

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

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**Bismarck, April 16, 2019**

The Senate convened at 8:00 a.m., with President Sanford presiding.

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

The roll was called and all members were present except Senators Anderson and Krebsbach.

A quorum was declared by the President.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3034:** A concurrent resolution to amend and reenact section 9 of article III and section 16 of article IV of the Constitution of North Dakota, relating to voting on constitutional amendments at general elections.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Anderson

HCR 3034 was declared lost on a recorded roll call vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3007:** A concurrent resolution to amend and reenact sections 2, 3, 5, 6, 7, 8, and 9 of article III of the Constitution of North Dakota, relating to an alternative process for enacting initiated measures.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS. The roll was called and there were 0 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Anderson

Engrossed HCR 3007 was declared lost on a recorded roll call vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3006:** A concurrent resolution to amend and reenact section 7 of article IV of the Constitution of North Dakota, relating to reconvening of the legislative assembly to consider a veto.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 14 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Bekkedahl; Davison; Dotzenrod; Grabinger; Heckaman; Hogan; Holmberg; Mathern; Oban; Piepkorn; Robinson; Schaible; Wardner

**NAYS:** Burckhard; Clemens; Cook; Dever; Dwyer; Elkin; Erbele; Fors; Hogue; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Marcellais; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Sorvaag; Unruh; Vedaa; Wanzek

**ABSENT AND NOT VOTING:** Anderson

Engrossed HCR 3006 was declared lost on a recorded roll call vote.

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**CONSIDERATION OF MESSAGES FROM THE HOUSE**

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2017 as printed on SJ pages 1444-1445, in the House amendments to Engrossed SB 2293 as printed on SJ pages 1492-1496, and in the House amendments to Engrossed SB 2297 as printed on SJ pages 1582-1586 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEES**

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed SB 2017:** Sens. Oehlke, Wanzek, Grabinger.

**Engrossed SB 2293:** Sens. Cook, Oehlke, Piepkorn.

**Engrossed SB 2297:** Sens. Sorvaag, Holmberg, Robinson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1014 and HB 1384, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1014:** Sens. Sorvaag, Holmberg, Robinson

**HB 1384:** Sens. Kannianen, Cook, Dotzenrod

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2002 as printed on SJ pages 1482-1484, which motion prevailed on a voice vote.

Engrossed SB 2002, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the secretary of state and public printing; to amend and reenact sections 54-09-05, 54-09-08, and 54-09-11 of the North Dakota Century Code, relating to the salary of the secretary of state, the general services operating fund, and fees charged by the secretary of state; to authorize a line item transfer during the 2017-19 biennium; to provide a report to the legislative assembly; to provide exemptions; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Anderson

Reengrossed SB 2002 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to Engrossed SB 2016 as printed on SJ pages 1578-1582, which motion prevailed on a voice vote.

Engrossed SB 2016, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2016:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide an appropriation to the state treasurer; to amend and reenact sections 37-07.1-03 and 37-07.2-01 and subsection 6 of section 57-51.1-07.5 of the North Dakota Century Code, relating to the national guard tuition waiver, national guard tuition grants, and the state share of oil and gas taxes deposited in the state disaster relief fund; to provide for a transfer; to provide for a report; to provide a statement of legislative intent; to provide an exemption; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Anderson

Reengrossed SB 2016 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. D. LARSON MOVED** that the Senate do concur in the House amendments to Engrossed SB 2034 as printed on SJ pages 1571-1572, which motion prevailed on a voice vote.

Engrossed SB 2034, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2034:** A BILL for an Act to create and enact a new subsection to section 62.1-02-01, a new subsection to section 62.1-02-05, and a new subsection to section 62.1-02-10 of the North Dakota Century Code, relating to the possession of firearms; to amend and reenact subsection 1 of the new section to chapter 62.1-02 of the North Dakota Century Code as created by section 1 of House Bill No. 1332, as approved by the sixty-sixth legislative assembly, relating to the carrying of a concealed firearm on

school property by qualified individuals; to amend and reenact subsections 3 and 7 of section 62.1-01-01, subsection 1 of section 62.1-02-01.1, subsection 1 of section 62.1-02-05, subdivision I of subsection 2 of section 62.1-02-05, section 62.1-02-07, subdivision a of subsection 6 of section 62.1-02-13, and sections 62.1-03-01 and 62.1-04-02 of the North Dakota Century Code, relating to the possession of firearms; 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 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Larsen, O.

**ABSENT AND NOT VOTING:** Anderson

Reengrossed SB 2034 passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. J. ROERS MOVED** that the conference committee report on Reengrossed SB 2037 as printed on SJ pages 1593-1594 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2037, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2037:** A BILL for an Act to create and enact chapters 38-23 and 38-24 of the North Dakota Century Code, relating to the disposal and storage of high-level radioactive waste and subsurface storage and retrieval of nonhydrocarbons; to amend and reenact sections 12.1-06.1-01 and 38-19-09 of the North Dakota Century Code, relating to the definition of illegal transportation or disposal of radioactive waste material or hazardous waste and disposition of unusable products; to repeal chapter 23-20.2 of the North Dakota Century Code, relating to the disposal of nuclear waste material; to provide a penalty; 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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Dever; Marcellais; Mathern

**ABSENT AND NOT VOTING:** Anderson

Reengrossed SB 2037 passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. UNRUH MOVED** that the conference committee report on Engrossed SB 2344 as printed on SJ pages 1595-1596 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2344, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2344:** A BILL for an Act to create and enact section 47-31-09 of the North Dakota Century Code, relating to injection or migration of substances into pore space; and to amend and reenact sections 38-08-25, 38-11.1-01, and 38-11.1-03 of the North Dakota Century Code, relating to pore space and oil and gas production.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dwyer; Elkin; Erbele; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Bakke; Dotzenrod; Fors; Grabinger; Heckaman; Hogan; Marcellais; Mathern; Oban; Piepkorn; Robinson; Rust

**ABSENT AND NOT VOTING:** Anderson

Reengrossed SB 2344 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. POOLMAN MOVED** that the conference committee report on Engrossed SB 2007 as printed on SJ page 1593 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2007, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of labor and human rights; and to provide for a report to the legislative assembly.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Anderson

Reengrossed SB 2007 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. J. LEE MOVED** that the conference committee report on Engrossed SB 2247 as printed on SJ pages 1594-1595 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2247, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2247:** A BILL for an Act to amend and reenact section 50-06-37 of the North Dakota Century Code, relating to the developmental disabilities system reimbursement project; to provide a statement of legislative intent; and to provide for a legislative management report.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Larsen, O.

**ABSENT AND NOT VOTING:** Anderson

Reengrossed SB 2247 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SCHAIBLE MOVED** that the conference committee report on Reengrossed HB 1412 as printed on SJ pages 1596-1597 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1412, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1412:** A BILL for an Act to amend and reenact sections 20.1-01-08 and 20.1-05-04 of the North Dakota Century Code, relating to hunting predators at night with artificial light, digital night vision, thermal vision, or infrared light.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Burckhard

**ABSENT AND NOT VOTING:** Anderson

Engrossed HB 1412, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. J. ROERS MOVED** that the conference committee report on Reengrossed HB 1366 as printed on SJ page 1596 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1366, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1366:** A BILL for an Act to amend and reenact subsection 11 of section 20.1-02-05 of the North Dakota Century Code, relating to the use of a telescopic sight on a crossbow by an individual who is blind, paraplegic, or has lost the use of one or both arms.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Bekkedahl; Burckhard; Clemens; Cook; Davison; Dever; Dotzenrod; Dwyer; Elkin; Erbele; Fors; Grabinger; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Lemm; Luick;

Marcellais; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Robinson; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Anderson

Engrossed HB 1366, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KREUN MOVED** that the conference committee report on Reengrossed HB 1468 as printed on SJ pages 1597-1598 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DAVISON MOVED** that the conference committee report on Reengrossed HB 1454 as printed on SJ page 1597 be adopted, which motion prevailed on a voice vote.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HCR 3006, HCR 3007, HCR 3034.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2140.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2140**

In lieu of the amendments adopted by the House as printed on pages 1581 and 1582 of the House Journal, Engrossed Senate Bill No. 2140 is amended as follows:

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

Page 1, line 6, after "request" insert "**- Penalty**"

Page 1, line 9, after "state" insert "or a digital image of one's concealed firearm or dangerous weapon license on an electronic device"

Page 1, line 11, after "license" insert "or digital image of the license"

Page 1, line 23, remove "If, within thirty days of the alleged violation, an individual produces satisfactory"

Page 1, remove line 24

Page 2, replace lines 1 through 3 with "An individual who violates this section is guilty of an infraction."

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2012.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012**

Page 1, line 2, after "services" insert "; to provide an appropriation to the state department of health"

Page 1, line 4, replace "section" with "subsection 9 of section 50-06.4-10 and sections 50-24.1-31 and"

Page 1, line 5, after the first "to" insert "the brain injury advisory council, optional medical assistance for children, and"

Page 1, line 6, remove the first "a"

Page 1, line 6, replace "report" with "reports"

Page 1, line 7, replace "an exemption" with "exemptions; to provide an effective date; to provide an expiration date"

Page 1, remove lines 19 through 23

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$26,280,139	(\$6,057,639)	\$20,222,500
Operating expenses	116,315,826	31,908,694	148,224,520
Capital assets	0	50,000	50,000
Grants	<u>204,000</u>	<u>(204,000)</u>	<u>0</u>
Total all funds	\$142,799,965	\$25,697,055	\$168,497,020
Less estimated income	<u>85,679,558</u>	<u>18,127,188</u>	<u>103,806,746</u>
Total general fund	\$57,120,407	\$7,569,867	\$64,690,274"

Page 2, replace lines 6 through 13 with:

"Salaries and wages	\$62,782,944	\$6,211,929	\$68,994,873
Operating expenses	125,299,436	25,162,147	150,461,583
Capital assets	10,000	0	10,000
Grants	441,420,827	11,598,680	453,019,507
Grants - medical assistance	<u>2,373,678,247</u>	<u>368,479,473</u>	<u>2,742,157,720</u>
Total all funds	\$3,003,191,454	\$411,452,229	\$3,414,643,683
Less estimated income	<u>1,945,157,519</u>	<u>255,010,619</u>	<u>2,200,168,138</u>
Total general fund	\$1,058,033,935	\$156,441,610	\$1,214,475,545"

Page 2, replace lines 18 through 22 with:

"Human service centers	\$196,049,489	\$8,551,654	\$204,601,143
Institutions	<u>140,421,224</u>	<u>4,025,921</u>	<u>144,447,145</u>
Total all funds	\$336,470,713	\$12,577,575	\$349,048,288
Less estimated income	<u>138,543,705</u>	<u>(4,458,085)</u>	<u>134,085,620</u>
Total general fund	\$197,927,008	\$17,035,660	\$214,962,668"

Page 2, replace lines 27 and 28 with:

"County social services	\$0	\$173,700,000	\$173,700,000
Total special funds	\$0	\$173,700,000	\$173,700,000"

Page 2, line 30, replace "BILL" with "SECTION 1"

Page 3, replace lines 3 through 6 with:

"Grand total general fund	\$1,313,081,350	\$181,047,137	\$1,494,128,487
Grand total special funds	<u>2,169,380,782</u>	<u>442,379,722</u>	<u>2,611,760,504</u>
Grand total all funds	\$3,482,462,132	\$623,426,859	\$4,105,888,991
Full-time equivalent positions	2,162.23	68.00	2,230.23"

Page 3, after line 28, insert:

**"SECTION 3. APPROPRIATION - STATE DEPARTMENT OF HEALTH - HYPERBARIC OXYGEN THERAPY PILOT PROGRAM - REPORT TO LEGISLATIVE MANAGEMENT.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$335,000, or so much of the sum as may be necessary, to the state department of health for the purpose of contracting with a third party to implement a hyperbaric oxygen therapy pilot program, for the biennium beginning July 1, 2019, and ending June 30, 2021. The funding appropriated in this section is considered a one-time funding item.

