

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

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**Bismarck, March 24, 2017**

The House convened at 12:30 p.m., with Speaker Bellew presiding.

The prayer was offered by Rev. Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Representatives Kasper and Streyle.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on March 23, 2017, I have signed the following: HB 1169.

Also, on March 24, 2017, I have signed the following: HB 1237, HB 1253, HB 1257, HB 1305, HB 1311, and HB 1430.

**SIXTH ORDER OF BUSINESS**

**SPEAKER BELLEW DEEMED** approval of the amendments to SB 2090, Engrossed SB 2201, and Engrossed SCR 4003.

SB 2090, Engrossed SB 2201, and Engrossed SCR 4003, as amended, were placed on the Fourteenth order of business on today's calendar.

**MOTION**

**REP. VIGESAA MOVED** that SB 2099, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SB 2099 was rereferred.

**SECOND READING OF SENATE BILL**

**SB 2053:** A BILL for an Act to amend and reenact subsection 4 of section 39-03.1-11.2, section 54-52-01, subsections 3 and 4 of section 54-52-17, subsection 4 of section 54-52-28, section 54-52.1-03, subsection 1 of section 54-52.1-03.3, section 54-52.1-03.4, subsection 2 of section 54-52.1-18, section 54-52.6-06, and subsection 2 of section 54-52.6-09 of the North Dakota Century Code, relating to the definitions of retirement and retirement board, eligibility for disability retirement and early retirement benefits under the public employees retirement system, employee enrollment, billing for the retiree health insurance credit, temporary employee participation in the uniform group insurance program failure to maintain a health savings account when the high-deductible health plan is elected, payment of administrative expenses of the defined contribution plan, penalties for employers failing to pay contributions under the defined contribution plan, to provide a contingent effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford;

Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Streyle

Engrossed SB 2053, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2330:** A BILL for an Act to amend and reenact subsection 2 of section 57-39.5-01 of the North Dakota Century Code, relating to the definition of farm machinery; 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 65 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Becker, Rich S.; Blum; Boehning; Bosch; Boschee; Brandenburg; Damschen; Delmore; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Longmuir; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Pollert; Pyle; Roers Jones; Rohr; Sanford; Satrom; Schatz; Schmidt; Schneider; Schreiber-Beck; Seibel; Skroch; Sukut; Trottier; Weisz; Westlind

**NAYS:** Beadle; Becker, Rick C.; Boe; Brabandt; Carlson; Delzer; Ertelt; Johnson, C.; Johnston; Kading; Lefor; Louser; Nelson, M.; Olson; Owens; Paur; Porter; Ruby, D.; Ruby, M.; Schobinger; Simons; Steiner; Toman; Vetter; Vigesaa; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Streyle

Engrossed SB 2330, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2193:** A BILL for an Act to amend and reenact section 11-15-33, subsection 2 of section 15-10-17, and section 40-20-05 of the North Dakota Century Code, relating to jurisdiction of law enforcement officers; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Carlson; Damschen; Delmore; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Maragos; Martinson; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Porter; Pyle; Roers Jones; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schreiber-Beck; Seibel; Skroch; Steiner; Sukut; Trottier; Vetter; Vigesaa; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rick C.; Brabandt; Brandenburg; Delzer; Devlin; Ertelt; Johnston; Koppelman, B.; Louser; Magrum; Marschall; McWilliams; Meier; Pollert; Rohr; Ruby, D.; Schatz; Schobinger; Simons; Toman; Weisz

**ABSENT AND NOT VOTING:** Kasper; Streyle

Engrossed SB 2193, as amended, passed and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2253:** A BILL for an Act to create and enact a new section to chapter 47-09 of the North Dakota Century Code, relating to transfers of land between any federal, state, or local governmental entities.

### 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 91 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Sukut; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Toman

**ABSENT AND NOT VOTING:** Kasper; Streyle

Engrossed SB 2253, as amended, passed.

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### SECOND READING OF SENATE BILL

**SB 2264:** A BILL for an Act to amend and reenact subsection 2 of section 23-01-05.5 of the North Dakota Century Code, relating to providing notification of the report of death to the next of kin or authorized representative of the deceased.

### 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 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Sukut; Toman; Trottier; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Streyle

Engrossed SB 2264, as amended, passed.

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**SECOND READING OF SENATE BILL**

**SB 2190:** A BILL for an Act to amend and reenact section 48-01.2-06 of the North Dakota Century Code, relating to bid requirements for public improvements.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 74 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Beadle; Blum; Brandenburg; Carlson; Damschen; Delzer; Hatlestad; Johnson, M.; Karls; Longmuir; Nelson, J.; Oliver; Pollert; Porter; Roers Jones; Zubke

**NAYS:** Anderson, B.; Anderson, D.; Becker, Rich S.; Becker, Rick C.; Boe; Boehning; Bosch; Boschee; Brabandt; Delmore; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnston; Jones; Kading; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, M.; O'Brien; Olson; Owens; Paur; Pyle; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Mitskog; Streyle

Engrossed SB 2190 failed.

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**SECOND READING OF SENATE BILL**

**SB 2169:** A BILL for an Act to create and enact chapter 28-20.3 of the North Dakota Century Code, relating to recognition of foreign-country money judgments; and to repeal chapter 28-20.2 of the North Dakota Century Code, relating to foreign money judgments.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rick C.; Johnston; Koppelman, K.; Magrum; Simons; Vetter

**ABSENT AND NOT VOTING:** Kasper; Koppelman, B.; Mitskog; Streyle

SB 2169 passed.

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**SECOND READING OF SENATE BILL**

**SB 2170:** A BILL for an Act to create and enact a new chapter to title 14 of the North Dakota Century Code, relating to the Uniform Recognition and Enforcement of Canadian Protection Orders Act; to provide a penalty; and to provide for application.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemm; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Delzer; Ertelt; Magrum; Simons; Vetter

**ABSENT AND NOT VOTING:** Kasper; Koppelman, B.; Mitskog; Streyle

SB 2170 passed.

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**SECOND READING OF SENATE BILL**

**SB 2162:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to professional student exchange programs; to amend and reenact sections 43-28.1-01 and 43-28.1-03 of the North Dakota Century Code, relating to the dental student loan repayment program; to provide for a legislative management study; and to provide for application.

