

JOURNAL OF THE HOUSE**Sixty-sixth Legislative Assembly**

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Bismarck, April 18, 2019

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

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

The roll was called and all members were present except Representatives Keiser, McWilliams, O'Brien, and Paulson.

A quorum was declared by the Speaker.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LOUSER MOVED that the House do not concur in the Senate amendments to HB 1050 as printed on HJ pages 1487-1489 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on:

HB 1050: Reps. K. Koppelman, Karls, Satrom.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. LOUSER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2140, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2140: Reps. M. Ruby, Damschen, Zubke

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DELZER MOVED that the House do concur in the Senate amendments to Engrossed HB 1001 as printed on HJ pages 1895-1897, which motion prevailed on a voice vote.

Engrossed HB 1001, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act to provide an appropriation for defraying the expenses of the legislative branch of state government; to provide for applications, transfers, and cancellation of unexpended appropriations; to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota Century Code, relating to legislative compensation; to provide for a report; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 8 NAYS, 0 EXCUSED, 4 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; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Becker; Bellew; Ertelt; Hoverson; Johnston; Magrum; Simons; Toman

ABSENT AND NOT VOTING: Keiser; McWilliams; O'Brien; Paulson

Reengrossed HB 1001 passed and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2114: Your conference committee (Sens. Dwyer, D. Larson, Bakke and Reps. Vetter, Paur, Hanson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 945 and place SB 2114 on the Seventh order.

SB 2114 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. VETTER MOVED that the conference committee report on SB 2114 be adopted, which motion prevailed on a voice vote.

SB 2114, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2114: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to the penalty for individuals under twenty-one years of age using alcoholic beverages or entering licensed premises; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 12 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; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Tveit; Vetter; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Becker; Delzer; Devlin; Ertelt; Johnston; Magrum; Paur; Ruby, D.; Schatz; Simons; Trottier; Vigesaas

ABSENT AND NOT VOTING: Keiser; McWilliams; O'Brien; Paulson

SB 2114, as amended, passed.

REPORT OF CONFERENCE COMMITTEE

SB 2094, as engrossed: Your conference committee (Sens. J. Lee, O. Larsen, Hogan and Reps. Rohr, Porter, Dobervich) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1263-1269, adopt amendments as follows, and place SB 2094 on the Seventh order:

That the House recede from its amendments as printed on pages 1263-1269 of the Senate Journal and pages 1466-1472 of the House Journal and that Engrossed Senate Bill No. 2094 be amended as follows:

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

Page 1, line 1, after "43-17-45" insert ", and 43-62-14.1"

Page 1, line 2, after "telemedicine" insert "and the regulation of fluoroscopy technologists"

Page 1, line 2, remove the first "and"

Page 1, line 3, after "43-17-01" insert ", 43-17-02,"

Page 1, line 3, after "43-17-02.3" insert ", subsection 1 of section 43-17.1-02, and sections 43-17.1-05, 43-17.1-05.1, and 43-17.1-06"

Page 1, line 4, replace the second "and" with a comma

Page 1, line 4, after the second "medicine" insert ", and the regulation of fluoroscopy technologists; to provide a penalty; and to provide for application"

Page 2, after line 8, insert:

"SECTION 2. AMENDMENT. Section 43-17-02 of the North Dakota Century Code is amended and reenacted as follows:

43-17-02. Persons exempt from the provisions of chapter.

The provisions of this chapter do not apply to the following:

1. Students of medicine or osteopathy who are continuing their training and performing the duties of a resident in any hospital or institution maintained and operated by the state, an agency of the federal government, or in any residency program accredited by the accreditation council on graduate medical education, provided that the North Dakota board of medicine may adopt rules relating to the licensure, fees, qualifications, activities, scope of practice, and discipline of such persons.
2. The domestic administration of family remedies.
3. Dentists practicing their profession when properly licensed.
4. Optometrists practicing their profession when properly licensed.
5. The practice of christian science or other religious tenets or religious rules or ceremonies as a form of religious worship, devotion, or healing, if the person administering, making use of, assisting in, or prescribing, such religious worship, devotion, or healing does not prescribe or administer drugs or medicines and does not perform surgical or physical operations, and if the person does not hold out to be a physician or surgeon.
6. Commissioned medical officers of the armed forces of the United States, the United States public health service, and medical officers of the veterans administration of the United States, in the discharge of their official duties, and licensed physicians from other states or territories if called in consultation with a person licensed to practice medicine in this state.
7. Doctors of chiropractic duly licensed to practice in this state pursuant to the statutes regulating such profession.
8. Podiatrists practicing their profession when properly licensed.
9. Any person rendering services as a physician assistant, if such service is rendered under the supervision, control, and responsibility of a licensed physician. However, sections 43-17-02.1 and 43-17-02.2 do apply to physician assistants. The North Dakota board of medicine shall prescribe rules governing the conduct, licensure, fees, qualifications, discipline, activities, and supervision of physician assistants. Physician assistants may not be authorized to perform any services which must be performed

by persons licensed pursuant to chapters 43-12.1, 43-13, 43-15, and 43-28 or services otherwise regulated by licensing laws, notwithstanding the fact that medical doctors need not be licensed specifically to perform the services contemplated under such chapters or licensing laws.

10. A nurse practicing the nurse's profession when properly licensed by the North Dakota board of nursing.
11. ~~A person rendering fluoroscopy services as a radiologic technologist if the service is rendered under the supervision, control, and responsibility of a licensed physician and provided that the North Dakota board of medicine prescribes rules governing the conduct, permits, fees, qualifications, activities, discipline, and supervision of radiologic technologists who provide those services.~~
42. A naturopath duly licensed to practice in this state pursuant to the statutes regulating such profession.
- ~~13.12.~~ An individual duly licensed to practice medical imaging or radiation therapy in this state under chapter 43-62.
- ~~14.13.~~ An acupuncturist duly licensed to practice in this state pursuant to the statutes regulating such profession."

Page 2, line 23, after "consultation" insert "on a diagnosis for a patient to a physician licensed in the state."

Page 3, line 10, replace "valid" with "bona fide"

Page 4, after line 23, insert:

"SECTION 6. AMENDMENT. Subsection 1 of section 43-17.1-02 of the North Dakota Century Code is amended and reenacted as follows:

1. For the purpose of investigating complaints or other information that might give rise to a disciplinary proceeding against a physician, ~~a or physician assistant, or a fluoroscopy technologist,~~ the president of the board ~~must~~shall designate two investigative panels, each ~~comprised~~composed of six members of the board. Five members of each panel must be physician members of the board. One member of each panel must be a public member of the board.

SECTION 7. AMENDMENT. Section 43-17.1-05 of the North Dakota Century Code is amended and reenacted as follows:

43-17.1-05. Complaints.

1. Any person may make or refer written complaints to the investigative panels with reference to the acts, activities, or qualifications of any physician, ~~or physician assistant, or fluoroscopy technologist~~ licensed to practice in this state, or to request that an investigative panel review the qualifications of any physician, ~~or physician assistant, or fluoroscopy technologist~~ to continue to practice in this state. Any person ~~who~~that, in good faith, makes a report to the investigative panels under this section is not subject to civil liability for making the report. For purposes of any civil proceeding, the good faith of any person ~~who~~that makes a report pursuant to this section is presumed. Upon receipt of any complaint or request, the investigative panel shall conduct the investigation as ~~it~~the panel deems necessary to determine whether any physician, ~~or physician assistant, or fluoroscopy technologist~~ has committed any of the grounds for disciplinary action provided for by law. Upon completion of ~~its~~the investigation of the investigative panel, the investigative panel shall make a finding that the investigation discloses that:
 - a. There is insufficient evidence to warrant further action;

- b. The conduct of the physician; ~~or physician assistant; or fluoroscopy technologist~~ does not warrant further proceedings but the investigative panel determines that possible errant conduct occurred that could lead to significant consequences if not corrected. In such a case, a confidential letter of concern may be sent to the physician; ~~or physician assistant; or fluoroscopy technologist~~; or
 - c. The conduct of the physician; ~~or physician assistant; or fluoroscopy technologist~~ indicates that the physician; ~~or physician assistant; or fluoroscopy technologist~~ may have committed any of the grounds for disciplinary action provided for by law and which warrants further proceedings.
 2. If the investigative panel determines that a formal hearing should be held to determine whether any licensed physician; ~~or physician assistant; or fluoroscopy technologist~~ has committed any of the grounds for disciplinary action provided for by law, ~~the panel~~ shall inform the respondent physician; ~~or physician assistant; or fluoroscopy technologist~~ involved of the specific charges to be considered by serving upon that ~~person~~ individual a copy of a formal complaint filed with the board for disposition pursuant to the provisions of chapter 28-32. The board members who have served on the investigative panel may not participate in any proceeding before the board relating to said ~~the~~ complaint. The complaint must be prosecuted before the board by the attorney general or one of the attorney general's assistants.
 3. If an investigative panel finds that there are insufficient facts to warrant further investigation or action, the complaint must be dismissed and the matter is closed. The investigative panel shall provide written notice to the ~~individual or entity~~ person filing the original complaint and the ~~person~~ individual who is the subject of the complaint of the investigative panel's final action or recommendations, if any, concerning the complaint.

SECTION 8. AMENDMENT. Section 43-17.1-05.1 of the North Dakota Century Code is amended and reenacted as follows:

43-17.1-05.1. Reporting requirements - Penalty.

