HB 1211: A BILL for an Act to amend and reenact section 12.1-32-09.1 of the North Dakota Century Code, relating to sentencing violent offenders; and to provide for retroactive application.

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 37 YEAS, 53 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Beadle; Becker; Blum; Boschee; Brandenburg; Damschen; Eidson; Fegley; Guggisberg; Hanson; Hatlestad; Holman; Hoverson; Johnson, M.; Jones; Kading; Koppelman, B.; Koppelman, K.; Kreidt; McWilliams; Meier; Mock; Nelson, J.; Nelson, M.; Owens; Paulson; Pollert; Richter; Roers Jones; Sanford; Satrom; Schatz; Schauer; Simons; Skroch; Strinden; Vetter

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Bellew; Boe; Bosch; Buffalo; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fisher; Grueneich; Hager; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnston; Karls; Kasper; Keiser; Kempenich; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Mitskog; Monson; Nathe; Paur; Porter; Pyle; Rohr; Ruby, D.; Ruby, M.; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Toman; Trottier; Tveit; Vigasaa; Westlind; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1211 failed.

SECOND READING OF HOUSE BILL

HB 1226: A BILL for an Act to amend and reenact sections 30.1-23-01 and 30.1-23-02 of the North Dakota Century Code, relating to the collection of property by affidavit and the effect of the affidavit.

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 7 YEAS, 82 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Boschee; Guggisberg; Hoverson; Jones; Magrum; Schneider

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Kading;

Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien; Ruby, M.; Weisz; Speaker Klemin

Engrossed HB 1226 failed.

SECOND READING OF HOUSE BILL

HB 1541: A BILL for an Act to amend and reenact section 54-12-33 of the North Dakota Century Code, relating to presentations by the human trafficking commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 60 YEAS, 30 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Devlin; Dobervich; Eidson; Fegley; Fisher; Guggisberg; Hager; Hanson; Hatlestad; Heinert; Holman; Hoverson; Howe; Johnson, M.; Kasper; Keiser; Koppelman, K.; Laning; Lefor; Longmuir; Magrum; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Vetter; Vigesaa

NAYS: Becker; Bellew; Boe; Delzer; Dockter; Ertelt; Grueneich; Headland; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Karls; Kempenich; Koppelman, B.; Kreidt; Louser; Marschall; McWilliams; Paulson; Paur; Rohr; Ruby, D.; Ruby, M.; Schatz; Simons; Toman; Westlind; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1541 passed.

SECOND READING OF HOUSE BILL

HB 1516: A BILL for an Act to amend and reenact subsection 1 of section 27-05.2-03 of the North Dakota Century Code, relating to fees in civil cases.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 12 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Becker; Bellew; Delzer; Ertelt; Headland; Johnston; Magrum; Pollert; Schobinger; Simons; Steiner; Toman

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1516 passed.

SECOND READING OF HOUSE BILL

HB 1219: A BILL for an Act to create and enact chapter 26.1-26.8 and chapter 26.1-39.2 of the North Dakota Century Code, relating to public adjuster licensing and to contracts between insured homeowners and residential contractors; to amend and reenact subdivision mm of subsection 2 of section 12-60-24 of the North Dakota Century Code, relating to criminal history record checks; and to provide a penalty.

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 81 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Becker; Ertelt; Hoverson; Johnston; Koppelman, B.; Magrum; Paulson; Schatz; Simons

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1219 passed.

SECOND READING OF HOUSE BILL

HB 1414: A BILL for an Act to amend and reenact section 15.1-15-04 of the North Dakota Century Code, relating to the amount of time for a teacher to accept or reject a contract.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 26 YEAS, 64 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Becker; Bellew; Bosch; Boschee; Buffalo; Delzer; Eidson; Hager; Hanson; Hoverson; Karls; Koppelman, B.; Magrum; Marschall; Martinson; Meier; Paulson; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schneider; Simons; Toman

NAYS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Brandenburg; Damschen; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Kasper; Keiser; Kempenich; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; McWilliams; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Schauer; Schmidt; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1414 failed.

SECOND READING OF HOUSE BILL

HB 1324: A BILL for an Act to create and enact subsection 10 of section 15-18.1-02 of the North Dakota Century Code, relating to exemptions from postsecondary education institution minimum standards.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 68 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bellew; Ertelt; Hoverson; Johnson, M.; Johnston; Karls; Kempenich; Koppelman, B.; Koppelman, K.; Lefor; Magrum; McWilliams; Paulson; Rohr; Ruby, D.; Schatz; Schauer; Simons; Skroch; Steiner; Toman; Vetter

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; 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; Kasper; Keiser; Kreidt; Laning; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Strinden; Trottier; Tveit; Vigasaa; Westlind; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1324 failed.

SECOND READING OF HOUSE BILL

HB 1277: A BILL for an Act to create and enact a new section to chapter 15.1-21 of the North Dakota Century Code, relating to medically accurate and age-appropriate sexual abuse education in schools.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 87 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Hanson; Karls; Laning

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

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1277 failed.

SECOND READING OF HOUSE BILL

HB 1489: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the jurisdiction of administrative agencies and other executive branch entities.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEAS, 89 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Keiser

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

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1489 failed.

SECOND READING OF HOUSE BILL

HB 1183: A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-02.1, sections 19-03.1-23 and 19-03.1-23.4, paragraph 3 of subdivision e of subsection 1 of section 19-03.1-36, subdivision e of subsection 5 of section 19-03.1-36, subsection 1 of section 19-03.1-45, subsection 2 of section 29-29.5-08, and subsection 29 of section 40-05-02 of the North Dakota Century Code, relating to mandatory sentences for offenses relating to controlled substances; and to repeal section 19-03.1-23.2 of the North Dakota Century Code, relating to deferred imposition of sentence and suspension of sentence.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 81 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Anderson, B.; Bellew; Boe; Delzer; Devlin; Ertelt; Karls; Vigesaa; Zubke

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1183 passed.

SECOND READING OF HOUSE BILL

HB 1231: A BILL for an Act to amend and reenact subsection 1 of section 29-29.4-05 of the North Dakota Century Code, relating to prohibited uses for unmanned aerial vehicles.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 70 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Becker; Bellew; Buffalo; Delzer; Hoverson; Johnston; Kading; Koppelman, B.; Laning; Magrum; Marschall; Paulson; Paur; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Steiner; Toman

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

ABSENT AND NOT VOTING: Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1231 failed.

SECOND READING OF HOUSE BILL

HB 1536: A BILL for an Act to amend and reenact subsection 3 of section 15-10-17 and section 15-10-18 of the North Dakota Century Code, relating to legislative authority to set tuition and fees at institutions under the control of the state board of higher education.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 62 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Becker; Bellew; Brandenburg; Delzer; Ertelt; Hatlestad; Hoverson; Johnston; Jones; Kempenich; Koppelman, B.; Koppelman, K.; Laning; Louser; Magrum; Marschall; McWilliams; Paulson; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Simons; Skroch; Steiner; Toman

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Buffalo; Damschen; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Karls; Kasper; Keiser; Kreidt; Lefor; Longmuir; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Sanford; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Strinden; Trottier; Tveit; Vetter; Vigesaa; Westlind; Zubke

ABSENT AND NOT VOTING: Kading; Kiefert; O'Brien; Weisz; Speaker Klemin

HB 1536 failed.

SECOND READING OF HOUSE BILL

HB 1461: A BILL for an Act to create and enact new sections to chapters 15.1-32 and 15.1-34 of the North Dakota Century Code, relating to dyslexia screenings and training for teachers and other staff; to amend and reenact section 15.1-02-16 of the North Dakota Century Code, relating to credentials for dyslexia specialists; and to provide for a report to the legislative management.

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 87 YEAS, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Ertelt; McWilliams

ABSENT AND NOT VOTING: Kading; Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1461 passed.

SECOND READING OF HOUSE BILL

HB 1237: A BILL to provide for a task force on prevention of sexual abuse of children; and to provide for a report to the legislative management and the governor.

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 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kading; Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1237 passed.

SECOND READING OF HOUSE BILL

HB 1531: A BILL for an Act to amend and reenact section 15.1-18-10 of the North Dakota Century Code, relating to allowing individuals who do not have a teaching license to teach noncore subjects upon meeting certain criteria.

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 82 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Blum; Boe; Bosch; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hatlestad; Headland; Heinert; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor;

Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trotter; Tveit; Vetter; Vigesaa; Westlind; Zubke

NAYS: Bellew; Boschee; Dobervich; Hanson; Holman; Nelson, M.; Simons

ABSENT AND NOT VOTING: Kading; Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1531 passed.

SECOND READING OF HOUSE BILL

HB 1253: A BILL for an Act to amend and reenact section 12.1-33-02.1 of the North Dakota Century Code, relating to a criminal conviction and state licensure.

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 5 YEAS, 84 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Ertelt; Laning; McWilliams; Nelson, M.; Schatz

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

ABSENT AND NOT VOTING: Kading; Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1253 failed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 6 NAYS, 0 EXCUSED, 5 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; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Tveit; Vetter; Vigesaa; Westlind; Zubke

NAYS: Becker; Ertelt; Johnston; Paur; Simons; Trottier

ABSENT AND NOT VOTING: Kading; Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1393 passed.

SECOND READING OF HOUSE BILL

HB 1482: A BILL for an Act to create and enact a new subsection to section 43-44-10 of the North Dakota Century Code, relating to individuals excepted from licensure requirement by board of dietetic practice.

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 24 YEAS, 63 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Becker; Bellew; Boe; Ertelt; Hoverson; Johnston; Kasper; Koppelman, B.; Koppelman, K.; Louser; Magrum; Marschall; McWilliams; Owens; Paulson; Paur; Ruby, D.; Schatz; Schauer; Simons; Skroch; Toman; Trottier; Vetter

NAYS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Bosch; Boschee; 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; Keiser; Kempenich; Kreidt; Laning; Lefor; Longmuir; Martinson; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Strinden; Tveit; Vigasaa; Westlind; Zubke

ABSENT AND NOT VOTING: Brandenburg; Kading; Kiefert; Mitskog; O'Brien; Weisz; Speaker Klemin

Reengrossed HB 1482 failed.

SECOND READING OF HOUSE BILL

HB 1517: A BILL for an Act to create and enact a new section to chapter 25-04 and a new section to chapter 50-06 of the North Dakota Century Code, relating to program management for residents of the life skills and transition center and regional crisis support services for individuals with an intellectual or developmental disability; to amend and reenact section 25-04-02.1 and subsection 4 of section 50-06-37 of the North Dakota Century Code, relating to accreditation of life skills and transition center and assessment of intellectual or developmental disabilities; and to provide for a report to the legislative management.

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 83 YEAS, 6 NAYS, 0 EXCUSED, 5 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.; Johnston; Jones; Karls; Kasper; Keiser; Kempenich; 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; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Westlind; Zubke

NAYS: Becker; Delzer; Ertelt; Pollert; Ruby, D.; Simons

ABSENT AND NOT VOTING: Kading; Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1517 passed.

SECOND READING OF HOUSE BILL

HB 1268: A BILL for an Act to amend and reenact subsection 10 of section 57-15-06.7 of the North Dakota Century Code, relating to property tax levies for emergency medical service; to provide for the distribution of state financial assistance for emergency medical services; 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 72 YEAS, 16 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Becker; Boe; Delzer; Ertelt; Hoverson; Johnston; Jones; Koppelman, B.; Laning; Paulson; Paur; Pollert; Ruby, D.; Simons; Skroch; Toman

ABSENT AND NOT VOTING: Bellew; Kading; Kiefert; O'Brien; Weisz; Speaker Klemin

Engrossed HB 1268 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1507: A BILL for an Act to create and enact section 54-12-33.1 of the North Dakota Century Code, relating to human trafficking prevention training; and to provide a continuing appropriation.

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 83 YEAS, 4 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; 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; Karls; Kasper; Keiser; Kempenich; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Zubke

NAYS: Becker; McWilliams; Paur; Simons

ABSENT AND NOT VOTING: Bellew; Kading; Kiefert; O'Brien; Weisz; Westlind; Speaker Klemin

Engrossed HB 1507 passed.

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

MR. PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1010, HB 1023, HB 1122, HB 1129, HB 1131, HB 1141, HB 1220, HB 1223, HB 1241, HB 1354, HB 1369, HB 1385, HB 1402, HB 1405, HB 1407, HB 1412, HB 1447, HB 1462, HB 1539.

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

MR. PRESIDENT: The House has passed, the emergency clause failed, and your favorable consideration is requested on: HB 1363, HB 1530.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2008, SB 2010, SB 2017, SB 2021, SB 2055, SB 2181, SB 2186, SB 2211, SB 2217, SB 2313, SB 2320, SB 2341, SB 2361.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2004, SB 2124, SB 2257, SB 2258.

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 1:00 p.m., Monday, February 18, 2019, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

HB 1004: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 2, after "health" insert "; to amend and reenact section 23-02.1-29 of the North Dakota Century Code, relating to vital records fees; to provide a statement of legislative intent; to provide a report; and to declare an emergency"

Page 1, replace lines 10 through 23 with:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$36,371,434	\$1,143,172	\$37,514,606
Operating expenses	27,714,187	5,038,893	32,753,080
Capital assets	2,188,491	1,646,322	3,834,813
Grants	46,441,941	6,615,351	53,057,292
Tobacco prevention	13,646,704	(752,496)	12,894,208
Women, infants, and children food payments	20,200,000	(420,000)	19,780,000
Medical marijuana	<u>1,465,704</u>	<u>(1,465,704)</u>	<u>0</u>
Total all funds	\$148,028,461	\$11,805,538	\$159,833,999
Less estimated income	<u>115,278,152</u>	<u>8,503,033</u>	<u>123,781,185</u>
Total general fund	\$32,750,309	\$3,302,505	\$36,052,814
Full-time equivalent positions	211.50	(7.50)	204.00"

Page 2, line 1, after "**BUDGET**" insert "- **REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY**"

Page 2, line 3, after "biennium" insert "and the 2019-21 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 4 through 8 with:

" One-Time Funding Description	2017-19	2019-21
Medical marijuana	\$95,066	\$0
Women, infants, and children system upgrade	1,739,220	354,554
Law enforcement support	1,420,000	0
Microbiology laboratory technology upgrades	0	450,000
Microbiology laboratory capital improvements	0	1,220,000
Total all funds	\$3,254,286	\$2,024,554
Less estimated income	<u>3,254,286</u>	<u>1,934,554</u>
Total general fund	\$0	\$90,000

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

Page 2, remove lines 12 through 14

Page 2, line 16, replace "\$12,878,195" with "\$2,625,324"

Page 2, line 17, remove "for tobacco prevention and related health programs"

Page 2, line 17, after the period insert "Of this amount, \$300,000 is for domestic violence offender treatment grants, \$580,324 is for cancer programs, \$525,000 is for grants to local public health units, and \$1,220,000 is for microbiology laboratory capital improvements."

SECTION 5. AMENDMENT. Section 23-02.1-29 of the North Dakota Century Code is amended and reenacted as follows:

23-02.1-29. Fees.

1. The state department of health shall prescribe the fees, if any, not to exceed ~~five~~fifteen dollars, to be paid for the following:
 - a. Each certified copy of a record.
 - b. Each certified statement of the facts of birth other than a copy of the original birth record.
 - c. Each filing of a new record of birth or fetal death following adoption, legitimation, or determination of paternity.
 - d. Each filing of a delayed record of birth or death except as provided for in subsection 4 of section 23-02.1-18.
 - e. Each filing of an amendment to a birth or death record.
 - f. A search of the files or records when no copy is made.
 - g. A noncertified informational copy of a death or marriage record.

The fee for each additional copy of ~~the same document, a death or fetal death record,~~ requested at the same time, may not exceed ~~two~~ten dollars.

2. Except as otherwise provided in subsection 3, fees collected under this section by the state registrar must be deposited in the ~~general fund of this state operating fund of the state department of health,~~ according to procedures established by the state treasurer.
3. The state department of health shall ~~charge a fee~~quarterly pay fees in the amount of two dollars for the issuance of each certified copy of a birth record, in addition to these fees authorized by subsection 1, in the amount of two dollars for the issuance of each certified copy of a birth record. This additional fee must be paid to the state registrar prior to the

issuance of each certified copy of a birth record. The state registrar shall quarterly pay the additional fees collected pursuant to this subsection into the children's trust fund created by section 50-27-01.

4. All fees collected in excess of the fees appropriated must be transferred to the general fund of this state at the end of each biennium.

SECTION 6. LEGISLATIVE INTENT - LIFE SAFETY PLAN REVIEW FEES.

It is the intent of the sixty-sixth legislative assembly that the state department of health reduce the minimum fee charged for life safety construction or renovation plans review of small projects for facilities from \$750 to \$500.