**ROLL CALL**

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

**YEAS:** Beadle; Boschee; Dobervich; Guggisberg; Hanson; Hogan; Howe; Mock; Olson; Pyle; Schobinger

**NAYS:** Anderson, B.; Anderson, D.; Anderson, P.; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dockter; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Holman; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemm; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schreiber-Beck; Seibel; Simons; Skroch; Steiner; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Koppelman, B.; Mitskog; Streyle

Reengrossed SB 2162 failed.

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**SECOND READING OF SENATE BILL**

**SB 2060:** A BILL for an Act to amend and reenact subsection 2 of section 50-11.1-07.8 and subsection 2 of section 50-25.1-11 of the North Dakota Century Code, relating to parental notification of early childhood services investigations.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 78 YEAS, 12 NAYS,

0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; Meier; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Seibel; Skroch; Steiner; Sukut; Toman; Trottier; Vigesaa; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rick C.; Ertelt; Johnston; Kading; Magrum; Marschall; McWilliams; Olson; Schatz; Simons; Vetter; Weisz

**ABSENT AND NOT VOTING:** Kasper; Koppelman, B.; Mitskog; Streyle

SB 2060 passed.

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### SECOND READING OF SENATE BILL

**SB 2215:** A BILL for an Act to create and enact chapter 23-49 of the North Dakota Century Code, relating to hospital discharge policies.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 66 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson, P.; Beadle; Boschee; Delmore; Dobervich; Dockter; Guggisberg; Hanson; Hogan; Holman; Howe; Johnston; Keiser; Klemin; Koppelman, K.; Magrum; Martinson; Mock; Monson; Nelson, M.; Sanford; Schneider; Seibel

**NAYS:** Anderson, B.; Anderson, D.; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Ertelt; Grueneich; Hatlestad; Headland; Heinert; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kempenich; Kiefert; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; McWilliams; Meier; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Kasper; Koppelman, B.; Maragos; Mitskog; Streyle

SB 2215 failed.

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**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2300.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2204.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed, unchanged: HB 1423.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1183, HB 1204, HB 1222, HB 1235, HB 1236, HB 1415.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1183**

Page 1, line 1, after "12.1-20-12.1" insert ", subsection 2 of section 12.1-20-12.2, and subsection 4 of section 12.1-27.2-01"

Page 1, line 2, after "minors" insert ", surreptitious intrusion, and sexual performances by children"

Page 1, line 11, remove "or"

Page 1, line 12, remove "or by"

Page 1, replace lines 13 through 15 with "; or

- d. Exposes one's penis, vulva, or anus by any electronic means to a minor."

Page 1, after line 24, insert:

- "5. As used in this section, "electronic means" includes images and picture transmitted via electronic mail, electronic messaging, or from an electronic communications device.

**SECTION 2. AMENDMENT. Subsection 2 of section 12.1-20-12.2 of the North Dakota Century Code is amended and reenacted as follows:**

2. A person is guilty of a class C felony if the person violates subsection 1 after a previous conviction for violating subsection 1, after a previous conviction for violating section 12.1-20-12.1, ~~or~~ after being required to register under section 12.1-32-15, or if the victim is a minor.

**SECTION 3. AMENDMENT. Subsection 4 of section 12.1-27.2-01 of the North Dakota Century Code is amended and reenacted as follows:**

4. "~~Sexual conduct" means actual or simulated sexual intercourse, sodomy, sexual bestiality, masturbation, sadomasochistic abuse, or lewd exhibition of the buttocks, breasts, or genitals, including the further definitions of sodomy and sadomasochistic abuse under section 12.1-27.1-01.;~~
- a. Sexual intercourse;
- b. Sodomy, as defined under section 12.1-27.1-01;
- c. Sexual bestiality;
- d. Masturbation;
- e. Sadomasochistic abuse, as defined under section 12.1-27.1-01;
- f. Lewd exhibition of the buttocks, breasts, or genitals;
- g. Nude or partially denuded human figure, as defined in section 12.1-27.1-03.1, if depicted for the purpose of the sexual stimulation or the sexual gratification of any individual who many view such depiction; or
- h. Physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or breasts. It is not necessary that the minor know that he or she is participating in the described conduct, or any aspect of it."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1204**

Page 1, line 19, remove "who has completed the hunter education course and"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1204**

In addition to the amendments adopted by the Senate as printed on page 799 of the Senate Journal, Engrossed House Bill No. 1204 is further amended as follows:

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

Page 1, line 2, remove ", and section 20.1-04-05"

Page 1, line 3, after "hunting" insert a semicolon

Page 1, line 3, after "and" insert "to repeal section 20.1-04-05 of the North Dakota Century Code, relating to"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 through 4 with:

**"SECTION 3. REPEAL.** Section 20.1-04-05 of the North Dakota Century Code is repealed."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1222**

Page 1, line 7, after "1." insert "For purposes of this section:"

a. "Second or subsequent violation of a protection order" means two or more violations of protection orders.

b."

Page 1, line 20, replace "a." with "5."

Page 1, line 22, replace "(1)" with "a."

Page 1, line 23, replace "(2)" with "b."

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

Page 2, remove lines 2 through 4

Page 2, line 5, replace "5." with "6."

Page 2, line 10, replace "subsection" with "subsections"

Page 2, line 10, after "4" insert "and 5."

Page 2, line 18, replace "6." with "7."

Page 2, line 22, replace "7." with "8."

Page 2, line 26, remove "by imprisonment of up to one year or a fine of up to three thousand"

Page 2, line 27, remove "dollars or both"

Page 3, line 1, replace "8." with "9."



Page 3, line 1, replace "subsection" with "subsections"

Page 3, line 1, after "4" insert "and 5."

Page 3, line 1, replace "5" with "subsection 6"

Page 3, line 2, after "misdemeanor" insert "and also constitutes contempt of court. A second or subsequent violation of a protection order is a class C felony"

Page 3, line 2, after "3" insert an underscored comma

Page 3, line 3, after "or" insert "subsections"

Page 3, line 3, after "4" insert "and 5"

Page 3, line 6, replace "9." with "10."

Page 3, line 12, replace "10." with "11."

Page 3, line 15, replace "11." with "12."