The state department of health shall contract with an entity with experience implementing studies using hyperbaric oxygen for traumatic brain injuries to conduct a pilot program for treatment of moderate to severely brain-injured North Dakotans using an established protocol of hyperbaric oxygen therapy provided by a private



entity with experience in treating traumatic brain injury using medical-grade hyperbaric chambers pressurized with one hundred percent oxygen. The goals of the study include demonstrating improvement in brain-eye function using RightEye, significant improvement in quality of life of injured patients, and significant improvement in cognitive abilities of injured patients. The pilot program design must be established in consultation with a third-party physician and all protocols, statistics, and other nonidentifying data must be made publicly available. During the 2019-20 interim, the state department of health shall report to the legislative management on the status and results of the pilot program."

Page 5, after line 4, insert:

**"SECTION 6. AMENDMENT.** Subsection 9 of section 50-06.4-10 of the North Dakota Century Code is amended and reenacted as follows:

9. The department shall ~~provide the council with administrative contract with a private, nonprofit agency that does not provide brain injury services, to facilitate and provide support services to the council.~~

**SECTION 7. AMENDMENT.** Section 50-24.1-31 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.1-31. Optional medical assistance for families of children with disabilities.**

The department of human services shall establish and implement a buyin program under the federal Family Opportunity Act enacted as part of the Deficit Reduction Act of 2005 [Pub. L. 109-171; 120 Stat. 4; 42 U.S.C. 1396] to provide medical assistance and other health coverage options to families of children with disabilities and whose net income does not exceed two hundred fifty percent of the federal poverty line."

Page 5, line 7, remove the overstrike over **"Effective"**

Page 5, line 8, remove the overstrike over **"January 1, 2014, through July 31,"**

Page 5, line 8, after **"2019"** insert **"2021"**

Page 6, after line 22, insert:

**"SECTION 9. AMENDMENT.** Section 50-24.1-37 of the North Dakota Century Code is amended and reenacted as follows:

**50-24.1-37. Medicaid expansion - Legislative management report.**  
**(Effective January 1, 2014, through July 31, 20192021 - Contingent repeal - See note)**

1. The department of human services shall expand medical assistance coverage as authorized by the federal Patient Protection and Affordable Care Act [Pub. L. 111-148], as amended by the Health Care and Education Reconciliation Act of 2010 [Pub. L. 111-152] to individuals under sixty-five years of age with income below one hundred thirty-eight percent of the federal poverty level, ~~based on modified adjusted gross income line published by the federal office of management and budget applicable to the household size.~~
2. The department of human services shall inform new enrollees in the medical assistance expansion program that benefits may be reduced or eliminated if federal participation decreases or is eliminated.
3. ~~The~~Except for pharmacy services, the department shall implement the expansion by bidding through private carriers or utilizing the health insurance exchange.
4. ~~The contract between the department and the private carrier must:~~

- a: ~~Provide a reimbursement methodology for all medications and dispensing fees which identifies the minimum amount paid to pharmacy providers for each medication. The reimbursement methodology, at a minimum, must:~~
    - (1) ~~Be available on the department's website; and~~
    - (2) ~~Encompass all types of pharmacy providers regardless of whether the pharmacy benefits are being paid through the private carrier or contractor or subcontractor of the private carrier under this section.~~
  - b: ~~Provide full transparency of all costs and all rebates in aggregate.~~
  - c: ~~Allow an individual to obtain medication from a pharmacy that provides mail order service; however, the contract may not require mail order to be the sole method of service and must allow for all contracted pharmacy providers to dispense any and all drugs included in the benefit plan and allowed under the pharmacy provider's license.~~
  - d: ~~Ensure that pharmacy services obtained in jurisdictions other than this state and its three contiguous states are subject to prior authorization and reporting to the department for eligibility verification.~~
  - e: ~~Ensure the payments to pharmacy providers do not include a required payback amount to the private carrier or one of the private carrier's contractors or subcontractors which is not representative of the amounts allowed under the reimbursement methodology provided in subdivision a.~~
5. The contract between the department and the private carrier must provide the department with full access to provider reimbursement rates. The department shall consider provider reimbursement rate information in selecting a private carrier under this section. Before August first of each even-numbered year, the department shall submit a report to the legislative management regarding provider reimbursement rates under the medical assistance expansion program. This report may provide cumulative data and trend data but may not disclose identifiable provider reimbursement rates.
- ~~6.5. Provider reimbursement rate information received by the department under this section and any information provided to the department of human services or any audit firm by a pharmacy benefit manager under this section is confidential, except the department may use the reimbursement rate information to prepare the report to the legislative management as required under this section."~~

Page 7, line 15, replace "\$182,300,000" with "\$173,700,000"

Page 7, line 16, remove "a"

Page 7, line 16, remove the second "service"

Page 7, line 17, replace "redesign project" with "and human services"

Page 7, after line 21, insert:

**"SECTION 15. ESTIMATED INCOME - HEALTH CARE TRUST FUND - NURSING HOME OPERATING MARGIN ADJUSTMENT.** The estimated income line item in subdivision 2 of section 1 of this Act includes the sum of \$1,000,000 from the health care trust fund and \$1,062,000 from other funds derived from federal funds. These funds must be used to increase the nursing facility operating margin up to 4.4 percent for the period beginning January 1, 2020, and ending June 30, 2021.

Notwithstanding any other provision of law, the draft appropriations acts submitted to the legislative assembly for the 2021-23 biennium pursuant to section 54-44.1-11 may not contain a nursing facility operating margin in excess of 3.74 percent.

**SECTION 16. EXPENDITURES MAY NOT EXCEED APPROPRIATION -  
MEDICAL ASSISTANCE EXPANSION PROGRAM.**

1. Subdivision 2 of section 1 of this Act includes the sum of \$567,367,511, of which \$60,776,487 is from the general fund, for the medical assistance expansion program for the biennium beginning July 1, 2019, and ending June 30, 2021. The expenditures for individuals eligible for the medical assistance expansion program may not exceed this amount. For purposes of this section:
  - a. Expenditures do not include those made for individuals identified as medically frail and who receive services through the traditional Medicaid program administered by the department of human services for which there is a separate appropriation of \$5,185,101 included in subdivision 2 of section 1 of this Act.
  - b. Expenditures do not include prescription drugs for the medical assistance expansion program population which is administered by the department of human services through its fee-for-service Medicaid program for which there is a separate appropriation of \$52,548,356 included in subdivision 2 of section 1 of this Act.
  - c. Expenditures do not include funding from the federal health insurance provider fee for which a separate appropriation of \$9,619,987 is included in subdivision 2 of section 1 of this Act.
2. The department of human services may exceed appropriations for increases in medical assistance expansion program caseload.
3. The managed care organization under contract with the department to manage the medical assistance expansion program shall reimburse providers within the same provider type and specialty at consistent levels and with consistent methodology and may not provide incentive, quality, or supplemental payments to providers. The managed care organization may consider urban and rural providers as different provider types. Critical access hospitals may not be paid less than one hundred percent of Medicare allowable costs.
4. The managed care organization and the department of human services shall ensure payments to Indian or Tribal 638 health care providers, federally qualified health centers, and rural health clinics meet the federally required minimum levels of reimbursement.
5. The department of human services shall ensure providers within the same provider type and specialty are reimbursed at consistent levels and with consistent methodology and shall ensure the capitation rates under risk contracts are actuarially sound and are adequate to meet managed care organization contractual requirements regarding availability of services, assurance of adequate capacity and services, and coordination and continuity of care."

Page 7, line 24, remove the second "and"

Page 7, line 25, remove "implement"

Page 7, line 28, replace "use of" with "potential need for"

Page 8, line 2, remove the second "and"

Page 8, line 4, after "centers" insert: "; and"

5. The potential use of available Medicaid authorities, including waivers or plan amendments"

Page 8, remove lines 5 and 6

Page 8, line 7, remove "Medicaid demonstration waiver."

Page 8, replace lines 10 through 28 with:

**"SECTION 18. REVISED PAYMENT METHODOLOGY FOR NURSING FACILITY SERVICES - REPORT TO LEGISLATIVE MANAGEMENT.** The department of human services shall develop an implementation plan for a revised payment methodology for nursing facility services that must include recommendations for:

1. Methods of reimbursement for nursing facility cost categories including direct patient care, administrative expenses, and capital assets;
2. Considerations regarding establishing peer groups for payments based on factors such as geographical location or nursing facility size;
3. The feasibility and desirability of equalizing payments for nursing facilities in the same peer group, including the time frame for equalization; and
4. Payment incentives related to care quality or operational efficiency.

The executive director of the department of human services and representatives of the nursing home industry shall appoint a committee to advise the department on the development of the revised payment methodology for nursing facility services. Before October 1, 2020, the department shall report to the legislative management regarding the plan to implement the revised payment methodology. The estimated costs related to the implementation of the revised payment methodology must be included in the department's 2021-23 biennium budget request submitted to the sixty-seventh legislative assembly.

**SECTION 19. ADAPTIVE SKIING GRANT - EXEMPTION.** Subdivision 2 of section 1 of this Act includes the sum of \$200,000 from the general fund for a grant for an adaptive skiing program affiliated with a winter park that is located in a county of less than 10,000 individuals. The requirements of chapter 54-44.4 do not apply to the selection of a grantee, the grant award, or payments made under this section.

**SECTION 20. PERMANENT HOUSING PROGRAM GRANTS - EXEMPTION - REPORT TO LEGISLATIVE MANAGEMENT.** Subdivision 3 of section 1 of this Act includes the sum of \$825,000 from the general fund to provide grants to entities to provide services to individuals experiencing chronic homelessness in the northeast and southeast human service regions. The requirements of chapter 54-44.4 do not apply to the selection of grantees, the grant awards, or payments made under this section. The department of human services' oversight for these services is limited to receiving information relating to annual service numbers and the expenditure of appropriated funds for these services.