1. A physician, a physician assistant; ~~or a fluoroscopy technologist~~, a health care institution in the state, a state agency, or a law enforcement agency in the state having actual knowledge that a licensed physician; ~~a or physician assistant; or a fluoroscopy technologist~~ may have committed any of the grounds for disciplinary action provided by law or by rules adopted by the board ~~promptly~~ shall ~~promptly~~ report that information in writing to the investigative panel of the board. A medical licensee or any institution from which the medical licensee voluntarily resigns or voluntarily limits the licensee's staff privileges shall report that licensee's action to the investigative panel of the board if that action occurs while the licensee is under formal or informal investigation by the institution or a committee of the institution for any reason related to possible medical incompetence, unprofessional conduct, or mental or physical impairment.
2. Upon receiving a report concerning a licensee an investigative panel shall, or on its own motion an investigative panel may, investigate any evidence that appears to show a licensee is or may have committed any of the grounds for disciplinary action provided by law or by rules adopted by the board.
3. A person required to report under this section ~~who that~~ makes a report in good faith is not subject to criminal prosecution or civil liability for making the report. For purposes of any civil proceeding, the good faith of any person ~~who that~~ makes a report pursuant to this section is presumed. A physician who obtains information in the course of a physician-patient relationship in which the patient is another physician is not required to report if the treating physician successfully counsels the other physician

to limit or withdraw from practice to the extent required by the impairment. A physician who obtains information in the course of a professional peer review pursuant to chapter 23-34 is not required to report pursuant to this section. A physician who does not report information obtained in a professional peer review is not subject to criminal prosecution or civil liability for not making a report. For purposes of this section, a person has actual knowledge if that person acquired the information by personal observation or under circumstances that cause that person to believe there exists a substantial likelihood that the information is correct.

4. An agency or health care institution that violates this section is guilty of a class B misdemeanor. A physician, or physician assistant, ~~or fluoroscopy technologist~~ who violates this section is subject to administrative action by the board as specified by law or by administrative rule.

SECTION 9. AMENDMENT. Section 43-17.1-06 of the North Dakota Century Code is amended and reenacted as follows:

43-17.1-06. Powers of the board's investigative panels.

The board's investigative panels may:

1. Subpoena witnesses and physician and hospital records relating to the practice of any physician, or physician assistant, ~~or fluoroscopy technologist~~ under investigation. The confidentiality of the records by any other statute or law does not affect the validity of an investigative panel's subpoena nor the admissibility of the records in board proceedings; however, the proceedings and records of a committee ~~that~~which are exempt from subpoena, discovery, or introduction into evidence under chapter 23-34 are not subject to this subsection.
2. Hold preliminary hearings.
3. Upon probable cause, require any physician, or physician assistant, ~~or fluoroscopy technologist~~ under investigation to submit to a physical, psychiatric, or competency examination or chemical dependency evaluation.
4. Appoint special masters to conduct preliminary hearings.
5. Employ independent investigators ~~when~~if necessary.
6. Hold confidential conferences with any complainant or any physician, or physician assistant, ~~or fluoroscopy technologist~~ with respect to any complaint.
7. File a formal complaint against any licensed physician, or physician assistant, ~~or fluoroscopy technologist~~ with the board.

SECTION 10. Section 43-62-14.1 of the North Dakota Century Code is created and enacted as follows:

43-62-14.1. Fluoroscopy technologist.

1. Effective August 1, 2019, an individual licensed or permitted as a fluoroscopy technologist by the North Dakota board of medicine who is in good standing on that date, automatically becomes licensed as a fluoroscopy technologist by the North Dakota medical imaging and radiation therapy board.
 - a. Effective August 1, 2019, the North Dakota board of medicine shall expire every active fluoroscopy technologist's license issued by that board.

- b. Effective August 1, 2019, the North Dakota medical imaging and radiation therapy board shall issue a fluoroscopy technologist license to every individual qualified under this subsection to be automatically licensed.
- 2. The scope of practice of a licensed fluoroscopy technologist is limited to gastrointestinal fluoroscopy of the esophagus, stomach, and small and large intestines.
- 3. Fluoroscopy services provided by a licensed fluoroscopy technologist must be provided under the supervision of a primary supervising physician.
- 4. If a fluoroscopy technologist performs a fluoroscopy procedure outside the presence of the technologist's primary supervising physician, the technologist must be supervised by an onsite supervising physician who is immediately available to the technologist for consultation and supervision at all times the technologist is performing a fluoroscopy procedure.
- 5. Under this section, a supervising physician may not designate the fluoroscopy technologist to take over the physician's duties or cover the physician's practice. During an absence or temporary disability of a primary supervising physician, the fluoroscopy technologist is responsible to the substitute primary supervising physician.
- 6. To qualify for biennial license renewal, a fluoroscopy technologist shall submit to the board with radiography license renewal:
 - a. Evidence of completion of at least six hours of continuing education on fluoroscopy safety and relevant radiation protection; and
 - b. A copy of an agreement with a primary supervising physician.
- 7. A licensee under this section is subject to the disciplinary authority of the board under section 43-62-19.

SECTION 11. APPLICATION. To facilitate application of sections 2 and 6 through 10 of this Act, the North Dakota board of medicine shall provide the North Dakota medical imaging and radiation therapy board with the files regarding all active fluoroscopy technologists licensed by the North Dakota board of medicine necessary for the North Dakota medical imaging and radiation therapy board to take over licensure and regulation of these technologists."

Renumber accordingly

Engrossed SB 2094 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. ROHR MOVED that the conference committee report on Engrossed SB 2094 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2094, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to create and enact sections 43-17-44, 43-17-45, and 43-62-14.1 of the North Dakota Century Code, relating to the practice of telemedicine and the regulation of fluoroscopy technologists; to amend and reenact sections 43-17-01, 43-17-02, and 43-17-02.3, subsection 1 of section 43-17.1-02, and sections 43-17.1-05, 43-17.1-05.1, and 43-17.1-06 of the North Dakota Century Code, relating to the definitions of the practice of medicine and telemedicine, the practice of medicine, and the regulation of fluoroscopy technologists; to provide a penalty; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 2 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; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; 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; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Magrum; Simons

ABSENT AND NOT VOTING: Keiser; McWilliams; O'Brien; Paulson

Engrossed SB 2094, as amended, passed.

MOTION

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

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

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 17, 2019, I have signed the following: HB 1237, HB 1251, HB 1259, HB 1275, HB 1388, and HB 1520.

CONSIDERATION OF MESSAGES FROM THE SENATE

REP. LOUSER MOVED that the House do not concur in the Senate amendments to HB 1202 as printed on HJ pages 1893-1895 and in the Senate amendments to Engrossed HB 1521 as printed on HJ pages 1899-1907 and that a conference committee be appointed to meet with a like committee from the Senate on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on:

HB 1202: Reps. Lefor, Zubke, D. Anderson.

Engrossed HB 1521: Reps. Kasper, Louser, Mock.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. LOUSER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2008, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2008: Reps. Brandenburg, Bellew, Mock

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BOSCH MOVED that the House do concur in the Senate amendments to Engrossed HB 1439 as printed on HJ pages 1870-1872, which motion prevailed on a voice vote.

Engrossed HB 1439, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1439: A BILL for an Act to amend and reenact sections 57-06-17.1 and 57-39.2-04.14, subsection 3 of section 57-51.1-03, and section 57-60-06 of the North Dakota

Century Code, relating to a property tax exemption for pipelines used for secure geologic storage, a sales and use tax exemption for materials used for secure geologic storage, an oil extraction tax exemption for the incremental production from tertiary recovery projects using carbon dioxide, and property classification of secure geologic storage equipment for coal conversion tax purposes; and to provide an effective date.

ROLL CALL

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

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; 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; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

NAYS: Becker; Buffalo; Dobervich; Ertelt; Hanson; Koppelman, B.; Magrum; McWilliams; Nelson, M.; Skroch

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

Reengrossed HB 1439 passed.

MOTION

REP. LOUSER MOVED that HB 1320, which is on the Twelfth order, be laid over one legislative day, which motion prevailed on a voice vote.

MOTION

REP. LOUSER MOVED that HB 1435 be moved to the bottom of the Seventh order, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1383, as reengrossed: Your conference committee (Sens. Schaible, Kreun, Piepkorn and Reps. Schreiber-Beck, Brandenburg, Boe) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1456-1458, adopt amendments as follows, and place HB 1383 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1456-1458 of the House Journal and pages 1192-1194 of the Senate Journal and that Reengrossed House Bill No. 1383 be amended as follows:

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

Page 1, line 2, remove ", and a new section to chapter 49-22.1"

Page 1, line 4, replace the second comma with "and"

Page 1, line 5, replace "49-22.1-03, and 49-22.1-09" with "and subsection 4 of section 49-22-16"

Page 1, line 6, replace the second "and" with a comma

Page 1, line 8, after "routes" insert ", and state agency rules"

Page 1, line 8, replace "budget section" with "legislative management"

Page 1, line 20, overstrike "One individual appointed by the lignite energy council;"

Page 1, line 21, overstrike "g."

Page 1, line 22, overstrike "h." and insert immediately thereafter "g."

Page 1, overstrike line 23

Page 1, line 24, overstrike "j." and insert immediately thereafter "h."

Page 2, line 1, overstrike "k." and insert immediately thereafter "i."

Page 2, line 2, replace "l." with "j."

Page 2, line 3, replace "m." with "k."