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1235

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

Page 1, line 1, after the first "5" insert ", and 6"

Page 1, line 20, remove "Workforce safety and insurance records pursuant to a release signed by an"

Page 1, remove lines 21 through 24

Page 2, line 1, remove "(7)"

Page 2, line 2, replace "(8)" with "(7)"

Page 2, line 4, replace "(9)" with "(8)"

Page 2, line 5, replace "(10)" with "(9)"

Page 2, line 6, replace "(11)" with "(10)"

Page 2, replace lines 19 through 23 with:

**SECTION 2.** Subsection 5 to section 54-61-02 of the North Dakota Century Code is created and enacted as follows:

5. If a government agency or private entity denies the commission access to records under subsection 4, the denial must include a statement of the legal authority for the denial.

**SECTION 3.** Subsection 6 to section 54-61-02 of the North Dakota Century Code is created and enacted as follows:

6. In determining eligibility for public defender services the commission may obtain access to workforce safety and insurance records pursuant to section 65-05-32.

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1236

Page 1, line 1, replace "sections 29-04-02.1 and" with "section"

Page 1, line 2, replace "of gross sexual imposition and" with "for"

Page 1, remove lines 5 through 13

Page 1, line 23, remove the overstrike over "f,"

Page 1, line 23, remove "There is no limitation of the time within which a prosecution must be commenced if."

Page 2, line 1, remove the overstrike over "eclusively"

Page 2, remove the overstrike over lines 2 and 3

Page 2, line 4, remove the overstrike over "deoxyribonucleic acid testing"

Renumber accordingly

#### **SENATE AMENDMENTS TO HOUSE BILL NO. 1415**

Page 1, line 1, replace the second "subsection" with "subsections 1 and"

Page 1, after line 13, insert:

**"SECTION 2. AMENDMENT.** Subsection 1 of section 53-06.1-01.1 of the North Dakota Century Code is amended and reenacted as follows:

1. The state gaming commission consists of the chairman and four other members appointed by the governor, with the consent of the senate. The members serve three-year terms and until a successor is appointed and qualified. If the senate is not in session when the term of a member expires, the governor may make an interim appointment, and the interim appointee holds office until the senate confirms or rejects the appointment. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term. The terms of the commissioners must be staggered so ~~that one term expires~~ no more than two terms expire each July first."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1365, HB 1395.

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1365**

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 25-03.1, a new subsection to section 30.1-28-04, and a new subsection to section 30.1-28-12 of the North Dakota Century Code, relating to powers, duties, and authority of a guardian regarding medical decisions; and to declare an emergency.

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

**SECTION 1.** A new section to chapter 25-03.1 of the North Dakota Century Code is created and enacted as follows:

#### **Guardian Consent to involuntary treatment with prescribed medication.**

Notwithstanding sections 25-03.1-16, 25-03.1-18.1, and 25-03.1-24, if a patient refuses treatment with prescribed medication, a treating physician, physician assistant, psychiatrist, or advanced practice registered nurse may treat the patient with prescribed medication upon consent of the patient's guardian pursuant to section 3 of this Act.

1. The guardian's consent for involuntary treatment with prescribed medication may not be in effect for more than ninety days without receiving another recommendation and determination pursuant to section 3 of this Act.
2. The patient has the right to be free of the effects of medication at the preliminary or treatment hearing by discontinuance of medication no later than twenty-four hours before the hearing unless, in the opinion of the prescriber, the need for the medication still exists or discontinuation would hamper the patient's preparation for and participation in the proceedings.

**SECTION 2.** A new subsection to section 30.1-28-04 of the North Dakota Century Code is created and enacted as follows:

A grant of general authority to make medical decisions includes the authority to consent to involuntary treatment with prescribed medications. Except upon specific findings of the court, a grant of limited authority does not include authority to consent to involuntary treatment with prescribed medications.

**SECTION 3.** A new subsection to section 30.1-28-12 of the North Dakota Century Code is created and enacted as follows:

A guardian with authority to consent to involuntary treatment with prescribed medications may not provide consent without receiving a recommendation and determination from the ward's treating physician, physician assistant, psychiatrist, or advanced practice registered nurse that:

- a. The proposed prescribed medication is clinically appropriate and necessary to effectively treat the ward and that the ward requires treatment;
- b. The ward was offered that treatment and refused it or that the ward lacks the capacity to make or communicate a responsible decisions about that treatment;
- c. Prescribed medication is the least restrictive form of intervention necessary to meet the treatment needs of the ward; and
- d. The benefits of the treatment outweigh the known risks to the ward.

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

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1395**

Page 2, line 12, after the second "officers" insert ", maintains the standards for qualifications in firearms training for active law enforcement officers as determined by the former agency of the individual in the state in which the individual resides, or maintains the standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers in the state in which the individual resides"

Page 2, line 26, after the second "officers" insert ", maintains the standards for qualifications in firearms training for active law enforcement officers as determined by the former agency of the individual in the state in which the individual resides, or maintains the standards used by a certified firearms instructor qualified to conduct a firearms qualification test for active duty officers in the state in which the individual resides"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1056.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2094, SB 2110, SB 2152, SB 2168, SB 2212, SB 2230, SB 2308, and SB 2334.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1273, HB 1322.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2098, SB 2115, SB 2117, SB 2125, SB 2176, SB 2199, SB 2249, SB 2269, SB 2288, SB 2290, SB 2325, SB 2326.

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

**MR. SPEAKER:** The President has signed: HB 1273, HB 1322.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2098, SB 2115, SB 2117, SB 2125, SB 2176, SB 2199, SB 2249, SB 2269, SB 2288, SB 2290, SB 2325, SB 2326.

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

**MR. SPEAKER:** The President has signed: SB 2098, SB 2115, SB 2117, SB 2125, SB 2176, SB 2199, SB 2249, SB 2269, SB 2288, SB 2290, SB 2325, SB 2326.

**MOTION**

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

**MOTION**

**REP. VIGESAA MOVED** that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:15 p.m., Monday, March 27, 2017, which motion prevailed on a voice vote.