The funds identified for permanent housing grants may be used only for services not reimbursed by other funding sources. The department of human services, in cooperation with the grant recipients, shall provide reports to the legislative management during the 2019-20 interim regarding the services provided by the programs, the nonidentifiable demographics of the individuals receiving services, and the other funding or reimbursement being used to support the programs.

**SECTION 21. SCHOOL BEHAVIORAL HEALTH GRANTS.** Subdivision 2 of section 1 of this Act includes the sum of \$1,500,000 from the general fund for the purpose of providing behavioral health services and support grants to school districts to address student behavioral health needs. To be eligible to receive a student behavioral health grant, a school district must submit a plan to the department of human services detailing the school district's collaboration with other regional school

districts regarding student behavioral health needs and the use of grant funding to develop student behavioral health interventions. A school district may not use grant funding to duplicate or fund existing services. The department of human services shall provide student behavioral health grants only during the second year of the 2019-21 biennium."

Page 8, line 30, after "\$300,000" insert "from the general fund"

Page 10, after line 8, insert:

**"SECTION 29. EXEMPTION.** The sum of \$728,207 from the general fund appropriated for the department's operating expenses for the legal advisory unit in chapter 11 of the 2017 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation may be used for the Ireland lawsuit or its settlement during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 30. EXEMPTION.** The sum of \$150,000 from the general fund appropriated for the purpose of establishing a children's prevention and early intervention behavioral health services pilot project in chapter 333 of the 2017 Session Laws is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to be used for the completion of the children's prevention and early intervention behavioral health services pilot project during the biennium beginning July 1, 2019, and ending June 30, 2021."

Page 11, line 24, after "disturbance" insert "for dates of service"

Page 11, line 30, after "illness" insert "for dates of service"

Page 12, after line 5, insert:

**"SECTION 41. IMPLEMENTATION OF 1915i MEDICAID STATE PLAN.** The department of human services shall implement and manage a 1915i Medicaid state plan amendment for children and adults, for the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 42. HOME AND COMMUNITY-BASED SERVICES TARGETED POPULATION.** The department of human services shall adopt rules, on or before January 1, 2021, establishing a process and requirements to involve public and private entities in identifying individuals who are at serious risk of accessing Medicaid funded long-term care in a nursing facility and inform them about home and community-based services options.

**SECTION 43. AUTISM SPECTRUM DISORDER TASK FORCE.** The department of human services shall consult with the autism spectrum disorder task force at the November 2019 task force meeting to evaluate biennium autism spectrum disorder Medicaid waiver expenditures to date. Based on input from the task force, the department may expand the number of slots or increase the ages covered by the autism spectrum disorder Medicaid waiver for the remainder of the 2019-21 biennium.

**SECTION 44. AUTISM SPECTRUM DISORDER VOUCHER PROGRAM.** The department of human services shall propose changes to North Dakota administrative code to seek additional flexibility for the administration of the autism spectrum disorder voucher program to ensure more families can be served within available appropriations. The proposed administrative code changes should consider changes that include a voucher that is solely for technology support and one that is for in-home supports; adding case management or parent-to-parent support as an allowable service for voucher funds; and reducing the amount of time during which a household may use approved voucher funds."

Page 12, after line 17, insert:

**"SECTION 47. EFFECTIVE DATE.** Section 9 of this Act becomes effective on January 1, 2020.

**SECTION 48. EXPIRATION DATE.** Section 8 of this Act is effective through December 31, 2019, and after that date is ineffective."

Page 12, line 19, replace "21" with "32"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2012 - Summary of House Action**

	Base Budget	Senate Version	House Changes	House Version
State Department of Health				
Total all funds	\$0	\$0	\$335,000	\$335,000
Less estimated income	0	0	0	0
General fund	\$0	\$0	\$335,000	\$335,000
FTE	0.00	0.00	0.00	0.00
DHS - Management				
Total all funds	\$142,799,965	\$168,418,321	\$78,699	\$168,497,020
Less estimated income	85,679,558	103,780,027	26,719	103,806,746
General fund	\$57,120,407	\$64,638,294	\$51,980	\$64,690,274
FTE	140.45	107.95	0.00	107.95
DHS - Program/Policy				
Total all funds	\$3,003,191,454	\$3,447,390,889	(\$32,747,206)	\$3,414,643,683
Less estimated income	1,945,157,519	2,191,493,617	8,674,521	2,200,168,138
General fund	\$1,058,033,935	\$1,255,897,272	(\$41,421,727)	\$1,214,475,545
FTE	366.50	377.25	6.00	383.25
DHS - County Social Services Financing				
Total all funds	\$0	\$182,300,000	(\$8,600,000)	\$173,700,000
Less estimated income	0	182,300,000	(8,600,000)	173,700,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	223.00	(83.00)	140.00
DHS - Field Services				
Total all funds	\$336,470,713	\$351,044,271	(\$1,995,983)	\$349,048,288
Less estimated income	138,543,705	132,151,522	1,934,098	134,085,620
General fund	\$197,927,008	\$218,892,749	(\$3,930,081)	\$214,962,668
FTE	1,655.28	1,599.03	0.00	1,599.03
Bill total				
Total all funds	\$3,482,462,132	\$4,149,153,481	(\$42,929,490)	\$4,106,223,991
Less estimated income	2,169,380,782	2,609,725,166	2,035,338	2,611,760,504
General fund	\$1,313,081,350	\$1,539,428,315	(\$44,964,828)	\$1,494,463,487
FTE	2,162.23	2,307.23	(77.00)	2,230.23

**Senate Bill No. 2012 - State Department of Health - House Action**

	Base Budget	Senate Version	House Changes	House Version
Hyperbaric oxygen therapy program			\$335,000	\$335,000
Total all funds	\$0	\$0	\$335,000	\$335,000
Less estimated income	0	0	0	0
General fund	\$0	\$0	\$335,000	\$335,000
FTE	0.00	0.00	0.00	0.00

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

	Adds Funding for Hyperbaric Oxygen Therapy Pilot Program <sup>1</sup>	Total House Changes
Hyperbaric oxygen therapy program	\$335,000	\$335,000
Total all funds	\$335,000	\$335,000
Less estimated income	0	0
General fund	\$335,000	\$335,000
FTE	0.00	0.00

<sup>1</sup> One-time funding is added for the State Department of Health to contract with a private entity to establish a hyperbaric oxygen therapy pilot program. The department is to report to the Legislative Management during the 2019-20 interim regarding the status and results of the pilot program.

### Senate Bill No. 2012 - DHS - Management - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$26,280,139	\$20,143,801	\$78,699	\$20,222,500
Operating expenses	116,315,826	148,224,520		148,224,520
Capital assets		50,000		50,000
Grants	204,000			
Total all funds	\$142,799,965	\$168,418,321	\$78,699	\$168,497,020
Less estimated income	85,679,558	103,780,027	26,719	103,806,746
General fund	\$57,120,407	\$64,638,294	\$51,980	\$64,690,274
FTE	140.45	107.95	0.00	107.95

### Department 326 - DHS - Management - Detail of House Changes

	Adjusts Funding for Salary Increase <sup>1</sup>	Total House Changes
Salaries and wages	\$78,699	\$78,699
Operating expenses		
Capital assets		
Grants		
Total all funds	\$78,699	\$78,699
Less estimated income	26,719	26,719
General fund	\$51,980	\$51,980
FTE	0.00	0.00

<sup>1</sup> Funding is adjusted to provide employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and 2.5 percent on July 1, 2020. The Senate provided funding for a 2 percent salary increase on July 1, 2019, and a 3 percent salary increase on July 1, 2020. The same salary adjustments are being provided for all areas of the department.

### Senate Bill No. 2012 - DHS - Program/Policy - House Action

	Base Budget	Senate Version	House Changes <sup>1</sup>	House Version
Salaries and wages	\$62,782,944	\$67,904,611	\$1,090,262	\$68,994,873
Operating expenses	125,299,436	148,265,426	2,196,157	150,461,583
Capital assets	10,000	10,000		10,000
Grants	441,420,827	448,876,175	4,143,332	453,019,507
Grants - Medical assistance	2,373,678,247	2,782,334,677	(40,176,957)	2,742,157,720
Total all funds	\$3,003,191,454	\$3,447,390,889	(\$32,747,206)	\$3,414,643,683
Less estimated income	1,945,157,519	2,191,493,617	8,674,521	2,200,168,138
General fund	\$1,058,033,935	\$1,255,897,272	(\$41,421,727)	\$1,214,475,545
FTE	366.50	377.25	6.00	383.25

<sup>1</sup> Funding for program and policy is adjusted as follows:

	FTE Positions	General Fund	Other Funds	Total
<b>2019-21 Ongoing Funding Changes</b>				
Adjusts salary increase funding as detailed in management section		\$98,534	\$156,235	\$254,769
Adjusts provider inflationary increases to 2 percent the 1st year of the biennium and to 2.5 percent the 2nd year of the biennium		(2,293,611)	(2,587,825)	(4,881,436)
Adjusts the federal medical assistance percentage estimate to 50.05 for federal fiscal year 2020 and to 52.66 for federal		(24,656,101)	24,149,902	(506,199)

fiscal year 2021

**Economic Assistance**

Reduces funding added by the Senate for temporary assistance for needy families tribal kinship care from \$2,935,800 to \$2 million	(935,800)		(935,800)
Increases funding for the alternatives to abortion program to provide total funding of \$600,000		100,000	100,000

**Medical Services**

Adjusts the department's savings plan for revised estimates	(174,829)	(387,518)	(562,347)
Provides for the department to administer Medicaid Expansion pharmacy services rather than utilizing a private carrier	2.00 (551,686)	(4,940,257)	(5,491,943)
Adjusts funding added by the Senate for a Medicaid 1915i plan amendment based on revised cost estimates	(1,400,202)	99,799	(1,300,403)
Adjusts funding added by the Senate for the children with disabilities buy-in program due to FMAP change	(28,061)	28,061	0
Adjusts estimated estate collections due to a court decision	1,500,000	(1,500,000)	0
Adjusts funding for Medicaid funeral cost exemption changes approved in House Bill No. 1318	326,053	341,131	667,184
Adjusts funding to expand Medicaid coverage for pregnant women as approved in House Bill No. 1515	797,532	834,414	1,631,946
Reduces estimated medical services utilization rates	(3,909,600)	(4,090,400)	(8,000,000)
Adjusts Medicare drug clawback funding based on revised estimates	1,222,206		1,222,206

