

JOURNAL OF THE HOUSE

Sixty-fifth Legislative Assembly

Bismarck, April 5, 2017

The House convened at 8:30 a.m., with Speaker Bellew presiding.

The prayer was offered by Rep. Kathy Hogan.

The roll was called and all members were present except Representatives Guggisberg, Kasper, Magrum, Marschall, and Seibel.

A quorum was declared by the Speaker.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Rep. Al Wieland

MOTION

REP. VIGESAA MOVED that SB 2206, which is on the Sixth order, be laid over one legislative day, which motion prevailed on a voice vote.

SIXTH ORDER OF BUSINESS

SPEAKER BELLEW DEEMED approval of the amendments to Engrossed SB 2018 and Engrossed SB 2119.

Engrossed SB 2018 and Engrossed SB 2119, as amended, were placed on the Fourteenth order of business on today's calendar.

MOTION

REP. JOHNSTON MOVED that the House reconsider its action whereby Engrossed SB 2221, as amended, failed to pass. .

REQUEST

REP. JOHNSTON REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed SB 2221, as amended, failed to pass, the roll was called and there were 44 YEAS, 45 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, P.; Beadle; Becker, Rick C.; Blum; Boe; Boehning; Brabandt; Brandenburg; Carlson; Grueneich; Headland; Heinert; Howe; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Kempenich; Kiefert; Koppelman, B.; Lefor; Longmuir; Louser; Maragos; Martinson; Mitskog; Nathe; Nelson, J.; Oliver; Olson; Owens; Porter; Pyle; Roers Jones; Ruby, M.; Schmidt; Schreiber-Beck; Simons; Steiner; Streyle; Toman; Vetter; Zubke

NAYS: Anderson, B.; Anderson, D.; Becker, Rich S.; Bosch; Boschee; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Guggisberg; Hanson; Hatlestad; Hogan; Holman; Johnson, C.; Karls; Keiser; Klemin; Koppelman, K.; Kreidt; Laning; McWilliams; Meier; Mock; Monson; Nelson, M.; O'Brien; Paur; Pollert; Rohr; Ruby, D.; Sanford; Schatz; Schneider; Schobinger; Skroch; Sukut; Trotter; Vigasaa; Weisz; Westlind; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Satrom; Seibel

The motion failed on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act to provide an appropriation for defraying the expenses of the

legislative branch of state government; to provide for applications, transfers, and cancellation of unexpended appropriations; to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the creation of a state revenue advisory committee; 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 84 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Becker, Rich S.; Becker, Rick C.; 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.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Beadle; Ertelt; Johnson, M.; Johnston; Nelson, M.; Skroch

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2001 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts.

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 60 YEAS, 30 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boe; Boehning; Bosch; Boschee; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Grueneich; Guggisberg; Hanson; Hatlestad; Heinert; Hogan; Holman; Johnson, D.; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Longmuir; Maragos; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Paur; Pollert; Porter; Pyle; Roers Jones; Sanford; Satrom; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Sukut; Vigesaa; Westlind; Zubke

NAYS: Becker, Rick C.; Blum; Brabandt; Ertelt; Headland; Howe; Johnson, C.; Johnson, M.; Johnston; Jones; Kading; Koppelman, B.; Lefor; Louser; McWilliams; Oliver; Olson; Owens; Rohr; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Streyle; Toman; Trottier; Vetter; Weisz; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2010, as amended, passed.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions; to provide for a study; and to provide for a report to the legislative management.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 8 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.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Streyle; Sukut; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Becker, Rick C.; Ertelt; Johnson, M.; Johnston; Koppelman, B.; Olson; Simons; Toman

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2008, as amended, passed.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of transportation; to amend and reenact sections 24-02-37 and 39-01-09 of the North Dakota Century Code, relating to state highway fund expenditures and parking meters; to provide for a transfer; to provide exemptions; to provide for studies; and to provide for reports.

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 52 YEAS, 38 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Becker, Rich S.; Blum; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Dockter; Guggisberg; Hatlestad; Headland; Heinert; Howe; Johnson, C.; Johnson, D.; Jones; Karls; Keiser; Kempenich; Klemin; Kreidt; Laning; Lefor; Longmuir; Maragos; Martinson; Meier; Monson; Nathe; Nelson, M.; O'Brien; Pollert; Porter; Rohr; Sanford; Satrom; Schmidt; Schobinger; Schreiber-Beck; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke

NAYS: Anderson, D.; Anderson, P.; Beadle; Becker, Rick C.; Boschee; Devlin; Dobervich; Ertelt; Grueneich; Hanson; Hogan; Holman; Johnson, M.; Johnston; Kading; Kiefert; Koppelman, B.; Koppelman, K.; Louser; McWilliams; Mitskog; Mock; Nelson, J.; Oliver; Olson; Owens; Paur; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Schatz; Schneider; Simons; Skroch; Steiner; Vetter; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2012, as amended, passed.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the industrial commission and the agencies under the management of the industrial commission; to provide a continuing appropriation; to provide a contingent appropriation; to provide for transfers; to amend and reenact sections 15-62.1-07 and 28-25-11, subsection 3 of section 54-17-07.3, and sections 54-17-40, 54-18-19, and 57-62-02 of the North Dakota Century Code, relating to loan guarantee fees, suspension of recreational licenses, the housing incentive fund, North Dakota mill

and elevator profits, and coal development trust fund allocations; to repeal sections 6-09-50, 54-17-40, 54-17-41, and 54-18-20 of the North Dakota Century Code and sections 16, 26, and 27 of chapter 14 of the 2015 Session Laws, relating to a financial center project, the housing incentive fund, housing incentive fund reports, and a gain-sharing program; to provide statements of legislative intent; to provide for a report to the legislative management; to provide exemptions; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

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

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker, Rick C.; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Delzer; Devlin; Dockter; Grueneich; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; McWilliams; Meier; Monson; Nathe; Nelson, J.; Nelson, M.; Oliver; Olson; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Satrom; Schatz; Schmidt; Schobinger; Schreiber-Beck; Steiner; Streyle; Sukut; Toman; Trottier; Vigesaa; Weisz; Westlind; Zubke

NAYS: Anderson, P.; Becker, Rich S.; Blum; Boschee; Delmore; Dobervich; Ertelt; Guggisberg; Hanson; Hogan; Johnston; Klemin; Mitskog; Mock; O'Brien; Owens; Sanford; Schneider; Simons; Skroch; Vetter; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2014, as amended, passed and the emergency clause was declared carried.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2008, SB 2010, SB 2012.