Page 2, line 4, replace "n." with:

l. The chairman of the public service commission or the chairman's designee;

m. The state engineer or the state engineer's designee;

n. The director of the game and fish department, or the director's designee;

o. The director of the department of transportation, or the director's designee;

p. The director of the department of environmental quality, or the director's designee;

q."

Page 2, line 4, remove "and"

Page 2, line 6, replace "o." with "r."

Page 2, line 6, after "cooperatives" insert: "; and

s. Two individuals from the energy community appointed by the commissioner"

Page 2, line 9, replace "**budget section**" with "**legislative management**"

Page 2, line 11, remove "The moneys accumulated in the environmental impact mitigation fund must be"

Page 2, line 12, replace "allocated as provided by law and as appropriated by the legislative assembly" with "There is created in the state treasury the environmental impact mitigation fund. The fund consists of all moneys deposited in the fund under section 5 of this Act. All moneys in the fund are appropriated to the commissioner on a continuing basis"

Page 2, line 13, remove the underscored colon

Page 2, remove lines 14 and 15

Page 2, line 16, replace "b. To" with "to"

Page 2, line 16, remove "energy"

Page 2, line 17, remove "; and"

Page 2, remove line 18

Page 2, line 19, replace "wetlands" with "as set forth under subsection 2"

Page 2, line 21, remove ". wildlife biologists."

Page 2, replace lines 22 through 26 with "or engineers for relevant services to implement mitigation required from the impact of development; and"

Page 2, line 27, remove ". restoration."

Page 2, line 27, remove "land, water resources, or wildlife"

Page 2, line 28, replace "habitats adversely impacted directly by energy" with "adverse impacts from"

Page 2, line 28, remove "; and"

Page 2, remove line 29

Page 2, line 30, remove "as determined by the advisory board"

Page 3, line 8, remove "at least one regular meeting each year and additional"

Page 3, line 16, remove "budget section of the"

Page 3, line 17, remove "All moneys in the environmental impact mitigation fund are appropriated to the"

Page 3, line 18, replace "commissioner on a continuing basis for the purposes set forth under subsection 2" with "For purposes of this section, the environmental impact mitigation fund is not subject to subsection 2 of section 4.1-01-18"

Page 4, after line 21, insert:

"1."

Page 4, remove the overstrike over lines 22 and 23

Page 4, line 24, remove "1. To"

Page 4, line 24, remove "in"

Page 4, line 24, remove ", the commission"

Page 4, line 25, remove "shall consider"

Page 5, line 3, remove the overstrike over "and indirect"

Page 5, line 18, remove "In the evaluation and designation of sites, corridors, and routes, the commission may"

Page 5, replace lines 19 through 23 with "The commission may not condition the issuance of a certificate or permit on the applicant providing a mitigation payment assessed or requested by another state agency or entity to offset a negative impact on wildlife habitat."

Page 5, line 27, replace "If an applicant elects to provide" with "An applicant may elect to provide"

Page 5, line 28, replace "impact" with "impacts"

Page 5, line 28, remove ", the applicant shall"

Page 5, line 29 remove "make the payment to the agriculture commissioner"

Page 5, line 29, after the underscored period insert "The applicant may elect to provide the payment to the agriculture commissioner."

Page 6, line 1, replace "Subject to subsection 3, the" with "The"

Page 6, remove lines 4 through 31

Page 7, remove lines 1 through 30

Page 8, replace lines 1 through 10 with:

"SECTION 6. AMENDMENT. Subsection 4 of section 49-22-16 of the North Dakota Century Code is amended and reenacted as follows:

4. ~~No~~A site or route ~~shall~~may not be designated which violates the rules of any state agency. A state agency with jurisdiction over any aspect of a proposed facility shall present the position of the agency at least thirty days before the public hearing on an application for a certificate, a permit, or a waiver, which position ~~shall~~ clearly must state whether the site, corridor, or route being considered for designation will be in compliance with ~~such~~the agency's rules. For purposes of this chapter it ~~shall be~~ presumed that a proposed facility will be in compliance with a state agency's rules if ~~such~~the agency fails to present its position on the proposed site, corridor, or route at least thirty days before the appropriate public hearing."

Renumber accordingly

Reengrossed HB 1383 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SCHREIBER-BECK MOVED that the conference committee report on Reengrossed HB 1383 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1383, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1383: A BILL for an Act to create and enact a new section to chapter 4.1-01 and a new section to chapter 49-22 of the North Dakota Century Code, relating to the creation of an environmental impact mitigation fund and to mitigating direct environmental impacts; to amend and reenact subsection 1 of section 4.1-01-18, sections 49-22-05.1 and 49-22-09, and subsection 4 of section 49-22-16 of the North Dakota Century Code, relating to the federal environmental law impact review committee, exclusion and avoidance areas, the factors considered by the public service commission when evaluating and designating sites, corridors, and routes, and state agency rules; to provide for a report to the legislative management; to provide an appropriation; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 72 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Becker; Bellew; Devlin; Ertelt; Fisher; Guggisberg; Johnson, M.; Johnston; Kading; McWilliams; Paulson; Paur; Porter; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch;

Toman

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

Reengrossed HB 1383 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1474, as engrossed: Your conference committee (Sens. Meyer, Kannianen, Dotzenrod and Reps. Dockter, B. Koppelman, Guggisberg) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1284 and place HB 1474 on the Seventh order.

Engrossed HB 1474 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOCKTER MOVED that the conference committee report on Engrossed HB 1474 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1474, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1474: A BILL for an Act to provide for a legislative management study relating to replacing special assessment revenue with revenue from an alternative local funding source.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 6 NAYS, 0 EXCUSED, 3 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; Hager; Hanson; Hatlestad; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Owens; Paulson; 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; Weisz; Westlind; Zubke; Speaker Klemm

NAYS: Adams; Bellew; Delzer; Headland; Nelson, M.; Paur

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

Reengrossed HB 1474 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1453, as engrossed: Your conference committee (Sens. Myrdal, Dwyer, Bakke and Reps. Karls, McWilliams, Paur) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1441-1442, adopt amendments as follows, and place HB 1453 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1441 and 1442 of the House Journal and page 1195 of the Senate Journal and that Engrossed House Bill No. 1453 be amended as follows:

Page 4, line 5, remove "within the next thirty days there is"

Page 4, line 6, remove "one or more of the following"

Page 4, line 8, remove the overstrike over the overstruck semicolon

Page 4, line 8, remove the underscored period

Page 4, line 9, remove the overstrike over "~~or inflicting significant~~"

Page 4, line 10, remove the overstrike over "~~property damage~~"

Page 4, line 10, remove the overstrike over the overstruck semicolon

Page 4, line 10, remove "that may cause harm or"

Page 4, remove line 11

Page 4, line 12, remove "Inflicting significant property damage, as manifested by acts or threats."

Page 4, remove lines 13 and 14

Page 4, line 15, remove "e."

Page 4, line 17, remove the overstrike over "~~nutrition~~"

Page 4, line 17, remove "nourishment, self protection, essential health care"

Page 4, line 17, remove the overstrike over "~~;~~ or"

Page 4, line 17, remove the underscored period

Page 4, line 18, remove the overstrike over " ~~d.~~"

Page 4, line 18, remove "f."

Page 4, line 23, overstrike the first comma and insert immediately thereafter "or"

Page 4, line 23, overstrike ", or"

Page 4, line 23, remove "omissions"

Page 4, line 25, remove the overstrike over "~~ability to~~"

Page 4, line 25, remove underscored colon

Page 4, remove lines 26 and 27

Page 4, line 28, remove "(c) Ability to"

Page 9, line 30, after the boldfaced hyphen insert "**REPORT -**"

Page 10, line 6, remove "and"

Page 10, line 7, after "b." insert "Law enforcement has the authority to confiscate a weapon from an individual who appears to be at serious risk of harm and whether this is applied uniformly by law enforcement across the state;

c."

Page 10, line 9, after "enforcement" insert "; and

- d. There is a lack of uniformity in how early intervention and civil commitment is implemented across the state, and to the extent there may be a lack of uniformity, to what this lack of uniformity is attributable to and whether education and training of stakeholders may help facilitate more uniformity"

Page 10, line 10, after "2." insert "If the legislative management conducts this study, the judicial branch shall provide the legislative management with court data necessary to conduct the study, including data from each of the counties in the state regarding civil commitment proceedings and outcomes.

3."

Renumber accordingly

Engrossed HB 1453 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KARLS MOVED that the conference committee report on Engrossed HB 1453 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1453, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1453: A BILL for an Act to amend and reenact sections 25-03.1-02, 25-03.1-07, 25-03.1-17, 25-03.1-21, and 25-03.1-30 of the North Dakota Century Code, relating to civil commitment procedures and alternative treatment orders; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 64 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Becker; Bellew; Delzer; Devlin; Dockter; Ertelt; Fisher; Grueneich; Headland; Heinert; Johnston; Kading; Koppelman, B.; Lefor; Magrum; Marschall; Meier; Paulson; Porter; Rohr; Ruby, D.; Ruby, M.; Schatz; Simons; Steiner; Toman; Weisz

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

Reengrossed HB 1453 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1268, as engrossed: Your conference committee (Sens. Kannianen, J. Lee, Dotzenrod and Reps. Weisz, Devlin, Dobervich) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1342-1343, adopt amendments as follows, and place HB 1268 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1342 and 1343 of the House Journal and pages 1071 and 1072 of the Senate Journal and that Engrossed House Bill No. 1268 be amended as follows:

Page 1, line 1, after "reenact" insert "sections 11-28.3-09 and 23-46-04 and"

Page 1, line 2, after "service" insert "and ambulance service operations financial assistance"

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

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

Page 1, line 4, remove "effective date; and to declare an emergency"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 11-28.3-09 of the North Dakota Century Code is amended and reenacted as follows:

11-28.3-09. Emergency medical service policy - Levy - Financial report.