**Long-Term Care**

Adjusts funding for licensure of pediatric subacute care facilities as provided in Senate Bill No. 2317	648,485	716,287	1,364,772
Transfers funding added by the Senate for autism extended services to human service centers	(170,000)		(170,000)
Adjusts estimated long-term care utilization rates	(9,774,000)	(10,226,000)	(20,000,000)
Adds funding, including \$1 million from the health care trust fund, to increase the nursing home operating margin amount up to 4.4 percent for the period beginning January 1, 2020, and ending June 30, 2021		2,062,000	2,062,000
Adds funding to allow nursing facility software costs to be classified as a passthrough expense as approved in House Bill No. 1124	829,129	867,472	1,696,601

**Aging Services**

Adds funding to contract with subject matter experts for Aging Services programs	500,000		500,000
Adds funding for contracting and operating expenses of the Aging and Disability Resource Link service	331,936	292,794	624,730
Adds intake FTE positions for the Aging and Disability Resource Link service	5.00 437,250	387,750	825,000
Increases funding for dementia care services grants to provide total funding of \$1.2	150,000		150,000



million

**Behavioral Health Division**

Reduces funding added by the Senate to expand the free through recovery program from \$4.5 million to \$3.5 million	(1,000,000)	(1,000,000)
Reduces funding added by the Senate for the Parents LEAD program to provide total funding of \$200,000	(160,000)	(160,000)
Increases federal funds authority for the children's system of care grant to provide a total of \$6 million		3,000,000
Adjusts funding added by the Senate to expand the eligibility of the substance voucher use disorder program from individuals 18 to 14 years of age or older to reflect revised estimated costs	(138,062)	(138,062)
Reduces funding added by the Senate for early intervention services from \$600,000 to \$300,000	(300,000)	(300,000)
Removes funding and 1 FTE position added by the Senate for a mental health voucher program	(1.00)	(1,050,000)
Adds federal funds authority for a state opioid response grant		2,098,462
Adds funding for a new behavioral health grant program for schools	1,500,000	1,500,000

**Vocational Rehabilitation**

Adds funding for services provided by the Attorney General for the cooperative disability investigation unit		851,314
Restores funding removed during the August 2016 budget reductions for adaptive skiing programs	200,000	200,000

**Developmental Disabilities**

Reduces estimated utilization rates for developmental disability services	(3,420,900)	(3,579,100)
Total ongoing funding changes	6.00	(\$41,421,727)

**Senate Bill No. 2012 - DHS - County Social Services Financing - House Action**

	Base Budget	Senate Version	House Changes	House Version
County social services		\$182,300,000	(\$8,600,000)	\$173,700,000
Total all funds	\$0	\$182,300,000	(\$8,600,000)	\$173,700,000
Less estimated income	0	182,300,000	(8,600,000)	173,700,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	223.00	(83.00)	140.00

**Department 333 - DHS - County Social Services Financing - Detail of House Changes**

	Adjusts Funding for Human Service Redesign Project <sup>1</sup>	Total House Changes
County social services	(\$8,600,000)	(\$8,600,000)
Total all funds	(\$8,600,000)	(\$8,600,000)
Less estimated income	(8,600,000)	(8,600,000)
General fund	\$0	\$0
FTE	(83.00)	(83.00)

<sup>1</sup> Funding and FTE positions for the human services redesign project are adjusted consistent with changes approved by the House in Senate Bill No. 2124 and for changes to employee salary increase guidelines.

**Senate Bill No. 2012 - DHS - Field Services - House Action**

	Base Budget	Senate Version	House Changes <sup>1</sup>	House Version
Human service centers	\$196,049,489	\$203,344,121	\$1,257,022	\$204,601,143
Institutions	140,421,224	147,700,150	(3,253,005)	144,447,145
Total all funds	\$336,470,713	\$351,044,271	(\$1,995,983)	\$349,048,288
Less estimated income	138,543,705	132,151,522	1,934,098	134,085,620
General fund	\$197,927,008	\$218,892,749	(\$3,930,081)	\$214,962,668
FTE	1,655.28	1,599.03	0.00	1,599.03

<sup>1</sup> Funding for field services is adjusted as follows:

2019-21 Ongoing Funding Changes	FTE Positions	General Fund	Other Funds	Total
Adjusts salary increases as detailed in the management section		\$800,291	\$492,546	\$1,292,837
Adjusts provider inflation increases to 2 percent the 1st year of the biennium and 2.5 percent the 2nd year of the biennium		343,589	4,271	347,860
Adjusts the federal medical assistance percentage estimate to 50.05 for federal fiscal year 2020 and to 52.66 for federal fiscal year 2021		(1,026,739)	1,026,739	0
<b>Human Service Centers</b>				
Reduces funding added by the Senate for a supportive housing grant from \$550,000 to \$275,000		(275,000)		(275,000)
Increases funding for lease costs of the Badlands Human Service Center		264,000		264,000
Transfers funding added by the Senate for autism extended services from long-term care		170,000		170,000
<b>Institutions</b>				
Removes 2017-19 biennium capital funding		(2,199,430)		(2,199,430)
Adjusts the funding source related to beds restored at the State Hospital by the Senate		(830,050)	830,050	0
Reduces estimated utilization rates at the State Hospital		(1,400,000)	(196,250)	(1,596,250)
Adjusts funding for estimated estate collections due to a court decision		223,258	(223,258)	0
Total ongoing funding changes		(\$3,930,081)	\$1,934,098	(\$1,995,983)

**Senate Bill No. 2012 - Other Changes - House Action**

This amendments also:

- Amends North Dakota Century Code Section 50-06.4-10 to provide the Department of Human Services (DHS) contract with a private entity to provide support services for the Brain Injury Advisory Council.
- Amends Section 50-24.1-31 to increase the net income limit for the optional medical assistance program for families with children with disabilities program from 200 to 250 percent of the federal poverty level.
- Amends Section 50-24.1-37 to provide for DHS to administer the pharmacy benefits portion of the Medicaid Expansion program effective January 1, 2020, and provides for the Medicaid Expansion program to sunset on July 31, 2021.
- Provides that expenditures of the Medicaid Expansion program may not exceed appropriated amounts with certain exceptions.
- Identifies \$1 million of funding included in the appropriation for nursing facilities is from the health care trust fund to be used to increase the nursing facility operating margin up to 4.4 percent for the period beginning January 1, 2020, and ending June

30, 2021.

- Removes a section added by the Senate to require DHS to establish a mental health voucher program.
- Provides guidelines regarding the use of grant funding provided for supportive housing grants.
- Requires DHS to develop an implementation plan for revised payment methodology for nursing facility services.
- Adds a section to identify the use of \$200,000 of funding from the general fund for adaptive skiing grants.
- Adds a section to identify the use of \$1.5 million from the general fund for school behavioral health grants.
- Provides an exemption for DHS to continue up to \$728,207 of general fund appropriation authority for legal services into the 2019-21 biennium.
- Provides an exemption for DHS to continue a \$150,000 general fund appropriation for a children's behavioral health pilot project into the 2019-21 biennium.
- Requires DHS to implement a 1915i Medicaid state plan amendment for children and adults during the 2019-21 biennium.
- Requires DHS to adopt rules to establish a process to provide information to individuals regarding home- and community-based services.
- Requires DHS to review the need to expand the number of slots or increase the age of eligibility for the autism spectrum disorder Medicaid waiver.
- Requires DHS to propose administrative code changes to allow more individuals to receive services under the autism spectrum disorder voucher program.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2002, SB 2016, and SB 2034.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2017, SB 2293, and SB 2297, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2017:** Sens. Oehlke; Wanzek; Grabinger

**SB 2293:** Sens. Cook; Oehlke; Piepkorn

**SB 2297:** Sens. Sorvaag; Holmberg; Robinson

**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 1015, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1015:** Reps. J. Nelson; B. Anderson; Holman

**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 1014:** Sens. Sorvaag; Holmberg; Robinson

**HB 1384:** Sens. Kannianen; Cook; Dotzenrod

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1454, HB 1468.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2007, SB 2037, SB 2247, SB 2344.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1366, HB 1412.

**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 1067, HB 1074, HB 1095, HB 1123, HB 1205, HB 1368, HB 1469.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1417, HB 1502.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2139, SCR 4001.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1016, HB 1017, HB 1023, HB 1106, HB 1237, HB 1251, HB 1259, HB 1275, HB 1395, HB 1520.

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

**MR. SPEAKER:** The President has signed: SB 2055, SB 2244.

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

**MR. SPEAKER:** The President has signed: HCR 3059.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Secretary of State for filing on April 16, 2019: SB 2055, SB 2244.

**MOTION**

**SEN. KLEIN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Sanford presiding.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1067, as engrossed:** Your conference committee (Sens. D. Larson, Anderson, J. Lee and Reps. Longmuir, Strinden, Adams) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1070 and place HB 1067 on the Seventh order.

Engrossed HB 1067 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1074, as engrossed:** Your conference committee (Sens. Myrdal, Lemm, Bakke and Reps. McWilliams, Buffalo, Magrum) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1044 and place HB 1074 on the Seventh order.

Engrossed HB 1074 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1095:** Your conference committee (Sens. K. Roers, Vedaa, Oban and Reps. Laning, Schneider, Rohr) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1059 and place HB 1095 on the Seventh order.

HB 1095 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1123, as engrossed:** Your conference committee (Sens. J. Roers, Kreun, Piepkorn and Reps. Laning, C. Johnson, M. Nelson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1109-1110 and place HB 1123 on the Seventh order.

Engrossed HB 1123 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1205, as engrossed:** Your conference committee (Sens. Unruh, Kannianen, Patten and Reps. Grueneich, Steiner, Mitskog) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1394-1395 and place HB 1205 on the Seventh order.

Engrossed HB 1205 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1368:** Your conference committee (Sens. Elkin, Vedaa, Marcellais and Reps. Steiner, Schauer, C. Johnson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1343 and place HB 1368 on the Seventh order.

HB 1368 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1417, as engrossed:** Your conference committee (Sens. J. Lee, Anderson, K. Roers and Reps. Westlind, Fegley, Schneider) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1309-1312 and place HB 1417 on the Seventh order.

Engrossed HB 1417 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1469, as engrossed:** Your conference committee (Sens. Anderson, K. Roers, O. Larsen and Reps. Kasper, Schauer, Adams) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1376, adopt amendments as follows, and place HB 1469 on the Seventh order:

That the Senate recede from its amendments as printed on page 1376 of the House Journal and page 1096 of the Senate Journal and that Engrossed House Bill No. 1469 be amended as follows:

Page 1, line 14, after "manager" insert "or health plan"

Renumber accordingly

Engrossed HB 1469 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1502, as engrossed:** Your conference committee (Sens. Vedaa, Burckhard, Piepkorn and Reps. D. Ruby, Richter, P. Anderson) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1396, adopt further amendments as follows, and place HB 1502 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1396 of the House Journal and page 1117 of the Senate Journal and that Engrossed House Bill No. 1502 be further amended as follows:

Page 1, line 2, remove "and"

Page 1, line 4, after "distilleries" insert "; and to declare and emergency"

Page 2, line 10, overstrike "To participate in a pride of"

Page 2, overstrike line 11

Page 2, line 12, overstrike "obtain"

Page 2, line 12, remove "an event"

Page 2, line 12, overstrike "permit from the tax commissioner."