**REPORT OF STANDING COMMITTEE**

**SB 2026: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2026 was placed on the Sixth order on the calendar.

Page 45, line 24, replace "Present" with "Provide"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2027, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "to amend and reenact subsection 19 of section 19-02.1-01 and sections 23-01-01.1 and 23-01-25 of the North Dakota Century Code, relating to the definition of a pesticide chemical and the state department of health; to repeal chapters 19-18, 19-20.1, 19-20.2, and 19-20.3 of the North Dakota Century Code, relating to pesticides, fertilizers and soil conditioners, anhydrous ammonia facilities, and anhydrous ammonia risk management;"

Page 62, after line 16, insert:

**"SECTION 10. AMENDMENT.** Subsection 19 of section 19-02.1-01 of the

North Dakota Century Code is amended and reenacted as follows:

19. "Pesticide chemical" means any substance which, alone, in chemical combination, or in formulation with one or more other substances is a pesticide within the meaning of chapter ~~19-184.1-34~~, and which is used in the production, storage, or transportation of raw agricultural commodities.

**SECTION 11. AMENDMENT.** Section 23-01-01.1 of the North Dakota Century Code is amended and reenacted as follows:

**23-01-01.1. State department of health to replace state department of health and consolidated laboratories.**

Wherever the terms "North Dakota state department of health", "department of health", "health department", "state department of health and consolidated laboratories", "North Dakota state laboratories department", "state laboratories department", "state laboratories department director", or "state laboratories director" appear in this code, the term "state department of health" must be substituted therefor.

~~Wherever the terms "state food commissioner and chemist" and "commissioner" when referring to the state food commissioner and chemist appear in chapters 19-17 and 19-18, the term "state department of health" must be substituted therefor.~~

**SECTION 12. AMENDMENT.** Section 23-01-25 of the North Dakota Century Code is amended and reenacted as follows:

**23-01-25. Commercial feed, insecticide, fungicide, rodenticide, fertilizer, and soil conditioner laws - Laboratory function.**

Notwithstanding any other provision of law, any laboratory test or analysis required under chapter 4.1-34, 4.1-40, or 19-13.1, ~~19-18, or 19-20.1~~ must be performed by the state department of health for the agriculture commissioner at no charge.

**SECTION 13. REPEAL.** Chapters 19-18, 19-20.1, 19-20.2, and 19-20.3 of the North Dakota Century Code are repealed."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2047, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).** Engrossed SB 2047 was placed on the Sixth order on the calendar.

Page 1, line 16, after "is" insert "an easement for"

Page 1, line 18, overstrike "appropriated" and insert immediately thereafter "made available"

Page 1, line 21, after the second "the" insert "easement for the"

Page 1, line 22, replace "Sending" with "Conducting informal negotiations for not less than sixty days."

- (b) If informal negotiations fail, the district shall engage in formal negotiations by:

[1] Sending"

Page 2, line 3, replace "(b)" with "[2]"

Page 2, line 8, replace "(c)" with "[3]"

Page 2, line 10, remove "in thirty days"

Page 2, line 17, after "(3)" insert "A district may not include or utilize any reference to quick take eminent domain during negotiations to acquire the necessary easement for a right of way."

Page 2, line 17, after "If" insert "formal"

Page 2, line 21, replace "sufficient" with "thirty days"

Page 2, line 22, after the underscored period insert "After receiving verification from the district that there has been no reference or threat of quick take eminent domain by the district during negotiations, the commissioners shall vote on whether to approve the taking of the easement for a right of way using quick take eminent domain."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2134, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2134 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 chapter 61-33.1 of the North Dakota Century Code, relating to the ownership of mineral rights of land inundated by Pick-Sloan Missouri basin project dams; to provide an appropriation; to provide for retroactive application; and to declare an emergency.

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

**SECTION 1.** Chapter 61-33.1 of the North Dakota Century Code is created and enacted as follows:

##### **61-33.1-01. Definitions.**

For purposes of this chapter, unless the context otherwise requires:

1. "Corps survey" means the last known survey conducted by the army corps of engineers in connection with the corps' determination of the amount of land acquired by the corps for the impoundment of Lake Sakakawea and Lake Oahe, as supplemented by the supplemental plats created by the branch of cadastral survey of the United States bureau of land management.
2. "Historical Missouri riverbed channel" means the Missouri riverbed channel as it existed upon the closure of the Pick-Sloan Missouri basin project dams, and extends from the Garrison Dam to the southern border of sections thirty-three and thirty-four, township one hundred fifty-three north, range one hundred two west, which is the approximate location of river mile marker one thousand five hundred sixty-five, and from the South Dakota border to river mile marker one thousand three hundred three.
3. "Segment" means the individual segment maps contained within the corps survey final project maps for the Pick-Sloan project dams.
4. "State phase two survey" means the "Ordinary High Water Mark Survey Task Order #2 Final Technical Report" commissioned by the board of university and school lands.

##### **61-33.1-02. Mineral ownership of land inundated by Pick-Sloan Missouri basin project dams.**

The state sovereign land mineral ownership of the riverbed segments inundated by Pick-Sloan Missouri basin project dams extends only to the historical

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

**61-33.1-03. Determination of the ordinary high-water mark of the historical Missouri riverbed channel.**

1. The corps survey must be considered the presumptive determination of the ordinary high-water mark of the historical Missouri riverbed channel, subject only to the review process under this section and judicial review as provided in this chapter.
2. Upon the effective date of this Act, the department of mineral resources shall commence procurement to select a qualified engineering and surveying firm to conduct a review of the corps survey under this section. The review must be limited to the corps survey segments from the northern boundary of the Fort Berthold Indian reservation to the southern border of sections thirty-three and thirty-four, township one hundred fifty-three north, range one hundred two west. Within ninety days of the first date of publication of the invitation, the department shall select and approve a firm for the review. The department may not select or approve a firm that has a conflict of interest in the outcome of the review, including any firm that has participated in a survey of the Missouri riverbed for the state or a state agency, or participated as a party or expert witness in any litigation regarding an assertion by the state of mineral ownership of the Missouri riverbed.
3. The selected and approved firm shall review the delineation of the ordinary high-water mark of the corps survey segments. The review must determine whether clear and convincing evidence establishes that a portion of the corps survey does not reasonably reflect the ordinary high-water mark of the historical Missouri riverbed channel under state law. The following parameters, historical data, materials, and applicable state laws must be considered in the review:
  - a. Aerial photography of the historical Missouri riverbed channel existing before the closure date of the Pick-Sloan project dams;
  - b. The historical records of the army corps of engineers pertaining to the corps survey;
  - c. Army corps of engineers and United States geological survey elevation and Missouri River flow data;
  - d. State case law regarding the identification of the point at which the presence of action of the water is so continuous as to destroy the value of the land for agricultural purposes, including hay lands. Land where the high and continuous presence of water has destroyed its value for agricultural purposes, including hay land, generally must be considered within the ordinary high-water mark. The value for agricultural purposes is destroyed at the level where significant, major, and substantial terrestrial vegetation ends or ceases to grow. Lands having agricultural value capable of growing crops or hay, but not merely intermittent grazing or location of cattle, generally must be considered above the ordinary high-water mark; and
  - e. Subsection 3 of section 61-33-01 and section 47-06-05, which provide all accretions are presumed to be above the ordinary high-water mark and are not sovereign lands. Accreted lands may be