1. The board of directors shall establish a general emergency medical service policy for the district and shall annually estimate the probable expense for carrying out that policy. The estimate shall be certified by the president and secretary to the proper county auditor or county auditors, on or before June thirtieth of each year. In the year for which the levy is sought, a board of directors of a rural ambulance service district seeking approval of a property tax levy under this chapter must file with the county auditor of the counties within the rural ambulance service district, at a time and in a format prescribed by the county auditors, a financial report for the preceding calendar year showing the ending balances of each fund held by the rural ambulance service district during that year. The board or boards of county commissioners may levy a tax not to exceed the mill rate approved by the electors of the district under section 11-28.3-04, and in no event exceeding a mill rate of ~~ten~~fifteen mills upon the taxable property within the district for the maintenance of the rural ambulance service district for the fiscal year as provided by law. A rural ambulance service district may be dissolved by approval of electors of the district as provided in section 11-28.3-13.
2. The tax levied for a rural ambulance service district shall be:

 - ~~1-~~ a. Collected as other taxes are collected in the county.
 - ~~2-~~ b. Turned over to the secretary-treasurer of the rural ambulance service district, who shall be bonded in the amount of at least five thousand dollars.
 - ~~3-~~ c. Deposited by the secretary-treasurer in a state or national bank in a district account.
 - ~~4-~~ d. Paid out upon warrants drawn upon the district account by authority of the board of directors of the district, bearing the signature of the secretary-treasurer and the countersignature of the president.
3. In no case shall the amount of the tax levy exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense, including the amount of principal and interest upon the indebtedness of the district for the ensuing year. The district may include in its operating budget no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated emergency medical services sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent emergency medical services sinking fund may be in addition to the actual annual operating budget, but the total of the annual operating budget and the annual ten percent emergency medical services sinking fund shall not exceed the amount of revenue that would be generated by application of the maximum mill levy approved by the electors.

SECTION 2. AMENDMENT. Section 23-46-04 of the North Dakota Century Code is amended and reenacted as follows:

23-46-04. State financial assistance for emergency medical services - Confidential information - Annual allocation.

Emergency medical services operations that request financial assistance from the state must provide requested fiscal information to the state department of health for use in financial assistance determinations. All information provided to the department under this section is confidential. The state department of health shall determine annually the allocation amount of state financial assistance for each emergency medical services funding area based on the department's determination of:

- 4- ~~The the~~ minimum annual funding necessary to operate the emergency medical services operation or service designated to operate in the ambulance funding area, based on the financial needs unique to each emergency medical services funding area.
- 2- ~~Required local matching funds commensurate with at least ten dollars-per capita within the emergency medical services funding area."~~

Page 1, line 10, replace "**EMERGENCY MEDICAL SERVICES**" with "**AMBULANCE SERVICE OPERATION**"

Page 1, line 12, after "health" insert ", in consultation with the emergency medical services advisory council,"

Page 1, line 13, replace "emergency medical services" with "ambulance service"

Page 1, line 15, after "\$60,000" insert ", or other base amount established by the department,"

Page 1, line 17, replace "\$1,100" with "the average cost of a run"

Page 1, line 21, replace "\$850" with "the average amount of reimbursement for a run"

Page 2, line 6, remove "or if the"

Page 2, line 7, remove "operation is not registered with the secretary of state"

Page 2, remove lines 8 and 9

Renumber accordingly

Engrossed HB 1268 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WEISZ MOVED that the conference committee report on Engrossed HB 1268 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1268, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1268: A BILL for an Act to amend and reenact sections 11-28.3-09 and 23-46-04 and subsection 10 of section 57-15-06.7 of the North Dakota Century Code, relating to property tax levies for emergency medical service and emergency medical services financial assistance; and to provide for the distribution of state financial assistance for emergency medical services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 71 YEAS, 20 NAYS, 0 EXCUSED, 3 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; Kempenich; Kiefert; Kreidt; Laning; Longmuir; Louser; Magrum; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Strinden; Trottier; Tveit; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemm

NAYS: Becker; Bellew; Delzer; Ertelt; Johnston; Kading; Koppelman, B.; Koppelman, K.; Lefor; Marschall; McWilliams; Paulson; Paur; Ruby, D.; Schatz; Simons; Skroch; Steiner; Toman; Vetter

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

Reengrossed HB 1268 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1287, as engrossed: Your conference committee (Sens. Rust, Schaible, Oban and Reps. Owens, Schreiber-Beck, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1419, adopt amendments as follows, and place HB 1287 on the Seventh order:

That the Senate recede from its amendments as printed on page 1419 of the House Journal and page 1173 of the Senate Journal and that Engrossed House Bill No. 1287 be amended as follows:

Page 1, line 3, after "program" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 1, line 22, remove "operated by a"

Page 1, remove lines 23 and 24

Page 2, remove lines 1 through 5

Page 2, line 6, remove "certification"

Page 2, line 7, after "6." insert "An in-state alternative teacher certification program must operate in accordance with the procedures and program approval standards and requirements set by the board for teacher education programs for the licensure of educators.

7. An out-of-state alternative teacher certification program must:

- a. Operate in at least five states;
- b. Have operated an alternative teacher certification program for at least ten years;
- c. Require applicants to pass a subject area and pedagogy examination, known as the professional teaching knowledge examination, to receive certification; and
- d. Allow an individual who obtains an initial or renewal license to teach in the subject areas of:
 - (1) Elementary education;
 - (2) Elementary education with a reading endorsement;
 - (3) English language arts;
 - (4) United States and world history;

- (5) Mathematics;
- (6) General science;
- (7) Biology;
- (8) Chemistry; and
- (9) Physics.

8."

Page 2, line 10, replace "7." with "9."

Page 2, remove lines 22 through 31

Page 2, after line 31, insert:

"SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT. The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

ReNUMBER accordingly

Engrossed HB 1287 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. OWENS MOVED that the conference committee report on Engrossed HB 1287 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1287, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1287: A BILL for an Act to amend and reenact section 15.1-13-10 of the North Dakota Century Code, relating to initial teaching licenses for individuals completing alternative teacher certification program; to provide for a legislative management report; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 72 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Adams; Anderson, P.; Beadle; Boschee; Buffalo; Dobervich; Eidson; Guggisberg; Hager; Hanson; Holman; Johnson, M.; Longmuir; Martinson; Mock; Monson; Nelson, M.; Sanford; Schneider

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

Reengrossed HB 1287 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1531, as engrossed: Your conference committee (Sens. Rust, Davison, Oban and Reps. Owens, Zubke, Guggisberg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1419-1420, adopt amendments as follows, and place HB 1531 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1419 and 1420 of the House Journal and page 1175 of the Senate Journal and that Engrossed House Bill No. 1531 be amended as follows:

Page 1, line 3, after "criteria" insert "; to provide for a legislative management report; and to provide an expiration date"

Page 1, line 21, remove "part-time"

Page 1, line 21, after "education" insert ", special education"

Page 1, line 22, replace "has a" with ":

a. Has a"

Page 1, line 23, replace ", has" with ":

b. Has"

Page 1, line 23, replace ", and." with an underscored semicolon

Page 2, line 1, replace "a." with "c."

Page 2, line 1, replace "two" with "four"

Page 2, line 1, after "hours" insert "over five years"

Page 2, line 1, remove "in the"

Page 2, line 2, remove "preceding five years"

Page 2, line 2, after the underscored semicolon insert "and"

Page 2, line 3, replace "b." with "(1)"

Page 2, line 4, replace "c." with "(2)"

Page 2, line 5, remove "part-time"

Page 2, after line 13, insert:

"6. The board may adopt rules to administer teaching permits under this section.

7. The board of a school district may terminate the employment of an individual with a teaching permit issued under this section at will.

SECTION 2. ALTERNATIVE TEACHER CERTIFICATION PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT. The education standards and practices board shall provide the legislative management a status report during the 2019-20 interim and during the 2021-22 interim regarding the number of teacher licenses issued under an alternative teacher certification program, the effectiveness of the program, the quality of instruction provided under the program, and whether

the program is accomplishing desired objectives. The report must include a recommendation regarding continuation of the program.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2023, and after that date is ineffective."

Renumber accordingly

Engrossed HB 1531 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. OWENS MOVED that the conference committee report on Engrossed HB 1531 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1531, as amended, was placed on the Eleventh order of business.

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; to provide for a legislative management report; and to provide an expiration date.

ROLL CALL

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

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; 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; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemm

NAYS: Adams; Anderson, P.; Buffalo; Dobervich; Hager; Hanson; Holman; Nelson, M.; Schneider; Simons

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

Reengrossed HB 1531 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1346, as engrossed: Your conference committee (Sens. Schaible, Elkin, Marcellais and Reps. Owens, Zubke, Guggisberg) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1398-1399 and place HB 1346 on the Seventh order.