Page 3, after line 23, insert:

"**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1502 was placed on the Seventh order of business on the calendar.

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

**SB 2195, as engrossed:** Your conference committee (Sens. Vedaa, Elkin, Marcellais and Reps. Schauer, Karls, Johnston) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1162, adopt amendments as follows, and place SB 2195 on the Seventh order:

That the House recede from its amendments as printed on page 1162 of the Senate Journal and pages 1206 and 1207 of the House Journal and that Engrossed Senate Bill No. 2195 be amended as follows:

Page 1, line 2, after "cemetery" insert ", and to provide an effective date"

Page 1, line 5, replace "\$250,000" with "\$175,000"

Page 1, line 6, replace "paying" with "defraying"

Page 1, line 8, replace "biennium" with "period"

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

Page 1, after line 8, insert:

"**SECTION 2. EFFECTIVE DATE.** This Act becomes effective March 1, 2020."

Renumber accordingly

Engrossed SB 2195 was placed on the Seventh order of business on the calendar.

#### **CORRECTION AND REVISION OF THE JOURNAL**

**MR. PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Anderson, Chairman)** has carefully examined the Journal of the Sixty-sixth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

page 1530, line 19, replace "1104" with "894-895"

page 1530, line 31, replace "1279-1280" with "1069"

**SEN. ANDERSON MOVED** that the report be adopted, which motion prevailed.

#### **MOTION**

**SEN. KLEIN MOVED** pursuant to Rule 509, the "sixty-seventh legislative day" be replaced with "seventy-first legislative day", which motion prevailed.

#### **CONSIDERATION OF AMENDMENTS**

**HB 1439, as engrossed: SEN. UNRUH (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 1592-1593 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

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

**HB 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, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Grabinger; Piepkorn

Engrossed HB 1439, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1021, as engrossed: SEN. WANZEK (Appropriations Committee) MOVED** that the amendments on SJ pages 1524-1527 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1021:** A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; to provide a report; to provide for a transfer; to provide an exemption; 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, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Grabinger

Engrossed HB 1021, as amended, passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. HOLMBERG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2012 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed SB 2012:** Sens. Dever, Erbele, Mathern.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1015, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on:

**Engrossed HB 1015:** Sens. Wanzek, G. Lee, Mathern

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. VEDAA MOVED** that the conference committee report on Engrossed SB 2195 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2195, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2195:** A BILL for an Act to provide an appropriation for veterans' spouses and dependents burial fees at the veterans' cemetery; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2195 passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDERSON MOVED** that the conference committee report on Engrossed HB 1469 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1469, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1469:** A BILL for an Act to create and enact section 19-02.1-16.3 of the North Dakota Century Code, relating to pharmacy benefits manager step therapy protocols.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed HB 1469, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. VEDAA MOVED** that the conference committee report on Engrossed HB 1502 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1502, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF HOUSE BILL**

**HB 1502:** A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to the direct sale of liquor by a domestic distillery to licensed retailers; to amend and reenact section 5-01-19 of the North Dakota Century Code, relating to domestic distilleries; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.



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

Engrossed HB 1502, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. D. LARSON MOVED** that the conference committee report on Engrossed HB 1067 be adopted, which motion prevailed on a voice vote.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. J. LEE MOVED** that the conference committee report on Engrossed HB 1417 be adopted, which motion prevailed on a voice vote.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. MYRDAL MOVED** that the conference committee report on Engrossed HB 1074 be adopted, which motion prevailed on a voice vote.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. J. ROERS MOVED** that the conference committee report on Engrossed HB 1123 be adopted, which motion prevailed on a voice vote.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. UNRUH MOVED** that the conference committee report on Engrossed HB 1205 be adopted, which motion prevailed on a voice vote.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. K. ROERS MOVED** that the conference committee report on HB 1095 be adopted, which motion prevailed on a voice vote.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. ELKIN MOVED** that the conference committee report on HB 1368 be adopted, which motion prevailed on a voice vote.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1021, HB 1439.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2008, SB 2015.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2008

Page 1, line 4, after the first semicolon insert "to provide for a study;"

Page 1, line 4, replace "a report" with "reports"

Page 1, remove lines 15 through 24

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$9,197,284	\$132,783	\$9,330,067
Operating expenses	1,829,826	(71,000)	1,758,826
Capital assets	10,000	15,000	25,000
Grants	20,000	0	20,000
Abandoned mined lands contractual	6,000,000	0	6,000,000
Rail rate complaint case	900,000	0	900,000
Railroad safety program	564,668	24,350	589,018
Specialized legal services	<u>94,000</u>	<u>336,000</u>	<u>430,000</u>
Total all funds	\$18,615,778	\$437,133	\$19,052,911
Less estimated income	<u>11,985,016</u>	<u>523,460</u>	<u>12,508,476</u>

Total general fund	\$6,630,762	(\$86,327)	\$6,544,435
Full-time equivalent positions	45.00	(2.00)	43.00"

Page 2, line 29, replace "fourteen" with "thirteen"

Page 2, line 30, remove the overstrike over "six"

Page 2, line 30, remove "one"

Page 2, line 30, remove "fifty-four"

Page 3, line 5, remove the overstrike over "~~(Effective July 1, 2015,~~"

Page 3, line 6, remove the overstrike over "~~through June 30,~~"

Page 3, line 6, after "~~2019)~~" insert "2021)"

Page 3, line 10, replace "six hundred fifty-five" with "five hundred nine"

Page 3, line 14, remove the overstrike over "~~Transfer, deposit, and distribution of funds.~~  
~~(Effective after June 30,~~"

Page 3, line 14, after "~~2019)~~" insert "2021)"

Page 3, line 14, remove the overstrike over "~~All taxes,~~"

Page 3, remove the overstrike over lines 15 through 17

Page 3, after line 17, insert:

**"SECTION 6. RAILROAD INSPECTION STUDY.** During the 2019-20 interim, the public service commission shall study technology available to create efficiencies to reduce costs for railroad equipment and track inspections. The commission shall report its findings and any related budget recommendations to the appropriations committees of the sixty-seventh legislative assembly."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2008 - Public Service Commission - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$9,197,284	\$10,063,825	(\$733,758)	\$9,330,067
Operating expenses	1,829,826	1,883,826	(125,000)	1,758,826
Capital assets	10,000	25,000		25,000
Grants	20,000	20,000		20,000
Abandoned mined lands contractual	6,000,000	6,000,000		6,000,000
Rail rate complaint case	900,000	900,000		900,000
Railroad safety program	564,668	589,310	(292)	589,018
Specialized legal services	94,000	430,000		430,000
Total all funds	\$18,615,778	\$19,911,961	(\$859,050)	\$19,052,911
Less estimated income	11,985,016	12,514,674	(6,198)	12,508,476
General fund	\$6,630,762	\$7,397,287	(\$852,852)	\$6,544,435
FTE	45.00	46.00	(3.00)	43.00

**Department 408 - Public Service Commission - Detail of House Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Transfers Grain Warehouse Inspection Program to the Agriculture Commissioner <sup>2</sup>	Total House Changes
Salaries and wages	(\$5,259)	(\$728,499)	(\$733,758)
Operating expenses		(125,000)	(125,000)
Capital assets			
Grants			
Abandoned mined lands contractual			
Rail rate complaint case			
Railroad safety program	(292)		(292)
Specialized legal services			
<b>Total all funds</b>	<b>(\$5,551)</b>	<b>(\$853,499)</b>	<b>(\$859,050)</b>
Less estimated income	(6,198)	0	(6,198)
General fund	\$647	(\$853,499)	(\$852,852)
FTE	0.00	(3.00)	(3.00)

<sup>1</sup> Funding is adjusted 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.

<sup>2</sup> Transfers the grain warehouse license and inspection program to the Agriculture Commissioner as follows:

	Salaries and Wages	Operating Expenses	Total General Fund
Removes 3 FTE grain warehouse inspectors	\$563,006	\$120,000	\$683,006
Removes funding for an accounting budget specialist	165,493	5,000	170,493
Total removed	\$728,499	\$125,000	\$853,499

This amendment also:

- Provides the statutory changes to increase the Public Service Commissioners' salaries. The Public Service Commissioners' annual salaries would increase from the current level of \$108,656 to \$110,829, effective July 1, 2019, and to \$113,600, effective July 1, 2020, to reflect the 2 percent and 2.5 percent salary increases. The Senate proposed salary increases of 2 percent on July 1, 2019, and 3 percent on July 1, 2020.
- Amends Section 57-43.2-19 relating to the distribution of funds in the highway tax distribution fund to provide for the allocation to the rail safety fund to continue until June 30, 2021, and to increase the allocation amount from \$285,000 per year to \$294,509 per year. The Senate removed the expiration date and provided an increase to \$294,655 per year.
- Requires the Public Service Commission to study, during the 2019-20 interim, technology available to create efficiencies to reduce costs for railroad equipment and track inspections. The commission shall report its findings and related budget recommendations to the 67th Legislative Assembly.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015**

Page 1, line 3, replace "54-27" with "21-10"

Page 1, line 3, remove "a shared"

Page 1, line 4, replace "services fund" with "the recognition of legacy fund earnings"

Page 1, line 4, replace "section" with "sections 48-10-02 and 48-10-03, subsection 2 of section 54-06-24, and section"

Page 1, line 5, after the first "the" insert "capitol grounds planning commission spending limits and authority to accept gifts, the state employee suggestion incentive program, and"

Page 1, line 7, after the second semicolon insert "to provide a continuing appropriation;"

Page 1, remove lines 17 through 24

Page 2, replace lines 1 through 6 with:

"Salaries and wages	\$21,596,832	\$306,984	\$21,903,816
Operating expenses	14,051,438	1,755,988	15,807,426
Emergency commission contingency fund	600,000	(100,000)	500,000
Capital assets	973,477	3,863,648	4,837,125
Grants	54,000	0	54,000
Guardianship grants	1,328,600	221,400	1,550,000
Prairie public broadcasting	1,200,000	0	1,200,000
Community service supervision grants	350,000	0	350,000
Litigation funding pool	0	3,500,000	3,500,000
State student internship program	0	250,000	250,000
Total all funds	\$40,154,347	\$9,798,020	\$49,952,367
Less estimated income	9,434,087	7,702,428	17,136,515
Total general fund	\$30,720,260	\$2,095,592	\$32,815,852
Full-time equivalent positions	117.00	(5.00)	112.00"

Page 2, replace lines 12 through 24 with:

"Surplus property building	\$800,000	\$0
Theodore Roosevelt center grant	500,000	0
Cybersecurity remediation pool	1,000,000	0
Extraordinary repairs	0	1,900,000
Capitol south entrance project	0	2,000,000
Special assessments on capitol grounds	0	320,000
Litigation funding pool	0	3,500,000
Assessments of state lands and facilities	0	500,000
Risk management technology project	0	170,000
State student internship program	0	250,000
Electronic procurement study	0	50,000
Total all funds	\$2,300,000	\$8,690,000
Total special funds	1,800,000	8,390,000
Total general fund	\$500,000	\$300,000"

Page 2, line 30, replace "\$182,300,000" with "\$173,700,000"

Page 3, line 5, replace "\$500,000" with "\$100,000"

Page 3, line 15, after the period insert "The office of management and budget may not use funding from the litigation pool to pay judgments under section 32-12-04."