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 2001, SB 2014.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2221.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1144, HB 1149, HB 1151, HB 1156, HB 1198, HB 1251, HB 1255, HB 1279, HB 1321, HB 1345, HB 1354, HB 1363, HB 1367, HB 1395, HB 1398, HB 1415, HCR 3011, HCR 3021, HCR 3027.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2038, SB 2088, SB 2188, SB 2271, SB 2329.

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

MR. PRESIDENT: The Speaker has signed: HB 1347, HB 1427, HCR 3016.

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

MR. PRESIDENT: The Speaker has signed: SB 2038, SB 2088, SB 2188, SB 2271, SB 2329.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on April 4, 2017, I have signed the following: HB 1097, HB 1134, HB 1150, HB 1159, HB 1206, HB 1288, and HB 1323.

REPORT OF CONFERENCE COMMITTEE

HB 1166, as engrossed: Your conference committee (Sens. Unruh, Bekkedahl, Dotzenrod and Reps. Dockter, Grueneich, Mitskog) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ pages 1172-1173 and place HB 1166 on the Seventh order.

Engrossed HB 1166 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1204, as engrossed: Your conference committee (Sens. Unruh, Kreun, Oban and Reps. Roers Jones, Heinert, Lefor) recommends that the **HOUSE ACCEDE** to the Senate amendments as printed on HJ page 1102 and place HB 1204 on the Seventh order.

Engrossed HB 1204 was placed on the Seventh order of business on the calendar.

ANNOUNCEMENT

REP. BELLEW ANNOUNCED that the House stand in recess until 1:00 p.m.

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

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Klemin, Chairman)** has carefully examined the Journal of the Sixtieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1266, line 29, replace "SB 2243" with "SB 2343"

REP. KLEMIN MOVED that the report be adopted, which motion prevailed on a voice vote.

ANNOUNCEMENT

SPEAKER BELLEW ANNOUNCED that Rep. Lefor replace Rep. Marschall on the Conference Committee on SB 2270.

ANNOUNCEMENT

SPEAKER BELLEW ANNOUNCED that Rep. Damschen replace Rep. Seibel on the Conference Committees on SB 2047 and SB 2313.

CONSIDERATION OF MESSAGES FROM THE SENATE

REP. VIGESAA MOVED that the House do not concur in the Senate amendments to Engrossed HB 1025 as printed on HJ pages 1402-1403, in the Senate amendments to Reengrossed HB 1041 as printed on HJ pages 1289-1291, in the Senate amendments to Engrossed HB 1235 as printed on HJ page 1103, in the Senate amendments to Engrossed HB 1269 as printed on HJ pages 1284-1289, and in the Senate amendments to Engrossed HB 1378 as printed on HJ pages 1401-1402 and that a conference committee be appointed to meet with a like committee from the Senate on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed HB 1025: Reps. D. Anderson, M. Ruby, Mitskog.

Reengrossed HB 1041: Reps. K. Koppelman, Satrom, M. Nelson.

Engrossed HB 1235: Reps. K. Koppelman, Johnston, M. Nelson.

Engrossed HB 1269: Reps. K. Koppelman, Satrom, M. Nelson.

Engrossed HB 1378: Reps. Beadle, Laning, Dobervich.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. VIGESAA MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2033, Engrossed SB 2039, SB 2041, SB 2045, SB 2052, SB 2116, Reengrossed SB 2149, Engrossed SB 2189, and Engrossed SB 2273, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2033: Reps. Rohr, Kiefert, Schneider
Engrossed SB 2039: Reps. Devlin, B. Anderson, Damschen
SB 2041: Reps. Damschen, McWilliams, P. Anderson
SB 2045: Reps. Grueneich, Owens, Weisz
SB 2052: Reps. B. Anderson, Kiefert, Schneider
SB 2116: Reps. Seibel, Westlind, Skroch
Reengrossed SB 2149: Reps. K. Koppelman, Satrom, M. Nelson
Engrossed SB 2189: Reps. Porter, D. Anderson, P. Anderson
Engrossed SB 2273: Reps. Olson, Trottier, Mitskog

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to provide appropriations to the department of human services for behavioral health services; to create and enact a new section to chapter 12-44.1 and two new sections to chapter 54-23.3 of the North Dakota Century Code, relating to management of inmate population, a community behavioral health plan as a term of parole or an alternative to incarceration, and prioritization of admission of inmates; to provide for legislative management studies; and to provide for a report to the budget section.

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 88 YEAS, 2 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; Delzer; 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; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; 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; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke

NAYS: Ertelt; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2015, as amended, passed.

SECOND READING OF SENATE BILL

SB 2036: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for contributions to qualified universities; to amend and reenact sections 15-10-48 and 15-10-49 of the North Dakota Century Code, relating to matching grants for the advancement of academics at higher education institutions under the control of the state board of higher education; to provide for the cancellation of appropriation authority; to provide for a legislative management report; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 49 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Boe; Boehning; Bosch; Brabandt; Brandenburg; Carlson; Damschen; Devlin; Dockter; Grueneich; Guggisberg; Headland; Johnson, D.; Karls; Kempenich; Kreidt; Longmuir; Maragos; Martinson; Meier; Monson; Nathe; Nelson, J.; Owens; Pollert; Porter; Roers Jones; Rohr; Sanford; Schatz; Schmidt; Streyle; Sukut; Trottier; Vigesaa; Weisz; Westlind

NAYS: Anderson, P.; Becker, Rick C.; Blum; Boschee; Delmore; Delzer; Dobervich; Ertelt; Hanson; Hatlestad; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, M.; Johnston; Jones; Kading; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Louser; McWilliams; Mitskog; Mock; Nelson, M.; O'Brien; Oliver; Olson; Paur; Pyle; Ruby, D.; Ruby, M.; Satrom; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Toman; Vetter; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2036, as amended, failed.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to provide a transfer; 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 83 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Beadle; Becker, Rich S.; Becker, Rick C.; Blum; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Delzer; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Longmuir; Louser; Maragos; 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; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Vetter; Vigasaa; Weisz; Westlind; Zubke

NAYS: Anderson, P.; Hanson; Hogan; Lefor; Schneider; Trottier; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2002, as amended, passed.