Engrossed HB 1346 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. OWENS MOVED that the conference committee report on Engrossed HB 1346 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1346, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to amend and reenact sections 15.1-06-04, 15.1-27-23, and 15.1-27-35 of the North Dakota Century Code, relating to required number of hours of instruction by school districts, average daily membership calculation, and weather

emergencies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 0 YEAS, 90 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trotter; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

ABSENT AND NOT VOTING: Hoverson; Kading; Keiser; O'Brien

Reengrossed HB 1346 failed.

REPORT OF CONFERENCE COMMITTEE

HB 1249, as reengrossed: Your conference committee (Sens. Elkin, Rust, Oban and Reps. Schreiber-Beck, Strinden, Hager) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1281 and place HB 1249 on the Seventh order.

Reengrossed HB 1249 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. OWENS MOVED that the conference committee report on Reengrossed HB 1249 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1249, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1249: A BILL for an Act to amend and reenact section 15.1-07-34 of the North Dakota Century Code, relating to youth behavioral health training.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 0 YEAS, 91 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; 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; Weisz; Westlind; Zubke; Speaker Klemin

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

Reengrossed HB 1249 failed.

REPORT OF CONFERENCE COMMITTEE

HB 1384: Your conference committee (Sens. Kannianen, Cook, Dotzenrod and Reps. Steiner, Dockter, Headland) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1734 and place HB 1384 on the Seventh order.

HB 1384 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. STEINER MOVED that the conference committee report on HB 1384 be adopted, which motion prevailed on a voice vote.

HB 1384, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1384: A BILL for an Act to amend and reenact section 57-38-01.7 of the North Dakota Century Code, relating to the individual income tax credit for charitable contributions; to provide an effective date; and to provide an expiration date.

ROLL CALL

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

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

NAYS: Adams; Anderson, P.; Becker; Boe; Boschee; Buffalo; Delzer; Dobervich; Eidson; Guggisberg; Hager; Hanson; Howe; Pyle; Schneider; Vigesaa

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

Engrossed HB 1384 passed.

REPORT OF CONFERENCE COMMITTEE

HB 1541, as engrossed: Your conference committee (Sens. Luick, Myrdal, Bakke and Reps. Paulson, Karls, Vetter) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1377, adopt amendments as follows, and place HB 1541 on the Seventh order:

That the Senate recede from its amendments as printed on page 1377 of the House Journal and page 1096 of the Senate Journal and that Engrossed House Bill No. 1541 be amended as follows:

Page 2, line 1, replace "Provide" with "In coordination with the superintendent of public instruction, provide"

Page 2, line 1, after "information" insert "and training annually"

Page 2, line 1, after "to" insert "all school district personnel,"

Page 2, line 1, after "teachers" insert an underscored comma

Page 2, line 2, after "prevention" insert ". To reach as many teachers, administrators, and staff members as possible, the training must be provided at professional development conferences, professional development days, and other appropriate events"

Renumber accordingly

Engrossed HB 1541 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PAULSON MOVED that the conference committee report on Engrossed HB 1541 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1541, as amended, was placed on the Eleventh order of business.

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, the roll was called and there were 74 YEAS, 17 NAYS, 0 EXCUSED, 3 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; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Kempenich; Kiefert; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Strinden; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

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

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

Reengrossed HB 1541 passed.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2269.

REPORT OF CONFERENCE COMMITTEE

SB 2269, as engrossed: Your conference committee (Sens. Myrdal, O. Larsen, Klein and Reps. Satrom, McWilliams, Skroch) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1367-1369, adopt amendments as follows, and place SB 2269 on the Seventh order:

That the House recede from its amendments as printed on pages 1367-1369 of the Senate Journal and pages 1537-1539 of the House Journal and that Engrossed Senate Bill No. 2269 be amended as follows:

Page 1, line 23, remove ". The term does"

Page 1, line 24, remove "not include whole, uncut fresh fruits and vegetables"

Page 2, line 8, after "8." insert "Food means an article used for food or drink for human consumption."

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

Page 2, line 12, replace "10." with "11."

Page 2, line 14, replace "11." with "12."

Page 2, line 17, replace "12." with "13."

Page 2, line 23, replace "13." with "14."

Page 2, line 26, replace "14." with "15."

Page 2, line 30, replace "15." with "16."

Page 3, line 1, replace "16." with "17."

Page 3, after line 4, insert:

"18. "Whole, uncut fresh fruits and vegetables" means a fruit or vegetable in its raw or natural state, including all fruits and vegetables that are washed, colored, or otherwise treated in an unpeeled natural form before marketing."

Page 3, line 25, remove the overstrike over "~~Involve interstate commerce~~"

Page 3, line 25, remove "Occur outside the state"

Page 4, after line 29, insert:

"7. Except for whole, uncut fresh fruits and vegetables, food prepared by a cottage food operator may not be sold or used for commercial consumption."

Page 5, line 9, remove "and"

Page 5, line 10, after "misbranded" insert "; and

d. In the case of raw poultry or shell eggs transported by the cottage food operator, maintained frozen, except for shell eggs, which must be transported and maintained under refrigeration of forty-five degrees Fahrenheit [7.2 degrees Celsius] or less if washed, or at room temperature if unwashed"

Page 5, line 14, remove "or"

Page 5, line 15, after "products" insert "are dehydrated or are freeze dried and the products"

Page 5, line 15, after "level" insert "; or

c. The products are fresh cut fruits and vegetables that are blanched and frozen"

Page 5, line 16, remove "baked or"

Page 5, line 17, after "otherwise" insert "authorized under this section or"

Page 5, line 17, replace "A food" with "Food"

Page 5, line 18, remove "which is a cottage food product authorized for sale"

Page 5, remove line 19

Page 5, line 20, replace "a. If" with "must be labeled in accordance with the requirements of this chapter and if"

Page 5, line 20, after "transported" insert "by the cottage food operator"

Page 5, line 20, replace "frozen" with "at a temperature of forty degrees Fahrenheit [4.4 degrees Celsius] or less"

Page 5, line 20, remove ", except for"

Page 5, remove lines 21 and 22

Page 5, line 23, replace "b. Must be labeled in accordance with the requirements of this chapter" with "or, if a period of four hours or more occurs between transportation by the cottage food operator and delivery, must be maintained frozen by the cottage food operator. Cottage food products authorized for sale under this subsection are:

- a. Baked goods;
- b. Seed sprouts of any variety; and
- c. Fresh cut leafy greens, tomato, and melon"

Page 5, line 25, remove "in a baked good"

Page 5, line 27, remove "Seed sprouts of any variety."

Page 5, remove lines 28 through 31

Page 6, remove lines 1 and 2

Page 6, line 3, remove "9."

Page 6, line 4, replace "10." with "7."

Page 6, line 5, replace "11." with "8."

Page 6, line 24, after "Handled" insert "Refrigerated or"

Renumber accordingly

Engrossed SB 2269 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SATROM MOVED that the conference committee report on Engrossed SB 2269 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2269, as amended, was placed on the Fourteenth order of business.

SECOND READING OF SENATE BILL

SB 2269: A BILL for an Act to create and enact three new sections to chapter 23-09.5 of the North Dakota Century Code, relating to cottage food production and sale; and to amend and reenact sections 23-09.5-01 and 23-09.5-02 of the North Dakota Century Code, relating to the direct producer to consumer sale of cottage food products.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 26 YEAS, 65 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, P.; Brandenburg; Buffalo; Delzer; Dobervich; Eidson; Guggisberg; Hager; Hanson; Johnson, D.; Karls; Kreidt; Longmuir; Mock; Monson; Nathe; Nelson, J.; Roers Jones; Satrom; Schauer; Schreiber-Beck; Strinden; Weisz; Westlind; Zubke

NAYS: Adams; Anderson, D.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Damschen; Devlin; Dockter; Ertelt; Fegley; Fisher; Grueneich; Hatlestad; Headland;

Heinert; Holman; Howe; Johnson, C.; Johnson, M.; Johnston; Jones; Kading; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Laning; Lefor; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Rohr; Ruby, D.; Ruby, M.; Sanford; Schatz; Schmidt; Schneider; Schobinger; Simons; Skroch; Steiner; Toman; Trotter; Tveit; Vetter; Vigasaa; Speaker Klemin

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

Engrossed SB 2269, as amended, failed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3055.

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3055

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Management to consider studying the potential uses of legacy fund earnings, including the use of earnings to provide tax relief, provide for reinvestment of legacy fund earnings, fund research and technological advancements, promote economic growth and diversification, and promote workforce development and career and technical education.

WHEREAS, the legacy fund was created with the understanding that oil and gas resources are finite and tax revenues related to oil and gas production eventually will decline; and

WHEREAS, investments to diversify and expand the state's tax base as a means to offset the eventual decline of oil and gas tax revenues is a prudent use of legacy fund earnings to provide long-term revenue stability for future generations; and

WHEREAS, investments in research and technological advancements in energy and agriculture, workforce development and recruitment, career and technical education, and business growth initiatives are key to expanding the state's economic potential; and

WHEREAS, the use of legacy fund earnings to reduce the tax burden on taxpayers and reduce taxpayer liability to fund government services, without creating an expansion of government, could have a positive impact on economic growth; and

WHEREAS, taking a balanced approach to spending and reinvesting legacy fund earnings could lead to growth in the state's economy and growth in the principal of the legacy fund, as evidenced by the operation of Norway's sovereign wealth fund; and

WHEREAS, the people of North Dakota created the legacy fund through a public vote and the public should be allowed to engage in discussion and recommend ideas for policies and directives related to the use of legacy fund earnings, including recommendations to fund unique projects that leave a legacy for future generations; and

WHEREAS, varied and competing interests exist regarding the best use of legacy fund earnings;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Management consider studying the potential uses of legacy fund earnings, including the use of earnings to provide tax relief, provide for reinvestment of legacy fund earnings, fund research and technological

advancements, promote economic growth and diversification, and promote workforce development and career and technical education; and

BE IT FURTHER RESOLVED, that in conducting the study, the Legislative Management consider forming an interim committee consisting of the Majority and Minority Leaders of the House of Representatives and the Senate, or their designee; the Chairmen of the standing Finance and Taxation Committees of the House of Representatives and the Senate, or their designee; the Chairmen of the Appropriations Committees of the House of Representatives and the Senate, or their designee; two members of the Legacy and Budget Stabilization Fund Advisory Board, appointed by their respective Majority Leaders; and the Chairman of the Legislative Management, or the Chairman's designee; and

BE IT FURTHER RESOLVED, that the Legislative Management report its findings and recommendations, together with any legislation required to implement the recommendations, to the Sixty-seventh Legislative Assembly."