SECTION 7. EMERGENCY. The sum of \$450,000, of which \$90,000 is from the general fund and \$360,000 is from other funds, for microbiology laboratory technology upgrades appropriated in section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1004 - State Department of Health - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$36,371,434	\$1,143,172	\$37,514,606
Operating expenses	27,714,187	5,038,893	32,753,080
Capital assets	2,188,491	1,646,322	3,834,813
Grants	46,441,941	6,615,351	53,057,292
Tobacco prevention	13,646,704	(752,496)	12,894,208
WIC food payments	20,200,000	(420,000)	19,780,000
Medical marijuana	1,465,704	(1,465,704)	
Total all funds	\$148,028,461	\$11,805,538	\$159,833,999
Less estimated income	115,278,152	8,503,033	123,781,185
General fund	\$32,750,309	\$3,302,505	\$36,052,814
FTE	211.50	(7.50)	204.00

Department 301 - State Department of Health - Detail of House Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds Cost to Continue Adjustments ³	Adjusts Funding for Various Programs ⁴	Removes 6.5 FTE positions and Related Operating Expenses ⁵	Adjusts Funding and FTE Positions for the Medical Marijuana Division ⁶
Salaries and wages	(\$31,805)	\$1,779,851			(\$1,781,507)	
Operating expenses			\$4,473,376		(545,098)	
Capital assets						
Grants			7,788,061		(736,000)	
Tobacco prevention	(38,622)	52,934	(135,528)		(706,280)	
WIC food payments			(420,000)			
Medical marijuana	132,155					(\$1,597,859)
Total all funds	\$61,728	\$1,832,785	\$11,705,909	\$0	(\$3,768,885)	(\$1,597,859)
Less estimated income	55,045	991,180	10,596,715	(6,378,195)	(584,041)	(1,146,592)
General fund	\$6,683	\$841,605	\$1,109,194	\$6,378,195	(\$3,184,844)	(\$451,267)
FTE	0.00	0.00	0.00	0.00	(6.50)	(1.00)

	Transfers the Suicide Prevention Program ⁷	Adds 1 FTE Food and Lodging Position ⁸	Restores Funding for Vital Records ⁹	Increases Funding for Life Safety Inspections ¹⁰	Adds Funding for a Federal Opioid Program ¹¹	Adds Funding for Emergency Medical Services Licensing and Records Management ¹²
Salaries and wages	(\$319,503)	\$159,720	\$1,218,501	\$80,000	\$37,915	
Operating expenses	(259,993)	26,185	704,821		34,410	\$126,000
Capital assets						
Grants	(1,265,000)				253,290	
Tobacco prevention						
WIC food payments						
Medical marijuana						
Total all funds	(\$1,844,496)	\$185,905	\$1,923,322	\$80,000	\$325,615	\$126,000
Less estimated income	(583,984)	0	1,923,322	30,000	325,615	0
General fund	(\$1,260,512)	\$185,905	\$0	\$50,000	\$0	\$126,000
FTE	(1.00)	1.00	0.00	0.00	0.00	0.00

	Adds Funding for Microsoft Office 365 Licensing ¹³	Adjusts Funding for Bond and Capital Payments ¹⁴	Increases Funding for Extraordinary Repairs ¹⁵	Adjusts Funding for Equipment ¹⁶	Increases Funding for Local Public Health Unit Grants ¹⁷	Adjusts Funding for Cancer Programs and Domestic Violence Offender Treatment ¹⁸
Salaries and wages						
Operating expenses	\$124,638					
Capital assets		\$94,604	\$127,659	(\$245,941)		
Grants					\$525,000	\$50,000
Tobacco prevention						
WIC food payments						
Medical marijuana						
Total all funds	\$124,638	\$94,604	\$127,659	(\$245,941)	\$525,000	\$50,000
Less estimated income	82,261	761	97,009	(245,941)	525,000	880,324
General fund	\$42,377	\$93,843	\$30,650	\$0	\$0	(\$830,324)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding to Transfer Youth Access Reporting ¹⁹	Adds One-Time Funding for a Women, Infants, and Children Technology Project ²⁰	Adds One-Time Funding for Microbiology Laboratory Capital Improvements ²¹	Adds One-Time Funding for Microbiology Laboratory Technology Upgrades ²²	Total House Changes
Salaries and wages					\$1,143,172
Operating expenses		\$354,554			5,038,893
Capital assets			\$1,220,000	\$450,000	1,646,322
Grants					6,615,351
Tobacco prevention	\$75,000				(752,496)
WIC food payments					(420,000)
Medical marijuana					(1,465,704)
Total all funds	\$75,000	\$354,554	\$1,220,000	\$450,000	\$11,805,538
Less estimated income	0	354,554	1,220,000	360,000	8,503,033
General fund	\$75,000	\$0	\$0	\$90,000	\$3,302,505
FTE	0.00	0.00	0.00	0.00	(7.50)

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$397,095	\$462,956	\$860,051
Health insurance increase	444,510	528,224	972,734
Total	\$841,605	\$991,180	\$1,832,785

³ Funding is adjusted for base budget changes, including increases relating to technology, professional development, travel and other operating expenses; and various grant programs including the state-funded loan repayment programs and federal grant programs.

⁴ Funding is provided from the general fund and the community health trust fund for various

programs funded from the tobacco prevention and control trust fund during the 2017-19 biennium, including the tobacco prevention and control program, state aid to local public health units, the stroke and cardiac care program, cancer programs, medical and behavioral health loan repayment programs, and domestic violence offender treatment.

⁵ Funding and 6.5 FTE undesignated positions are removed agencywide.

⁶ One FTE office assistant III position, including salaries and wages, and related medical marijuana program expenditures are removed and these costs will be paid through a continuing appropriation.

⁷ The suicide prevention program is transferred from the State Department of Health to the Department of Human Services, including 1 FTE position and related funding for salaries and wages, operating expenses, and grants.

⁸ One FTE food and lodging environmental health position, including salaries and wages and operating expenses, is added.

⁹ Vital records fees are increased and funding is restored from vital records fee revenue for salaries and wages and operating expenses removed as part of the base budget reductions for the Vital Records Division.

¹⁰ Funding for temporary salaries related to life safety construction and renovation plan review is increased to provide a total of \$130,000, of which \$50,000 is from the general fund and \$80,000 is from fee revenue.

¹¹ Funding is added for a federal opioid program.

¹² Funding is added to implement an emergency medical services data licensing and records management system.

¹³ Funding is added for Microsoft Office 365 license expense.

¹⁴ Funding is adjusted for bond and capital payments to provide a total of \$518,457, of which \$457,947 is from the general fund.

¹⁵ Funding for extraordinary repairs is increased to provide a total of \$1,317,009, of which \$55,650 is from the general fund.

¹⁶ Funding is adjusted for equipment over \$5,000 to provide a total of \$1,518,697 from other funds.

¹⁷ Funding is provided from the tobacco prevention and control trust fund to restore local public health unit grants reduced in the department's base budget to provide a total of \$5,250,000, of which \$4,725,000 is from the general fund and \$525,000 is from the tobacco prevention and control trust fund. This level of funding is the same as the 2017-19 biennium.

¹⁸ The funding source for cancer programs and domestic violence offender treatment grants is changed to the tobacco prevention and control trust fund and domestic violence offender treatment grants are increased by \$50,000. A total of \$880,324 is provided from the tobacco prevention and control trust fund for cancer programs (\$580,324) and domestic violence offender treatment grants (\$300,000).

¹⁹ Funding is added to transfer reporting of youth access to tobacco from the Department of Human Services to the State Department of Health.

²⁰ One-time funding is added from federal funds for operating expenses related to the continuation of the women, infants, and children electronic benefit transfer project.

²¹ One-time funding is added from the tobacco prevention and control trust fund for microbiology laboratory capital improvements.

²² One-time funding is added, including funding from federal funds, for microbiology laboratory information technology upgrades.

This amendment also:

- Removes a section related to funding from the student loan trust fund;
- Amends the section related to funding from the tobacco prevention and control trust fund;
- Adds a section to amend Section 23-02.1-29 to increase vital records fees; resulting in an estimated increase in general fund revenues of \$312,000 for the 2019-21 biennium.
- Adds a section of legislative intent related to life safety construction and renovation plan review fees; and
- Adds a section to declare funding related to the microbiology laboratory technology upgrades an emergency measure.

REPORT OF STANDING COMMITTEE

HB 1015: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1015 was placed on the Sixth order on the calendar.

Page 1, line 2, after "rehabilitation" insert "; to authorize the conveyance of real property owned by the state of North Dakota; to provide for a legislative management study; and to provide a report"

Page 1, replace lines 10 through 17 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Adult services	\$220,757,448	\$15,683,040	\$236,440,488
Youth services	<u>30,740,509</u>	<u>1,355,436</u>	<u>32,095,945</u>
Total all funds	\$251,497,957	\$17,038,476	\$268,536,433
Less estimated income	<u>37,161,253</u>	<u>4,978,055</u>	<u>42,139,308</u>
Total general fund	\$214,336,704	\$12,060,421	\$226,397,125
Full-time equivalent positions	845.29	54.50	899.79"

Page 1, line 18, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-SEVENTH LEGISLATIVE ASSEMBLY**"

Page 1, line 19, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 1, remove lines 21 through 24

Page 2, replace lines 1 through 3 with:

"Equipment	\$167,000	\$298,700
Elite servers replacement	0	40,000
Extraordinary repairs	0	1,332,250
Youth correctional center, James River correctional center, and state hospital campus infrastructure studies	0	250,000
Scan and screen device	0	230,000
Redundant fence	0	160,000
Portable x-ray equipment	0	22,000
Oracle software upgrade	0	165,000
Contracts and payments processing system	0	100,000
Inmate tracking system	0	160,000
Intake and legal movement system	0	240,000
Electronic medical records system	935,907	0
Pipeline protest law enforcement support	500,000	0
Justice reinvestment initiative	<u>500,000</u>	<u>0</u>
Total all funds	\$2,102,907	\$2,997,950
Less estimated income	<u>2,102,907</u>	<u>2,081,700</u>
Total general fund	\$0	\$916,250

The 2019-21 biennium one-time funding amounts are not a part of the entity's base budget for the 2021-23 biennium. The department of corrections and

rehabilitation shall report to the appropriations committees of the sixty-seventh legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 3. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The estimated income line item in section 1 of this Act includes \$1,468,000 from the strategic investment and improvements fund for campus infrastructure studies, extraordinary repairs, an inmate tracking system, information technology upgrades, security equipment, and other one-time funding items.

SECTION 4. EXEMPTION - COMMUNITY BEHAVIORAL HEALTH PROGRAM. The \$7,000,000 from the general fund appropriated in the adult services line item relating to the community behavioral health program in section 1 of chapter 40 of the 2017 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this appropriation may be used for the community behavioral health program during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 5. DEPARTMENT OF CORRECTIONS AND REHABILITATION OPERATING FUND REVENUES. Any moneys received by the department of corrections and rehabilitation from correctional supervision, electronic monitoring, and detention; reimbursements from other agencies; profits received from department of corrections and rehabilitation commissary; miscellaneous revenue, including offender fines, fees, restitution, and medical copayments; and from the common schools trust fund, may be deposited in the department of corrections and rehabilitation operating fund and expended pursuant to legislative appropriation for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 6. CONVEYANCE OF LAND AND BUILDINGS - TOMPKINS BUILDING - EXEMPTION. The state of North Dakota, by and through the department of human services, shall convey ownership of building 2404, formerly known as the nursing residence building and Tompkins building, and surrounding real property on the grounds of the state hospital, to the department of corrections and rehabilitation. The provisions of chapters 48-01.1 and 54-44.7 relating to public improvement contract bids and architect, engineer, and land surveying services for construction and renovation do not apply to this conveyance.

SECTION 7. LEGISLATIVE MANAGEMENT STUDY - DEPARTMENT OF CORRECTIONS AND REHABILITATION. During the 2019-20 interim, the legislative management shall study the department of corrections and rehabilitation. The study must address the feasibility and desirability of relocating female inmates from the Dakota women's correctional and rehabilitation center in New England to another location and the feasibility and desirability of relocating minimum security male inmates from the Missouri River correctional center in Bismarck to New England or another location. The study must include a review of:

1. Service needs of female inmates;
2. Service needs of male inmates;
3. Services available to female inmates at the Dakota women's correctional and rehabilitation center;
4. Services available to male inmates at the Missouri River correctional center;
5. Facility needs, including changes needed to continue to serve male inmates and changes needed to serve female inmates, and associated costs;
6. The short-term and long-term costs and benefits of relocating female inmates to another location;

7. The short-term and long-term costs and benefits of relocating minimum security male inmates to New England or another location;
8. Available services and work release opportunities for minimum security male inmates in New England and other locations; and
9. The feasibility and desirability of increasing regional detention and transition facilities for female inmates across the state.

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. - House Action

	Base Budget	House Changes	House Version
Adult services	\$220,757,448	\$15,683,040	\$236,440,488
Youth services	30,740,509	1,355,436	32,095,945
Total all funds	\$251,497,957	\$17,038,476	\$268,536,433
Less estimated income	37,161,253	4,978,055	42,139,308
General fund	\$214,336,704	\$12,060,421	\$226,397,125
FTE	845.29	54.50	899.79

Department 530 - Department of Corrections and Rehab. - Detail of House Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Increases Funding for Teachers ³	Adds FTE Positions ⁴	Transfers the Tompkins Rehabilitation and Corrections Center ⁵	Increases Funding for Treatment ⁶
Adult services	\$916,681	\$6,365,580	\$1,125,280	\$1,053,697	(\$3,576,240)	\$3,873,750
Youth services	(647,423)	1,118,805	232,510	27,772		537,500
Total all funds	\$269,258	\$7,484,385	\$1,357,790	\$1,081,469	(\$3,576,240)	\$4,411,250
Less estimated income	(1,364,762)	372,763	0	0	0	0
General fund	\$1,634,020	\$7,111,622	\$1,357,790	\$1,081,469	(\$3,576,240)	\$4,411,250
FTE	0.00	0.00	0.00	27.00	27.50	0.00

	Increases Funding for DWCRC Contract ⁷	Adjusts Ongoing Funding for Other Changes ⁸	Adds One-Time Funding ⁹	Total House Changes
Adult services	\$1,143,360	\$2,316,044	\$2,464,888	\$15,683,040
Youth services		(446,790)	533,062	1,355,436
Total all funds	\$1,143,360	\$1,869,254	\$2,997,950	\$17,038,476
Less estimated income	0	3,888,354	2,081,700	4,978,055
General fund	\$1,143,360	(\$2,019,100)	\$916,250	\$12,060,421
FTE	0.00	0.00	0.00	54.50

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$3,348,094	\$165,036	\$3,513,130
Health insurance increase	3,763,528	207,727	3,971,255
Total	\$7,111,622	\$372,763	\$7,484,385

³ Funding of \$1,357,790 from the general fund is added for teacher salaries and wages to comply with the teacher composite schedule.

⁴ Funding of \$1,081,469 from the general fund is added to convert 20 temporary correctional

officer positions to FTE positions and to add 7 FTE positions for pretrial services.

⁵ Funding from the general fund is reduced and 27.5 FTE positions are added to reflect the transfer of the Tompkins Rehabilitation and Corrections Center from the Department of Human Services to the Department of Corrections and Rehabilitation. This includes an increase of \$5,031,222 of funding for the FTE positions and to operate the Tompkins Rehabilitation and Corrections Center and a reduction of \$8,607,462 for contract payments to the Department of Human Services.

⁶ Funding of \$4,411,250 from the general fund is added, including \$3,873,750 to contract with the State Hospital for up to 30 addiction treatment beds and \$537,500 to expand juvenile day treatment to up to five additional school districts. Juvenile day treatment is currently provided in Beach, Dickinson, Dunseith, Grand Forks, and Jamestown.

⁷ Funding for the Dakota Women's Correctional and Rehabilitation Center contract is increased by \$1,143,360, to provide a total of \$11,905,311 for the contract.

⁸ Ongoing funding is adjusted for the following other changes:

	<u>General Fund</u>	<u>Other Funds</u>	<u>Total</u>
Miscellaneous expenses	\$571,322	(\$2,980,285)	(\$2,408,963)
Crime victims grants	20,000	6,822,251	6,842,251
Microsoft Office 365 licensing expense	618,699	110,208	728,907
Capital bond payments	(469,380)	16,180	(453,200)
Other adjustments, including the removal of ongoing funding used for one-time items	<u>(2,759,741)</u>	<u>(80,000)</u>	<u>(2,839,741)</u>
Total	(\$2,019,100)	\$3,888,354	\$1,869,254

⁹ One-time funding is added for the following:

	<u>General Fund</u>	<u>Strategic Investment and Improvements Fund</u>	<u>Roughrider Industries Fund</u>	<u>Total</u>
Replace Elite servers	\$40,000	\$0	\$0	\$40,000
Roughrider Industries equipment	0	0	298,700	\$298,700
Extraordinary repairs	876,250	141,000	315,000	1,332,250
Youth Correctional Center, James River Correctional Center, and State Hospital campus infrastructure studies	0	250,000	0	250,000
Scan/screen device	0	230,000	0	230,000
Redundant fence	0	160,000	0	160,000
Portable x-ray equipment	0	22,000	0	22,000
Oracle software upgrade	0	165,000	0	165,000
Contracts and payments processing system	0	100,000	0	100,000
Inmate tracking system	0	160,000	0	160,000
Intake and legal movement system	0	<u>240,000</u>	0	<u>240,000</u>
Total	\$916,250	\$1,468,000	\$613,700	\$2,997,950

House Bill No. 1015 - Other Changes - House Action

This amendment also adds sections to:

- Identify the amount of funding from the strategic investment and improvements fund for various one-time items.
- Provide an exemption to North Dakota Century Code Section 54-44.1-11 to allow the Department of Corrections and Rehabilitation to continue any unspent funds relating to the community behavioral health program and to expend the funds during the 2019-21 biennium.
- Authorize the Department of Corrections and Rehabilitation to deposit certain revenues in its operating fund.
- Transfer ownership of the Tompkins Rehabilitation and Corrections Center from the Department of Human Services to the Department of Corrections and Rehabilitation.
- Provide for a Legislative Management study of the Department of Corrections and Rehabilitation, including services and facilities for female inmates and minimum security male inmates.