Page 3, line 23, replace "\$2,220,000" with "\$4,220,000"

Page 3, line 24, replace "\$2,220,000" with "\$4,220,000"

Page 3, line 24, after the comma insert "\$2,000,000 in the capital assets line item is for a capitol building south entrance project,"

Page 3, line 26, after the period insert "The funding for the capitol building south entrance project may be used to enclose the existing tunnel for a new public entrance with integrated security systems, to improve accessibility, and to address related exterior landscaping and elevation changes."

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

Page 4, line 4, replace "\$4,500,000" with "\$4,000,000"

Page 4, line 4, replace "\$2,000,000" with "\$500,000"

Page 4, line 5, replace "\$2,500,000" with "\$3,500,000"

Page 4, remove lines 20 through 31

Page 5, replace lines 1 through 5 with:

- "1. The 2019-21 biennium compensation adjustments for permanent state employees are to average 2 percent with a minimum of \$120 per month and a maximum of \$200 per month per eligible employee for the first year of the biennium and are to average 2.5 percent for the second year. The increases for the first year of the biennium are to be given beginning with the month of July 2019, to be paid in August 2019, and for the second year of the biennium are to be given beginning with the month of July 2020, to be paid in August 2020. Except for minimum and maximum amounts, increases for eligible state employees are to be based on documented performance and are not to be the same percentage increase for each employee.
2. Agencies may use salaries and wages funding available due to vacant positions and employee turnover to provide additional salary increases for selected employees to address salary compression issues or to enhance merit-based increases for employees essential to the effective operations of the agency. The biennial cost of any additional salary increases must be within the agency's current salaries and wages funding level. An agency may not request any additional funding for the 2021-23 biennium to continue the additional salary increases.
3. The office of management and budget shall develop guidelines for use by state agencies for providing compensation adjustments for classified state employees. The guidelines must follow the compensation philosophy statement under section 54-44.3-01.2.
4. Probationary employees are not entitled to the increases. However, at the discretion of the appointing authority, probationary employees may be given all or a portion of the increases effective in July, paid in August, or upon completion of probation. Employees whose overall documented performance level does not meet standards are not eligible for any salary increase.

**SECTION 14.** A new section to chapter 21-10 of the North Dakota Century Code is created and enacted as follows:

**Recognition of legacy fund earnings for budget purposes.**

For purposes of the development of the state budget, the legislative assembly shall recognize legacy fund earnings transferred to the general fund at the end of each biennium in accordance with section 26 of article X of the Constitution of North Dakota as part of the general fund beginning balance for the subsequent biennium rather than as revenue of the biennium in which the transfer is made at the end of the biennium.

**SECTION 15. AMENDMENT.** Section 48-10-02 of the North Dakota Century Code is amended and reenacted as follows:

**48-10-02. Capitol building fund to be administered by the capitol grounds planning commission - Continuing appropriation - Procedure for expenditure of certain funds.**

The capitol grounds planning commission shall have general powers to superintend the administration of the capitol building fund, its interest and income fund, and its investments and properties. It may cause any lands now held in such funds to be sold at market value, direct the conversion of any securities now held by such funds to cash, approve expenditures from such funds subject to law and legislative appropriations, and to do all other things necessary to carry out the intent and purposes of this section. The board of university and school lands or its designee, on the commission's behalf, shall see to the investment and management

of the capitol building fund and its interest and income fund and shall account to the commission concerning these funds at the commission's request.

Provided further, all moneys and other property in the capitol building fund, except as otherwise appropriated, are hereby dedicated and reserved to the exclusive purpose of the construction of an addition to the legislative wing of the state capitol building, and the capitol grounds planning commission shall take necessary steps to accumulate and conserve the money and property in the capitol building fund for such purpose.

The commission may, during any biennium, expend from the interest and income fund of the capitol building fund a sum not to exceed fifty percent of the unencumbered balance on the first day of any biennium, and such amount is hereby appropriated to the capitol grounds planning commission. The expenditure may be made, after consideration of the capitol grounds master plan, for projects or planning but may not exceed ~~one hundred seventy-five thousand~~ two hundred fifty thousand dollars per biennium. The expenditure may only be made upon approval by two-thirds of the total membership of the commission. The expenditure must be made upon a voucher, or vouchers, prepared by the office of management and budget at the direction of the commission.

**SECTION 16. AMENDMENT.** Section 48-10-03 of the North Dakota Century Code is amended and reenacted as follows:

**48-10-03. Powers and duties of the commission - Authority to accept gifts - Continuing appropriation.**

The capitol grounds planning commission shall confer with the state council on the arts with respect to the artistic value of monuments, memorials, or works of art to be constructed on the capitol grounds and with qualified consultants retained by it to select sites for buildings, facilities, monuments, memorials, or works of art to be constructed on the capitol grounds. The commission shall develop and modify long-term plans for the development of the capitol grounds. The commission shall approve or disapprove the basic style and exterior construction of any building, facility, monument, memorial, or work of art constructed on the capitol grounds. Except as otherwise provided by this section, the commission has exclusive authority to accept or reject gifts of any type or class of property for exterior placement on the capitol grounds or for the improvement of the exterior construction of any building or facility on the capitol grounds, including landscaping and improvements to the capitol grounds. Any gifts of money accepted pursuant to this section must be deposited in the capitol building fund and are appropriated on a continuing basis to the commission for purposes consistent with this section. No construction or placement of an item on the capitol grounds may be undertaken without the approval of the commission, unless the construction or placement is authorized by the legislative assembly. If the legislative assembly by law or resolution authorizes the construction or placement of an item on the capitol grounds, the commission shall approve the site, basic style, and exterior construction of the item within a reasonable period of time.

The commission shall advise the director of the office of management and budget and the legislative council on matters relating to the physical and aesthetic features of the interior of all buildings on the capitol grounds. The commission must be called in and shall meet whenever major interior changes, including new construction, remodeling, or renovation of any kind, are proposed or considered for the buildings or facilities on the capitol grounds. The commission must be consulted before the purchase or installation of furniture or fixtures in public areas of the capitol and other buildings on the capitol grounds. The commission shall perform any other duties as may be prescribed by law.

**SECTION 17. AMENDMENT.** Subsection 2 of section 54-06-24 of the North Dakota Century Code is amended and reenacted as follows:

2. ~~APrior to July 1, 2019, a state employee may submit a recommendation or proposal to reduce expenditures within the employee's agency to a suggestion incentive committee. The suggestion incentive committee~~

shall administer the employee suggestion incentive program created under this section and review all recommendations or proposals for reduction of expenditures. The suggestion incentive committee may consider whether the recommendation or proposal to reduce expenditures within the employee's agency applies to any other state agency. The suggestion incentive committee shall notify the office of management and budget of any recommendation that affects an agency other than the employing agency. The governor shall appoint five state agency heads to the suggestion incentive committee for four-year staggered terms to commence on August first in the year of appointment and to continue until the successors are appointed."

Page 5, line 27, remove the overstrike over "one thousand"

Page 5, line 27, remove "two thousand"

Page 6, remove lines 10 through 20

Page 6, line 22, replace "16" with "19"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2015 - Office of Management and Budget - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$21,596,832	\$21,008,777	\$895,039	\$21,903,816
Operating expenses	14,051,438	18,127,448	(2,320,022)	15,807,426
Capital assets	973,477	2,837,125	2,000,000	4,837,125
Grants	54,000	54,000		54,000
Emergency commission contingency fund	600,000	500,000		500,000
Guardianship grants	1,328,600	2,330,000	(780,000)	1,550,000
Prairie Public Broadcasting	1,200,000	1,400,000	(200,000)	1,200,000
Community service supervision grants	350,000	400,000	(50,000)	350,000
Litigation pool		2,500,000	1,000,000	3,500,000
State student internship		250,000		250,000
Total all funds	\$40,154,347	\$49,407,350	\$545,017	\$49,952,367
Less estimated income	9,434,087	15,622,886	1,513,629	17,136,515
General fund	\$30,720,260	\$33,784,464	(\$968,612)	\$32,815,852
FTE	117.00	108.00	4.00	112.00

#### Department 110 - Office of Management and Budget - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases <sup>1</sup>	Adjusts Funding and FTE Positions for IT Unification <sup>2</sup>	Reduces Funding for Grants <sup>3</sup>	Adjusts One- Time Funding Items <sup>4</sup>	Total House Changes
Salaries and wages	\$101,492	\$793,547			\$895,039
Operating expenses		(820,022)		(\$1,500,000)	(2,320,022)
Capital assets				2,000,000	2,000,000
Grants					
Emergency commission contingency fund					
Guardianship grants			(\$780,000)		(780,000)
Prairie Public Broadcasting			(200,000)		(200,000)
Community service supervision grants			(50,000)		(50,000)
Litigation pool				1,000,000	1,000,000
State student internship					
Total all funds	\$101,492	(\$26,475)	(\$1,030,000)	\$1,500,000	\$545,017
Less estimated income	13,629	0	0	1,500,000	1,513,629
General fund	\$87,863	(\$26,475)	(\$1,030,000)	\$0	(\$968,612)
FTE	0.00	4.00	0.00	0.00	4.00

<sup>1</sup> Funding is adjusted to provide employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and a 2.5 percent salary increase on July 1, 2020. The Senate provided funding for salary increases of 2 percent on July 1, 2019, and 3 percent on July 1, 2020. Funding of \$2,732

from the general fund is added for health insurance increases related to employees that are not included in the information technology unification project.

<sup>2</sup> Four FTE positions are restored because the agency is not included in the information technology unification project, increasing salaries and wages by \$793,547 and decreasing operating expenses by \$820,022. The Senate included the information technology unification project.

<sup>3</sup> Funding is reduced for grants as follows:

- \$780,000 for guardianship grants to provide a total of \$1.55 million. The Senate provided \$2.33 million.
- \$50,000 for community service supervision grants to provide a total of \$350,000. The Senate added \$50,000 to provide \$400,000.
- \$200,000 for Prairie Public Broadcasting grants to provide a total of \$1.2 million with a matching requirement associated with \$200,000 of the funding. The Senate added \$200,000 of matching grants to provide \$1.4 million.