determined to be within the ordinary high-water mark of the historical Missouri riverbed channel based on clear and convincing evidence. Areas of low-lying and flat lands where the ordinary high-water mark may be impracticable to determine due to inconclusive aerial photography or inconclusive vegetation analysis must be presumed to be above the ordinary high-water mark and owned by the riparian landowner.

4. The firm shall complete the review within six months of entering a contract with the department of mineral resources. The department may extend the time required to complete the review if the department deems an extension necessary.
5. Upon completion of the review, the firm shall provide its findings to the department. The findings must address each segment of the corps survey the firm reviewed and must include a recommendation to either maintain or adjust, modify, or correct the corps survey as the delineation of the ordinary high-water mark for each segment. The firm may recommend an adjustment, modification, or correction to a segment of the corps survey only if clear and convincing evidence establishes the corps survey for that segment does not reasonably reflect the ordinary high-water mark of the historical Missouri riverbed channel under state law.
6. The department shall publish notice of the review findings and a public hearing to be held on the findings. The public must have sixty days after publication of the notice to submit comments to the department. At the end of the sixty days, the department shall hold the public hearing on the review.
7. After the public hearing, the department, in consultation with the firm, shall consider all public comments, develop a final recommendation on each of the review findings, and deliver the final recommendations to the industrial commission, which may adopt or modify the recommendations. The industrial commission may modify a recommendation from the department only if it finds clear and convincing evidence from the resources in subsection 3 that the recommendation is substantially inaccurate. The industrial commission's action on each finding will determine the delineation of the ordinary high-water mark for the segment of the river addressed by the finding.

#### **61-33.1-04. Implementation.**

1. Within six months after the adoption of the final review findings by the industrial commission:
  - a. Any royalty proceeds held by operators attributable to oil and gas mineral tracts lying entirely above the ordinary high-water mark of the historical Missouri riverbed channel on both the corps survey and the state phase two survey must be released to the owners of the tracts, absent a showing of other defects affecting mineral title; and
  - b. Any royalty proceeds held by the board of university and school lands attributable to oil and gas mineral tracts lying entirely above the ordinary high-water mark of the historical Missouri riverbed channel on both the corps survey and the state phase two survey must be released to the relevant operators to distribute to the owners of the tracts, absent a showing of other defects affecting mineral title.
2. Upon adoption of the final review findings by the industrial commission:
  - a. The board of university and school lands shall begin to implement any acreage adjustments, lease bonus and royalty refunds, and payment demands as may be necessary relating to state-issued oil and gas leases. The board shall complete the adjustments, refunds,



and payment demands within two years after the date of adoption of the final review findings.

- b. Operators of oil and gas wells affected by the final review findings immediately shall begin to implement any acreage and revenue adjustments relating to state-owned and privately owned oil and gas interests. The operators shall complete the adjustments within two years after the date of adoption of the review findings. Any applicable penalties, liability, or interest for late payment of royalties or revenues from an affected oil or gas well may not begin to accrue until the end of the two-year deadline. The filing of an action under section 61-33.1-05 tolls the deadline for any oil and gas well directly affected by the action challenging the review finding.

#### **61-33.1-05. Actions challenging review findings.**

An interested party seeking to bring an action challenging the review findings or recommendations or the industrial commission actions under this chapter shall commence an action in district court within two years of the date of adoption of the final review findings by the industrial commission. The plaintiff bringing an action under this section may challenge only the final review finding for the section or sections of land in which the plaintiff asserts an interest. The state and all owners of record of fee or leasehold estates or interests affected by the finding, recommendation, or industrial commission action challenged in the action under this section must be joined as parties to the action. A plaintiff or defendant claiming a boundary of the ordinary high-water mark of the historical Missouri riverbed channel which varies from the boundary determined under this chapter bears the burden of establishing the variance by clear and convincing evidence based on evidence of the type required to be considered by the engineering and surveying firm under subsection 3 of section 61-33.1-03. Notwithstanding any other provision of law, an action brought in district court under this section is the sole remedy for challenging the final review, recommendations, and determination of the ordinary high-water mark under this chapter, and preempts any right to rehearing, reconsideration, administrative appeal, or other form of civil action provided under law.

#### **61-33.1-06. Public domain lands.**

Notwithstanding any provision of this chapter to the contrary, the ordinary high-water mark of the historical Missouri riverbed channel abutting nonpatented public domain lands owned by the United States must be determined by the branch of cadastral study of the United States bureau of land management in accordance with federal law.

#### **61-33.1-07. State engineer regulatory jurisdiction.**

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

**SECTION 2. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND.** There is appropriated out of any moneys in the strategic investment and improvements fund in the state treasury, not otherwise appropriated, the sum of \$800,000, or so much of the sum as may be necessary, to the department of mineral resources for the purpose of contracting with a qualified engineering and surveying firm to conduct a limited review of the corps survey under this Act, for the biennium beginning July 1, 2017, and ending June 30, 2019.

**SECTION 3. RETROACTIVE APPLICATION.** Section 1 of this Act is retroactive to the date of closure of the Pick-Sloan Missouri basin project dams. The ordinary high-water mark determination under this Act is retroactive and applies to all oil and gas wells spud after January 1, 2006, for purposes of oil and gas mineral and royalty ownership.

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2166, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2166 was placed on the Sixth order on the calendar.