Renumber accordingly

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1001.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1439.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1050, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1050: Reps. K. Koppelman; Karls; Satrom

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1202 and HB 1521, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1202: Reps. Lefor; Zubke; D. Anderson

HB 1521: Reps. Kasper; Louser; Mock

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

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

HB 1021: Sens. Wanzek; Poolman; Robinson

HB 1396: Sens. Myrdal; D. Larson; Bakke

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

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

HB 1050: Sens. Dwyer; Myrdal; Bakke

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently failed to pass: SB 2048.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2211, and

the President has appointed as a conference committee to act with a like committee from the House on:

SB 2211: Sens. Unruh; Schaible; Piepkorn

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

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

SB 2008: Reps. Brandenburg; Bellew; Mock

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

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

SB 2140: Reps. M. Ruby; Damschen; Zubke

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1287, HB 1383, HB 1453, HB 1531.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1384, HB 1474.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1541.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2094, SB 2114.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1268.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1249.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1346.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: SB 2269.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2018, SB 2221.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2020.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1008, HB 1045, HB 1230, HB 1283, HB 1285, HB 1356, HB 1382, HB 1519.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2007, SB 2037, SB 2040, SB 2078, SB 2090, SB 2100, SB 2102, SB 2195, SB 2245, SB 2247, SB 2249, SB 2258, SB 2261, SB 2342, SB 2344, SB 2358.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2094, SB 2114.

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

MR. SPEAKER: The President has signed: HB 1008, HB 1045, HB 1230, HB 1283, HB 1285, HB 1356, HB 1382, HB 1519.

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

MR. PRESIDENT: The Speaker has signed: HB 1067, HB 1074, HB 1095, HB 1119, HB 1123, HB 1205, HB 1271, HB 1366, HB 1368, HB 1412, HB 1417, HB 1454, HB 1467, HB 1468, HB 1469, HB 1502.

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

MR. PRESIDENT: The Speaker has signed: SB 2007, SB 2037, SB 2040, SB 2090, SB 2100, SB 2102, SB 2195, SB 2245, SB 2247, SB 2249, SB 2258, SB 2261, SB 2342, SB 2358.

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

MR. PRESIDENT: The Speaker has signed: SB 2344.

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

MR. SPEAKER: The President has signed: SB 2007, SB 2037, SB 2040, SB 2078, SB 2090, SB 2100, SB 2102, SB 2195, SB 2245, SB 2247, SB 2249, SB 2258, SB 2261, SB 2342, SB 2358.

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

MR. SPEAKER: The President has signed: SB 2344.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 18, 2019: HB 1067, HB 1074, HB 1095, HB 1119, HB 1123, HB 1205, HB 1271, HB 1366, HB 1368, HB 1412, HB 1417, HB 1454, HB 1467, HB 1468, HB 1469, HB 1502.

MOTION

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

MOTION

REP. LOUSER MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Friday, April 19, 2019, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1234, as engrossed: Your conference committee (Sens. Myrdal, Lemm, Bakke and Reps. Satrom, Jones, Becker) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 909, adopt amendments as follows, and place HB 1234 on the Seventh order:

That the Senate recede from its amendments as printed on page 1189 of the House Journal and page 909 of the Senate Journal and that Engrossed House Bill No. 1234 be amended as follows:

Page 1, line 10, after the semicolon insert "the bureau of Indian affairs police."

Page 1, line 13, remove "The term does not include the bureau of Indian affairs police"

Page 1, remove lines 14 through 16

Page 1, after line 24 insert:

- "3. Any agreement entered under this section relating to reciprocal jurisdiction between a public agency and a tribal government must be made pursuant to chapter 54-40.2."

Renumber accordingly

Engrossed HB 1234 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1435, as reengrossed: Your conference committee (Sens. Davison, K. Roers, Oban and Reps. Kasper, B. Koppelman, Brandenburg) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1420-1421, adopt amendments as follows, and place HB 1435 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1420 and 1421 of the House Journal and pages 1051 and 1052 of the Senate Journal and that Reengrossed House Bill No. 1435 be amended as follows:

Page 1, line 4, after the third semicolon insert "to provide for a transfer;"

Page 4, line 29, replace "\$120,000,000" with "\$80,000,000"

Page 5, line 1, replace "thirty" with "twenty"

Page 5, after line 4, insert:

"SECTION 7. TRANSFER - BANK OF NORTH DAKOTA PROFITS - STATEWIDE INTEROPERABLE RADIO NETWORK FUND. The industrial commission shall transfer the sum of \$20,000,000 from the current earnings and accumulated undivided profits of the Bank of North Dakota to the statewide interoperable radio network fund, during the period beginning with the effective date of this Act, and ending June 30, 2021."

Page 5, line 5, after "appropriated" insert "out of any moneys in the strategic investment and improvements fund, not otherwise appropriated, the sum of \$20,000,000, out of any moneys in the statewide interoperable radio network fund, not otherwise appropriated, the sum of \$20,000,000, and"

Page 5, line 6, replace "\$120,000,000" with "\$80,000,000"

Page 5, line 6, replace the second "sum" with "sums"

Page 5, line 8, replace "biennium beginning July 1, 2019" with "period beginning with the effective date of this Act"

Page 5, line 9, replace "Section 6" with "Sections 6, 7, and 8"

Page 5, line 9, replace "is" with "are"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the Bank of North Dakota line of credit for the statewide interoperable radio network from \$120 million to \$80 million and provides \$20 million from the strategic investment and improvements fund and \$20 million from Bank of North Dakota profits.

Reengrossed HB 1435 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1513, as engrossed: Your conference committee (Sens. Unruh, Meyer, Dotzenrod and Reps. Grueneich, Blum, Eidson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1343-1344 and place HB 1513 on the Seventh order.

Engrossed HB 1513 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1517, as engrossed: Your conference committee (Sens. Clemens, J. Lee, Anderson and Reps. D. Anderson, Tveit, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1377, adopt amendments as follows, and place HB 1517 on the Seventh order:

That the Senate recede from its amendments as printed on page 1377 of the House Journal and page 910 of the Senate Journal and that Engrossed House Bill No. 1517 be amended as follows:

Page 1, remove line 22

Page 1, line 23, remove "individual who resides at the life skills and transition center."

Page 2, line 5, overstrike "contract with a team of support intensity scale assessors by"

Page 2, overstrike line 6

Page 2, line 7, overstrike "pilot group identified by the consultant contracted in subsection 2."

Page 2, line 7, remove "Assessments must"

Page 2, replace lines 8 through 10 with "conduct the standardized assessment of eligible individuals residing at the life skills and transition center."

Page 2, line 17, remove "one-on-one"

Page 2, line 18, after "**MANAGEMENT**" insert "- **SYSTEM OF SERVICES FOR INDIVIDUALS WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY**"

Page 2, line 21, after "encountered" insert "and policy review"

Renumber accordingly

Engrossed HB 1517 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2018, as engrossed: Your conference committee (Sens. Erbele, Krebsbach, Mathern and Reps. Schatz, Nathe, Boe) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1309-1310 and place SB 2018 on the Seventh order.