REPORT OF STANDING COMMITTEE

HB 1018: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1018 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

Page 1, line 2, after "for" insert " a legislative management study of the unmanned aircraft systems industry; to provide for"

Page 1, line 2, after "transfer" insert "; to provide for a report; and to declare an emergency"

Page 1, remove lines 10 through 24

Page 2, replace lines 1 and 2 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$12,995,788	\$169,782	\$13,165,570
Operating expenses	15,477,622	1,244,297	16,721,919
Grants	48,910,416	4,679,395	53,589,811
Discretionary funds	2,200,000	(2,200,000)	0
Agricultural products utilization commission	3,152,915	(2,478,950)	673,965
North Dakota trade office	2,000,000	(400,000)	1,600,000
Partner programs	1,939,845	(377,314)	1,562,531
Entrepreneurship grants and vouchers	<u>1,950,000</u>	<u>(1,001,533)</u>	<u>948,467</u>
Total all funds	\$88,626,586	(\$364,323)	\$88,262,263
Less estimated income	<u>58,283,906</u>	<u>(3,499,311)</u>	<u>54,784,595</u>
Total general fund	\$30,342,680	\$3,134,988	\$33,477,668
Full-time equivalent positions	66.40	(4.60)	61.80"

Page 2, line 3, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY"

Page 2, line 4, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 5 through 13 with:

"	<u>One-Time Funding Description</u>	<u>2017-19</u>	<u>2019-21</u>
Flood impact grants/loans		\$5,201,752	\$0
Unmanned aircraft system		2,000,000	2,000,000
Base retention grants		600,000	0
Enhanced use lease grant		3,000,000	1,000,000
Workforce grants to tribally controlled community colleges		500,000	500,000
Census 2020 program		0	1,000,000
Workforce safety grant		<u>0</u>	<u>1,000,000</u>
Total all funds		\$11,301,752	\$5,500,000
Less estimated income		<u>10,301,752</u>	<u>0</u>
Total general fund		\$1,000,000	\$5,500,000

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

Page 2, replace lines 18 through 21 with:

"SECTION 4. EXEMPTION. The amount appropriated for the unmanned aircraft systems program in section 1 of chapter 43 of the 2017 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this program are available for the program during the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 2, line 23, replace "\$950,000" with "\$855,000"

Page 2, line 28, replace "\$2,000,000" with "\$1,600,000"

Page 3, line 6, replace "\$1,950,000" with "\$948,467"

Page 3, line 6, replace "\$600,000" with "\$740,956"

Page 3, line 7, replace "\$1,350,000" with "\$207,511"

Page 3, after line 16, insert:

"SECTION 8. BIOTECHNOLOGY GRANT PROGRAM. Section 1 of this Act includes \$300,000 from the general fund for the purpose of providing biotechnology grants to a local association with bioscience experience to promote bioscience and biotechnology research and business development in North Dakota agriculture and life and energy science industries.

SECTION 9. APPROPRIATION - 2017-19 BIENNIUM - BEYOND VISUAL LINE OF SIGHT UNMANNED AIRCRAFT SYSTEMS PROGRAM - EXEMPTION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$27,000,000, or so much as the sum as may be necessary, to the department of commerce for the purpose of defraying the expenses relating to the beyond visual line of sight unmanned aircraft systems program, for the period beginning with the effective date of this Act, and ending June 30, 2019. The funding provided under this section is not subject to section 54-44.1-11 and any unexpended funds may be continued and are available for the program during the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 10. BEYOND VISUAL LINE OF SIGHT UNMANNED AIRCRAFT SYSTEMS PROGRAM - REQUIREMENTS - LEGISLATIVE MANAGEMENT REPORT. Section 9 of this Act includes a \$27,000,000 general fund appropriation to the department of commerce for operating expenses of the beyond visual line of sight unmanned aircraft systems program. The department of commerce shall require any entity receiving funding from this appropriation to provide the department a copy of the entity's annual audited financial statements associated with the beyond visual line of sight unmanned aircraft systems. Any entity receiving funding from this appropriation shall provide quarterly payments to the state treasurer equal to 15 percent of the entity's annual net income associated with beyond visual line of sight unmanned aircraft systems as reported in its prior year audited financial statements, until the state treasurer has received a total of \$27,000,000. Thereafter, the entity shall provide quarterly payments to the state treasurer equal to 10 percent of the entity's annual net income associated with beyond visual line of sight unmanned aircraft systems as reported in its prior year audited financial statements. The state treasurer shall deposit any funds received under this section in the state general fund. The department of commerce shall provide periodic reports to the legislative management during the 2019-20 interim regarding the development of the beyond visual line of sight unmanned aircraft systems program and the total amount deposited by the state treasurer in the state general fund related to this section.

SECTION 11. LEGISLATIVE MANAGEMENT STUDY - BEYOND VISUAL LINE OF SIGHT UNMANNED AIRCRAFT SYSTEMS PROGRAM. During the 2019-20 interim, the legislative management shall consider studying the future administration and regulation of the unmanned aircraft systems industry in North Dakota, including beyond visual line of sight unmanned aircraft systems. The study must include a determination of the appropriate state agency or private entity to be assigned responsibility of regulating unmanned aircraft systems programs, including licensing, registration, appropriate fees, and other responsibilities. The study may include a review of the audited financial statements associated with the beyond visual line of sight unmanned aircraft systems of an entity receiving funding from the appropriation for the beyond visual line of sight unmanned aircraft systems program in section 9 of this Act. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-seventh legislative assembly.

SECTION 12. EMERGENCY. Sections 9 and 10 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1018 - Department of Commerce - House Action

	Base Budget	House Changes	House Version
Salaries and wages	\$12,995,788	\$169,782	\$13,165,570
Operating expenses	15,477,622	1,244,297	16,721,919
Grants	48,910,416	4,679,395	53,589,811
Discretionary funds	2,200,000	(2,200,000)	
Ag. Products Utilization Commission	3,152,915	(2,478,950)	673,965
North Dakota Trade Office	2,000,000	(400,000)	1,600,000
Partner programs	1,939,845	(377,314)	1,562,531
Entrepreneurship grants and vouchers	1,950,000	(1,001,533)	948,467
Total all funds	\$88,626,586	(\$364,323)	\$88,262,263
Less estimated income	58,283,906	(3,499,311)	54,784,595
General fund	\$30,342,680	\$3,134,988	\$33,477,668
FTE	66.40	(4.60)	61.80

Department 601 - Department of Commerce - Detail of House Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Removes 3 FTE Positions ³	Adjusts Base Level Funding ⁴	Adjusts Funding for Department Reorganization ⁵	Adds Funding for the Unmanned Aircraft Systems Program ⁶
Salaries and wages	(\$286,534)	\$587,161	(\$130,845)			
Operating expenses				\$49,888	(\$1,154,307)	
Grants				528,111		\$2,000,000
Discretionary funds						
Ag. Products Utilization Commission	297,579	12,261	(390,991)			
North Dakota Trade Office					(400,000)	
Partner programs					(377,314)	
Entrepreneurship grants and vouchers					198,467	
Total all funds	\$11,045	\$599,422	(\$521,836)	\$577,999	(\$1,733,154)	\$2,000,000
Less estimated income	287,033	120,786	(390,991)	265,665	(184,005)	2,000,000
General fund	(\$275,988)	\$478,636	(\$130,845)	\$312,334	(\$1,549,149)	\$0
FTE	(1.60)	0.00	(3.00)	0.00	0.00	0.00

	Transfers the Prekindergarten Community Program ⁷	Reduces Funding for the Agricultural Products Utilization Commission ⁸	Removes Funding from the Research North Dakota Fund ⁹	Removes Funding for Discretionary Funds ¹⁰	Adds Funding for Homeless Shelter Grants ¹¹	Adds Funding for Biotechnology Grants ¹²
Salaries and wages						
Operating expenses	(\$151,284)		(\$500,000)			
Grants	(1,348,716)		(500,000)		\$1,200,000	\$300,000
Discretionary funds				(\$2,200,000)		
Ag. Products Utilization Commission		(\$2,397,799)				
North Dakota Trade Office						
Partner programs						
Entrepreneurship grants and vouchers			(1,200,000)			
Total all funds	(\$1,500,000)	(\$2,397,799)	(\$2,200,000)	(\$2,200,000)	\$1,200,000	\$300,000
Less estimated income	0	(2,397,799)	(2,200,000)	(1,000,000)	0	0
General fund	(\$1,500,000)	\$0	\$0	(\$1,200,000)	\$1,200,000	\$300,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for a Census 2020 Program ¹³	Adds One-Time Funding for Unmanned Aircraft System Programs ¹⁴	Adds One-Time Funding for Workforce Grants to Tribal Colleges ¹⁵	Adds One-Time Funding for a Workforce Safety Grant ¹⁶	Total House Changes
Salaries and wages					\$169,782
Operating expenses	\$1,000,000	\$2,000,000			1,244,297
Grants		1,000,000	\$500,000	\$1,000,000	4,679,395
Discretionary funds					(2,200,000)
Ag. Products Utilization Commission					(2,478,950)
North Dakota Trade Office					(400,000)
Partner programs					(377,314)
Entrepreneurship grants and vouchers					(1,001,533)
Total all funds	\$1,000,000	\$3,000,000	\$500,000	\$1,000,000	(\$364,323)
Less estimated income	0	0	0	0	(3,499,311)
General fund	\$1,000,000	\$3,000,000	\$500,000	\$1,000,000	\$3,134,988
FTE	0.00	0.00	0.00	0.00	(4.60)

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$260,450	\$62,323	\$322,773
Health insurance increase	218,186	58,463	276,649
Total	\$478,636	\$120,786	\$599,422

³ Three FTE undesignated positions are removed.

⁴ Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Adds funding for Microsoft Office 365 license expenses	\$41,905	\$7,983	\$49,888
Adds funding for commission investment grants	0	257,682	257,682
Adds funding for self-sufficiency grants	270,429	0	270,429
Total	\$312,334	\$265,665	\$577,999

⁵ Funding is adjusted for the department's reorganization, including the following division changes:

	General Fund	Other Funds	Total
Administration	(\$962,527)	\$0	(\$962,527)
Marketing and innovation	293,110	(443,489)	(150,379)
Strategy and research	154,800	0	154,800
Tourism	(634,212)	42,000	(592,212)
Workforce development	(233,652)	(4,318)	(237,970)
Economic development	(10,982)	515,982	505,000
Community services	(155,686)	(294,180)	(449,866)
	(\$1,549,149)	(\$184,005)	(\$1,733,154)

⁶ Funding of \$2 million is added for the unmanned aircraft systems program, of which \$1 million is from federal funds and \$1 million is from the unmanned aircraft systems fund to allow the department to collect private industry matching funds.

⁷ Funding of \$1.5 million for the prekindergarten community program is transferred to the Department of Public Instruction.

⁸ Funding for the Agricultural Products Utilization Commission is reduced by \$2,397,799 to provide total funding of \$673,965 from the Agricultural Products Utilization Commission fund.

⁹ Funding of \$2.2 million provided from the Research North Dakota fund during the 2017-19 biennium is removed. Of this amount, \$500,000 was for tourism operating expenses, \$500,000 was for a grant to be awarded to the Energy and Environmental Research Center during the 2017-19 biennium, and \$1.2 million was for the entrepreneurship grants and vouchers program.

¹⁰ Funding of \$2.2 million for discretionary funds is removed, of which \$1.2 million is from the general fund and \$1 million is from the Research North Dakota fund.

¹¹ Funding of \$1.2 million is added for homeless shelter grants to provide total funding of \$1.5 million from the general fund. The 2017 Legislative Assembly appropriated \$300,000 to

the Department of Commerce for homeless shelter grants for the 2017-19 biennium.

¹² Funding of \$300,000 from the general fund is added for biotechnology grants, which is also referred to in Section 9 of the bill.

¹³ One-time funding of \$1 million is added from the general fund for a census 2020 program for marketing and advocating to include transient and low-population county individuals in the 2020 census.

¹⁴ One-time funding of \$3 million is added from the general fund for unmanned aircraft systems programs, of which \$2 million is for operating expenses of the Northern Plains Unmanned Aircraft Systems Test Site and \$1 million is for enhanced use lease grants.

¹⁵ One-time funding of \$500,000 is added from the general fund for workforce grants to tribally controlled community colleges. The 2017 Legislative Assembly appropriated one-time funding of \$500,000 from the student loan trust fund to the Department of Commerce for the 2017-19 biennium.

¹⁶ One-time funding of \$1 million is added from the general fund for a workforce safety grant to be provided to an organization that provides workforce safety.

This amendment also:

- Removes a section allowing the Department of Commerce to continue unexpended 2017-19 funding for discretionary funds into the 2019-21 biennium.
- Adds a section allowing the Department of Commerce to continue unexpended 2017-19 funding for the unmanned aircraft systems program into the 2019-21 biennium.
- Amends a section related to the Operation Intern fund by reducing the transfer from the general fund to the internship fund from \$950,000 to \$855,000.
- Amends a section identifying the general fund appropriation for the North Dakota Trade Office.
- Amends a section identifying the general fund and special fund appropriations for the entrepreneurship grants and vouchers program included in Section 1 of the bill.
- Adds a section to identify a general fund appropriation of \$300,000 for biotechnology grants included in Section 1 of the bill.
- Adds a section to provide a 2017-19 biennium appropriation of \$27 million to the Department of Commerce for operating expenses of the beyond visual line of sight unmanned aircraft systems program and allows the funding to continue into the 2019-21 biennium. This section is declared to be an emergency measure.
- Adds a section identifying the general fund appropriation for the beyond visual line of sight unmanned aircraft systems program provided in Section 1 of the bill and includes requirements for an entity receiving funding from this appropriation to provide quarterly payments to the State Treasurer. This section is declared to be an emergency measure.
- Adds a section for the Legislative Management to consider studying the future administration and regulation of the unmanned aircraft systems industry in North Dakota.

REPORT OF STANDING COMMITTEE

HB 1020: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1020 was placed on the Sixth order on the calendar.

Page 1, replace lines 17 through 24 with:

"	Base Level	Adjustments or Enhancements	Appropriation
Extension service	\$51,188,489	\$2,167,185	\$53,355,674
Soil conservation committee	<u>1,091,520</u>	<u>0</u>	<u>1,091,520</u>
Total all funds	\$52,280,009	\$2,167,185	\$54,447,194
Less estimated income	<u>26,646,689</u>	<u>982,267</u>	<u>27,628,956</u>

Total general fund	\$25,633,320	\$1,184,918	\$26,818,238
Full-time equivalent positions	252.98	(10.47)	242.51"

Page 2, replace lines 3 through 9 with:

"		Adjustments or	
	Base Level	Enhancements	Appropriation
Northern crops institute	\$3,642,721	\$186,426	\$3,829,147
Total all funds	\$3,642,721	\$186,426	\$3,829,147
Less estimated income	1,755,830	137,010	1,892,840
Total general fund	\$1,886,891	\$49,416	\$1,936,307
Full-time equivalent positions	11.80	1.00	12.80"

Page 2, replace lines 12 through 19 with:

"		Adjustments or	
	Base Level	Enhancements	Appropriation
Upper great plains transportation institute	\$22,060,242	\$777,487	\$22,837,729
Total all funds	\$22,060,242	\$777,487	\$22,837,729
Less estimated income	18,617,068	257,255	18,874,323
Total general fund	\$3,443,174	\$520,232	\$3,963,406
Full-time equivalent positions	43.88	0.00	43.88"

Page 2, replace lines 22 through 28 with:

"		Adjustments or	
	Base Level	Enhancements	Appropriation
Main research center	\$108,642,243	(\$775,377)	\$107,866,866
Total all funds	\$108,642,243	(\$775,377)	\$107,866,866
Less estimated income	59,084,828	157,539	59,242,367
Total general fund	\$49,557,415	(\$932,916)	\$48,624,499
Full-time equivalent positions	336.12	3.93	340.05"

Page 3, replace lines 1 through 13 with:

"		Adjustments or	
	Base Level	Enhancements	Appropriation
Dickinson research center	\$6,825,551	(\$152,469)	\$6,673,082
Central grasslands research center	3,423,624	(56,881)	3,366,743
Hettinger research center	4,975,133	(22,900)	4,952,233
Langdon research center	2,964,607	(16,696)	2,947,911
North central research center	4,953,652	314	4,953,966
Williston research center	5,118,890	(50,125)	5,068,765
Carrington research center	9,175,491	198,300	9,373,791
Total all funds	\$37,436,948	(\$100,457)	\$37,336,491
Less estimated income	20,281,691	459,338	20,741,029
Total general fund	\$17,155,257	(\$559,795)	\$16,595,462
Full-time equivalent positions	110.29	(0.48)	109.81"

Page 3, replace lines 16 through 20 with:

"		Adjustments or	
	Base Level	Enhancements	Appropriation
Agronomy seed farm	\$1,536,129	\$26,205	\$1,562,334
Total special funds	\$1,536,129	\$26,205	\$1,562,334
Full-time equivalent positions	3.00	0.00	3.00"

Page 3, replace lines 23 through 27 with:

"		Adjustments or	
	Base Level	Enhancements	Appropriation
Grand total general fund	\$97,676,057	\$261,855	\$97,937,912
Grand total other funds	127,922,235	2,019,614	129,941,849
Grand total all funds	\$225,598,292	\$2,281,469	\$227,879,761"

Page 3, remove lines 30 and 31

Page 4, replace lines 1 through 5 with:

" <u>One-Time Funding Description</u>	2017-19	2019-21
Seed cleaning plants	\$1,500,000	\$750,000
Extraordinary repairs	0	1,440,465
Junior master gardener program	15,000	0
Road and bridge asset management system	300,000	0
Total all funds	\$1,815,000	\$2,190,465
Total other funds	1,700,000	1,940,465
Total general fund	\$115,000	\$250,000"

Page 4, after line 13, insert:

"SECTION 4. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND. The estimated income line item in subdivision 4 of section 1 of this Act includes \$1,440,465 of one-time funding from the strategic investment and improvements fund for extraordinary repairs."