Page 1, line 1, after "40-05" insert ", a new subsection to section 40-58-20, and a new subsection to section 40-63-03"

Page 1, line 2, after "city" insert "and a prohibition on property receiving benefits from both a renaissance zone and a tax increment financing district"

Page 2, after line 20, insert:

**"SECTION 3.** A new subsection to section 40-58-20 of the North Dakota Century Code is created and enacted as follows:

A lot or parcel of property may not be approved for inclusion in a development or renewal plan after July 31, 2017, for tax increment financing purposes if that lot or parcel of property has been approved for inclusion in a renaissance zone under chapter 40-63."

Page 4, after line 9, insert:

**"SECTION 6.** A new subsection to section 40-63-03 of the North Dakota Century Code is created and enacted as follows:

The department of commerce division of community services may not designate a renaissance zone after July 31, 2017, which includes a lot or parcel of property that has been approved for inclusion in a development or renewal plan for tax increment financing purposes under section 40-58-20."

Page 5, line 30, replace "4" with "6"

Page 5, line 31, replace "December" with "July"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2186, as engrossed: Education Committee (Rep. Owens, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2186 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

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

Page 1, line 8, remove the overstrike over "~~The superintendent of public instruction may not waive any statute, in whole or in part,~~"

Page 1, remove the overstrike over line 9

Page 1, line 10, remove the overstrike over "2:"

Page 1, line 11, overstrike "section 15.1-21-03" and insert immediately thereafter "chapters 15-20.1, 15.1-06, 15.1-18, 15.1-20, 15.1-21, 15.1-22, 15.1-25, 15.1-32, and 15.1-38"

Page 1, line 11, after "provided" insert "or any associated rules."

Page 1, line 12, overstrike "Encourages innovation; and" and insert immediately thereafter "Improves the delivery of education;"

Page 1, line 13, overstrike "Has the potential to result in improved educational opportunities or enhanced"

Page 1, line 14, overstrike "academic opportunities for the students" and insert immediately thereafter "Improves the administration of education;

c. Provides increased educational opportunities for students; or

d. Improves the academic success of students"

Page 1, line 15, remove the overstrike over "3."

Page 1, line 15, remove "2."

Page 1, line 19, remove the overstrike over "4."

Page 1, line 19, remove "3."

Page 1, line 21, overstrike "council" and insert immediately thereafter "management"

Page 2, line 1, overstrike "council" and insert immediately thereafter "management"

Page 2, line 4, remove the overstrike over "5."

Page 2, line 4, remove "4."

Page 2, line 14, remove "local"

Page 2, line 15, after "must" insert "include evaluation criteria and"

Page 3, remove lines 3 through 5

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

Page 3, line 6, remove "or authorization"

Page 3, line 7, remove "this"

Page 3, line 7, after "section" insert "15.1-06-08.1"

Page 3, line 10, replace "8." with "7."

Page 3, line 13, replace "9." with "8."

Page 3, line 13, replace "periodic" with "annual"

Page 3, line 14, after "program" insert: ", including:

a. The status of the implementation plan;

b. A summary of any waived statutes or rules; and

c. A review of evaluation data results"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2245, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2245 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study to examine the desirability and feasibility of creating a state wetlands bank.

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

**SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATE WETLANDS BANK.** During the 2017-18 interim, the legislative management shall consider studying the desirability and feasibility of creating a state wetlands bank. The study must include consultation with stakeholders to examine land parcels under the control and management of the state which are suitable for wetlands mitigation. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2286, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2286 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first "section" with "sections 49-22-03 and"

Page 1, line 3, after "siting" insert "; and to provide for a legislative management study regarding the consideration of local zoning ordinances and zoning provisions during the application and public hearing process."

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 49-22-03 of the North Dakota Century Code is amended and reenacted as follows:

**49-22-03. Definitions.**

In this chapter, unless the context or subject matter otherwise requires:

1. "Certificate" means the certificate of site compatibility or the certificate of corridor compatibility issued under this chapter.
2. "Commission" means the North Dakota public service commission.
3. "Construction" includes any clearing of land, excavation, or other action that would affect the environment of the site after April 9, 1975, but does not include activities:
  - a. Conducted wholly within the geographic location for which a utility has previously obtained a certificate or permit under this chapter, or on which a facility was constructed before April 9, 1975, if:
    - (1) The activities are for the construction of the same type of facility as the existing type of facility as identified in a subdivision of subsections 5 or 12 of this section and the activities are:
      - (a) Within the geographic boundaries of a previously issued certificate or permit;
      - (b) For an energy conversion facility constructed before April 9, 1975, within the geographic location on which the facility was built; or

- (c) For a transmission facility constructed before April 9, 1975, within a width of three hundred fifty feet [106.68 meters] on either side of the centerline;
- (2) Except as provided in subdivision b, the activities do not affect any known exclusion or avoidance area;
- (3) The activities are for the construction:
  - (a) Of a new energy conversion facility;
  - (b) Of a new gas, liquid, or electric transmission facility;
  - (c) To improve the existing energy conversion facility or gas, liquid, or electric transmission facility; or
  - (d) To increase or decrease the capacity of the existing energy conversion facility or gas, liquid, or electric transmission facility; and
- (4) Before conducting any activities, the utility certifies in writing to the commission that:
  - (a) The activities will not affect any known exclusion or avoidance area;
  - (b) The activities are for the construction:
    - [1] Of a new energy conversion facility;
    - [2] Of a new gas, liquid, or electric transmission facility;
    - [3] To improve the existing energy conversion or gas, liquid, or electric transmission facility; or
    - [4] To increase or decrease the capacity of the existing energy conversion facility or gas, liquid, or electric transmission facility; and
  - (c) The utility will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility.
- b. Otherwise qualifying for exclusion under subdivision a, except that the activities are expected to affect a known avoidance area and the utility before conducting any activities:
  - (1) Certifies in writing to the commission that:
    - (a) The activities will not affect any known exclusion area;
    - (b) The activities are for the construction:
      - [1] Of a new energy conversion facility;
      - [2] Of a new gas, liquid, or electric transmission facility;
      - [3] To improve the existing energy conversion facility or gas, liquid, or electric transmission facility; or
      - [4] To increase or decrease the capacity of the existing energy conversion facility or gas, liquid, or electric transmission facility; and