Engrossed SB 2018 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2020, as engrossed: Your conference committee (Sens. G. Lee, Sorvaag, Robinson and Reps. Schmidt, Monson, Boe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1496-1502, adopt amendments as follows, and place SB 2020 on the Seventh order:

That the House recede from its amendments as printed on pages 1496-1498 of the Senate Journal and pages 1639-1641 of the House Journal and that Engrossed Senate Bill No. 2020 be amended as follows:

Page 1, line 2, after "reenact" insert "subsection 3 of section 61-02-78 and"

Page 1, line 3, after the first "to" insert "the infrastructure revolving loan fund and"

Page 1, line 5, replace "and" with "to provide conditions on appropriations;"

Page 1, line 5, after "intent" insert "; to provide for a pilot project; and to declare an emergency"

Page 1, line 10, replace "biennium" with "period"

Page 1, line 10, replace "July 1, 2019" with "with the effective date of this Act"

Page 1, replace lines 14 through 24 with:

"Salaries and wages	\$19,659,298	\$172,688	\$19,831,986
Operating expenses	58,044,691	11,711,062	69,755,753
Capital assets	124,819,442	56,119,316	180,938,758
Project carryover	274,867,897	33,465,921	308,333,818
New projects	169,782,147	(169,782,147)	0
Water supply - grants	0	128,000,000	128,000,000
Rural water supply - grants	0	37,200,000	37,200,000
Fargo area flood control including the Fargo Moorhead diversion	0	66,500,000	66,500,000
Mouse River flood control	0	82,500,000	82,500,000
Flood control projects other than Fargo area flood control including the Fargo Moorhead diversion	0	48,000,000	48,000,000
General water - grants	0	27,093,776	27,093,776
Total special funds	\$647,173,475	\$320,980,616	\$968,154,091
Full-time equivalent positions	93.00	(3.00)	90.00"

Page 2, replace lines 6 and 7 with:

"Line of credit - Bank of North Dakota	\$75,000,000	\$75,000,000
Payoff of outstanding debt	0	25,900,000
Total special funds	\$75,000,000	\$100,900,000"

Page 2, line 11, replace "biennium" with "period"

Page 2, line 11, replace "July 1, 2019" with "with the effective date of this Act"

Page 2, line 14, replace "and new projects" with ", water supply - grants, rural water supply - grants, Fargo area flood control including the Fargo Moorhead diversion, Mouse River flood control, flood control projects other than Fargo area flood control including the Fargo Moorhead diversion, and general water - grants"

Page 2, after line 29, insert:

"SECTION 5. CONDITION ON FARGO AREA FLOOD CONTROL LINE

ITEM. The \$66,500,000 appropriated to the state water commission for Fargo area flood control including the Fargo Moorhead diversion in section 1 of this Act for the period beginning with the effective date of this Act, and ending June 30, 2021, may be used only for Fargo area flood control projects including the Fargo Moorhead diversion, and the appropriation of those funds is conditioned on having no other funds appropriated in section 1 being expended on Fargo area flood control including the Fargo Moorhead diversion. This condition does not prohibit the use of funds appropriated for project carryover in section 1 of this Act for Fargo area flood control projects, subject to section 7 of this Act.

SECTION 6. CONDITION ON OTHER SECTION 1 LINE ITEMS.

The \$593,320,273 appropriated to the state water commission for salaries and wages, operating expenses, capital assets, water supply - grants, rural water supply - grants, Mouse River flood control, flood control projects other than Fargo area flood control including the Fargo Moorhead diversion, and general water - grants in section 1 of this Act for the period beginning with the effective date of this Act, and ending June 30, 2021, may be used only for salaries and wages, operating expenses, capital assets, water supply - grants, rural water supply - grants, Mouse River flood control, flood control projects other than Fargo area flood control including the Fargo Moorhead diversion, and general water - grants, respectively, and the appropriation of those funds is conditioned on the funds not being expended on Fargo area flood control projects including the Fargo Moorhead diversion.

SECTION 7. CONDITION ON PROJECT CARRYOVER FUNDS. The \$308,333,818 appropriated to the state water commission for project carryover in section 1 of this Act for the period beginning with the effective date of this Act, and ending June 30, 2021, may be used only for project carryover, and the appropriation of those funds is conditioned on having no more than the amount the state water commission approved for Fargo area flood control including the Fargo Moorhead diversion by April 1, 2019, expended from the project carryover funds on Fargo area flood control including the Fargo Moorhead diversion.

SECTION 8. CONDITION ON APPROPRIATIONS. The \$66,500,000 appropriated to the state water commission for Fargo area flood control including the Fargo Moorhead diversion in section 1 of this Act and the amount the state water commission approved for Fargo area flood control including the Fargo Moorhead diversion by April 1, 2019, which amount is included in project carryover funds appropriated in section 1 of this Act, may not be used for any work under plan B for the Fargo Moorhead diversion project; except for constructing or repairing levees and dikes and purchasing land, easements, and options or rights of first refusal to purchase land, necessary for flood control; until:

1. The federal court injunction on plan B is modified to allow construction of plan B to continue;
2. The Congress of the United States appropriates federal funds for construction of plan B;
3. The state engineer approves the mitigation plan for plan B;
4. The office of state engineer issues all necessary permits the state engineer requires for plan B; and
5. The Minnesota state legislature appropriates funds for construction of plan B."

Page 3, line 3, replace "\$703,000,000" with "\$750,000,000"

Page 3, line 4, replace "\$332,500,000" with "\$379,500,000"

Page 3, line 5, remove "equal"

Page 3, line 6, replace "installments over the next five bienniums, beginning July 1, 2019" with "installments as follows: \$66,500,000 during the 2019-21, 2021-23, 2023-25, 2025-27, and 2027-29 bienniums, and \$47,000,000 during the 2029-31 biennium."

Page 3, replace lines 7 through 16 with:

"SECTION 10. FARGO FLOOD CONTROL PROJECT DOWNSTREAM IMPACT MITIGATION. The Fargo Moorhead metropolitan flood risk management project operations may not cause a downstream federal emergency management agency accredited flood protection system in North Dakota to lose its accreditation. The metropolitan flood diversion authority shall take reasonable measures to mitigate downstream impacts to accredited flood protection systems, existing as of April 1, 2019, located in North Dakota bordering the Red River resulting from the operations of the Fargo Moorhead diversion. For purposes of this section, negative downstream impacts to accredited flood protection systems are caused when the water surface profile passing through such systems is raised by more than one-tenth of one foot for the one hundred-year event or when the ability of the accredited flood protection system to protect against a two hundred-year or five hundred-year event is compromised. The metropolitan flood diversion authority shall collaborate with the state engineer and accredited flood protection systems in North Dakota to implement this requirement.

SECTION 11. LEGISLATIVE INTENT - MOUSE RIVER FLOOD CONTROL PROJECT FUNDING. Except for funding provided during bienniums prior to the 2017-19 biennium, it is the intent of the sixty-sixth legislative assembly that the state provide no more than \$193,000,000 of state funding for Mouse River flood control

projects within the city limits of Minot. It is the intent of the sixty-sixth legislative assembly that the \$193,000,000 be made available during the 2017-19, 2019-21, 2021-23, and 2023-25 bienniums. It is the intent of the sixty-sixth legislative assembly that of the \$193,000,000, the state provide \$57,713,284 during the 2017-19 biennium and that the \$135,286,716 yet to be designated by the state for the Mouse River flood control projects, within the city limits of Minot, be provided during the 2019-21, 2021-23, and 2023-25 bienniums.

SECTION 12. LEGISLATIVE INTENT - RED RIVER VALLEY WATER SUPPLY PROJECT - REPORT TO LEGISLATIVE MANAGEMENT - APPLICATION.

It is the intent of the sixty-sixth legislative assembly that the state water commission provide, in the form of a grant, up to \$13,000,000, to the Garrison Diversion Conservancy District for the Red River valley water supply project, to initiate construction of phase one prioritized project features identified in accordance with subsections 2 and 3 of section 14 of this Act, for the period beginning with the effective date of this Act, and ending June 30, 2021. The Garrison Diversion Conservancy District shall report on a regular basis to the legislative management's water topics overview committee during the 2019-20 interim regarding the progress of the Red River valley water supply project. The provisions of section 13 of this Act do not apply to the funding referenced in this section.

SECTION 13. LEGISLATIVE INTENT - RED RIVER VALLEY WATER SUPPLY PROJECT.

It is the intent of the sixty-sixth legislative assembly that the state water commission provide no more than \$30,000,000 to the Garrison Diversion Conservancy District for the Red River valley water supply project during the 2019-21 biennium and 2021-23 biennium and that the state funding be provided at a seventy-five percent state cost-share."

Page 4, after line 16, insert:

"SECTION 15. PILOT PROJECT - IMPLEMENTATION OF A BASINWIDE PLAN - REPORT TO THE LEGISLATIVE MANAGEMENT. Up to \$1,000,000 of the \$48,000,000 appropriated to the state water commission for flood control projects other than Fargo area flood control including the Fargo Moorhead diversion in section 1 of this Act for the period beginning with the effective date of this Act, and ending June 30, 2021, may be used to provide grants under the pilot project in this section.

1. If all the water resource districts and joint water resource districts in a basin develop a basinwide water plan identifying water conveyance, flood control, and other water projects to be undertaken in the basin, the districts jointly may apply to the state water commission for a grant of up to \$1,000,000 for implementation of the plan. The state water commission may select a basinwide plan submitted under this subsection for funding and enter into one cooperative agreement with the water resource districts and joint water resource districts that submitted the plan.
2. The cooperative agreement must include the amount of funding the state water commission will provide, the applicable cost-share requirements, a prohibition on using funds provided under the agreement for planning or any purpose other than implementation of the basinwide plan, and the obligations of the state water commission and each water resource district and joint water resource district in the basin in implementing the basinwide plan. The agreement also must provide for monitoring and oversight of the basinwide plan's implementation.
3. The state water commission shall report to the legislative management on the results of this pilot project no later than August 1, 2020."

SECTION 16. AMENDMENT. Subsection 3 of section 61-02-78 of the North Dakota Century Code is amended and reenacted as follows:

3. The commission shall approve projects and loans from the infrastructure loan fund, and the Bank of North Dakota shall manage and administer

loans from the infrastructure loan fund and individual accounts in the fund. The commission may adopt policies for the review and approval of loans under this section. Loans made under this section must be made at ~~an interest rate of one and one-half percent~~ at the same interest rate as the revolving loan fund established under chapters 61-28.1 and 61-28.2."