Page 5, after line 7, insert:

"SECTION 10. EXEMPTION - WILLISTON SEED CLEANING PLANT. The \$1,500,000 of special funds appropriation authority for the Williston research extension center included in subdivision 5 of section 1 of chapter 45 of the 2017 Session Laws for a seed cleaning plant is not subject to the provisions of section 54-44.1-11 and may be continued and expended by the Williston research extension center for the seed cleaning plant during the biennium beginning July 1, 2019, and ending June 30, 2021."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1020 - Summary of House Action

	Base Budget	House Changes	House Version
Transportation Institute			
Total all funds	\$22,060,242	\$777,487	\$22,837,729
Less estimated income	18,617,068	257,255	18,874,323
General fund	\$3,443,174	\$520,232	\$3,963,406
FTE	43.88	0.00	43.88
Branch Research Centers			
Total all funds	\$37,436,948	(\$100,457)	\$37,336,491
Less estimated income	20,281,691	459,338	20,741,029
General fund	\$17,155,257	(\$559,795)	\$16,595,462
FTE	110.29	(0.48)	109.81
NDSU Extension Service			
Total all funds	\$52,280,009	\$2,167,185	\$54,447,194
Less estimated income	26,646,689	982,267	27,628,956
General fund	\$25,633,320	\$1,184,918	\$26,818,238
FTE	252.98	(10.47)	242.51
Northern Crops Institute			
Total all funds	\$3,642,721	\$186,426	\$3,829,147
Less estimated income	1,755,830	137,010	1,892,840
General fund	\$1,886,891	\$49,416	\$1,936,307
FTE	11.80	1.00	12.80
Main Research Center			
Total all funds	\$108,642,243	(\$775,377)	\$107,866,866
Less estimated income	59,084,828	157,539	59,242,367
General fund	\$49,557,415	(\$932,916)	\$48,624,499
FTE	336.12	3.93	340.05
Agronomy Seed Farm			
Total all funds	\$1,536,129	\$26,205	\$1,562,334

Less estimated income	1,536,129	26,205	1,562,334
General fund	\$0	\$0	\$0
FTE	3.00	0.00	3.00
Bill total			
Total all funds	\$225,598,292	\$2,281,469	\$227,879,761
Less estimated income	127,922,235	2,019,614	129,941,849
General fund	\$97,676,057	\$261,855	\$97,937,912
FTE	758.07	(6.02)	752.05

House Bill No. 1020 - Transportation Institute - House Action

	Base Budget	House Changes	House Version
Upper Great Plains Trans. Institute	\$22,060,242	\$777,487	\$22,837,729
Total all funds	\$22,060,242	\$777,487	\$22,837,729
Less estimated income	18,617,068	257,255	18,874,323
General fund	\$3,443,174	\$520,232	\$3,963,406
FTE	43.88	0.00	43.88

Department 627 - Transportation Institute - Detail of House Changes

	Adds Funding for Salary and Benefit Increases ¹	Adjusts Funding for Miscellaneous Expenses ²	Adds Funding for a Road and Bridge Study ³	Total House Changes
Upper Great Plains Trans. Institute	\$398,350	(\$70,863)	\$450,000	\$777,487
Total all funds	\$398,350	(\$70,863)	\$450,000	\$777,487
Less estimated income	257,255	0	0	257,255
General fund	\$141,095	(\$70,863)	\$450,000	\$520,232
FTE	0.00	0.00	0.00	0.00

¹ The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$83,222	\$136,645	\$219,867
Health insurance increase	57,873	120,610	178,483
Total	\$141,095	\$257,255	\$398,350

² Funding is reduced by \$70,863 from the general fund for miscellaneous expenses.

³ Ongoing funding of \$450,000 from the general fund is added to continue the road and bridge study.

House Bill No. 1020 - Branch Research Centers - House Action

	Base Budget	House Changes	House Version
Dickinson Research Center	\$6,825,551	(\$152,469)	\$6,673,082
Central Grasslands Research Center	3,423,624	(56,881)	3,366,743
Hettinger Research Center	4,975,133	(22,900)	4,952,233
Langdon Research Center	2,964,607	(16,696)	2,947,911
North Central Research Center	4,953,652	314	4,953,966
Williston Research Center	5,118,890	(50,125)	5,068,765
Carrington Research Center	9,175,491	198,300	9,373,791
Total all funds	\$37,436,948	(\$100,457)	\$37,336,491
Less estimated income	20,281,691	459,338	20,741,029
General fund	\$17,155,257	(\$559,795)	\$16,595,462
FTE	110.29	(0.48)	109.81

Department 628 - Branch Research Centers - Detail of House Changes

	Removes FTE Position ¹	Adds Funding for Salary and Benefit Increases ²	Reduces Funding for Operating Expenses ³	Adds Funding for Oakes Irrigation Site ⁴	Reduces Funding for Capital Bond Payments ⁵	Total House Changes
Dickinson Research Center		\$110,917	(\$263,386)			(\$152,469)
Central Grasslands Research Center		82,870	(130,969)		(\$8,782)	(56,881)
Hettinger Research Center		118,850	(141,750)			(22,900)
Langdon Research Center		76,755	(93,451)			(16,696)
North Central Research Center		117,939	(103,316)		(14,309)	314
Williston Research Center		148,606	(198,731)			(50,125)
Carrington Research Center		267,257	(268,957)	\$200,000		198,300
Total all funds	\$0	\$923,194	(\$1,200,560)	\$200,000	(\$23,091)	(\$100,457)
Less estimated income	0	259,338	0	200,000	0	459,338
General fund	\$0	\$663,856	(\$1,200,560)	\$0	(\$23,091)	(\$559,795)
FTE	(0.48)	0.00	0.00	0.00	0.00	(0.48)

¹ Pursuant to Section 10 of Chapter 45 if the 2017 Session Laws, the branch research centers removed 0.48 FTE positions.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Dickinson Research Center			
Salary increase	\$49,814	\$6,041	\$55,855
Health insurance increase	50,600	4,462	55,062
Total	\$100,414	\$10,503	\$110,917
Central Grasslands Research Center			
Salary increase	\$36,824	\$1,424	\$38,248
Health insurance increase	42,390	2,232	44,622
Total	\$79,214	\$3,656	\$82,870
Hettinger Research Center			
Salary increase	\$45,284	\$11,098	\$56,382
Health insurance increase	44,620	17,848	62,468
Total	\$89,904	\$28,946	\$118,850
Langdon Research Center			
Salary increase	\$33,925	\$2,671	\$36,596
Health insurance increase	36,813	3,346	40,159
Total	\$70,738	\$6,017	\$76,755
North Central Research Center			
Salary increase	\$38,586	\$21,345	\$59,931
Health insurance increase	28,781	29,227	58,008
Total	\$67,367	\$50,572	\$117,939
Williston Research Center			
Salary increase	\$66,310	\$15,366	\$81,676
Health insurance increase	49,082	17,848	66,930
Total	\$115,392	\$33,214	\$148,606
Carrington Research Center			
Salary increase	\$71,665	\$52,806	\$124,471
Health insurance increase	69,162	73,624	142,786
Total	\$140,827	\$126,430	\$267,257
Total			
Salary increase	\$342,408	\$110,751	\$453,159
Health insurance increase	321,448	148,587	470,035
Grand total	\$663,856	\$259,338	\$923,194

³ Funding is reduced by \$1,200,560 from the general fund for operating expenses.

⁴ Funding of \$200,000 from other funds is added for the Oakes irrigation site at the Carrington Research Center.

⁵ Funding is reduced by \$23,091 from the general fund for capital bond payments.

House Bill No. 1020 - NDSU Extension Service - House Action

	Base Budget	House Changes	House Version
Extension Service	\$51,188,489	\$2,167,185	\$53,355,674
Soil Conservation Committee	1,091,520		1,091,520
Total all funds	\$52,280,009	\$2,167,185	\$54,447,194
Less estimated income	26,646,689	982,267	27,628,956
General fund	\$25,633,320	\$1,184,918	\$26,818,238
FTE	252.98	(10.47)	242.51

Department 630 - NDSU Extension Service - Detail of House Changes

	Removes FTE Positions ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for Miscellaneous Expenses ³	Total House Changes
Extension Service		\$2,067,185	\$100,000	\$2,167,185
Soil Conservation Committee				
Total all funds	\$0	\$2,067,185	\$100,000	\$2,167,185
Less estimated income	0	982,267	0	982,267
General fund	\$0	\$1,084,918	\$100,000	\$1,184,918
FTE	(10.47)	0.00	0.00	(10.47)

¹ Pursuant to Section 10 of Chapter 45 of the 2017 Session Laws, NDSU Extension Service removed 10.47 FTE positions.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$577,488	\$473,054	\$1,050,542
Health insurance increase	507,430	509,213	1,016,643
Total	\$1,084,918	\$982,267	\$2,067,185

³ Funding of \$100,000 from the general fund is added for miscellaneous expenses.

House Bill No. 1020 - Northern Crops Institute - House Action

	Base Budget	House Changes	House Version
Northern Crops Institute	\$3,642,721	\$186,426	\$3,829,147
Total all funds	\$3,642,721	\$186,426	\$3,829,147
Less estimated income	1,755,830	137,010	1,892,840
General fund	\$1,886,891	\$49,416	\$1,936,307
FTE	11.80	1.00	12.80

Department 638 - Northern Crops Institute - Detail of House Changes

	Adds One FTE Position ¹	Adds Funding for Salary and Benefit Increases ²	Adjusts Funding for Miscellaneous Expenses ³	Total House Changes
Northern Crops Institute		\$124,164	\$62,262	\$186,426
Total all funds	\$0	\$124,164	\$62,262	\$186,426
Less estimated income	0	37,010	100,000	137,010
General fund	\$0	\$87,154	(\$37,738)	\$49,416
FTE	1.00	0.00	0.00	1.00

¹ Pursuant to Section 10 of Chapter 45 of the 2017 Session Laws, the Northern Crops Institute added 1.00 FTE position.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$46,996	\$19,162	\$66,158
Health insurance increase	40,158	17,848	58,006
Total	\$87,154	\$37,010	\$124,164

³ Funding is adjusted by \$62,262 for miscellaneous expenses, including a reduction of \$37,738 from the general fund and an increase of \$100,000 from other funds.

House Bill No. 1020 - Main Research Center - House Action

	Base Budget	House Changes	House Version
Main Research Center	\$108,642,243	(\$775,377)	\$107,866,866
Total all funds	\$108,642,243	(\$775,377)	\$107,866,866
Less estimated income	59,084,828	157,539	59,242,367
General fund	\$49,557,415	(\$932,916)	\$48,624,499
FTE	336.12	3.93	340.05

Department 640 - Main Research Center - Detail of House Changes

	Adds FTE Positions ¹	Adds Funding for Salary and Benefit Increases ²	Adjusts Funding for Miscellaneous Expenses ³	Reduces Funding for Capital Bond Payments ⁴	Reduces Capital Funding from Other Funds ⁵	Adds One- Time Funding for Extraordinary Repairs ⁶
Main Research Center		\$3,052,389	\$44,258	(\$65,091)	(\$5,997,398)	\$1,440,465
Total all funds	\$0	\$3,052,389	\$44,258	(\$65,091)	(\$5,997,398)	\$1,440,465
Less estimated income	0	1,214,472	3,000,000	0	(5,997,398)	1,440,465
General fund	\$0	\$1,837,917	(\$2,955,742)	(\$65,091)	\$0	\$0
FTE	3.93	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for a Williston Seed Cleaning Plant ⁷	Total House Changes
Main Research Center	\$750,000	(\$775,377)
Total all funds	\$750,000	(\$775,377)
Less estimated income	500,000	157,539
General fund	\$250,000	(\$932,916)
FTE	0.00	3.93

¹ Pursuant to Section 10 of Chapter 45 if the 2017 Session Laws, the main research center added 3.93 FTE positions.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,039,641	\$593,352	\$1,632,993
Health insurance increase	798,276	621,120	1,419,396
Total	\$1,837,917	\$1,214,472	\$3,052,389

³ Funding is adjusted by \$44,258 for miscellaneous expenses, including a reduction of \$2,955,742 from the general fund and an increase of \$3,000,000 from other funds.

⁴ Funding is reduced by \$65,091 from the general fund for capital bond payments.

⁵ Capital funding is reduced by \$5,997,398 from other funds.

⁶ One-time funding of \$1,440,465 from the strategic investment and improvements fund is added for extraordinary repairs.

⁷ One-time funding of \$750,000 is added for a Williston seed cleaning plant, including \$250,000 from the general fund and \$500,000 from other funds.

House Bill No. 1020 - Agronomy Seed Farm - House Action

	Base Budget	House Changes	House Version
Agronomy Seed Farm	\$1,536,129	\$26,205	\$1,562,334
Total all funds	\$1,536,129	\$26,205	\$1,562,334
Less estimated income	1,536,129	26,205	1,562,334
General fund	\$0	\$0	\$0
FTE	3.00	0.00	3.00

Department 649 - Agronomy Seed Farm - Detail of House Changes

	Adds Funding for Salary and Benefit Increases ¹	Total House Changes
Agronomy Seed Farm	\$26,205	\$26,205
Total all funds	\$26,205	\$26,205
Less estimated income	26,205	26,205
General fund	\$0	\$0
FTE	0.00	0.00

¹ The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	<u>Other Funds</u>
Salary increase	\$12,819
Health insurance increase	13,386
Total	\$26,205

House Bill No. 1020 - Other Changes - House Action

This amendment also adds a new section to allow funds appropriated for the 2017-19 biennium for a Williston seed cleaning plant to be continued and spent during the 2019-21 biennium.

REPORT OF STANDING COMMITTEE

HB 1022: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1022 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 17 with:

"	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Commission on legal counsel for indigents	\$19,903,623	\$370,453	\$20,274,076
Total all funds	\$19,903,623	\$370,453	\$20,274,076
Less estimated income	1,919,747	9,834	1,929,581
Total general fund	\$17,983,876	\$360,619	\$18,344,495
Full-time equivalent positions	40.00	0.00	40.00"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1022 - Commission on Legal Counsel for Indigents - House Action**

	<u>Base Budget</u>	<u>House Changes</u>	<u>House Version</u>
Comm. on Legal Counsel for Indigents	\$19,903,623	\$370,453	\$20,274,076
Total all funds	\$19,903,623	\$370,453	\$20,274,076
Less estimated income	1,919,747	9,834	1,929,581
General fund	\$17,983,876	\$360,619	\$18,344,495
FTE	40.00	0.00	40.00

Department 188 - Commission on Legal Counsel for Indigents - Detail of House Changes

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Adds Funding for Microsoft Office 365 Licenses ³	Total House Changes
Comm. on Legal Counsel for Indigents		\$368,945	\$1,508	\$370,453
Total all funds	\$0	\$368,945	\$1,508	\$370,453
Less estimated income	1	9,833	0	9,834
General fund	(\$1)	\$359,112	\$1,508	\$360,619
FTE	0.00	0.00	0.00	0.00

¹ Funding is adjusted for base payroll changes.

² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$180,931	\$5,371	\$186,302
Health insurance increase	178,181	4,462	182,643
Total	\$359,112	\$9,833	\$368,945

³ Funding is added for Microsoft Office 365 licensing expenses.

REPORT OF STANDING COMMITTEE

HB 1024: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1024 was placed on the Sixth order on the calendar.

Page 1, line 2, after "quality" insert "; to create and enact chapter 23.1-16 of the North Dakota Century Code, relating to boiler inspections; to amend and reenact sections 23.1-12-02, 23.1-12-04, 23.1-12-05, 23.1-12-06, 23.1-12-10, 23.1-12-11, 23.1-12-14, 23.1-12-15, 23.1-12-17, 23.1-12-18, 23.1-12-19, 23.1-12-20, 23.1-12-23, 23.1-12-24, 23.1-12-25, 23.1-12-26, 23.1-12-27, 23.1-12-28, 23.1-12-29, and 23.1-12-30 of the North Dakota Century Code, relating to the duties of the department of environmental quality; to repeal chapter 26.1-22.1 of the North Dakota Century Code, relating to boiler inspections; to provide for a report; and to provide for a contingent effective date"

Page 1, replace lines 10 through 19 with:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$27,040,544	\$3,156,409	\$30,196,953
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	\$8,612,420	\$58,324,091
Less estimated income	<u>38,987,520</u>	<u>7,428,412</u>	<u>46,415,932</u>
Total general fund	\$10,724,151	\$1,184,008	\$11,908,159
Full-time equivalent positions	152.50	13.00	165.50"

Page 1, line 20, after "**BUDGET**" insert "**- REPORT TO SIXTY-SEVENTH LEGISLATIVE ASSEMBLY**"

Page 1, line 22, after "biennium" insert "and the 2019-21 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 1 through 3 with:

	2017-19	2019-21
One-Time Funding Description		
Environmental protection agency lawsuit	\$500,000	\$0
Air pollution program equipment	0	1,040,000
Total estimated income	\$500,000	\$1,040,000

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

Page 2, after line 9, insert:

"SECTION 4. STATE FIRE AND TORNADO FUND. The estimated income line item included in section 1 of this Act includes \$879,312, or so much of the sum as may be necessary, to be made available to the department of environmental quality from the state fire and tornado fund for the boiler inspection program, for the biennium beginning July 1, 2019, and ending June 30, 2021.

SECTION 5. STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - CONTINGENT ONE-TIME FUNDING - FEDERAL PROGRAM SUPREMACY. The estimated income line item included in section 1 of this Act includes \$1,040,000, or so much of the sum as may be necessary, to be made available to the department of environmental quality from the strategic investment and improvements fund for one-time funding of air pollution program equipment related to the establishment of federal program supremacy, for the biennium beginning July 1, 2019, and ending June 30, 2021. The funding may be spent only upon certification by the director of the department of environmental quality to the director of the office of management and budget that the federal environmental protection agency has approved the department of environmental quality assuming the duties of federal air pollution programs.