- (c) The utility will comply with all applicable conditions and protections in siting laws and rules and commission orders previously issued for any part of the facility;
  - (2) Notifies the commission in writing that the activities are expected to impact an avoidance area and provides information on the specific avoidance area expected to be impacted and the reasons why impact cannot be avoided; and
  - (3) Receives the commission's written approval for the impact to the avoidance area, based on a determination that there is no reasonable alternative to the expected impact. If the commission does not approve impacting the avoidance area, the utility must obtain siting authority under this chapter for the affected portion of the site or route. If the commission fails to act on the notification required by this subdivision within thirty days of the utility's filing the notification, the impact to the avoidance area is deemed approved.
- c. Incident to preliminary engineering or environmental studies.
- 4. "Corridor" means the area of land in which a designated route may be established for a transmission facility.
- 5. "Energy conversion facility" means any plant, addition, or combination of plant and addition, designed for or capable of:
  - a. Generation by wind energy conversion exceeding one-half megawatt of electricity;
  - b. Generation by any means other than wind energy conversion exceeding fifty megawatts of electricity;
  - c. Manufacture or refinement of one hundred million cubic feet [2831684.66 cubic meters] or more of gas per day, regardless of the end use of the gas;
  - d. Manufacture or refinement of fifty thousand barrels [7949.36 cubic meters] or more of liquid hydrocarbon products per day; or
  - e. Enrichment of uranium minerals.
- 6. "Facility" means an energy conversion facility, transmission facility, or both.
- 7. "Permit" means the permit for the construction of a transmission facility within a designated corridor issued under this chapter.
- 8. "Person" includes any individual, firm, association, partnership, cooperative, corporation, limited liability company, or any department, agency, or instrumentality of a state or of the federal government, or any subdivision thereof.
- 9. "Power emergency" means an electric transmission line and associated facilities that have been damaged or destroyed by natural or manmade causes resulting in a loss of power supply to consumers of the power.
- 10. "Road use agreement" means permits required for extraordinary road use, road access points, approach or road crossings, public right-of-way setbacks, building rules, physical addressing, dust control measures, or road maintenance and any repair mitigation plans.
- 11. "Route" means the location of a transmission facility within a designated corridor.

- 41-12. "Site" means the location of an energy conversion facility.
- 42-13. "Transmission facility" means any of the following:
- a. An electric transmission line and associated facilities with a design in excess of one hundred fifteen kilovolts. "Transmission facility" does not include:
    - (1) A temporary transmission line loop that is:
      - (a) Connected and adjacent to an existing transmission facility that was sited under this chapter;
      - (b) Within the corridor of the sited facility and does not cross known exclusion or avoidance areas; and
      - (c) In place for less than one year; or
    - (2) A transmission line that is less than one mile [1.61 kilometers] long.
  - b. A gas or liquid transmission line and associated facilities designed for or capable of transporting coal, gas, liquid hydrocarbons, liquid hydrocarbon products, or carbon dioxide. This subdivision does not apply to:
    - (1) An oil or gas pipeline gathering system;
    - (2) A pipeline with an outside diameter of four and one-half inches [11.43 centimeters] or less that will not be trenched and will be plowed in with a power mechanism having a vertical knife or horizontally directionally drilled, and its associated facilities; or
    - (3) A pipeline that is less than one mile [1.61 kilometers] long.

For purposes of this chapter, a gathering system includes the pipelines and associated facilities used to collect oil from the lease site to the first pipeline storage site where pressure is increased for further transport, or pipelines and associated facilities used to collect gas from the well to the gas processing facility at which end-use consumer-quality gas is produced, with or without the addition of odorant.
  - c. A liquid transmission line and associated facilities designed for or capable of transporting water from or to an energy conversion facility.
- 43-14. "Utility" means any person engaged in and controlling the generation, manufacture, refinement, or transmission of electric energy, gas, liquid hydrocarbons, or liquid hydrocarbon products, including electric power generation or transmission, coal gasification, coal liquefaction, petroleum refinement, uranium enrichment, and the transmission of coal, gas, liquid hydrocarbons, or liquid hydrocarbon products, or the transmission of water from or to any energy conversion facility."

Page 1, line 7, after "**agencies**" insert "**and political subdivisions**"

Page 1, line 8, remove the overstrike over "~~may, and is encouraged to,~~"

Page 1, line 8, remove "shall"

Page 1, line 10, remove ", a directly impacted political subdivision,"

Page 1, line 12, after the period insert "The commission shall cooperate and exchange technical information with directly impacted political subdivisions as outlined in subsection 2 of 49-22-16."

Page 1, line 15, after "2." insert "a."

Page 1, line 18, overstrike "A" and insert immediately thereafter:

"b. Except as provided in this section, a"

Page 1, line 19, remove "must"

Page 1, line 19, overstrike "supersede" and insert immediately thereafter "supersedes"

Page 1, line 19, overstrike "pre-"

Page 1, line 20, overstrike "empt" and insert immediately thereafter "preempts"

Page 1, line 22, after the underscored period insert:

"c."

Page 1, line 23, remove "approach or road crossing"

Page 1, line 24, replace "permits, public right-of-way setbacks, building rules, or physical addressing" with "road use agreements"

Page 1, line 24, after "the" insert "impacted"

Page 2, line 1, replace "The commission may waive" with "A permit may supersede and preempt"

Page 2, line 5, replace "administrative law" with "laws or rules"

Page 2, line 7, replace "The" with:

"d. When an application for a certificate for a gas or liquid transmission facility is filed, the"

Page 2, line 7, remove "provide notice to all the"

Page 2, remove line 8

Page 2, line 9, replace "under this section" with "notify the townships with retained zoning authority, cities, and counties in which any part of the proposed corridor is located. The commission may not schedule a public hearing sooner than forty-five days from the date notification is sent by mail or electronic mail"

Page 2, line 9, replace "notice" with "notification"

Page 2, line 10, replace "authorized" with "identified"

Page 2, line 10, replace "section" with "subsection"

Page 2, line 10, remove "If the political"

Page 2, line 11, replace "subdivision does not submit the" with "The"

Page 2, line 11, after "requirements" insert "must be filed"

Page 2, line 11, remove "commission"

Page 2, line 12, replace "hearing, all requirements are waived" with "hearing or the requirements are superseded and preempted"



Page 2, line 12, after the underscored period insert:

- "e. An applicant shall comply with all local requirements provided to the commission pursuant to subdivision d, which are not otherwise superseded by the commission.