<sup>4</sup> Funding is adjusted for one-time items as follows:

- \$2 million from the Capitol building fund is added for a Capitol building south entrance project. The Senate did not include funding for this project.
- \$1 million from the strategic investment and improvements fund is added for the litigation funding pool to provide total funding of \$3.5 million. The Senate provided \$2.5 million of total funding for the pool.
- \$1.5 million from the strategic investment and improvements fund is removed from the assessment of state lands and facilities project to provide total funding of \$500,000. The Senate provided \$2 million of total funding for the project.

This amendment also:

- Decreases the transfer from the tax relief fund to the human service finance fund to provide \$173.7 million. The Senate provided \$182.3 million.
- Decreases the transfer from the strategic investment and improvements fund to the preliminary planning revolving fund to provide \$100,000. The Senate provided \$500,000.
- Clarifies the funding in the litigation funding pool may not be used to repay court-ordered judgments against the state.
- Identifies \$4.22 million from the Capitol building fund for various projects. The Senate identified \$2.22 million from the fund for projects.
- Identifies \$4 million from the strategic investment and improvements fund for a land assessment and a litigation funding pool. The Senate identified \$4.5 million for the assessment and funding pool.
- Adjusts the compensation guidelines to provide salary increases averaging 2 percent with a minimum of \$120 per month and a maximum of \$200 per month to eligible state employees in the 1st year and averaging 2.5 percent in the 2nd year of the 2019-21 biennium. The guidelines included by the Senate provided for salary increases averaging 2 percent with a minimum of \$80 per month to eligible state employees in the 1st year and averaging 3 percent in the 2nd year of the 2019-21 biennium.
- Adds a section to create a new section to North Dakota Century Code Chapter 21-10 to recognize legacy fund earnings as part of the beginning balance for the subsequent biennium rather than as revenue of the biennium in which the transfer is made. The Senate did not include this provision.
- Adds two sections to amend provisions related to the Capitol Grounds Planning Commission to increase the commission's spending limit and to authorize the commission to accept gifts of money for improvement projects. The Senate did not change the authorizations for the Capitol Grounds Planning Commission.
- Adds a section to amend the state employee suggestion incentive program to require employees to submit suggestions before July 1, 2019. The Senate did not provide a deadline for employee submissions.
- Amends Section 54-06-30 to increase the performance bonus limit from \$1,000 to \$1,500. The Senate increased the performance bonus limit to \$2,500.



- Removes a section added by the Senate related to the creation of a shared services fund.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2012, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2012:** Sens. Dever; Erbele; Mathern

**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 2003:** Reps. Kempenich; Howe; Mock

**SB 2009:** Reps. Monson; Schmidt; Boe

**SB 2010:** Reps. Beadle; Brandenburg; Bellew

**SB 2013:** Reps. Monson; Sanford; Boe

**SB 2315:** Reps. Schreiber-Beck; Heinert; Tveit

**SB 2346:** Reps. D. Johnson; Satrom; Headland

**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 1119, HB 1271, and HB 1467.

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently failed to pass: HB 1192.

**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 1003, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1003:** Reps. Sanford; Martinson; Boe

**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 1015:** Sens. Wanzek; G. Lee; Mathern

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1067, HB 1074, HB 1095, HB 1123, HB 1205, HB 1368, HB 1417.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2195.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1469.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1502.

**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 1045.

**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 2035.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1283, HB 1519.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2002, SB 2016, SB 2034.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2002, SB 2016, SB 2034, SB 2139, SCR 4001.

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

**MR. SPEAKER:** The President has signed: HB 1016, HB 1017, HB 1023, HB 1106, HB 1237, HB 1251, HB 1259, HB 1275, HB 1395, HB 1520.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1016, HB 1017, HB 1023, HB 1106, HB 1237, HB 1251, HB 1259, HB 1275, HB 1395, HB 1520, HCR 3059.

**MOTION**

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

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, April 17, 2019, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1202: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1202 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 61-33 of the North Dakota Century Code, relating to determinations of navigability; to amend and reenact sections 61-33-01 and subdivision e of subsection 3 of section 61-33.1-03 of the North Dakota Century Code, relating to sovereign land management definitions; and to provide for a state engineer review of determinations of navigability.

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

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

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

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

1. "Board" means the sovereign lands advisory board.
2. "Board of university and school lands" means that entity created by section 15-01-01.
3. "Navigable waters" means waters that were in fact navigable at the time of statehood, and that are used, were used, or were susceptible of being used in their ordinary condition as highways for commerce over which trade and travel were or may have been conducted in the customary modes of trade on water.

4. "Sovereign lands" means those areas, including beds and islands, lying within the ordinary high water mark of navigable lakes and streams. Lands established to be riparian accretion or reliction lands pursuant to section 47-06-05 are considered to be above the ordinary high water mark and are not sovereign lands.
- 4-5. "State engineer" means the person appointed by the state water commission pursuant to section 61-03-01.

**SECTION 2.** A new section to chapter 61-33 of the North Dakota Century Code is created and enacted as follows:

**Navigability determinations.**

1. Before making a determination that a body of water or portion of a body of water is navigable, the state engineer shall:
  - a. Develop and deliver to the state water commission a preliminary finding regarding the navigability of the body of water or portion of a body of water and the legal rationale for the preliminary finding; and
  - b. Consult with the state water commission in an open meeting and demonstrate the public need and purpose for the determination to be made.
2. After completing the requirements of subsection 1, the state engineer may proceed with making a final determination of navigability by:
  - a. Providing reasonable public notice of the preliminary finding, legal rationale for the preliminary finding, and opportunity for the public to provide comments for no less than sixty days. The notice must:
    - (1) Include the address and electronic mail address to which public comments may be sent and the deadline by which public comments must be received;
    - (2) Clearly identify the specific body of water or portion of a body of water for which the finding of navigability is sought;
    - (3) State the state engineer will hold a public hearing regarding the preliminary finding before a final determination of navigability is made, and provide the date, time, and location of the public hearing;
    - (4) Be provided to the governing body of each soil conservation district, water resource district, and county adjacent to the body of water or portion of a body of water for which the preliminary finding was made;
    - (5) Be published in the official county newspaper for each county adjacent to the body of water or portion of a body of water for which the preliminary finding was made; and
    - (6) Briefly state the purpose of the hearing and describe the impact or effect a determination of navigability will have on the property rights of persons who own property adjacent to the body of water or portion of a body of water for which the determination of navigability may be made; and
  - b. Holding a public hearing regarding the preliminary finding.
3. After completing the requirements of subsection 2 and making a determination of navigability, the state engineer shall prepare a report regarding the determination, including summaries of the information provided to the state water commission, the public hearings held, and the

public comments received. The state engineer shall provide the report to the state water commission, send the report by certified mail to any person that appeared at the public hearing required under subsection 2 or provided written comments by the deadline, make the report available to the public, including on the website for the office of the secretary of state, and provide public notice of the report's availability. The report is final on the date it is provided to the state water commission.

4. A determination of navigability may be appealed directly to a court of competent jurisdiction in accordance with sections 28-32-42 through 28-32-46 and sections 28-32-50 and 28-32-51.

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

- e. ~~Subsection 3 of section~~Section 61-33-01 and section 47-06-05, which provide all accretions are presumed to be above the ordinary high water mark and are not sovereign lands. Accreted lands may be determined to be within the ordinary high water mark of the historical Missouri riverbed channel based on clear and convincing evidence. Areas of low-lying and flat lands where the ordinary high water mark may be impracticable to determine due to inconclusive aerial photography or inconclusive vegetation analysis must be presumed to be above the ordinary high water mark and owned by the riparian landowner.

**SECTION 4. REVIEWS OF NAVIGABILITY DETERMINATIONS DURING 2019-20 INTERIM.** During the 2019-20 interim, the state engineer may review any determinations of navigability of a body of water or portion of a body of water made solely by the state engineer before the effective date of this Act. However, if a court of competent jurisdiction has determined a body of water or portion of a body of water is navigable or non-navigable, the state engineer does not need to review any state agency determination regarding the body of water or portion of a body of water. If the state engineer elects not to review any determinations of navigability of a body of water or portion of a body of water made solely by the state engineer before the effective date of this Act during the 2019-20 interim, those determinations must be vacated without prejudice to a subsequent determination of navigability under section 2 of this Act. In conducting the reviews under this section, the state engineer shall comply with the requirements in section 2 of this Act."

Renumber accordingly

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

**HB 1320: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1320 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 1527-1530 of the Senate Journal, House Bill No. 1320 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-07 of the North Dakota Century Code, relating to the Theodore Roosevelt presidential library and museum endowment fund; to provide a continuing appropriation; to provide for a transfer; to authorize a loan; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 54-07 of the North Dakota Century Code is created and enacted as follows:

**Theodore Roosevelt presidential library and museum endowment fund - Continuing appropriation.**

There is created in the state treasury the Theodore Roosevelt presidential library and museum endowment fund. The governor may provide for the fund to be invested under the supervision of the board of university and school lands. The interest and earnings of the fund are appropriated to the governor on a continuing basis to pay interest expenses on a loan from the Bank of North Dakota and to provide grants pursuant to this section. The governor may provide grants to a private entity subject to the following:

1. The private entity has certified to the governor the entity has received the sum of one hundred million dollars in cash donations and binding pledged donations for the construction of a presidential library and museum in North Dakota and for grants to affected entities; and
2. The governor has entered an agreement with the private entity in subsection 1 which includes the following provisions:
  - a. The grant funds will be spent only for operating and maintenance costs of the presidential library located in North Dakota;
  - b. Any unused grant funds will be returned to the state and deposited in the general fund if the presidential library has not been constructed within the period of time specified in the agreement or if the library ceases operations;
  - c. The private entity agrees to donate ten million dollars from the one hundred million dollars identified in subsection 1 to a higher education institution foundation in North Dakota for the purpose of creating an endowment to digitize documents relating to Theodore Roosevelt and for the creation of a Theodore Roosevelt conservation scholars program and related academic mission at a North Dakota higher education institution in collaboration with the private entity; and
  - d. The private entity agrees to donate three hundred thousand dollars to a city in North Dakota for prior costs incurred related to planning for a presidential library.

**SECTION 2. APPROPRIATION - TRANSFER.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$15,000,000, or so much of the sum as may be necessary, which the director of the office of management and budget shall transfer to the Theodore Roosevelt presidential library and museum endowment fund during the period beginning with the effective date of this Act, and ending June 30, 2019. Of the funds appropriated in this section, \$9,800,000 is from unexpended funds previously appropriated by the legislative assembly for grants related to the Theodore Roosevelt presidential library.

**SECTION 3. LOAN AUTHORIZATION.** The governor may obtain a loan from the Bank of North Dakota in an amount not to exceed \$35,000,000. The term of the loan may not exceed six years and the interest rate must be set at the prevailing interest rate charged by the Bank of North Dakota to governmental entities. The governor shall repay the loan authorized in this section from funds appropriated by the legislative assembly. The governor shall deposit the proceeds of the loan in the Theodore Roosevelt presidential library and museum endowment fund.