SECTION 6. CONTINGENT APPROPRIATION - FEDERAL PROGRAM SUPREMACY. The amount of \$1,248,945 from the general fund and ten full-time equivalent positions included in section 1 of this Act are effective July 1, 2020, and may be spent only upon certification by the director of the department of environmental quality to the director of the office of management of budget that the federal environmental protection agency has approved the state assuming primacy over the quad O and quad Oa federal air pollution programs.

SECTION 7. AMENDMENT. Section 23.1-12-02 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-02. Definitions. (Contingent effective date - See note)

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

1. "Actually incurred" means, in the case of corrective action expenditures, the owner, operator, landowner, an insurer, or a contractor hired by the owner, operator, or the landlord has expended time and materials, and only that person is receiving reimbursement from the fund.
2. ~~"Administrator" means the manager of the state fire and tornado fund.~~
3. ~~"Board" means the petroleum release compensation board.~~
4. ~~"Commissioner" means the insurance commissioner.~~
- 5-3. "Corrective action" means an action required by the department to minimize, contain, eliminate, remediate, mitigate, or clean up a release, including any remedial emergency measures. The term does not include the repair or replacement of equipment or preconstructed property.
- 6-4. "Dealer" means a person licensed by the tax commissioner to sell motor vehicle fuel or special fuels within the state.
- 7-5. "Department" means the department of environmental quality.
- 8-6. "Fund" means the petroleum release compensation fund.

- ~~9-7.~~ "Location" means a physical address or site that has contiguous properties. Noncontiguous properties within a municipality or other governmental jurisdiction are considered separate locations.
- ~~10-8.~~ "Operator" means a person in control of, or having responsibility for, the daily operation of a tank under this chapter.
- ~~11-9.~~ "Owner" means a person who holds title to, controls, or possesses an interest in the tank before the discontinuation of its use.
- ~~12-10.~~ "Petroleum" means any of the following:
- a. Gasoline and petroleum products as defined in chapter 23.1-13.
 - b. Constituents of gasoline and fuel oil under subdivision a.
 - c. Oil sludge and oil refuse.
- ~~13-11.~~ "Portable tank" means a storage tank along with its piping and wiring that is not stationary or affixed, including a tank that is on skids.
- ~~14-12.~~ "Release" means any unintentional spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum from a tank into the environment whether occurring before or after the effective date of this chapter, but does not include discharges or designed venting allowed under federal or state law or under adopted rules.
- ~~15-13.~~ "Tank" means any one or a combination of containers, vessels, and enclosures, whether aboveground or underground, including associated piping or appurtenances used to contain an accumulation of petroleum. The term does not include:
- a. Tanks owned by the federal government.
 - b. Tanks used for the transportation of petroleum.
 - c. A pipeline facility, including gathering lines:
 - (1) Regulated under the Natural Gas Pipeline Safety Act of 1968.
 - (2) Regulated under the Hazardous Liquid Pipeline Safety Act of 1979.
 - (3) Regulated under state laws comparable to the provisions of law in paragraph 1 or 2, if the facility is an interstate pipeline facility.
 - d. An underground farm or residential tank with a capacity of one thousand one hundred gallons [4163.94 liters] or less or an aboveground farm or residential tank of any capacity used for storing motor fuel for noncommercial purposes. However, the owner of an aboveground farm or residential tank may, upon application, register the tank and be eligible for reimbursement under this chapter.
 - e. A tank used for storing heating oil for consumptive use on the premises where stored.
 - f. A surface impoundment, pit, pond, or lagoon.
 - g. A flowthrough process tank.
 - h. A liquid trap or associated gathering lines directly related to oil or gas production or gathering operations.

- i. A storage tank situated in an underground area such as a basement, cellar, mine working, drift, shaft, or tunnel, if the storage tank is situated upon or above the surface of the floor.
 - j. A tank used for the storage of propane.
 - k. A tank used to fuel rail locomotives or surface coal mining equipment.
 - l. An aboveground tank used to feed diesel fuel generators. Upon application, the owner or operator of an aboveground tank used to feed diesel fuel generators may register the tank and is eligible for reimbursement under this chapter.
 - m. A portable tank.
 - n. A tank with a capacity under one thousand three hundred twenty gallons [4996.728 liters] used to store lubricating oil.
- 16-14. "Tank integrity test" means a test to determine that a tank is sound and not leaking. For an underground tank, the term means a certified third-party test that meets environmental protection agency leak detection requirements. For an aboveground tank, the term means a test conducted according to steel tank institute SP 001 or American petroleum institute 653.
- 17-15. "Third party" means a person who is damaged by the act of a registered owner, operator, or dealer requiring corrective action, or a person who suffers bodily injury or property damage caused by a petroleum release.

SECTION 8. AMENDMENT. Section 23.1-12-04 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-04. Administration of fund - Staff. (Contingent effective date - See note)

The ~~administrator~~department shall administer the fund according to this chapter. The ~~administrator~~department shall convene the board as may be necessary to keep the board apprised of the fund's general operations. However, the board shall meet at least once each half of each calendar year to review and to advise the ~~administrator~~department regarding the administration of the fund, the fund's general operations, and to hear and decide denials of claims by the ~~administrator~~department which may be appealed to the board, and to discuss all claims against the fund. The ~~administrator~~department may employ any assistance and staff necessary to administer the fund within the limits of legislative appropriation. A claimant aggrieved by a decision of the ~~administrator~~department regarding a claim upon the fund may appeal the decision to the board. The board may sustain, modify, or reverse the decision of the ~~administrator~~department. The claimant or the ~~administrator~~department may appeal the board's decision to the commissioner. The ~~decision of the commissioner may be appealed~~ under chapter 28-32.

SECTION 9. AMENDMENT. Section 23.1-12-05 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-05. Adoption of rules. (Contingent effective date - See note)

The ~~administrator~~department shall adopt rules regarding the practices and procedures of the fund, the form and procedure for applications for compensation from the fund, procedures for investigation of claims, procedures for determining the amount and type of costs that are eligible for reimbursement from the fund, procedures for persons to perform services for the fund, procedures for appeals to the board by claimants aggrieved by an adverse decision of the ~~administrator~~department, and any other rules as may be appropriate to administer this chapter.

SECTION 10. AMENDMENT. Section 23.1-12-06 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-06. Release discovery. (Contingent effective date - See note)

If the department has reason to believe a release has occurred, it shall ~~notify the administrator. The department~~ shall direct the owner or operator to take reasonable and necessary corrective actions as provided under federal or state law or under adopted rules.

SECTION 11. AMENDMENT. Section 23.1-12-10 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-10. Providing of information. (Contingent effective date - See note)

A person ~~the administrator or the department~~ has reason to believe is an owner or operator, the owner of real property where corrective action is ordered to be taken, or a person that may have information concerning a release shall, if requested by ~~the administrator or the department~~, or any member, employee, or agent of ~~the administrator or the department~~, furnish to the ~~administrator or the department~~ any information that person has or may reasonably obtain which is relevant to the release.

SECTION 12. AMENDMENT. Section 23.1-12-11 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-11. Examination of records. (Contingent effective date - See note)

Any employee of the ~~administrator or the department~~ may, upon presentation of official credentials:

1. Examine and copy books, papers, records, memoranda, or data of any person that has a duty to provide information to the ~~administrator or the department~~ under section 23.1-12-10; and
2. Enter upon public or private property to take action authorized by this section, including obtaining information from a person that has a duty to provide the information under section 23.1-12-10, conducting surveys and investigations, and taking corrective action.

SECTION 13. AMENDMENT. Section 23.1-12-14 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-14. Other remedies. (Contingent effective date - See note)

This chapter does not limit the powers of the ~~administrator or department~~, or preclude the pursuit of any other administrative, civil, injunctive, or criminal remedies by the ~~administrator or department~~ or any other person. Administrative remedies need not be exhausted to proceed under this chapter. The remedies provided by this chapter are in addition to those provided under existing statutory or common law.

SECTION 14. AMENDMENT. Section 23.1-12-15 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-15. Revenue to the fund. (Contingent effective date - See note)

Revenue from the following sources must be deposited in the state treasury and credited to the fund:

1. Any ~~registration~~ fees collected under section 23.1-12-17;
2. Any money recovered by the fund under section 23.1-12-23, and any money paid under an agreement, stipulation, or settlement;

3. Any interest attributable to investment of money in the fund; and
4. Any money received by the ~~administrator~~department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used for the purposes of the fund.

SECTION 15. AMENDMENT. Section 23.1-12-17 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-17. Registration fee. (Contingent effective date - See note)

1. ~~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 that 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. Upon the recommendation and approval of the petroleum tank release compensation fund board, the department shall classify tanks with respect to degree of hazard, determine the risks of each classification, and fix the registration fee for each classification at a rate sufficient to provide for:~~
 - a. The payment of the expenses of administration of the fund;
 - b. The reimbursement for corrective action provided under this chapter; and
 - c. The maintenance by the fund of adequate reserves and surplus so the fund may be kept solvent at all times.
2. The department shall establish the schedule of registration fees by rules adopted in accordance with chapter 28-32.
- 2-3. An owner or operator of an existing tank that is discovered at a location that currently and previously has had tanks registered with the fund shall pay an additional twenty-five dollar penalty fee in addition to the registration fee for each aboveground tank and each underground tank owned or operated by that person for each previous year that the tank was required to be registered for which a fee was not paid. The payment includes the fees and the penalty for the failure to register.
- 3-4. An owner or operator of an existing tank at a location that was not previously and continuously registered with the fund, whether the registration was required by law or not must provide the fund with a phase two environmental study conducted by a qualified firm according to American society for testing materials standards. A tank integrity test must also be performed. The environmental study and tank integrity test must be reviewed by the ~~commissioner~~department along with the application for registration with the fund. If the ~~commissioner~~department rejects the application, the applicant is denied eligibility to the fund. However, if the site is remediated and the leaking tank is replaced, the applicant may reapply for registration with the fund. A new installation that is using a used tank must provide tank integrity test results for the used tank. Use of a synthetic liner in an aboveground dike system negates the need for a tank integrity test. The owner or operator of a new tank at a new site or a new tank at an existing site that had a tank

registered at the site previously need only pay the required fees for registration with the fund.

- 4-5. If accepted for registration with the fund, the owner or operator of the tank shall pay an additional twenty-five dollar penalty fee in addition to the registration fee for each aboveground tank and underground tank owned or operated by that person for each previous year that the tank was required to be registered for which a fee was not paid, regardless of ownership in each of those years. The payment includes the fees and the penalty for the failure to register.
- 5-6. The registration fees collected under this section must be paid to the ~~fund-administrator~~department for deposit in the state treasury for the dedicated credit to the petroleum release compensation fund.
- 6-7. If a registration payment is not received within sixty days of July first by the ~~commissioner~~department, a late fee of twenty-five dollars per tank per month must be imposed on the tank owner or operator.

SECTION 16. AMENDMENT. Section 23.1-12-18 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-18. Reimbursement for corrective action. (Contingent effective date - See note)

1. The ~~administrator~~department shall reimburse an eligible owner or operator for ninety percent of the costs of corrective action, including the investigation, which are greater than five thousand dollars and less than one million dollars per occurrence and two million dollars in the aggregate. An eligible tank owner or operator may not be liable for more than twenty thousand dollars out-of-pocket expenses for any one release. A reimbursement may not be made unless the ~~administrator~~department determines that:
 - a. At the time the release was discovered the owner or operator and the tank were in compliance with state and federal rules and rules applicable to the tank, including rules relating to financial responsibility, rules relating to infrastructure compatibility, and all rules relating to health and safety which were in effect at the time of the release;
 - b. The department was given notice of the release as required by federal and state law;
 - c. The owner or operator has paid the first five thousand dollars of the cost of corrective action; and
 - d. The owner or operator, to the extent possible, fully cooperated with the department ~~and the administrator~~ in responding to the release.
2. The fund shall compensate third parties for corrective action taken for a petroleum release if the provisions of subdivisions a, b, c, and d of subsection 1 were met at the time the release was discovered. Compensation for third-party corrective action includes compensation for costs incurred in returning the real estate to that level deemed duly remediated by the department.
3. The fund shall reimburse the tank owner, operator, or dealer for bodily injuries to a third party caused by a petroleum release if the provisions of subdivisions a, b, c, and d of subsection 1 were met at the time the release was discovered in an amount determined by:
 - a. Findings reduced to judgment in federal or state district court or such other court having jurisdiction over the matter in a proceeding in which the fund has been made a party;

- b. Findings by an arbitration panel agreed upon in writing by the parties in a proceeding in which the fund has been made a party; or
 - c. A written settlement entered into by the parties in which the ~~commissioner~~director of the department or the ~~commissioner's~~department's agent has participated. The settlement must be reviewed and approved by the ~~commissioner~~director of the department.
4. In any civil action against the owner, operator, or dealer for damages resulting from a petroleum release, if the pre-leak condition of real estate is an issue, and if there is no reasonable means of determining the pre-leak condition of real estate, the condition is that which exists at the time the department determines the real estate has been duly remediated.
 5. The fund may not compensate for attorney's fees of owners, operators, or dealers, nor may the fund compensate for exemplary damages, criminal fines, or administrative penalties.
 6. A third party accepting monetary compensation directly from the fund for damages due to a release caused by a tank owner, operator, or dealer covered by the fund is deemed to have waived any cause of action against the fund or against the tank owner, operator, or dealer.
 7. The fund shall reimburse the department for all costs, attorney's fees, and other legal expenses relating to administrative and adjudicative proceedings under this chapter and any subsequent legal proceeding. Any moneys reimbursed must be deposited in the department's operating fund in the state treasury and must be spent subject to appropriation by the legislative assembly.

SECTION 17. AMENDMENT. Section 23.1-12-19 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-19. Application for reimbursement. (Contingent effective date - See note)

An owner or operator that is a first-party claimant and that proposes to take corrective action or has undertaken corrective action in response to a release, the time of the release being unknown, may apply to the ~~administrator~~department for partial or full reimbursement under section 23.1-12-18. An owner or operator who is a first-party claimant may be reimbursed only for costs incurred after July 1, 1989, even if the releases were discovered before July 1, 1989, up to the maximum of twenty-five thousand dollars per location.

SECTION 18. AMENDMENT. Section 23.1-12-20 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-20. ~~Administrator~~Department to determine costs. (Contingent effective date - See note)

A reimbursement for corrective actions taken by an owner, operator, or dealer may not be made from the fund until the ~~administrator~~department has determined that the costs for which reimbursement is requested were actually incurred and were reasonable. All necessary loss adjustment expenses must be included as a component of the loss and must be paid out of the fund.

SECTION 19. AMENDMENT. Section 23.1-12-23 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-23. Recovery of expenses. (Contingent effective date - See note)

Any reasonable and necessary expenses incurred by the fund, which exceed the coverage limits provided by section 23.1-12-18, in taking a corrective action,

including costs of investigating a release, and in taking legal actions, may be recovered in a civil action in district court brought by the ~~administrator~~department against an owner or operator. The certification of expenses by an approved agent of the fund is prima facie evidence that the expenses are reasonable and necessary. Any expenses that are recovered under this section must be deposited in the fund.

SECTION 20. AMENDMENT. Section 23.1-12-24 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-24. Costs exceeding reimbursement. (Contingent effective date - See note)

If the cost of any extraordinary authorized action under this chapter exceeds amounts awarded to the ~~administrator or the~~ department from the federal government, ~~the administrator may pay the department the cost of themay pay the~~ department's corrective actions costs, including the cost of investigating a release, if the board finds that the cause was a petroleum substance, that an adequate amount exists in the fund to pay for the corrective action, that the occurrence was extraordinary in scope and size, and that a danger to the health and safety of citizens exists.

SECTION 21. AMENDMENT. Section 23.1-12-25 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-25. Coordination of benefits. (Contingent effective date - See note)

If an owner or operator has an insurance policy that provides the same coverage as the fund, the ~~administrator of the fund~~department shall pay the share of the covered loss or damage for which the fund is responsible. The share that must be paid from the fund is equal to the proportion that the applicable limit of coverage under the fund bears to the limits of insurance of all insurance coverage on the same basis.

SECTION 22. AMENDMENT. Section 23.1-12-26 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-26. Third-party damages - Participation in actions and review of settlements. (Contingent effective date - See note)

1. An owner or operator sued for damages resulting from a release shall notify the ~~administrator~~department within fourteen days of being served with a summons and complaint. The owner or operator also shall advise the ~~administrator~~department if any insurer is defending the owner or operator and provide to the ~~administrator~~department the name of that insurer.
2. An owner or operator that, before litigation, enters negotiations with a third party that claims to have been damaged by a release, or that receives a demand for payment of damages to a third party that claims to have been damaged by a release, shall notify the ~~administrator~~department within fourteen days of the demand or the negotiations.
3. The ~~administrator~~department and the board shall review the conduct of any litigation or negotiation. The ~~administrator~~department may not assume any legal costs incurred by the defendant or plaintiff, but may participate in discovery, trial proceedings, or settlement negotiations of either disputed liability or damages that bear on the determination of a plaintiff's damages.
4. The ~~administrator~~department and the board shall review any settlement negotiations to determine the dollar amount of bodily injury or property damage actually, necessarily, and reasonably incurred by third parties which, if paid by the defendant, would be considered eligible costs.