**SECTION 4. LEGISLATIVE MANAGEMENT STUDY - COOPERATION BETWEEN THE PUBLIC SERVICE COMMISSION AND POLITICAL SUBDIVISIONS.**

During the 2017-18 interim, the legislative management shall study cooperation and communication between the public service commission and political subdivisions in regard to ensuring local ordinances and zoning provisions are considered and addressed as part of the application and public hearing process. The study must include examination of the impacts on relationships between landowners and the oil and gas industry; impacts on the efficiency of the siting process, including timelines associated with notification and permitting; impacts on the public input process; and impacts on compliance with, and enforcement of, political subdivision zoning ordinances. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2293: Human Services Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2293 was placed on the Sixth order on the calendar.

Page 1, line 13, after "supervisor" insert "for licensure"

Page 1, line 18, remove "Approved supervisor" means an approved clinical supervisor or licensed social"

Page 1, remove line 19

Page 1, line 20, remove "5."

Page 1, line 22, replace "6." with "5."

Page 2, remove lines 11 and 12

Page 2, line 13, replace "8." with "6."

Page 2, line 17, replace "9." with "7."

Page 2, line 19, replace "10." with "8."

Page 2, line 19, after "supervision" insert "for licensure"

Page 2, line 21, after "work" insert "in preparation for the social worker's licensure as a clinical social worker in accordance with the requirements adopted by the board"

Page 2, line 21, remove "continued"

Page 2, line 24, replace "11." with "9."

Page 2, line 26, replace "12." with "10."

Page 2, line 28, replace "13." with "11."

Page 3, line 1, replace "14." with "12."

Page 3, line 1, replace "Conviction" with "Convicted"

Page 3, line 5, replace "15." with "13."

Page 3, line 8, replace "16." with "14."

Page 3, line 14, replace "17." with "15."

Page 3, line 16, replace "18." with "16."

Page 3, line 18, replace "19." with "17."

Page 3, line 28, replace "20." with "18."

Page 3, line 29, replace "21." with "19."

Page 4, line 1, replace "22." with "20."

Page 4, line 15, replace "23." with "21."

Page 4, line 17, replace "24." with "22."

Page 4, replace lines 23 through 27 with:

"23. "Social work case management" means a method to plan, provide, evaluate, and monitor services by a licensed social worker from a variety of resources on behalf of and in collaboration with a client."

Page 5, line 7, after "licensed" insert "baccalaureate"

Page 5, line 8, overstrike "certified" and insert immediately thereafter "master's"

Page 8, line 5, remove the overstrike over "~~satisfied the board that within a four-year period the applicant has~~"

Page 8, line 6, remove the overstrike over "~~successfully completed three thousand hours of~~" and insert immediately thereafter "supervised"

Page 8, line 6, remove the overstrike over "~~post-master's clinical social work~~"

Page 8, line 7, remove the overstrike over "~~experience~~" and insert immediately thereafter "The initial one thousand five hundred of the required hours must have been"

Page 8, line 7, remove the overstrike over "~~under the supervision of a~~"

Page 8, line 7, remove the overstrike over "~~clinical social worker~~"

Page 8, line 8, after "or" insert ". If the board determines a hardship exists due to geographical location, disability, or other factors, the applicant may complete the remaining hours under the supervision of other qualified mental health professionals approved by the board. The qualified professional must be registered or otherwise qualified as a clinical supervisor by the board that licenses the other professional. However"

Page 8, line 8, remove the overstrike over "~~, if an applicant began~~"

Page 8, line 8, remove the overstrike over "~~supervised~~" and insert immediately thereafter "post-master's"

Page 8, line 8, remove the overstrike over "~~clinical social work experience before~~"

Page 8, line 9, remove the overstrike over "~~August 1, 2009, a~~"

Page 8, line 9, after "certified" insert "master's"

Page 8, line 9, remove the overstrike over "~~social worker who has two years of~~"

Page 8, remove the overstrike over line 10

Page 8, line 11, remove the overstrike over "psychiatrist"

Page 8, line 11, remove "completed supervised practice approved by the board or"

Page 8, line 12, replace "demonstrated" with "may have supervised the required hours. The applicant may demonstrate"

Page 9, line 7, after the underscored period insert "The board may determine an applicant for licensure under this section possesses qualifications or experience in the practice of social work which meet or exceed the minimum requirements for licensure of the board."

Page 11, line 16, replace "Shall" with "May"

Page 12, line 19, replace "Shall" with "May"

Page 12, line 30, after "practice" insert "for licensure"

Page 13, line 1, after "supervisors" insert "for licensure"

Page 13, line 2, after "programs" insert "for licensure"

Page 14, line 4, remove "improper or"

Page 14, line 4, after the second "or" insert "intentionally or with gross negligence"

Page 14, line 4, remove "related"

Page 14, line 4, after "laws" insert "related to fraud"

Page 16, line 10, after the first "licensed" insert "baccalaureate"

Page 16, line 10, after "certified" insert "master's"

Page 17, line 1, remove "by the board"

Page 17, line 2, after "work" insert "by holding themselves out as a social worker and practicing within the scope of practice of a licensed social worker"

Page 17, line 2, after "a" insert "civil"

Page 17, line 5, after the underscored period insert "The hearing must be held before the office of administrative hearings acting on behalf of the board under chapter 28-32. The administrative law judge shall make a final decision. The final decision may be appealed to the district court under chapter 28-32."

Page 17, line 13, after the sixth underscored comma insert "social work"

Page 17, line 25, after the fourth underscored comma insert "social work"

Page 17, line 28, after "Under" insert "the"

Page 17, line 28, replace "as provided in this chapter" with "of a clinical social worker"

Page 18, line 7, after the first underscored comma insert "social work"

Page 18, line 17, remove "baccalaureate social work, master's social work, or clinical"

Page 18, line 21, remove "baccalaureate social work, master's social work, or clinical"

Page 20, line 25, after the second "is" insert "an"

Page 20, line 26, after "exempt" insert "record as defined under section 44-04-17.1"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2307, as engrossed: Appropriations Committee (Rep. Delzer, Chairman)**  
recommends **DO PASS** (14 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING).  
Engrossed SB 2307 was placed on the Fourteenth order on the calendar.

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

**Buell J. Reich, Chief Clerk**