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

Renumber accordingly

**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.
- 43-12. An individual duly licensed to practice medical imaging or radiation therapy in this state under chapter 43-62.
- 44-13. 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, ~~it~~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.

**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.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2256:** Your conference committee (Sens. Davison, Elkin, Marcellais and Reps. B. Koppelman, Hoverson, Vetter) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 1166 and place SB 2256 on the Seventh order.

SB 2256 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2358, as engrossed:** Your conference committee (Sens. Kreun, Unruh, Piepkorn and Reps. D. Anderson, Zubke, Damschen) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1169-1170, adopt amendments as follows, and place SB 2358 on the Seventh order:

That the House recede from its amendments as printed on pages 1169 and 1170 of the Senate Journal and pages 1267 and 1268 of the House Journal and that Engrossed Senate Bill No. 2358 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 40-33-16, subsections 11 and 27 of section 61-24-08, subdivision b of subsection 2 of section 61-32-03.1, and subsection 8 of section 61-39-05 of the North Dakota Century Code, relating to Red River valley water supply project contract terms, elimination of voter approval requirements, and notice of proposed subsurface water management systems.

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

**SECTION 1. AMENDMENT.** Section 40-33-16 of the North Dakota Century Code is amended and reenacted as follows:

##### **40-33-16. Municipality may purchase water for distribution.**

1. Any city owning a system for the distribution of water for fire protection and other public purposes and for selling water to its inhabitants and industries, but for which the water supply is unsuitable or inadequate, may contract to purchase water at wholesale for ~~such~~those purposes from any person, firm, public or private corporation, or limited liability company able and willing to furnish the same, upon ~~such~~the terms and during ~~such~~the period, not exceeding forty years, as the city governing body ~~shall deem~~deems appropriate. ~~Any such~~The contract ~~shall~~must be authorized by an ordinance submitted to the voters for approval by a majority of those voting on the proposition before it takes effect. ~~In and by such~~Pursuant to the ordinance and contract, the city may bind itself:
4. a. To establish and maintain rates and charges for supplying water by it to its inhabitants and industries, either according to a prescribed schedule agreed upon or sufficient to produce net stated amounts for specified periods during the life of the contract, or both, and to appropriate and use the same for payments to become due under the contract, and, if the contract so provides, the city ~~shall be~~is obligated to pay for ~~such~~the water solely out of ~~such~~the net revenues;
2. b. To pay, at an agreed rate or rates, for all water taken by the city under ~~such~~the contract and not resold by it; and
3. c. To do and perform any other acts or things ~~which, in the discretion of the governing body, are deemed~~deems reasonable and appropriate for the procurement of ~~such~~the water on the most efficient and economical basis.
2. Notwithstanding subsection 1, contracts to purchase water from the water supply system created by the Red River valley water supply project

may have a term exceeding forty years and, if executed in relation to the initial construction of the system, need not be submitted to the voters for approval.

3. If any payments under any contract are to be made solely out of net revenues, the contract may fix and prescribe the method or basis on which net revenues are to be computed.

**SECTION 2. AMENDMENT.** Subsection 11 of section 61-24-08 of the North Dakota Century Code is amended and reenacted as follows:

11. To operate and maintain or to contract for the operation and maintenance of water supply and irrigation works serving lands and uses within or outside the district, and in connection therewith, to maintain a reserve fund to meet major unforeseen costs of operation and maintenance. The acquisition, construction, operation, and maintenance of dams, reservoirs, ground water storage areas, canals, conduits, pipelines, tunnels, and any other plants, works, facilities, improvements, or property necessary to operate or maintain water supply or irrigation works under this section are exempt from any requirements for voter approval.

**SECTION 3. AMENDMENT.** Subsection 27 of section 61-24-08 of the North Dakota Century Code is amended and reenacted as follows:

27. To enter water service contracts with municipalities, water districts, or other political subdivisions in this state and public utilities in Minnesota as part of the Red River valley water supply project, regardless of whether the acquisition, construction, or reconstruction of any Red River valley water supply project is actually completed and whether water actually is delivered under the contracts. These contracts with cities and water districts are authorized to be executed without limitation on term of years notwithstanding any limitation to the contrary and, if the contracts are executed in relation to the initial construction of the system, without voter approval.

**SECTION 4. AMENDMENT.** Subdivision b of subsection 2 of section 61-32-03.1 of the North Dakota Century Code is amended and reenacted as follows:

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

**SECTION 5. AMENDMENT.** Subsection 8 of section 61-39-05 of the North Dakota Century Code is amended and reenacted as follows:

8. Enter ~~a contract or~~ contracts to provide for a supply of bulk water from the Garrison Diversion Conservancy District which ~~contract or contracts~~ may provide for payments to fund some or all of the Garrison Diversion Conservancy District's costs of acquiring, designing, constructing, or reconstructing one or more features of a Red River valley water supply project, ~~which project the~~ that the Garrison Diversion Conservancy District may acquire, design, construct, improve, and own, as well as the Garrison Diversion Conservancy District's costs of operating and maintaining one or more Red River valley water supply projects, whether

the acquisition, construction, or reconstruction of any Red River valley water supply project actually is completed and whether water actually is delivered pursuant to the ~~contract or contracts, and which contract or contracts the Garrison Diversion Conservancy District may execute.~~ Contracts executed under this subsection may be executed without limitation on the term of years and, if executed in relation to the initial construction of the system, need not be submitted to the voters for approval."

Renumber accordingly

Engrossed SB 2358 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1045, as engrossed:** Your conference committee (Sens. Burckhard, Vedaa, Piepkorn and Reps. Laning, Lefor, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 946-947, adopt amendments as follows, and place HB 1045 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1233 and 1234 of the House Journal and pages 946 and 947 of the Senate Journal and that Engrossed House Bill No. 1045 be amended as follows:

Page 1, line 4, remove the second "and"

Page 1, line 13, after "corporation" insert "; and to provide an effective date"

Page 29, after line 21, insert:

**"SECTION 19. EFFECTIVE DATE.** Section 17 of this Act becomes effective on July 1, 2020."

Renumber accordingly

Engrossed HB 1045 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1519, as engrossed:** Your conference committee (Sens. K. Roers, Anderson, Clemens and Reps. M. Ruby, Westlind, Damschen) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1312, adopt amendments as follows, and place HB 1519 on the Seventh order:

That the Senate recede from its amendments as printed on page 1312 of the House Journal and pages 1009 and 1010 of the Senate Journal and that Engrossed House Bill No. 1519 be amended as follows:

Page 2, line 6, remove "Opioid use disorder."

Page 2, remove line 7

Page 2, line 8, remove "w."

Page 2, line 9, replace "x." with "v."

Page 2, line 10, replace "y." with "w."

Page 2, line 11, replace "z." with "x. A brain injury:

y."

Page 2, line 11, overstrike "and" and insert immediately thereafter "or"

Page 2, line 12, replace "aa." with "z."

Renumber accordingly

Engrossed HB 1519 was placed on the Seventh order of business on the calendar.

### REPORT OF CONFERENCE COMMITTEE

**HB 1283, as engrossed:** Your conference committee (Sens. K. Roers, Hogan, Anderson and Reps. M. Ruby, Devlin, Damschen) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1308-1309, adopt amendments as follows, and place HB 1283 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1308 and 1309 of the House Journal and pages 1041 and 1042 of the Senate Journal and that Engrossed House Bill No. 1283 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact section 19-24.1-03.1 and a new paragraph to subdivision b of subsection 2 of section 19-24.1-04 of the North Dakota Century Code, relating to access to medical marijuana;"

Page 1, line 2, replace "and" with "subdivision a of subsection 5 of section 19-24.1-05, subsection 7 of section 19-24.1-10,"

Page 1, line 2, after "19-24.1-11" insert ", and subsection 10 of section 19-24.1-32"

Page 8, after line 13, insert:

"(6) A disclosure that possession of a firearm by a person who possesses marijuana may be a violation of federal law."

Page 8, after line 17, insert:

**"SECTION 3.** Section 19-24.1-03.1 of the North Dakota Century Code is created and enacted as follows:

#### **19-24.1-03.1. Qualifying patients - Veterans.**

In lieu of the written certification required under section 19-24.1-03, a veteran receiving treatment from a federal veterans' affairs entity may submit to the department a copy of the veterans' affairs medical records identifying a diagnosis of a debilitating medical condition and a copy of military discharge documents. The department may use the medical records and discharge documents in place of a written certification to approve or deny the application under section 19-24.1-05. The department shall issue a registry identification card within thirty calendar days of approving an application under this section.

**SECTION 4.** A new paragraph to subdivision b of subsection 2 of section 19-24.1-04 of the North Dakota Century Code is created and enacted as follows:

A disclosure that possession of a firearm by a person who possesses marijuana may be a violation of federal law.

**SECTION 5. AMENDMENT.** Subdivision a of subsection 5 of section 19-24.1-05 of the North Dakota Century Code is amended and reenacted as follows:

- a. The department receives documentation the minor's health care provider has explained to the parent or legal guardian with responsibility for health care decisions for the minor the potential risks and benefits of the use of pediatric medical marijuana to treat or alleviate the debilitating medical condition; and

**SECTION 6. AMENDMENT.** Subsection 7 of section 19-24.1-10 of the North Dakota Century Code is amended and reenacted as follows:

7. A registered qualifying patient's certifying health care provider ~~shall~~may notify the department in writing if the health care provider's registered qualifying patient no longer has a debilitating medical condition ~~or if the~~. ~~The health care provider no longer believes the patient will receive therapeutic or palliative benefit from the medical use of marijuana~~may

notify the department if a bona fide provider-patient relationship ceases to exist. The qualifying patient's registry identification card becomes void immediately upon the health care provider's notification of the department and the registered qualifying patient shall dispose of any usable marijuana in the cardholder's possession within fifteen calendar days, in accordance with rules adopted under this chapter."

Page 8, after line 22, insert:

**"SECTION 8. AMENDMENT.** Subsection 10 of section 19-24.1-32 of the North Dakota Century Code is amended and reenacted as follows:

10. A health care provider is not subject to arrest or prosecution or the denial of any right or privilege, including a civil penalty or disciplinary action by a court or occupational or professional regulating entity, solely for providing a written certification or for otherwise stating in the health care provider's professional opinion a patient is likely to receive therapeutic or palliative benefit from the medical use of usable marijuana to treat or alleviate the patient's debilitating medical condition or for refusing to provide written certification or a statement. This chapter does not release a health care provider from the duty to exercise a professional standard of care for evaluating or treating a patient's medical condition."

Renumber accordingly

Engrossed HB 1283 was placed on the Seventh order of business on the calendar.

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

**Shanda Morgan, Secretary**