SECTION 23. AMENDMENT. Section 23.1-12-27 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-27. Third-party damages - Documentation. (Contingent effective date - See note)

1. An applicant's payments for third-party damages pursuant to a judgment entered in a court must include copies of the notice of entry of judgment and abstract of costs.
2. An applicant's payments for third-party damages made by agreement in settlement of litigation must include copies of the settlement agreement and supporting documents required by the administratordepartment.
3. An applicant's payments for third-party damages made by agreement without reference to litigation must include copies of the settlement and supporting documents required by the administratordepartment.
4. The administratordepartment and the board may require a third party who claims bodily injury to be examined by a physician and require that the physician's report to be submitted to the administratordepartment. The administratordepartment may require a third party that claims property damage to permit a property appraiser or claims adjuster retained by the administratordepartment to inspect the property and report to the administratordepartment.
5. The fund shall pay a judgment against an owner, operator, or dealer awarded to a third party as a result of a third-party claim and property damage against an owner, operator, or dealer registered by the fund.
6. The fund shall pay for corrective action as awarded to a third party in any judgment against an owner, operator, or dealer.
7. Liability of the tank owner, operator, dealer, or fund to third parties for corrective action or personal injuries and property damage may not exceed, per person, one million dollars. Maximum liability of the fund, including all claims by third parties, may not exceed, for any release site, the maximum provided in section 23.1-12-18.
8. A third party may not bring an action against an owner, operator, or dealer more than three years after a corrective action plan has been approved by the department if the owner, operator, or dealer fully implements and complies with the corrective action plan.
9. In investigating a release site or reviewing the implementation of a corrective action plan approved by the department, the department shall determine whether the release threatens public health or the environment. The department shall require, based on science and technology appropriate for the site, any monitoring, remediation, or other appropriate corrective action that is reasonably necessary to protect public health or the environment. The department may require corrective action at a release site at any time after a release occurs.

SECTION 24. AMENDMENT. Section 23.1-12-28 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-28. Matching federal funds. (Contingent effective date - See note)

The administratordepartment and the board may annually allow the department a ten percent matching grant for federal leaking underground storage tank funds to be paid out of the fund if the moneys are available and the administratordepartment and the board determine the allowance appropriate.

SECTION 25. AMENDMENT. Section 23.1-12-29 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-29. Fund appropriations. (Contingent effective date - See note)

Money in the fund is continuously appropriated to the ~~administrator~~department for the purpose of making reimbursements under this chapter.

SECTION 26. AMENDMENT. Section 23.1-12-30 of the North Dakota Century Code is amended and reenacted as follows:

23.1-12-30. Investment of fund. (Contingent effective date - See note)

Investment of the fund is under the supervision of the state investment board in accordance with chapter 21-10. The ~~commissioner~~department may purchase a contract for reinsurance of any risk to be paid by the fund. The ~~administrator~~department may investigate the purchase of insurance that reimburses an owner or operator for property damage claims by third parties other than claims for costs of corrective action.

SECTION 27. Chapter 23.1-16 of the North Dakota Century Code is created and enacted as follows:

23.1-16-01. Definitions.

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

1. "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination thereof, under pressure or vacuum for use externally to the boiler by the direct application of heat from the combustion of fuels, or from electricity or nuclear energy. The term includes fired units for vaporizing liquids other than water when these units are separate from processing systems and are complete within themselves.
2. "Department" means the department of environmental quality.

23.1-16-02. Chief boiler inspector, deputy inspectors - Appointment - Jurisdiction.

The department shall employ a chief boiler inspector and deputy inspectors. The chief boiler inspector has jurisdiction over all boilers in this state except as otherwise provided.

23.1-16-03. Qualifications of chief boiler inspector - Deputy inspectors.

1. An individual is not eligible to the office of chief boiler inspector unless that individual:
 - a. Has had at the time of the appointment at least five years' experience in the construction, inspection, operation, maintenance, or repair of high-pressure boilers and pressure vessels as a mechanical engineer, boilermaker, steam operating engineer, or boiler inspector. An applicant possessing a mechanical engineering degree from an accredited school may substitute that degree for two years of the five years' experience, at the discretion of the department.
 - b. Holds a commission issued by the national board of boiler and pressure vessel inspectors or obtains the commission within one year after the date of appointment by the department.

- c. Is not directly or indirectly interested in the manufacture or sale of boilers or steam machinery or articles used in the construction or maintenance of engines or boilers.
2. The department shall establish qualifications for a deputy inspector which are not inconsistent with the requirements of the position.

23.1-16-04. Powers and duties of chief boiler inspector.

1. The chief boiler inspector shall:
 - a. Keep a complete record of the type, dimensions, maximum allowable working pressure, age, condition, location, and date of the last-recorded internal and external inspection of boilers to which this chapter applies.
 - b. Cooperate and assist in loss prevention programs sponsored by the department.
2. The chief boiler inspector may delegate powers and duties to any deputy inspector or special inspector.

23.1-16-05. General requirement.

Every boiler in this state must be constructed, installed, and maintained according to rules adopted to implement this chapter.

23.1-16-06. Exempt boilers - Inspection of exempt boilers.

This chapter does not apply to:

1. Any boiler subject to federal inspection or under federal control.
2. Any boiler located on a farm and used solely for agricultural purposes.
3. Any heating boiler located in a private residence or in an apartment house of less than six family units.
4. Any hot water supply boiler not exceeding the following limitations:
 - a. Input of two hundred thousand British thermal units per hour.
 - b. Pressure of one hundred sixty pounds per square inch [1103.16 kilopascals] gauge.
 - c. Temperature of two hundred fifty degrees Fahrenheit [121.11 degrees Celsius].
5. Any portable steam cleaner commonly used in a garage.
6. Any boiler of a miniature model locomotive, boat, tractor, or stationary engine design constructed as a hobby, not for commercial use, having an inside diameter not exceeding ten inches [25.4 centimeters] and a grate area not exceeding one and one-half square feet [1393.54 square centimeters] and which is properly equipped with a safety valve, water level indicator, and pressure gauge.
7. Any electric boiler used as an integral part of an espresso coffee machine, provided that the boiler does not exceed one and one-half cubic feet [.0566 cubic meter] in water capacity, does not exceed fifty pounds per square inch [344.74 kilopascals] pressure, and is constructed, approved, or certified to the American society of mechanical engineers code or to other national or international standards.

23.1-16-07. Inspection of boilers.

1. The chief boiler inspector shall inspect each boiler used or proposed to be used within this state. The inspection must be thorough as to the construction, installation, condition, and operation as provided by the rules adopted to implement this chapter. An exempt boiler may be inspected by the chief boiler inspector when the owner, the owner's agent, or the user of the boiler makes written request for inspection to the department.
2. Each boiler of one hundred thousand pounds [45359.24 kilograms] per hour or more capacity, used or proposed to be used within this state, which has internal continuous water treatment under the direct supervision of a graduate engineer or chemist, or one having equivalent experience in the treatment of boiler water when the water treatment is for the purpose of controlling and limiting serious corrosion and other deteriorating factors, and with respect to which boiler the chief boiler inspector has determined the owner or user has complied with the prescribed recordkeeping requirements, must be inspected at least once every thirty-six months internally while not under pressure, and at least once every twelve months externally while under pressure. If a hydrostatic test is necessary to determine the safety of a boiler, the test must be conducted by the owner or user of the equipment under the supervision of the chief boiler inspector. The owner or user of a boiler of one hundred thousand pounds [45359.24 kilograms] per hour or more capacity desiring to qualify for thirty-six-month internal inspection intervals shall keep available for examination by the chief boiler inspector accurate records showing the date and actual time the boiler is out of service and the reason for being out of service, and the results of the chemical and physical analysis of the boiler water, whether from laboratory analysis of samples taken at regular intervals of not more than forty-eight hours or from continuous online analysers, which will adequately show the condition of the water and any other elements or characteristics of the water capable of producing corrosion or other deterioration of the boiler or its parts. If an inspection discloses deficiencies in equipment or in operating procedures, inspections may be required once every twelve months.

23.1-16-08. Special inspector.

1. Upon written request of an employer, the department may appoint as a special inspector an inspector in the employ of:
 - a. An insurance company authorized to insure boilers in this state against loss from explosion;
 - b. A company qualified by the national board of boiler and pressure vessel inspectors as an accredited owner/user inspection organization; or
 - c. A company qualified by the national board of boiler and pressure vessel inspectors as an accredited authorized inspection agency.
2. An individual may not be appointed as a special inspector unless that individual has passed the examination prescribed by the national board of boiler and pressure vessel inspectors.
3. An inspection performed by a special inspector must be performed in accordance with this chapter and a complete report of the inspection must be filed with the department in the time, manner, and form as prescribed by the department.
4. If a complete report is not filed by the special inspector's employer with the department within ninety days from the certificate due date, the chief boiler inspector may make the required inspection, unless an extension

of time is granted by the chief boiler inspector. The special inspector's employer must pay the inspection fees as required by section 23.1-16-09 for a special inspection.

5. The chief boiler inspector may inspect any boiler to which a special inspection applies.
6. The department may suspend or revoke the appointment of any special inspector for cause.

23.1-16-09. Inspection and certificate fees.

1. Upon completion of inspection, the owner or user of a boiler shall pay to the department fees or a combination of inspection and certificate fees. The department shall determine the inspection fees. Certificate fees are determined by section 23.1-16-10. The department shall determine and annually may adjust a fee scale for the internal inspections of power boilers, internal inspections of low-pressure heating boilers, external inspections of all boilers, and inspection of boilers used exclusively for exhibition purposes.
2. Not more than two hundred dollars may be charged or collected for any one inspection of a boiler, except for special inspections made upon request. All other inspections made by the chief boiler inspector, including shop inspections and reviews and special inspections when requested by the owner or user of a boiler, must be charged at a rate not to exceed five hundred dollars per day or three hundred dollars per half day of four hours or less, plus payment for mileage, meals, and hotel expenses as allowed by sections 44-08-04 and 54-06-09, except that the mileage rate for a state-owned vehicle will be the actual amount incurred by the department.
3. The annual fee for the issuance of a reciprocal commission card for a special inspector is forty dollars and the annual fee for the issuance of a welder-qualified card is twenty dollars.
4. The fee for taking an examination for a hobby boiler operating license is twenty-five dollars and the fee for a hobby boiler operating license is twenty-five dollars.
5. A hobby boiler operating license issued under this section is valid for six years.

23.1-16-10. Certificate of inspection - Certificate to be posted.

The department shall issue a certificate of inspection for each boiler inspected upon receipt of an inspection report certifying that the boiler is in a safe condition to be operated. The department shall charge a fee of twenty dollars per year for each year that a certificate is valid, or part of a year thereof, for each certificate of inspection issued as the result of inspections authorized under sections 23.1-16-07 and 23.1-16-08. The fees are the liability of the owner or user and must be paid in accordance with rules adopted by the department. A certificate may not be issued for any boiler not in a safe condition to be operated or for a boiler for which the inspection and certificate fees have not been paid in full. A certificate is not valid for a period of more than thirty-six months for power boilers described in subsection 2 of section 23.1-16-07, and no more than twelve months for other power boilers, twelve months for steam traction engines, and thirty-six months for low-pressure boilers except that a two-month grace period may be extended for any certificate. Upon written request from a special inspector, the chief boiler inspector may issue a short-term certificate. Each certificate of inspection must be posted conspicuously under glass in the boiler room or adjacent to the boiler inspected.

23.1-16-11. Certificate of inspection required - Penalty.

A person may not operate a boiler in this state without a valid certificate of inspection. A violation of this section is a class A misdemeanor on the part of the owner, user, or operator of the boiler.

23.1-16-12. Manufacturer's data report.

The boiler manufacturer shall provide the department with a manufacturer's data report. When signed by an authorized inspector, this data sheet together with the stamp on the boiler is the record denoting the boiler has been constructed in accordance with the rules adopted to implement this chapter.

23.1-16-13. Disposition of funds.

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

23.1-16-14. Rules - Penalty for violation - Hearing.

1. The department shall adopt rules for the safe and proper installation, use, operation, and inspection of boilers and pressure vessels subject to this chapter.
2. The department shall adopt rules for the licensing of operators of hobby boilers used during parades, exhibitions, and threshing shows where the public is invited.
3. A fee must be charged for an operating license, for a license renewal, and for an examination conducted to determine minimum competence. Individuals operating hobby boilers within this state as of July 1, 2007, are considered acceptable for a license without additional training or examination. An individual who is not a resident of this state and who holds a boiler operator license or credential in another state or Canadian province is exempt from licensure as a hobby boiler operator in this state.
4. The department may not issue a certificate of inspection to any owner or user of a boiler who fails or refuses to comply with the rules. The department shall revoke any certificate presently in force upon evidence that the owner or user of the boiler is failing or refusing to comply with the rules.
5. Any owner or user of a boiler may request a hearing before the department within fifteen days from service of an order refusing or revoking a certificate of inspection. It is the burden of the owner or user to show cause why the certificate of inspection should not be refused or revoked. If no hearing is requested within the required period, the order of the department becomes final and is not subject to further proceedings.

SECTION 28. REPEAL. Chapter 26.1-22.1 of the North Dakota Century Code is repealed.

SECTION 29. EFFECTIVE DATE. Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28 of this Act become effective on July 1, 2019, if the legislative council has received certification from the chief of the environmental health section of the state department of health that all authority, powers, and duties from the environmental health section of the state department of health have been transferred to the department of environmental quality. If the certification is not received by July 1, 2019, sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, and 28 of this Act become effective on the date certification is received."

STATEMENT OF PURPOSE OF AMENDMENT:

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

	Base Budget	House Changes	House Version
Salaries and wages	\$27,040,544	\$3,156,409	\$30,196,953
Operating expenses	8,005,878	1,996,302	10,002,180
Capital assets	1,258,249	1,005,180	2,263,429
Grants	13,407,000	2,454,529	15,861,529
Total all funds	\$49,711,671	\$8,612,420	\$58,324,091
Less estimated income	38,987,520	7,428,412	46,415,932
General fund	\$10,724,151	\$1,184,008	\$11,908,159
FTE	152.50	13.00	165.50

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

	Adjusts Funding for Base Payroll Changes ¹	Adds Funding for Salary and Benefit Increases ²	Cost to Continue Adjustments ³	Removes 3 FTE Positions ⁴	Adds Funding to Transfer the Petroleum Tank Release Program ⁵	Adds Funding to Transfer the Boiler Inspection Program ⁶
Salaries and wages	\$146,390	\$1,396,063		(\$365,530)	\$336,481	\$753,365
Operating expenses			\$1,239,823		238,588	89,000
Capital assets						
Grants			(445,000)			
Total all funds	\$146,390	\$1,396,063	\$794,823	(\$365,530)	\$575,069	\$842,365
Less estimated income	322,006	939,547	957,799	(271,407)	575,069	842,365
General fund	(\$175,616)	\$456,516	(\$162,976)	(\$94,123)	\$0	\$0
FTE	0.00	0.00	0.00	(3.00)	2.00	4.00

	Adds Contingent Funding and FTE Positions for the Supremacy of Federal Programs ⁷	Decreases Funding for Water Treatment System Training ⁸	Adds Funding for Microsoft Office 365 Licensing ⁹	Adjusts Funding for Bond and Capital Payments ¹⁰	Reduces Funding for Extraordinary Repairs ¹¹	Increases Funding for Equipment ¹²
Salaries and wages	\$889,640					
Operating expenses	359,305	(\$55,000)	\$84,586			
Capital assets				\$3,405	(\$273,350)	\$275,125
Grants						
Total all funds	\$1,248,945	(\$55,000)	\$84,586	\$3,405	(\$273,350)	\$275,125
Less estimated income	0	0	64,538	1,541	(217,700)	275,125
General fund	\$1,248,945	(\$55,000)	\$20,048	\$1,864	(\$55,650)	\$0
FTE	10.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for Grants from the Volkswagen Trust Settlement ¹³	Adds One-Time Contingent Funding to Establish Federal Program Supremacy ¹⁴	Total House Changes
Salaries and wages			\$3,156,409
Operating expenses		\$40,000	1,996,302
Capital assets		1,000,000	1,005,180
Grants	\$2,899,529		2,454,529
Total all funds	\$2,899,529	\$1,040,000	\$8,612,420
Less estimated income	2,899,529	1,040,000	7,428,412
General fund	\$0	\$0	\$1,184,008
FTE	0.00	0.00	13.00

¹ Funding is adjusted for base payroll changes.² The following funding is added for 2019-21 biennium salary adjustments of 2 percent per year and increases in health insurance premiums from \$1,241 to \$1,427 per month:

	General Fund	Other Funds	Total
Salary increase	\$231,686	\$472,755	\$704,441
Health insurance increase	224,830	466,792	691,622
Total	\$456,516	\$939,547	\$1,396,063

³ Funding is adjusted for cost to continue changes to the base budget.

⁴ Three FTE positions and related funding for salaries and wages are removed.

⁵ Two FTE positions and related funding from the petroleum tank release compensation fund for salaries and wages and operating expenses are transferred from the Insurance Department to the Department of Environmental Quality for the petroleum tank release program.

⁶ Four FTE positions are added to transfer the boiler inspection program from the Insurance Department to the Department of Environmental Quality, including funding from the state fire and tornado fund for base salaries and wages of \$753,365 and operating expenses of \$89,000.

⁷ Contingent funding and 10 FTE positions are added in the 2nd year of the biennium for the supremacy of federal programs, including funding for salaries and wages of \$889,640 and operating expenses of \$359,305. The appropriation and FTE positions are contingent on federal Environmental Protection Agency approval of the Department of Environmental Quality assuming the duties of federal air pollution programs.

⁸ Funding for operating expenses related to training water treatment system operators is reduced to provide a total of \$125,000 from the general fund.

⁹ Funding is added for Microsoft Office 365 license expenses.

¹⁰ Funding for bond and capital payments is increased to provide a total of \$216,429, of which \$93,691 is from the general fund.

¹¹ Funding for extraordinary repairs is reduced to provide a total of \$27,000, of which \$6,866 is from the general fund.

¹² Funding for equipment and information technology equipment over \$5,000 is increased to provide a total ongoing appropriation of \$1,020,000 from other funds.

¹³ Funding for grants is increased to accept and disburse funding from the Volkswagen trust settlement to provide a total of \$5,399,529.

¹⁴ One-time funding is added from the strategic investment and improvements fund for capital assets of \$1 million and operating expenses of \$40,000 related to the establishment of federal program supremacy. The funding is contingent on Environmental Protection Agency approval of the Department of Environmental Quality assuming the duties of federal air pollution programs.

This amendment also adds sections to:

- Identify funding from the state fire and tornado fund for the boiler inspection program;
- Identify contingent one-time funding of \$1,040,000 from the strategic investment and improvements fund for air pollution program equipment related to the establishment of federal program supremacy. The funding provided is available the 2nd year of the biennium and is contingent on Environmental Protection Agency approval of the Department of Environmental Quality assuming the duties of federal air pollution programs;
- Identify contingent funding of \$1,248,945 from the general fund and 10 FTE positions related to the establishment of federal program supremacy effective July 1, 2020;
- Amend various sections of Chapter 23.1-12 to transfer the petroleum tank release program from the Insurance Commissioner to the Department of Environmental Quality and to provide the Department of Environmental Quality set registration fees by rule;
- Create Chapter 23.1-16 to transfer the boiler inspection program from the Insurance Commissioner to the Department of Environmental Quality;
- Repeal Chapter 26.1-22.1 related to the boiler inspection program; and
- Provide effective dates for the program transfers.

REPORT OF STANDING COMMITTEE

HB 1106, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1106 was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "to provide an expiration date;"

Page 8, after line 25, insert:

"SECTION 4. EXPIRATION DATE. This Act is effective through July 31, 2021, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1115, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (18 YEAS, 1 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1115 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1135: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1135 was placed on the Sixth order on the calendar.

Page 1, line 7, remove the overstrike over "designates"

Page 1, line 7, remove "provides"

Page 1, line 8, remove "motor vehicles."

Page 1, remove line 9

Page 1, line 10, remove "be provided. The"

Page 1, line 10, after "parking" insert ", the"

Page 1, line 23, overstrike "or other suitable means."

Page 2, line 3, after the overstruck comma insert "bearing the international symbol of accessibility for the mobility impaired at least four hours before the event."

Page 2, line 4, remove "by a"

Page 2, line 5, remove "permanently posted sign that does not meet all design standards."

Page 2, line 7, overstrike the period and insert immediately thereafter "if the parking space has two of the following requirements:

- (1) Blue paint on the curb or edge of the paved portion of the street or parking lot adjacent to the space;
- (2) A sign bearing the international symbol of accessibility for the mobility impaired; or
- (3) Notice that unauthorized use of the space is a nonmoving violation for which a fee of one hundred dollars must be imposed."

Page 2, line 8, remove "A sign posted for the purpose of this section must be at least five feet"

Page 2, remove line 9

Page 2, line 10, remove "obstructions which block its visibility."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1160: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1160 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1161: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1161 was placed on the Sixth order on the calendar.

Page 1, after line 21, insert:

"3. Any person who receives a call in violation of subsection 1 may bring a civil action in a court of this state in the county in which the call recipient resides to enjoin such action, or for damages, or both. If the plaintiff prevails, the court must award the plaintiff the plaintiff's actual damages or damages in an amount not less than five thousand dollars and not more than ten thousand dollars per violation, whichever is greater. Each call is a separate violation under this chapter. The court shall award the plaintiff's costs, expenses, and reasonable attorney's fees. The relief provided in this section is in addition to all remedies available to the attorney general under this chapter in any investigation or action brought by the attorney general against the caller in the plaintiff's private action. This section may not be interpreted to limit any other claims the person may have against the caller or any other claims the attorney general may bring under this chapter, chapter 51-15, or any other state or federal laws."

Page 1, line 22, replace "3." with "4."

Page 1, line 23, after "misdemeanor" insert ", and the venue must be in the county in which the call recipient received the call or the county in which the call recipient resides"

Page 1, line 24, replace "4." with "5."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1192: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1192 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 1, line 5, after "mark" insert "; and to provide for an application"

Page 2, line 3, replace "**62-33-01.1**" with "**61-33-01.1**"

Page 2, line 3, replace "**guidelines**" with "**- Factors to be considered**"

Page 2, line 6, remove "The ordinary high water mark line is a function of the hydrology and hydraulics of a"

Page 2, replace lines 7 through 12 with "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."

Page 2, line 13, remove "The ordinary high water mark lines on the banks of a nonreservoired navigable lake"

Page 2, replace lines 14 through 19 with "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."

Page 2, line 20, remove "When direct measurement methods are infeasible, indirect indicators of the ordinary"

Page 2, replace lines 21 through 29 with "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."

Page 3, after line 8, insert:

"SECTION 4. APPLICATION. This Act does 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 the waters of this state."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1193: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1193 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1200: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1200 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1206: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subdivision to subsection 1 of section 54-12-14 and section 62.1-04-03.2 of the North Dakota Century Code, relating to a class 1 exempt firearm license; and"

Page 1, after line 3, insert:

"SECTION 1. A new subdivision to subsection 1 of section 54-12-14 of the North Dakota Century Code is created and enacted as follows:

For costs associated with class 1 exempt licenses under section 62.1-04-03.2."

Page 2, line 26, overstrike "and"

Page 2, line 27, after "n." insert "A North Dakota member of the Congress of the United States who maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this subdivision to an individual who is proficient and the individual shall file the certificate with the bureau of criminal investigation;

o. An individual who possesses a valid class 1 exempt license under section 62.1-04-03.2; and

p."

Page 3, after line 9, insert:

"SECTION 3. Section 62.1-04-03.2 of the North Dakota Century Code is created and enacted as follows:

62.1-04-03.2. Class 1 exempt firearm license.

1. The director of the bureau of criminal investigation shall issue a class 1 exempt license to carry a firearm or dangerous weapon concealed to an individual who:
 - a. Possesses a valid class 1 firearm license under section 62.1-04-03; and
 - b. Successfully completes the training and testing requirements under this section.
2. The bureau of criminal investigation shall coordinate with the peace officer standards and training board to develop and implement training standards and testing requirements equivalent to the firearms proficiency required by the peace officer standards and training board for law enforcement officers. The bureau of criminal investigation shall certify instructors under this section. Training must include:
 - a. Classroom training on weapons and procedures; and
 - b. Field training on weapons and procedures;
3. The bureau of criminal investigation shall develop and administer an annual training requirement for holders of a class 1 exempt license which may include classroom and field training components.
4. The bureau of criminal investigation shall prescribe the form of the application and license.
5. All fees collected for a class 1 exempt license must be credited to the attorney general's operating fund. All fees must be paid before the license application is processed by the director of the bureau of criminal investigation. The attorney general shall adopt rules establishing the fees associated with a license issued under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1246: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1246 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact subdivision g of subsection 12 of section 20.1-02-05 and a new section to chapter 39-06 of the North Dakota Century Code, relating to eligibility for resident hunting licenses for active military members who are former residents; to"

Page 1, line 2, replace "moose and antelope" with "big game; and to provide for a legislative management study"

Page 1, after line 3, insert:

"SECTION 1. Subdivision g of subsection 12 of section 20.1-02-05 of the North Dakota Century Code is created and enacted as follows:

- g. A nonresident member of the military who has a hunter identification card issued by the department of transportation under section 3 of this Act."

Page 2, line 5, overstrike "shall" and insert immediately thereafter "may"

Page 2, line 9, overstrike "apply" and insert immediately thereafter "submit one application"

Page 2, line 16, overstrike "apply" and insert immediately thereafter "submit one application"

Page 3, line 31, overstrike "apply" and insert immediately thereafter "submit one application"

Page 5, line 16, after "7." insert "a."

Page 5, line 16, overstrike "who" and insert immediately thereafter "that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, and"

Page 5, line 17, overstrike "and who" and insert immediately thereafter "that the resident"

Page 5, line 17, overstrike "that land" and insert immediately thereafter an underscored semicolon

Page 5, line 17, overstrike the second "who" and insert immediately thereafter "that is an individual, corporation, limited liability company, limited liability partnership, limited partnership, trust, or life estate and"

Page 5, line 18, after "land" insert an underscored comma

Page 5, line 18, overstrike "apply" and insert immediately thereafter "submit one application"

Page 5, line 25, after the period insert: "If not otherwise specified in an agricultural lease, the landowner is entitled to receive the license. An individual issued a license under this subsection must be a resident."

- b. If the eligible applicant is a corporation, limited liability company, limited liability partnership, limited partnership, partnership, trust, or life estate, only one license may be issued, and the license must be issued in the name of an individual shareholder, member, partner, beneficiary, or holder of a life estate.

c."

Page 5, line 28, overstrike "If not otherwise specified in an"

Page 5, line 29, overstrike "agricultural lease, the landowner is entitled to receive the license." and insert immediately thereafter:

"d."

Page 6, line 8, after the period insert:

"e."

Page 6, line 15, after the period insert:

"f."

Page 6, line 23, overstrike "apply" and insert immediately thereafter "submit one application"

Page 8, after line 25, insert:

"**SECTION 3.** A new section to chapter 39-06 of the North Dakota Century Code is created and enacted as follows:

Hunter identification card for active members of the military who formerly resided in North Dakota.

1. If the individual fulfills the requirements of this section, the director shall issue a color photo military hunter identification card to an individual who is a nonresident and active member of the military and who previously resided in North Dakota. The card may be used only to identify an individual who is eligible for a military hunting license under subdivision g of subsection 12 of section 20.1-02-05.
2. An application for a military hunter identification card must be made on a form furnished by the director and be accompanied by satisfactory evidence of the individual's service in the military and prior residence in North Dakota.
3. The director shall adopt rules to implement this section.

SECTION 4. LEGISLATIVE MANAGEMENT STUDY - GRATIS HUNTING LICENSES. During the 2019-20 interim, the legislative management shall consider studying gratis licenses to hunt deer, antelope, elk, and moose. The study must include consideration of the minimum acreage requirements for a gratis license, restrictions on where individuals with gratis licenses to hunt moose may hunt, how gratis licenses to hunt deer are allocated in units to ensure an adequate supply remains available for individuals with other licenses to hunt deer, and whether eligibility for a gratis license to hunt moose should be annual or once in a lifetime. 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

REPORT OF STANDING COMMITTEE

HB 1249, as engrossed: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1249 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 15.1-06-04 and" with "section"

Page 1, line 2, remove "increasing teacher professional development days and"

Page 1, line 3, replace "requirements" with "youth behavioral health training"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 16

Page 3, line 8, replace "Mitigation" with "Current or new behavior mitigation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1262: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1262 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "establishment of a school safety and crisis hotline program" with "expansion of existing school safety and crisis reporting programs"

Page 1, line 7, replace "**hotline program**" with "**reporting programs**"

Page 1, remove lines 9 through 24

Page 2, replace lines 1 through 17 with:

- "1. The attorney general shall encourage and promote the use of statewide and locally-selected school safety and crisis reporting programs.
2. If funding becomes available, the attorney general may:
 - a. Expand a statewide program to include tailored reporting mechanisms targeted to incidents of bullying and physical or sexual abuse; and
 - b. Conduct outreach to promote awareness of statewide or locally-selected school safety and crisis reporting programs."

Page 2, line 18, replace "2." with "3."

Page 2, line 18, replace "this program required under" with "the programs described in"

Page 2, line 20, replace "3." with "4."

Page 2, line 24, replace "4." with "5."

Page 2, line 24, replace "shall" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1270: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1270 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "district party chairman approval of" with "required consultations with political parties and legislators before establishing or altering"

Page 1, line 3, remove ", subdivision c of subsection 2 of section 16.1-07-15,"

Page 1, line 4, remove "and subsection 1 of section 16.1-11.1-01"

Page 1, line 5, remove "and polling places"

Page 1, line 9, after "establishing" insert "or altering the boundaries of"

Page 1, line 12, after "county" insert "and from members of the legislative assembly from the districts that would be affected. The boundaries of established precincts may not be altered later than the May fifteenth immediately preceding an election in legislative districts that have organized by precinct under chapter 16.1-03"

Page 1, line 12, remove the overstrike over "~~Upon the request of~~"

Page 1, remove the overstrike over lines 13 and 14

Page 1, line 15, remove the overstrike over "~~proposals to change precinct boundaries~~"

Page 1, line 15, remove "A board of county commissioners may not"

Page 1, remove lines 16 through 18

Page 1, line 19, remove "a majority of the chairmen of the legislative district parties of the districts affected"

Page 1, line 22, remove "the consent of a majority of

Page 1, line 23, replace "the chairmen of" with "consulting with and seeking input from representatives of political parties organized within the county and from members of the legislative assembly from"

Page 1, line 23, remove "legislative district parties of the"

Page 1, line 23, after "districts" insert "that would be"

Page 2, remove lines 1 through 25

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1289: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1289 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 28-34 of the North Dakota Century Code, relating to appeals from decisions of local governing bodies;"

Page 1, line 2, remove the first comma

Page 1, line 3, replace the second "and" with "to provide for application; and"

Page 1, after line 11, insert:

"SECTION 2. A new section to chapter 28-34 of the North Dakota Century Code is created and enacted as follows:

Appeals from local property valuation decisions - Exception.

An applicant appealing a decision of a local governing body pertaining to property valuation which had an appeal rejected due to failure to comply with the requirement under subsection 1 of section 28-34-01 to serve timely a copy of the notice of appeal on the local governing body, may reinstitute an appeal in accordance with the procedure in section 28-34-01. For purposes of complying with the procedures in subsection 1 of section 28-34-01, the notice required to be filed with the clerk of court and served on the local governing body must be filed or served within thirty days after the effective date of this Act."

Page 3, after line 12, insert:

"SECTION 5. APPLICATION. Section 2 of this Act applies to appeals for which the first notice of appeal was filed with the clerk of court after December 31, 2014, but before June 1, 2019."

Page 3, line 13, replace "This" with "Sections 3 and 4 of this"

Page 3, line 13, replace "is" with "are"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1310: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1310 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1315, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1315 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1322: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1322 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "sixty" with "three hundred and sixty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1325: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1325 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1332: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1332 was placed on the Sixth order on the calendar.

Page 1, line 9, after "weapon" insert "- Liability"

Page 1, after line 14, insert:

"3."

Page 1, line 21, remove "with the superintendent of public instruction"

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

"4. The plan submitted by the school to the superintendent of public instruction must show response time from law enforcement.

5. The plan submitted by the school to the superintendent of public instruction must be approved by local law enforcement and the department of homeland security.

6."

Page 2, line 3, after "program" insert "as established on August 1, 2019, or complete the course established by the private investigative and security board"

Page 2, line 4, replace "4." with "7."

Page 2, line 7, replace "3" with "6"

Page 2, line 20, replace "3" with "6"

Page 2, after line 23, insert:

"j. May not be directly responsible for the supervision of children at the time of an incident requiring an action by an armed first responder."

Page 2, line 24, replace "5." with "8."

Page 2, line 29, replace "6." with "9."

Page 3, line 1, replace "7." with:

"10. The school board or governing board of any school participating in the program shall ensure the district participates in annual active shooter training."

11."

Page 3, line 4, replace "4" with "7"

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

Page 3, line 6, replace "4" with "7"

Page 3, line 9, replace "8." with "12."

Page 3, line 11, after "responder" insert "or stored in a lockbox accessible only by the armed first responder"

Page 3, line 12, replace "9." with "13."

Page 3, line 14, replace "10." with "14."

Page 3, line 16, replace "11." with "15."

Page 3, after line 18, insert:

"16. The board of a school district or the governing body of a nonpublic school may establish a program for providing a plan to establish a school first responder which includes authorizing an individual to conceal and carry a weapon if the individual has received education and training in accordance with this section."

17. A staff member may choose not to function in the capacity of a school first responder."

18. An individual authorized to work as a first responder under subsection 16, a school district, the board of a school district, or the governing body of a nonpublic school that establishes a first responder program is not civilly or criminally liable for any act or omission of the first responder if the first responder is acting in good faith while providing protection to a student or the school, except if the first responder's conduct amounts to gross negligence."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1338: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1338 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new subsection to section 61-28-06 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to exceptions to required permits for disposal of waste;"

Page 1, line 3, replace the second "sections" with "and section"

Page 1, line 4, remove "and 61-28-04, and subsection 4 of section 61-28-04.1"

Page 1, line 5, remove "and septic systems"

Page 2, remove lines 30 and 31

Page 3, remove lines 1 through 30

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1356: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1356 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1357: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1357 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1366: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1366 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~not exceeding~~"

Page 1, line 11, remove the overstrike over "~~a maximum power of~~"

Page 1, line 11, after "~~four~~" insert "eight"

Page 1, line 11, remove the overstrike over "~~by thirty-two millimeters~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1374, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (15 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1374 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1379: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1379 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1381: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). HB 1381 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1430: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1430 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1431: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1431 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1432: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). HB 1432 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "maintenance equipment" with "machinery"

Page 1, line 16, overstrike "A" and insert immediately thereafter "Except as provided in section 54-44.1-13. a"

Page 1, line 16, remove the overstrike over "machinery"

Page 1, line 16, remove "maintenance equipment"

Page 1, line 17, remove the overstrike over "machinery"

Page 1, line 17, remove "maintenance equipment"

Page 1, line 18, remove the overstrike over "machinery"

Page 1, line 18, remove "maintenance equipment"

Page 1, line 24, remove the overstrike over "machinery"

Page 1, line 24, remove "maintenance equipment"

Page 2, line 2, remove the overstrike over "machinery"

Page 2, line 2, remove "maintenance equipment"

Page 2, line 4, remove the overstrike over "machinery"

Page 2, line 4, remove "maintenance equipment"

Page 2, line 5, remove the overstrike over "machinery"

Page 2, line 5, remove "maintenance equipment"

Page 2, line 7, remove the overstrike over "machinery"

Page 2, line 7, remove "maintenance equipment"

Page 2, line 8, remove the overstrike over "machinery"

Page 2, line 8, remove "maintenance equipment"

Page 2, line 14, remove the overstrike over "machinery"

Page 2, line 14, remove "maintenance equipment"

Page 2, line 16, remove the overstrike over "machinery"

Page 2, line 16, remove "maintenance equipment"

Page 2, line 19, remove "maintenance"

Page 2, line 20, replace "equipment" with "machinery"

Page 2, line 21, replace "maintenance equipment" with "machinery"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1436: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1436 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1437: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1437 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 11-09.1-05.2 and"

Page 1, line 2, after "city" insert "or county"

Page 1, line 3, replace "section" with "sections 11-09.1-05.1 and"

Page 1, line 4, after "city" insert "or county"

Page 1, after line 5, insert:

"SECTION 1. Section 11-09.1-05.2 of the North Dakota Century Code is created and enacted as follows:

11-09.1-05.2. Sales tax revenue transfer to school districts for bonded indebtedness.

1. Upon presentation to the board of county commissioners of a resolution adopted by the school board of a school district within the county, the board of county commissioners may place on the ballot at a primary or general election the question of approval of imposition of an additional county sales, use, farm machinery gross receipts, and alcoholic beverage gross receipts tax. The rate of tax imposed for each school district may not exceed one percent for principal and interest payments on school district bonds for school building projects. The board of county commissioners shall place on the ballot the sum of the tax rates proposed for each school district that presented an adopted resolution to the board of county commissioners.
2. Upon approval by sixty percent or more of the qualified electors of the county voting on the question, the board of county commissioners shall impose a county sales tax at the rate approved by the electors on taxable transactions occurring outside of the boundaries of a city within that county if the city has imposed a sales tax for school districts, or subsequently enacts and imposes a sales tax for school districts under section 40-05.1-06.2. Proceeds from the tax imposed must be deposited in a special fund of the county and transferred quarterly to each school district that presented an adopted resolution to the board of county commissioners under subsection 1, in proportion to the tax imposed for each school district, for principal and interest payments on bonds issued for purposes of this section. Any funds in the county special fund at the end of a fiscal year which are unused and unobligated for principal and interest payments on bonds issued for purposes of this section may be transferred to the county general fund. Any tax imposed under this section remains effective until bonds issued under the funding authority of this section have been retired. Any shortfall in funding after application of revenue from the tax imposed for principal and interest payments on bonds issued for purposes of this section is the responsibility of the school district and not the county."

Page 1, line 11, replace "shall" with "may"

Page 2, replace line 5 with:

"SECTION 3. REPEAL. Sections 11-09.1-05.1 and 40-05.1-06.1 of the North Dakota Century Code are repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1444: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1444 was placed on the

Sixth order on the calendar.

Page 1, line 19, replace "Upon" with "In the absence of a compromise or settlement, or after one year has past following the date of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1448: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1448 was placed on the Sixth order on the calendar.

Page 1, line 12, overstrike ". However, if"

Page 1, line 13, overstrike "the policy does provide"

Page 1, line 13, remove "provides"

Page 1, line 13, overstrike "liability coverage to a person named in a restrictive"

Page 1, line 14, overstrike "endorsement"

Page 1, line 14, after the comma insert "but"

Page 1, line 15, after the period insert "A personal automobile policy may not reduce or exclude the limits of liability, uninsured motorist coverage, underinsured motorist coverage, basic no-fault benefits coverage, or collision coverage for a class of individuals."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1467: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1467 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1474: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1474 was placed on the Sixth order on the calendar.

Page 1, line 4, after the third comma insert "40-12-02,"

Page 1, line 5, remove "home rule"

Page 2, line 9, after "bills" insert ", except communications company bills."

Page 5, line 23, after "bills" insert ", except communications company bills."

Page 6, line 26, after "bills" insert ", except communications company bills."

Page 9, after line 12, insert:

"SECTION 5. AMENDMENT. Section 40-12-02 of the North Dakota Century Code is amended and reenacted as follows:

40-12-02. Submission of proposed ordinance by petition - Filed with city auditor - Request in petition.

1. Any proposed ordinance may be submitted to the governing body of the municipality by a petition signed by qualified electors thereof equal in number to fifteen percent of the votes cast for all candidates for the executive officer at the preceding regular municipal election. The petition

must be filed in the city auditor's office and must contain a request that the ordinance set out in the petition be submitted to a vote of the qualified electors of the city if it is not passed by the governing body of the municipality.

2. Notwithstanding subsection 1, a proposed ordinance for the purpose of levying an infrastructure tax under section 6 of this Act may be submitted to the governing body of the municipality by a petition signed by sixty percent of the qualified electors who voted in the preceding municipal election. The petition must be filed in the city auditor's office and submitted to a vote of the qualified electors of the city at the next municipal election."

Page 9, line 17, after "bills" insert ", except communications company bills."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1485: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1485 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 of consumer personal data disclosures.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CONSUMER PERSONAL DATA DISCLOSURES. During the 2019-20 interim, the legislative management shall study protections, enforcement, and remedies regarding the disclosure of consumers' personal data. The study must include a review of privacy laws of other states and applicable federal law. 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

REPORT OF STANDING COMMITTEE

HB 1488: Political Subdivisions Committee (Rep. Dockter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1488 was placed on the Sixth order on the calendar.

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

Page 1, line 1, after "40-23-21" insert ", 40-24-18, and 40-27-05"

Page 1, after line 22, insert:

"SECTION 2. AMENDMENT. Section 40-24-18 of the North Dakota Century Code is amended and reenacted as follows:

40-24-18. Special improvement moneys to be kept separate - Designation and numbering of funds - Diversion of moneys prohibited.

1. All special assessments and taxes levied and other revenues pledged under the provisions of this title to pay the cost of an improvement shall constitute a fund for the payment of such cost, including all principal of and interest on warrants and other obligations issued by the municipality to finance the improvement, and shall may not be diverted to no other for any other purpose. The city auditor shall hold all moneys received for any such fund as a special fund to be applied to payment for the improvement. Each such fund shall must be designated by the name and number of the improvement district in or for which said the special

assessments, taxes, and revenues are collected. ~~When all principal and interest on warrants and other obligations of the fund have been fully paid, all moneys remaining in a fund may be transferred into the general fund of the municipality.~~

2. A governing body that levied assessments for an improvement shall complete an annual review of all special assessment revenues. If collections of special assessment revenues are sufficient to repay outstanding special assessment warrants, refunding improvement bonds, interfund loans, or revenue bonds that were issued to finance the improvement for which the assessments were levied, the governing body shall stop levying special assessments for the improvement.
3. After all outstanding special assessment warrants, refunding improvement bonds, interfund loans, or revenue bonds that were issued to finance an improvement are paid in full, the governing body shall direct the balance of the special fund to the general fund of the municipality.

SECTION 3. AMENDMENT. Section 40-27-05 of the North Dakota Century Code is amended and reenacted as follows:

40-27-05. Special fund for payment of bonds issued for purchase of special assessment warrants - Tax levy.

1. The governing body of a municipality which issues bonds for the purchase of special assessment warrants shall create a special fund for the payment of the principal and interest of such bonds as they become due and shall credit to such fund all special assessments collected for the payment of the special assessment warrants purchased. The governing body shall make a general tax levy annually on all the property in the municipality which, together with the special assessments collected, ~~shall~~must be sufficient to pay the principal and interest of the bonds when they become due. The levy imposed ~~shall~~is not be subject to any of the tax levy limitations imposed by section 57-15-08 or acts amendatory thereof. ~~If any money remains in the special fund after the payment of the principal of all the bonds and the interest thereon, such balance may be transferred to the general fund.~~
2. A governing body that levied assessments for an improvement shall complete an annual review of all special assessment revenues. If collections of special assessment revenues are sufficient to repay outstanding special assessment warrants, refunding improvement bonds, interfund loans, or revenue bonds that were issued to finance the improvement for which the assessments were levied, the governing body shall stop levying special assessments for the improvement.
3. After all outstanding special assessment warrants, refunding improvement bonds, interfund loans, or revenue bonds that were issued to finance an improvement are paid in full, the governing body shall direct the balance of the special fund to the general fund of the municipality."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1521: Ethics Committee (Rep. Kasper, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1521 was placed on the Sixth order on the calendar.

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

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

Page 1, line 2, after "contributions" insert "and expenditures"

Page 1, line 8, replace the second "section" with "sections"

Page 1, line 8, after "28-32-27" insert ", 28-32-47, 28-32-48, and 28-32-49"

Page 1, line 9, remove "hearing"

Page 1, line 10, replace "officers" with "agency heads in quasi-judicial proceedings, implementing article XIV of the Constitution of North Dakota"

Page 13, line 17, replace "impose a fine" with "assess a civil penalty"

Page 13, line 18, after "who" insert "knowingly"

Page 13, line 18, after the underscored period insert "The assessment of a civil penalty may be appealed to the district court of Burleigh County."

Page 13, line 18, after "subsequent" insert "knowing"

Page 13, line 19, replace "A" with "B"

Page 13, line 25, replace "file a claim" with "commence an action"

Page 13, line 25, remove "with competent"

Page 13, line 26, remove "jurisdiction"

Page 13, line 28, replace "remains in violation of" with "has failed to comply with"

Page 13, line 28, remove the second "violation"

Page 13, line 29, replace "of" with "failure to comply with"

Page 13, remove lines 30 and 31

Page 14, remove lines 1 through 6

Page 19, line 5, after the first underscored comma, insert "as specified"

Page 28, line 22, overstrike "such"

Page 34, line 18, remove "and shall"

Page 34, remove lines 19 through 24

Page 34, line 25, remove "shared by the general public"

Page 34, line 26, after "3." insert "A hearing officer who is a director, officer, commissioner, head, or other executive of an agency shall self-disqualify in a proceeding in which a reasonable, disinterested observer would believe the hearing officer is biased due to:

- a. A contribution by one of the parties supporting the hearing officer's most recent campaign for public office; or
- b. An ownership interest, other than investment in a mutual fund, of the hearing officer in one of the parties to the proceeding if the ownership interest is not shared by the general public.

4."

Page 34, line 28, overstrike "4." and insert immediately thereafter "5."

Page 34, line 30, overstrike "5." and insert immediately thereafter "6."

Page 35, line 9, overstrike "6." and insert immediately thereafter "7."

Page 35, line 11, overstrike "7." and insert immediately thereafter "8."

Page 35, line 19, replace "8." with "9."

Page 35, line 19, replace "impose upon" with "assess"

Page 35, line 19, after "who" insert "knowingly"

Page 35, line 20, replace "this section" with "subsection 3"

Page 35, line 20, replace "fine of one" with "civil penalty of five"

Page 35, line 21, after "subsequent" insert "knowing"

Page 35, line 21, replace "an infraction" with "a class B misdemeanor"

Page 35, after line 21 insert:

"SECTION 29. AMENDMENT. Section 28-32-47 of the North Dakota Century Code is amended and reenacted as follows:

28-32-47. Scope of and procedure on appeal from agency rulemaking.

1. A judge of the district court shall review an appeal from an administrative agency's or ethics commission's rulemaking action based only on the record filed with the court. If an appellant requests documents to be included in the record but the agency or commission does not include them, the court, upon application by the appellant, may compel their inclusion. After a hearing, the filing of briefs, or other disposition of the matter as the judge may reasonably require, the court shall affirm the agency's rulemaking action unless it finds that any of the following are present:
 - 1- a. The provisions of this chapter have not been substantially complied with in the agency's rulemaking actions.
 - 2- b. A rule published as a result of the rulemaking action appealed is unconstitutional on the face of the language adopted.
 - 3- c. A rule published as a result of the rulemaking action appealed is beyond the scope of the agency's or commission's authority to adopt.
 - 4- d. A rule published as a result of the rulemaking action appealed is on the face of the language adopted an arbitrary or capricious application of authority granted by statute.
2. If the rulemaking action of the agency or commission is not affirmed by the court, ~~the rulemaking action~~ must be remanded to the agency or commission for disposition in accordance with the order of the court, or the rule or a portion of the rule resulting from the rulemaking action of the agency or commission must be declared invalid for reasons stated by the court.

SECTION 30. AMENDMENT. Section 28-32-48 of the North Dakota Century Code is amended and reenacted as follows:

28-32-48. Appeal - Stay of proceedings.

An appeal from an order or the rulemaking action of an administrative agency or the commission does not stay the enforcement of the order or the effect of a published rule unless the court to which the appeal is taken, upon application and after a hearing or the submission of briefs, orders a stay. The court may impose terms and conditions for a stay of the enforcement of the order or for a stay in the effect of a published rule. This section does not prohibit the operation of an

automatic stay upon the enforcement of an administrative order or commission order as may be required by another statute.

SECTION 31. AMENDMENT. Section 28-32-49 of the North Dakota Century Code is amended and reenacted as follows:

28-32-49. Review in supreme court.

The judgment of the district court in an appeal from an order or rulemaking action of an administrative agency or the commission may be reviewed in the supreme court on appeal in the same manner as provided in section 28-32-46 or 28-32-47, except that the appeal to the supreme court must be taken within sixty days after the service of the notice of entry of judgment in the district court. Any party of record, including the agency or commission, may take an appeal from the final judgment of the district court to the supreme court. If an appeal from the judgment of the district court is taken by an agency or the commission, the agency or commission may not be required to pay a docket fee or file a bond for costs or equivalent security."

Page 37, line 22, replace "file a claim" with "commence an action"

Page 37, line 22, remove "with competent"

Page 37, line 23, remove "jurisdiction"

Page 37, line 25, replace "remains in violation of" with "has failed to comply with"

Page 37, line 25, remove the second "violation"

Page 37, line 26, replace "of" with "failure to comply with"

Page 37, line 28, after "gift" insert "knowingly"

Page 37, line 29, remove "knowingly"

Page 37, line 30, after "lobbyist" insert "knowingly"

Page 38, line 19, replace "impose a fine" with "assess a civil penalty"

Page 38, line 19, replace "one" with "five"

Page 38, line 20, after "who" insert "knowingly"

Page 38, line 20, after "section" insert "and, if the person is a lobbyist, the secretary of state may revoke the lobbyist's registration under chapter 54-05.1"

Page 38, line 20, after "subsequent" insert "knowing"

Page 38, line 21, replace "an infraction" with "a class B misdemeanor"

Page 39, line 19, replace "verbally" with "orally"

Page 39, line 27, replace "verbally" with "orally"

Page 39, line 31, replace "14-02" with "12.1-15"

Page 40, line 4, replace "verbal" with "oral"

Page 40, line 6, after "writing" insert "within ten calendar days of receipt of the complaint or summary of the complaint"

Page 40, line 31, remove "and recommendations"

Page 41, line 1, remove "and recommendations"

Page 41, line 3, remove "and recommendations"

Page 41, line 4, remove "and recommendations"

Page 41, line 4, remove the underscored comma

Page 41, line 5, remove "recommendations."

Page 41, line 7, remove "and recommendations"

Page 41, line 9, remove the underscored comma

Page 41, line 10, remove "recommendations."

Page 41, line 12, remove "their"

Page 41, line 17, replace "impose a" with "assess a civil"

Page 41, line 18, replace "impose a" with "assess a civil"

Page 41, line 19, after "appeal" insert "and request judicial review of"

Page 41, line 20, remove "the office of administrative hearings, which shall"

Page 41, line 21, replace "designate an administrative law judge to hear the appeal. An appeal" with "the district court in the county in which the accused individual resides. A request for judicial review"

Page 41, line 22, replace "adjudicative proceedings" with "an appeal of a determination of an agency"

Page 41, line 22, after the underscored period insert "The scope of review and procedure on appeal from a determination of the commission must comply with section 28-32-47."

Page 41, line 29, replace "an administrative law judge" with "a court"

Page 42, line 13, remove "Disclosure of information included in subsections 1 and 2 by a person who knows the"

Page 42, remove line 14

Page 42, line 15, remove "4."

Page 42, line 17, replace "5." with "4."

Page 42, line 20, replace "impose a fine" with "assess a civil penalty"

Page 42, line 20, replace "one" with "five"

Page 42, line 20, after "who" insert "knowingly"

Page 42, line 21, after "subsequent" insert "knowing"

Page 42, line 22, replace "an infraction" with "a class B misdemeanor"

Page 42, after line 27, insert:

"54-66-14. Prohibition on delivering campaign contributions - Penalty.

A lobbyist may not deliver knowingly a campaign contribution made by another person in violation of subsection 3 of section 2 of article XIV of the Constitution of North Dakota. For a first violation, the secretary of state shall assess a civil penalty of five hundred dollars upon any person who knowingly violates this section and may revoke the lobbyist's registration. For a second and subsequent knowing violation of this section, the person is guilty of a class B misdemeanor."

Page 42, line 29, replace "\$100,000" with "\$300,000"

Page 43, line 1, after "authorized" insert "one and"

Page 43, line 1, remove "of a"

Page 43, line 1, remove "position for an administrative"

Page 43, line 2, replace "assistant" with "positions"

Page 43, line 3, after the fifth comma insert "and"

Page 43, line 3, remove ", and 29"

Page 43, line 4, replace "30" with "32"

Page 43, line 7, replace "30" with "32"

Page 43, line 9, replace "30" with "32"

Page 43, line 11, after "Sections" insert "8,"

Page 43, line 11, remove "and"

Page 43, line 11, after "20" insert ", 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, and 31"

Renumber accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Boschee, Guggisberg, Hoverson, M. Johnson, Kasper, Schneider and Sens. Hogan, Kannianen, Oban, Wanzek introduced:

HCR 3044: A concurrent resolution directing the Legislative Management to consider studying, in consultation with the Department of Commerce, Department of Human Services, and the private sector, the desirability and feasibility of developing and expanding asset-building opportunities, including a review of state and federal policies associated with government assistance which impede or improve low-income workers' ability to earn more income.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

Buell J. Reich, Chief Clerk