Page 4, after line 27, insert:

"SECTION 18. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2020 - State Water Commission - Conference Committee Action

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$19,659,298	\$19,833,131	(\$1,145)	\$19,831,986	\$19,831,986	
Operating expenses	58,044,691	43,855,753	25,900,000	69,755,753	69,755,753	
Capital assets	124,819,442	147,938,758	33,000,000	180,938,758	180,938,758	
Project carryover	274,867,897	308,333,818		308,333,818	308,333,818	
New projects	169,782,147					
Flood control - Grants		145,000,000	(145,000,000)			
General water - Grants		35,255,000	(8,161,224)	27,093,776	27,093,776	
Rural water supply - Grants		30,000,000	7,200,000	37,200,000	37,200,000	
Water supply - Grants		115,000,000	13,000,000	128,000,000	128,000,000	
Fargo area flood control			66,500,000	66,500,000	66,500,000	
Mouse River flood control			82,500,000	82,500,000	82,500,000	
Other flood control projects			48,000,000	48,000,000	48,000,000	
Total all funds	\$647,173,475	\$845,216,460	\$122,937,631	\$968,154,091	\$968,154,091	\$0
Less estimated income	647,173,475	845,216,460	122,937,631	968,154,091	968,154,091	0
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	93.00	90.00	0.00	90.00	90.00	0.00

Department 770 - State Water Commission - Detail of Conference Committee Changes

	Adjusts Funding for Salary Increases ¹	Adds Funding for Capital Assets ²	Adds Funding for Water Supply - Grants ³	Adds Funding for Rural Water Supply - Grants ⁴	Removes Flood Control - Grants Line Item ⁵	Adds Funding for Fargo Area Flood Control Including the Fargo Moorhead Diversion ⁶
Salaries and wages	(\$1,145)					
Operating expenses						
Capital assets		\$33,000,000				
Project carryover						
New projects						
Flood control - Grants					(\$145,000,000)	
General water - Grants						
Rural water supply - Grants				\$7,200,000		
Water supply - Grants			\$13,000,000			
Fargo area flood control						\$66,500,000
Mouse River flood control						
Other flood control projects						
Total all funds	(\$1,145)	\$33,000,000	\$13,000,000	\$7,200,000	(\$145,000,000)	\$66,500,000
Less estimated income	(1,145)	33,000,000	13,000,000	7,200,000	(145,000,000)	66,500,000
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for Mouse River Flood Control ¹	Adds Funding for Other Flood Control Projects ²	Reduces Funding for General Water - Grants ³	Adds Funding to Payoff Outstanding Debt ⁴	Total Conference Committee Changes
Salaries and wages					(\$1,145)
Operating expenses				\$25,900,000	25,900,000
Capital assets					33,000,000
Project carryover					
New projects					
Flood control - Grants					(145,000,000)
General water - Grants			(\$8,161,224)		(8,161,224)
Rural water supply - Grants					7,200,000
Water supply - Grants					13,000,000
Fargo area flood control					66,500,000
Mouse River flood control	\$82,500,000				82,500,000
Other flood control projects		\$48,000,000			48,000,000
Total all funds	\$82,500,000	\$48,000,000	(\$8,161,224)	\$25,900,000	\$122,937,631
Less estimated income	82,500,000	48,000,000	(8,161,224)	25,900,000	122,937,631
General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00

¹ Funding is added to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020. The Senate provided funding for salary increases of 2 percent on July 1, 2019, and 3 percent on July 1, 2020.

² Capital assets is increased by \$33 million to provide additional funding for state-owned water projects within the capital assets line item to provide total capital assets funding of \$180,938,758, the same as the House version. The Senate version included capital assets of \$147,938,758.

³ Water supply - grants is increased by \$13 million to provide additional funding for municipal water supply projects to provide a total of \$128 million in the water supply - grants line item, the same as the House version. The Senate version included capital assets of \$115 million.

⁴ Rural water supply - grants is increased by \$7.2 million to provide additional funding for rural water supply projects to provide a total of \$37.2 million in the rural water supply - grants line item, the same as the House version. The Senate version included capital assets of \$30 million.

⁵ The flood control - grants line item is removed to specifically identify funding for flood control projects, the same as the House version. The Senate version included \$145 million in the flood control - grants line item.

⁶ Funding of \$66.5 million is provided for Fargo area flood control, including the Fargo Moorhead diversion, the same as the House version. The Senate version included funding for Fargo area flood control in the flood control - grants line item.

⁷ Funding of \$82.5 million is provided for the Mouse River flood control project, the same as the House version. The Senate version included funding for Mouse River flood control in the flood control - grants line item.

⁸ Funding of \$48 million is provided for flood control projects other than Fargo area flood control, including the Fargo Moorhead diversion, the same as the House version. The Senate version included funding for other flood control projects in the flood control - grants line item.

⁹ Funding of \$27,093,776 is provided for general water projects, the same as the House version. The Senate version included \$35,255,000 of funding for the general water - grants line item.

¹⁰ One-time funding of \$25.9 million is provided in the operating expenses line item to pay off outstanding debt of the State Water Commission, the same as the House version. The Senate version did not include this item.

This amendment also:

- Applies conditions on the Fargo area flood control, including the Fargo Moorhead diversion line item, to identify the \$66.5 million appropriated to the State Water Commission in the Fargo area flood control, including the Fargo Moorhead diversion line item of the bill, is to be used only for Fargo area flood control, including the Fargo Moorhead diversion, and the appropriation of those funds is conditioned on having no other funds appropriated in Section 1 of the bill being expended on Fargo area flood control, including the Fargo Moorhead diversion. The condition does not prohibit the use of funds appropriated for project carryover for Fargo area flood control projects. The House also included this section.
- Applies conditions on other Section 1 line items to identify \$593,320,273 appropriated to the State Water Commission for salaries and wages, operating expenses, capital assets, water supply - grants, rural water supply - grants, Mouse River flood control, flood control projects other than Fargo area flood control, including the Fargo Moorhead diversion, and general water - grants, may be used only for these purposes, and the appropriation of these funds are conditioned on the funds not being expended on Fargo area flood control projects, including the Fargo Moorhead diversion. The House version also included this section.
- Applies conditions on project carryover funds to identify \$308,333,818 appropriated to the State Water Commission for project carryover and provides that the funds may be used only for project carryover. The appropriation of these funds is conditioned on having no more than the amount the State Water Commission approved for Fargo area flood control, including the Fargo Moorhead diversion by April 1, 2019, expended from the project carryover funds on Fargo area flood control, including the Fargo Moorhead diversion. The House also included this section.
- Applies conditions on the Fargo area flood control, including the Fargo Moorhead diversion line item and funds within the project carryover line item, to limit the use of funds allocated to the Fargo Moorhead flood control project until the project has received a federal appropriation, an appropriation from the state of Minnesota, necessary permits from the State Engineer's office, and federal courts have approved construction on plan B of the project. The House also included this section.
- Provides legislative intent that the state provide a portion of the local cost-share of the Fargo flood control project not to exceed \$750 million and that the \$379.5 million yet to be designated by the state be provided as follows: \$66.5 million during the 2019-21, 2021-23, 2023-25, 2025-27, and 2027-29 bienniums, and \$47 million during the 2029-31 biennium. The House and the Senate versions included legislative intent of \$703 million.
- Provides that the Fargo flood control project must not cause a downstream Federal Emergency Management Agency certified flood protection system in North Dakota to lose certification and requires the Fargo Moorhead Diversion Authority to take reasonable measures to mitigate downstream impacts to currently certified flood protection systems in North Dakota bordering the Red River resulting from the operations of the Fargo flood control project. The House also included this section.
- Provides legislative intent that the state provide no more than \$193 million of state funding for Mouse River flood control projects within the city limits of Minot during the 2017-19, 2019-21, 2021-23, and 2023-25 bienniums and that the state provided \$57,713,284 during the 2017-19 biennium, and the remaining to be designated over the 2019-21, 2021-23, and 2023-25 bienniums. The House also included this section.
- Provides legislative intent that the State Water Commission provide, in the form of a grant, up to \$13 million to the Garrison Diversion Conservancy District for the Red River Valley Water Supply Project, to initiate construction of Phase 1 prioritized project features, to the Garrison Diversion Conservancy District for the Red River Valley Water Supply Project during the 2019-21 biennium. The House also included this section.
- Provides legislative intent that the State Water Commission provide, in the form of a grant, up to \$30 million to the Garrison Diversion Conservancy District for the Red River Valley Water Supply Project during the 2019-21 and 2021-23 bienniums and that the State Water Commission provide state funding at a 75 percent state cost-

share after June 30, 2021. The House version provided for a grant up to \$30 million for the Red River Valley Water Supply Project and that the state funding be at a 60 percent state cost-share after June 30, 2021. The Senate provided for a grant up to \$50 million for the Red River Valley Water Supply Project and that the state funding be at an 80 percent state cost-share after June 30, 2021.

- Provides the State Water Commission may provide up to \$1 million in grants to water resource districts to develop basinwide water plans. Neither the House nor the Senate version included this section.
- Amends North Dakota Century Code Section 61-02-78(3) to require the interest rate on loans made from the infrastructure loan fund to be the same rate as the safe drinking and water pollution control revolving loan funds. Neither the House nor the Senate included this section.
- Declares the bill to be an emergency measure, the same as the House version. The Senate did not include this section.

Engrossed SB 2020 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2221, as engrossed: Your conference committee (Sens. K. Roers, Meyer, Oban and Reps. Steiner, Rohr, Laning) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1166 and place SB 2221 on the Seventh order.

Engrossed SB 2221 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk