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

ROLL CALL

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

YEAS: 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; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Longmuir; Louser; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Streyle; Sukut; Toman; Vetter; Vigasaa; Weisz; Westlind; Zubke

NAYS: Becker, Rick C.; Ertelt; Johnston; Koppelman, B.; Lefor; Paur; Ruby, M.; Simons; Skroch; Trottier; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2005, as amended, passed.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home; and to provide for exemptions.

ROLL CALL

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

YEAS: 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; Maragos; 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; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2007, as amended, passed.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association; to create and enact a new section to chapter 4-02.1 of the North Dakota Century Code, relating to facility operations or maintenance costs on the state fairgrounds; and to provide a statement of legislative intent.

ROLL CALL

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

YEAS: 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; Maragos; 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; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2009, as amended, passed.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; to create and enact two new sections to chapter 39-03 of the North

Dakota Century Code, relating to capitol building access cards and job shadowing with the highway patrol; to amend and reenact subdivision j of subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to fees for electronic permits; to provide a continuing appropriation; and to provide for a transfer.

ROLL CALL

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

YEAS: 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; Maragos; 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; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed SB 2011, as amended, passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. ANDERSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1374 as printed on HJ pages 1224-1225, which motion prevailed on a voice vote.

Engrossed HB 1374, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1374: A BILL for an Act to create and enact sections 61-02-14.3, 61-02-80, 61-02-81, and a new section to chapter 61-03 of the North Dakota Century Code, relating to contracts and financial assistance for water projects and duties of the state engineer; and to amend and reenact sections 61-02-01.3, 61-02-01.4, 61-02-02, 61-02-04, 61-02-07, and 61-02-08, subsection 1 of section 61-02-14, and subsection 4 of section 61-02-62 of the North Dakota Century Code, relating to definitions of types of financial assistance for water projects and the composition and operation of the state water commission.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 82 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Anderson, P.; Ertelt; Hanson; Johnston; Koppelman, K.; Olson; Skroch; Steiner

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Reengrossed HB 1374 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. B. KOPPELMAN MOVED that the House do concur in the Senate amendments to HB 1330 as printed on HJ pages 1197-1198, which motion prevailed on a voice vote.

HB 1330, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1330: A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the membership of the legislative management; and to declare an emergency.

ROLL CALL

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

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

NAYS: Anderson, P.; Boschee; Dobervich; Guggisberg; Hanson; Hogan; Holman; Mitskog; Mock; Nelson, M.; Schneider

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Engrossed HB 1330 passed and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do concur in the Senate amendments to Engrossed HB 1137 as printed on HJ pages 1067-1068, which motion prevailed on a voice vote.

Engrossed HB 1137, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1137: A BILL for an Act to create and enact sections 65-04-26.2 and 65-04-27.2 of the North Dakota Century Code, relating to workers' compensation requirements for general contractors and cease and desist orders; to amend and reenact subsection 16 of section 65-01-02 and section 65-04-19 of the North Dakota Century Code, relating to the workers' compensation definition of employee, assignment of rate classification, and calculation of premium; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 90 YEAS, 0 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; 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; Maragos; 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; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Reengrossed HB 1137 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. C. JOHNSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1090 as printed on HJ page 982, which motion prevailed on a voice vote.

Engrossed HB 1090, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1090: A BILL for an Act to amend and reenact subsection 1 of section 37-19.1-04, subsection 6 of section 44-04-18.4, subsection 8 of section 54-06-25, sections 54-06-26 and 54-44.3-01.2, subsection 2 of section 54-44.3-03, and sections 54-44.3-05 and 54-44.4-02.1 of the North Dakota Century Code, relating to bids and proposals received by public entities, notification of nonapplicability of veteran's preference, electronic ballot submission, long distance tolls, salary compensation comparison records, state personnel board vacancy filling procedures, secret ballot election rules, and reports of services.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 89 YEAS, 1 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; Delzer; 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; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; 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; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Ertelt

ABSENT AND NOT VOTING: Kasper; Magrum; Marschall; Seibel

Reengrossed HB 1090 passed.

ANNOUNCEMENT

REP. BELLEW ANNOUNCED that the House stand in recess until 4:30 p.m.

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

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2002, SB 2005, SB 2007, SB 2009, SB 2011, SB 2015.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2036.

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

MR. SPEAKER: The Senate has passed, unchanged: HB 1038.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1002, HB 1300, HB 1318, HB 1324.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

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

Page 1, line 2, after "exemption" insert "; to amend and reenact sections 54-09-04 and 54-09-12 of the North Dakota Century Code, relating to information preparation fees and confidential information in filed records; and to provide a statement of legislative intent"

Page 1, replace lines 14 through 21 with:

"Salaries and wages	\$4,903,514	\$55,866	\$4,959,380
Operating expenses	2,053,162	607,856	2,661,018
Petition review	8,000	0	8,000
Election reform	<u>2,703,535</u>	<u>(1,510,880)</u>	<u>1,192,655</u>
Total all funds	\$9,668,211	(\$847,158)	\$8,821,053
Less estimated income	<u>3,583,536</u>	<u>(432,558)</u>	<u>3,150,978</u>
Total general fund	\$6,084,675	(\$414,600)	\$5,670,075
Full-time equivalent positions	34.00	(1.00)	33.00"

Page 2, replace lines 9 through 11 with:

"Grand total general fund	\$6,374,720	(\$416,195)	\$5,958,525
Grand total special funds	<u>3,583,536</u>	<u>(432,558)</u>	<u>3,150,978</u>
Grand total all funds	\$9,958,256	(\$848,753)	\$9,109,503"

Page 2, line 13, replace "\$94,446" with "\$87,603"

Page 2, line 13, replace "\$91,588" with "\$84,952"

Page 2, line 14, replace "\$1,249" with "\$1,241"

Page 2, after line 24, insert:

"SECTION 5. AMENDMENT. Subsection 7 of section 54-09-04 of the North Dakota Century Code is amended and reenacted as follows:

7. For preparing any listing or compilation of any information recorded or filed in the office of the secretary of state, ~~an amount established by the secretary of state to recover the actual cost for assembling and providing the information in the format requested~~ forty dollars for each record type requested. Unless otherwise agreed to by the secretary of state, the information shall be provided in an electronic format. If provided in a paper format, an additional fee of fifty cents per page may be charged.

SECTION 6. AMENDMENT. Section 54-09-12 of the North Dakota Century Code is amended and reenacted as follows:

54-09-12. Confidential information in filed records.

1. A social security number or federal tax identification number disclosed or contained in any record filed with the secretary of state is confidential. ~~However, a social security number or federal tax identification number may be released as authorized in this section or by other state or federal law.~~
2. The secretary of state shall delete or obscure a social security or federal tax identification number before a copy of any record is released to the public. ~~A filing office or an officer or employee of the filing office~~ The secretary of state, or an employee, agent, or contractor of the secretary of state's office, may not be held civilly or criminally liable for the

inadvertent disclosure of a social security or federal tax identification number if the filer has placed the number in an improper field on the form prescribed by the secretary of state or the filer submitted a filing other than on the form prescribed by the secretary of state.

3. The secretary of state, or an employee, agent, or contractor of the secretary of state's office, may release a social security number or federal tax identification number to another public entity or its agents, employees, or contractors if disclosure is necessary for the receiving entity to perform its duties and responsibilities. The receiving public entity and its agents, employees, and contractors shall maintain the confidential status of the social security number or federal tax identification number.

SECTION 7. LEGISLATIVE INTENT - VOTING SYSTEM AND ELECTRONIC POLLBOOKS. It is the intent of the sixty-fifth legislative assembly that, within the funding appropriated to the secretary of state for the 2017-19 biennium, the secretary of state, to the extent possible, purchase equipment necessary for the implementation of a voting system to be utilized by the secretary of state and county offices in the polling places of the state, and for the procurement and implementation of electronic pollbooks to be utilized statewide in all polling places."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1002 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Secretary of State				
Total all funds	\$9,668,211	\$8,264,250	\$556,803	\$8,821,053
Less estimated income	3,583,536	2,587,539	563,439	3,150,978
General fund	\$6,084,675	\$5,676,711	(\$6,636)	\$5,670,075
Public Printing				
Total all funds	\$290,045	\$288,450	\$0	\$288,450
Less estimated income	0	0	0	0
General fund	\$290,045	\$288,450	\$0	\$288,450
Bill total				
Total all funds	\$9,958,256	\$8,552,700	\$556,803	\$9,109,503
Less estimated income	3,583,536	2,587,539	563,439	3,150,978
General fund	\$6,374,720	\$5,965,161	(\$6,636)	\$5,958,525

House Bill No. 1002 - Secretary of State - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$4,903,514	\$4,402,370	\$557,010	\$4,959,380
Operating expenses	2,053,162	2,661,018		2,661,018
Petition review	8,000	8,000		8,000
Election reform	2,703,535	1,192,862	(207)	1,192,655
Total all funds	\$9,668,211	\$8,264,250	\$556,803	\$8,821,053
Less estimated income	3,583,536	2,587,539	563,439	3,150,978
General fund	\$6,084,675	\$5,676,711	(\$6,636)	\$5,670,075
FTE	34.00	31.00	2.00	33.00

Department No. 108 - Secretary of State - Detail of Senate Changes

	Adjusts Funding for Health Insurance Increases ¹	Restores 2 FTE Positions ²	Adds Funding for Overtime and Temporary Salaries ³	Total Senate Changes
Salaries and wages	(\$6,636)	\$213,646	\$350,000	\$557,010
Operating expenses				
Petition review				
Election reform	(207)			(207)

Total all funds	(\$6,843)	\$213,646	\$350,000	\$556,803
Less estimated income	(207)	213,646	350,000	563,439
General fund	(\$6,636)	\$0	\$0	(\$6,636)
FTE	0.00	2.00	0.00	2.00

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 is also adjusted to reflect the revised premium rate.

² Funding of \$213,646 is restored for 2 FTE positions. The House removed these positions and the related funding from the general fund. Funding for the restored positions is from the general services operating fund.

³ Funding is added for overtime and temporary salaries of \$350,000 from the general services operating fund.

This amendment also:

- Adds a section to amend North Dakota Century Code Section 54-09-04(7) to allow the Secretary of State to charge a flat rate fee of \$40 for certain requests of information, rather than a fee based on each individual request for information.
- Adds a section to amend Section 54-09-12 to allow the Secretary of State to disclose social security numbers or federal tax identification numbers to public entities if disclosure is necessary for the receiving entity to perform its duties and responsibilities.
- Adds a section providing legislative intent that the Secretary of State, to the extent possible, purchase equipment for the implementation of a voting system and electronic pollbooks during the 2017-19 biennium.

SENATE AMENDMENTS TO HOUSE BILL NO. 1300

Page 1, line 1, after "reenact" insert "sections 15-01-02 and 15-02-05 and"

Page 1, line 2, replace "agencies exempt" with "an exemption"

Page 1, line 3, after "agency" insert " for the administrative agencies practices act; and to provide an effective date"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 15-01-02 of the North Dakota Century Code is amended and reenacted as follows:

15-01-02. Powers - Control of public lands and permanent funds.

The board has:

1. ~~Full~~Subject to the requirements of chapter 28-32, full control of the selection, appraisal, rental, sale, disposal, and management of:
 - a. Lands donated or granted by or received from the United States or from any other source for the support and maintenance of the common schools.
 - b. All lands which fall to the state by escheat.
 - c. All lands donated or granted by or received from the United States or from any other source for the maintenance of the educational, penal, or charitable institutions.

- d. All lands acquired by the state through the investment of the permanent school funds of the state as the result of mortgage foreclosure or otherwise.
2. Full control of the investment of the permanent funds derived from the sale of any of the lands described in subsection 1.
3. Full control of such percent of the proceeds of any sale of public lands as may be granted to the state by the United States on such sale.
4. Full control of the proceeds of any property that fall to the state by escheat and of the proceeds of all gifts and donations to the state for the support or maintenance of the common schools, and of all other property otherwise acquired by the state for the maintenance of the common schools. Any gift to the state not specifically appropriated to any other purpose must be considered as a gift for the support and maintenance of the common schools.
5. Authority to expend moneys for the purpose of making refunds in cases in which an error has been made by the board, or a person dealing with the board, with regard to any of the lands, minerals, funds, proceeds, or any other kind of property managed by the board. Moneys expended to make refunds must come from the same fund or account into which the money to be refunded was originally placed.
6. Authority to award and distribute energy infrastructure and impact grants from moneys deposited in the oil and gas impact grant fund, except that grants awarded annually may not exceed sixty percent of the biennial appropriation for energy infrastructure and impact grants. The board may create an advisory committee to assist the board in making its grant award determinations.

SECTION 2. AMENDMENT. Section 15-02-05 of the North Dakota Century Code is amended and reenacted as follows:

15-02-05. Powers and duties in general.

The commissioner, under such directions as may be given by the board of university and school lands, shall:

1. Have general charge and supervision of all lands described in section 15-01-02.
2. Act as general agent of the board in the performance of its duties.
3. Have the custody of all maps, books, and papers relating to any of the lands mentioned in this title.
4. Procure the books, maps, and plats required to keep a complete record of all such lands, and keep true records of all the sales, leases, permits, patents, deeds, and other conveyances of lands under the commissioner's supervision made by the state showing the amount of money paid, the date of sale and of payment, the description of lands sold or leased, the number of acres [hectares] thereof, the name of the purchaser, and the designation of the fund to be credited therewith.
5. Direct all appraisements, sales, and leases, and execute all contracts of sale, leases, permits, and other evidences of disposal of lands, subject to approval by the board and chapter 28-32.
6. Certify the book and page number of all contracts, leases, or permits recorded by the commissioner."

Page 2, line 18, after the overstruck period insert "with respect to activities under chapters 15-01, 15-02, and 15-08, sections 21-10-01, 47-30.1-24.1, 54-01-05.5, and 54-06-04, subsection 12 of section 54-23.3-04, and sections 54-27-16 and 54-30-17.1, unless otherwise specified in those chapters and sections."

Page 2, after line 31, insert:

"**SECTION 4. EFFECTIVE DATE.** This Act becomes effective on January 1, 2018."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1318

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the state aid funding formula for elementary and secondary education.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STATE AID FUNDING FORMULA FOR ELEMENTARY AND SECONDARY EDUCATION - COMMITTEE - APPOINTMENT - DUTIES.

1. During the 2017-18 interim, the legislative management shall consider appointing a committee consisting of five members of the senate and six members of the house of representatives to:
 - a. Examine how state aid for elementary and secondary education is determined and distributed under the state aid funding formula, analyze the impact of the state aid provided through the funding formula, and consider potential necessary changes to the funding formula to ensure equity, adequacy, and sustainability; and
 - b. Examine the delivery and administration of elementary and secondary education in the state and the short- and long-term policy and statutory changes that may result from or be necessitated by twenty-first century technological advances and global economics.
2. The legislative management shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative management committees, except the committee may create task forces or working groups to meet the study directives.
4. Any member of the legislative assembly appointed to serve on a task force or working group under this Act may receive per diem compensation and reimbursement for actual and necessary expenses, as provided by law. Any other individual appointed to serve on a task force or working group may receive reimbursement from the legislative council, for actual and necessary expenses, as provided by law for state officials.
5. The committee shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1324

In lieu of the amendments as printed on pages 875-877 of the Senate Journal, Reengrossed House Bill No. 1324 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15.1-09.1 of the North Dakota Century Code, relating to audits of regional education associations; to"

Page 1, line 1, after "sections" insert "15.1-01-03, 15.1-09.1-10,"

Page 1, line 2, after "the" insert "powers and duties of the state board of public school education and the"

Page 1, line 2, after "districts" insert "and regional education associations; to provide statements of legislative intent; and to provide for a legislative management study"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 15.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-01-03. State board of public school education - Powers and duties.

1. The state board of public school education shall:
 - a. Assist county committees in carrying out their duties.
 - b. Provide county committees with clerical assistance, plans of procedure, standards, data, maps, forms, and other materials, information, and services.
 - c. Appoint members to the county committee, if the county superintendent does not fulfill this duty, as provided for in section 15.1-10-01.
 - d. Provide oversight for regional education associations as required by chapter 15.1-09.1.
2. The state board of public school education may adopt rules regarding ~~school district reorganizations, annexations, and dissolutions in~~ accordance with chapter 28-32.

SECTION 2. A new section to chapter 15.1-09.1 of the North Dakota Century Code is created and enacted as follows:

Regional education association - Audit.

To be eligible for state funding, a regional education association must be audited, at least annually, by a certified public accountant or a licensed public accountant. The audit must be presented to the state board of public school education. If any irregularities are noted, the state board of public school education may direct the superintendent of public instruction to withhold all payments to a regional education association until the board determines the irregularities have been addressed.

SECTION 3. AMENDMENT. Section 15.1-09.1-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-09.1-10. State aid - Payable to a regional education association - Obligation of district.

1. The superintendent of public instruction shall forward the portion of a school district's state aid which is payable by the superintendent under subdivision l of subsection 1 of section 15.1-27-03.1 as a result of the district's participation in a regional education association directly to the association in which the district participates. The superintendent shall forward the amount payable under this subsection at the same time and in the same manner as provided for other state aid payments under section 15.1-27-01, unless otherwise directed in accordance with section 2 of this Act.

2. If the superintendent of public instruction determines that a school district failed to meet any contractual or statutory obligation imposed upon it as a result of the district's participation in a regional education association, the superintendent shall notify the state board of public school education and shall subtract the amount for which the district was not eligible from any future distribution of state aid to the district under section 15.1-27-01."

Page 7, remove the overstrike over line 29

Page 7, line 30, remove the overstrike over "percent of all revenues listed in paragraphs 6, 8, and 9 of"

Page 8, after line 3, insert:

"SECTION 6. LEGISLATIVE MANAGEMENT STUDY - SERVICES PROVIDED TO SCHOOLS. During the 2017-18 interim, the legislative management shall consider studying entities that deliver kindergarten through grade twelve professional development services, distance curriculum, support for schools in achieving school improvement goals, assistance with analysis and interpretation of student achievement data, and technology support services. The study must focus on the funding, governance, nature, scope, and quality of services provided to schools. The study also must focus on the duplication of services across entities and the accountability for expenditures. The study must identify efficiencies and the desirability and feasibility of consolidating services. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly.

SECTION 7. LEGISLATIVE INTENT - REGIONAL EDUCATION ASSOCIATIONS. It is the intent of the sixty-fifth legislative assembly that, during the 2017-19 biennium, regional education associations merge with other regional education associations to form four regional education associations each representing a quadrant in the northeast, southeast, southwest, and northwest portions of the state.

SECTION 8. LEGISLATIVE INTENT - TRANSPORTATION GRANTS. It is the intent of the sixty-fifth legislative assembly that \$55,400,000 be included in the transportation grants line item in House Bill No. 1013."

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 1013, HB 1020.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013

Page 1, remove lines 22 through 24

Page 2, replace lines 1 through 11 with:

"Salaries and wages	\$18,280,006	(\$840,830)	\$17,439,176
Operating expenses	30,517,072	(352,067)	30,165,005
Integrated formula payments	1,916,640,000	18,564,163	1,935,204,163
Grants - special education	17,300,000	2,000,000	19,300,000
Grants - transportation	57,000,000	(1,600,000)	55,400,000
Grants - other grants	267,807,227	(13,644,522)	254,162,705
Grants - program grants	0	6,310,000	6,310,000
Grants - passthrough grants	0	3,018,000	3,018,000
PowerSchool	6,000,000	(500,000)	5,500,000
Transportation efficiency	30,000	0	30,000
National board certification	<u>120,000</u>	<u>0</u>	<u>120,000</u>
Total all funds	\$2,313,694,305	\$12,954,744	\$2,326,649,049
Less estimated income	<u>624,685,766</u>	<u>241,141,299</u>	<u>865,827,065</u>
Total general fund	\$1,689,008,539	(\$228,186,555)	\$1,460,821,984"

Page 2, replace lines 17 through 22 with:

"Salaries and wages	\$4,019,839	\$132,919	\$4,152,758
Operating expenses	1,713,393	(109,318)	1,604,075
Grants	<u>2,785,500</u>	<u>(676,472)</u>	<u>2,109,028</u>
Total all funds	\$8,518,732	(\$652,871)	\$7,865,861
Less estimated income	<u>2,438,751</u>	<u>(191,191)</u>	<u>2,247,560</u>
Total general fund	\$6,079,981	(\$461,680)	\$5,618,301"

Page 2, remove lines 28 through 31

Page 3, replace lines 1 through 4 with:

"Salaries and wages	\$7,291,854	\$296,895	\$7,588,749
Operating expenses	1,925,163	101,380	2,026,543
Capital assets	227,174	664,504	891,678
Grants	<u>186,900</u>	<u>(6,900)</u>	<u>180,000</u>
Total all funds	\$9,631,091	\$1,055,879	\$10,686,970
Less estimated income	<u>1,089,210</u>	<u>2,109,234</u>	<u>3,198,444</u>
Total general fund	\$8,541,881	(\$1,053,355)	\$7,488,526
Full-time equivalent positions	45.61	(0.00)	45.61"

Page 3, replace lines 9 through 14 with:

"Salaries and wages	\$4,554,349	\$106,646	\$4,660,995
Operating expenses	739,169	34,037	773,206
Capital assets	<u>24,454</u>	<u>150,238</u>	<u>174,692</u>
Total all funds	\$5,317,972	\$290,921	\$5,608,893
Less estimated income	<u>569,325</u>	<u>645,422</u>	<u>1,214,747</u>
Total general fund	\$4,748,647	(\$354,501)	\$4,394,146"

Page 3, replace lines 20 through 22 with:

"Grand total general fund	\$1,708,379,048	(\$230,056,091)	\$1,478,322,957
Grand total special funds	<u>628,783,052</u>	<u>243,704,764</u>	<u>872,487,816</u>
Grand total all funds	\$2,337,162,100	\$13,648,673	\$2,350,810,773"

Page 3, line 25, replace "\$1,249" with "\$1,241"

Page 3, remove lines 28 through 31

Page 4, replace lines 1 and 2 with:

"Department of public instruction	\$65,196	\$181,686	\$246,882
State library	66,885	10,100	76,985
School for the deaf	117,494	3,584	121,078
North Dakota vision services - school for the blind	<u>82,223</u>	<u>70</u>	<u>82,293</u>
Total	\$331,798	\$195,440	\$527,238"

Page 4, after line 11, insert:

"Regional education association merger grants		0	100,000"
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Page 4, replace lines 13 through 15 with:

"Total department of public instruction - all funds	\$12,700,030	\$160,100,000
Total department of public instruction - estimated income	0	<u>160,100,000</u>
Total department of public instruction - general fund	\$12,700,030	\$0"

Page 5, replace lines 1 through 3 with:

"Grand total - all funds	\$13,606,030	\$160,968,500
Grand total - estimated income	<u>656,000</u>	<u>160,968,500</u>
Grand total - general fund	\$12,950,030	\$0"

Page 5, line 20, replace "\$270,000,000" with "\$270,100,000"

Page 5, line 21, after "fund" insert ". Of this amount, \$100,000 is for regional education association merger grants and \$270,000,000 is"

Page 5, line 22, replace "\$160,000,000" with "\$160,100,000"

Page 5, after line 29, insert:

"SECTION 8. EXEMPTION - ADVANCED PLACEMENT PROGRAM FUNDING. The unexpended amount remaining from the transfer of \$1,252,627 from the 2013-15 biennium, as authorized in section 32 of chapter 137 of the 2015 Session Laws to enhance the delivery of and the participation of students and teachers in advanced placement courses during the 2015-17 biennium, is not subject to the provisions of section 54-44.1-11 at the end of the 2015-17 biennium and may be continued into the 2017-19 biennium for the purpose of program grants, including leveraging the senior year, leadership program, continuing education grants, preschool continuing education grants, curriculum alignment grants, and teacher and principal evaluation system grants, and to assume the operation and management of the North Dakota leadership and educational administration development center."

Page 7, line 1, replace "three" with "eleven"

Page 7, line 3, replace "Forty-eight" with "Fifty-two"

Page 7, line 5, replace "Forty-eight" with "Fifty"

Page 7, line 16, replace "Forty-eight" with "Fifty"

Page 7, line 23, replace "Twenty-eight" with "Thirty"

Page 7, line 30, replace "\$1,735,000" with "\$1,630,000"

Page 8, after line 17, insert:

"SECTION 14. REGIONAL EDUCATION ASSOCIATION MERGER GRANTS - ONE-TIME FUNDING - DISTRIBUTION. The line item entitled grants - other grants included in subdivision 1 of section 1 of this Act includes \$100,000 from the foundation aid stabilization fund for the purpose of providing a one-time \$25,000 grant to each regional education association that merges with another regional education association to form a single entity with a single governing board during the biennium beginning July 1, 2017, and ending June 30, 2019.

SECTION 15. REGIONAL EDUCATION ASSOCIATION GRANTS - DISTRIBUTION. The line item entitled integrated formula payments included in subdivision 1 of section 1 of this Act includes \$500,000 from the general fund for the purpose of providing annual grants to regional education associations for the biennium beginning July 1, 2017, and ending June 30, 2019. An annual grant of \$31,250 is provided to each regional education association that exists as of July 1, 2017. Regional education associations that merge during the 2017-19 biennium are entitled to the annual grants that would have been paid to each of the member associations."

Page 9, line 22, replace "\$2,378,000" with "\$3,018,000"

Page 10, line 25, replace "22" with "25"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1013 - Summary of Senate Action

Base
Budget

House
Version

Senate
Changes

Senate
Version

Department of Public Instruction				
Total all funds	\$2,313,694,305	\$2,326,729,929	(\$80,880)	\$2,326,649,049
Less estimated income	624,685,766	865,741,257	85,808	865,827,065
General fund	\$1,689,008,539	\$1,460,988,672	(\$166,688)	\$1,460,821,984
State Library				
Total all funds	\$8,518,732	\$7,871,875	(\$6,014)	\$7,865,861
Less estimated income	2,438,751	2,248,349	(789)	2,247,560
General fund	\$6,079,981	\$5,623,526	(\$5,225)	\$5,618,301
School for the Deaf				
Total all funds	\$9,631,091	\$10,546,428	\$140,542	\$10,686,970
Less estimated income	1,089,210	3,198,724	(280)	3,198,444
General fund	\$8,541,881	\$7,347,704	\$140,822	\$7,488,526
Vision Services - School for the Blind				
Total all funds	\$5,317,972	\$5,585,322	\$23,571	\$5,608,893
Less estimated income	569,325	1,214,753	(6)	1,214,747
General fund	\$4,748,647	\$4,370,569	\$23,577	\$4,394,146
Bill total				
Total all funds	\$2,337,162,100	\$2,350,733,554	\$77,219	\$2,350,810,773
Less estimated income	628,783,052	872,403,083	84,733	872,487,816
General fund	\$1,708,379,048	\$1,478,330,471	(\$7,514)	\$1,478,322,957

House Bill No. 1013 - Department of Public Instruction - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$18,280,006	\$17,464,178	(\$25,002)	\$17,439,176
Operating expenses	30,517,072	30,165,005		30,165,005
Integrated formula payments	1,916,640,000	1,940,295,041	(5,090,878)	1,935,204,163
Grants - Special education contracts	17,300,000	19,300,000		19,300,000
Grants - Transportation	57,000,000	51,300,000	4,100,000	55,400,000
Grants - Other grants	267,807,227	254,062,705	100,000	254,162,705
PowerSchool	6,000,000	5,500,000		5,500,000
Transportation efficiency	30,000	30,000		30,000
National board certification	120,000	120,000		120,000
Grants - Program grants		6,115,000	195,000	6,310,000
Grants - Passthrough grants		2,378,000	640,000	3,018,000
Total all funds	\$2,313,694,305	\$2,326,729,929	(\$80,880)	\$2,326,649,049
Less estimated income	624,685,766	865,741,257	85,808	865,827,065
General fund	\$1,689,008,539	\$1,460,988,672	(\$166,688)	\$1,460,821,984
FTE	99.75	91.75	0.00	91.75

Department No. 201 - Department of Public Instruction - Detail of Senate Changes

	Adjusts Funding for Health Insurance Increases ¹	Adjusts Funding for Integrated Formula Payments ²	Restores Funding for Regional Education Association Grants ³	Increases Funding for Transportation Grants ⁴	Adds One-time Funding for Regional Education Association Merger Grants ⁵	Adjusts Funding for the Program Grant Pool ⁶
Salaries and wages	(\$25,002)					
Operating expenses						
Integrated formula payments		(5,590,878)	500,000			
Grants - Special education contracts						
Grants - Transportation				4,100,000		
Grants - Other grants					100,000	
PowerSchool						
Transportation efficiency						
National board certification						
Grants - Program grants						95,000
Grants - Passthrough grants						
Total all funds	(\$25,002)	(\$5,590,878)	\$500,000	\$4,100,000	\$100,000	\$95,000
Less estimated income	(14,192)	0	0	0	100,000	0
General fund	(\$10,810)	(\$5,590,878)	\$500,000	\$4,100,000	\$0	\$95,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00
	Increases Funding for Adult Education	Increases Funding for Passthrough Grants ⁸	Total Senate Changes			

	Matching Grants ⁷		
Salaries and wages			(\$25,002)
Operating expenses			
Integrated formula payments			(5,090,878)
Grants - Special education contracts			
Grants - Transportation			4,100,000
Grants - Other grants			100,000
PowerSchool			
Transportation efficiency			
National board certification			
Grants - Program grants	100,000		195,000
Grants - Passthrough grants		640,000	640,000
Total all funds	\$100,000	\$640,000	(\$80,880)
Less estimated income	0	0	85,808
General fund	\$100,000	\$640,000	(\$166,688)
FTE	0.00	0.00	0.00

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also adjusted to reflect this change.

² Funding for integrated formula payments is adjusted to remove funding for changes made by the House affecting local revenue calculations in the formula.

³ Funding is restored for regional education association grants to provide a total of \$500,000, \$300,000 less than the base budget. The House removed funding for the regional education association coordinator grants. The Senate restored the grants as annual state aid to be distributed equally to all regional education associations that exist as of July 1, 2017 rather than grants for coordinators.

⁴ Funding for transportation grants is increased to provide a total of \$55.4 million, \$1.6 million less than the base budget.

⁵ One-time funding is added from the foundation aid stabilization fund for regional education association merger grants. This program was not included in the executive recommendation or the House version.

⁶ Funding for the program grant pool is adjusted to remove the free breakfast program from the grant pool (\$205,000) and provide a separate grant of \$200,000 for the free breakfast program in the program grants line, \$5,000 less than the House version. The Senate also added \$100,000 to the program grant pool to allow the Superintendent of Public Instruction to assume the operation and management of the North Dakota Leadership and Educational Administration Development Center to provide a total of \$1,630,000 from the general fund for a grant pool for the following programs:

- Leveraging the senior year;
- Leadership program;
- Continuing education grants;
- Preschool continuing education grants;
- Curriculum alignment grants;
- Teacher and principal evaluation system grants; and
- North Dakota Leadership and Educational Administration Development Center.

In addition, the Senate added a section to provide the unexpended amount remaining from the transfer of \$1,252,627 from the 2013-15 biennium, as permitted in Section 32 of Chapter 137 of the 2015 Session Laws to enhance the delivery and the participation of students and teachers in advanced placement courses during the 2015-17 biennium, is not subject to the provisions of North Dakota Century Code Section 54-44.1-11 at the end of the 2015-17 biennium and may be continued into the 2017-19 biennium, for the purpose of increasing the program grant pool.

⁷ Funding for adult education matching grants is increased to provide a total of \$3,100,000

from the general fund, \$1,010,411 less than the base budget.

⁸ Funding for passthrough grants is increased as follows:

	Increase	Total
Teacher mentoring	\$100,000	\$2,100,000
Rural art outreach project	340,000	350,000
Global Bridges	100,000	200,000
Young entrepreneur education program	30,000	30,000
Pathfinders Parent Project	70,000	70,000
Total	\$640,000	\$2,750,000

The executive recommendation included \$120,000 for the Pathfinders Parent Project. The remaining passthrough grants were not funded in the executive recommendation.

This amendment also:

- Adds a section to provide the unexpended amount remaining from the transfer of \$1,252,627 from the 2013-15 biennium, as permitted in Section 32 of Chapter 137 of the 2015 Session Laws to enhance the delivery and the participation of students and teachers in advanced placement courses during the 2015-17 biennium, is not subject to the provisions of Section 54-44.1-11 at the end of the 2015-17 biennium and may be continued into the 2017-19 biennium, for the purpose of increasing the program grant pool.
- Amends the section related to the distribution of transportation grants to update reimbursement rates.
- Amends the section related to the distribution of the program grant pool to adjust the total of the grant pool. The Senate added \$100,000 to the grant pool for the operation and management of the North Dakota Leadership and Educational Administration Development Center and removed the free breakfast program from the grant pool (\$205,000) to provide a separate appropriation for the program.
- Adds a section related to the distribution of one-time regional education association merger grants.
- Adds a section related to the distribution of regional education association grants included in the integrated formula payments line.
- Amends the section related to the distribution of passthrough grants to increase funding for certain passthrough grants.

House Bill No. 1013 - State Library - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$4,019,839	\$4,158,772	(\$6,014)	\$4,152,758
Operating expenses	1,713,393	1,604,075		1,604,075
Grants	2,785,500	2,109,028		2,109,028
Total all funds	\$8,518,732	\$7,871,875	(\$6,014)	\$7,865,861
Less estimated income	2,438,751	2,248,349	(789)	2,247,560
General fund	\$6,079,981	\$5,623,526	(\$5,225)	\$5,618,301
FTE	29.75	28.75	0.00	28.75

Department No. 250 - State Library - Detail of Senate Changes

	Adjusts Funding for Health Insurance Increases ¹	Total Senate Changes
Salaries and wages	(\$6,014)	(\$6,014)
Operating expenses		
Grants		
Total all funds	(\$6,014)	(\$6,014)
Less estimated income	(789)	(789)

General fund	(\$5,225)	(\$5,225)
FTE	0.00	0.00

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also adjusted to reflect this change.

House Bill No. 1013 - School for the Deaf - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$7,291,854	\$7,498,207	\$90,542	\$7,588,749
Operating expenses	1,925,163	1,976,543	50,000	2,026,543
Capital assets	227,174	891,678		891,678
Grants	186,900	180,000		180,000
Total all funds	\$9,631,091	\$10,546,428	\$140,542	\$10,686,970
Less estimated income	1,089,210	3,198,724	(280)	3,198,444
General fund	\$8,541,881	\$7,347,704	\$140,822	\$7,488,526
FTE	45.61	44.61	1.00	45.61

Department No. 252 - School for the Deaf - Detail of Senate Changes

	Adjusts Funding for Health Insurance Increases ¹	Restores 1 FTE Position ²	Increases Funding for Operating Expenses ³	Total Senate Changes
Salaries and wages	(\$9,458)	\$100,000		\$90,542
Operating expenses			50,000	50,000
Capital assets				
Grants				
Total all funds	(\$9,458)	\$100,000	\$50,000	\$140,542
Less estimated income	(280)	0	0	(280)
General fund	(\$9,178)	\$100,000	\$50,000	\$140,822
FTE	0.00	1.00	0.00	1.00

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also adjusted to reflect this change.

² One FTE position and related funding of \$100,000 is restored. The executive recommendation and House version removed 1 FTE position and related funding of \$120,000.

³ Funding for operating expenses is restored. The executive recommendation and House version reduced funding for operating expenses by \$100,000.

House Bill No. 1013 - Vision Services - School for the Blind - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$4,554,349	\$4,667,424	(\$6,429)	\$4,660,995
Operating expenses	739,169	743,206	30,000	773,206
Capital assets	24,454	174,692		174,692
Total all funds	\$5,317,972	\$5,585,322	\$23,571	\$5,608,893
Less estimated income	569,325	1,214,753	(6)	1,214,747
General fund	\$4,748,647	\$4,370,569	\$23,577	\$4,394,146
FTE	30.00	28.50	0.00	28.50

Department No. 253 - Vision Services - School for the Blind - Detail of Senate Changes

	Adjusts Funding for Health Insurance Increases ¹	Increases Funding for Operating Expenses ²	Total Senate Changes
Salaries and wages	(\$6,429)		(\$6,429)
Operating expenses		30,000	30,000
Capital assets			
Total all funds	(\$6,429)	\$30,000	\$23,571
Less estimated income	(6)	0	(6)
General fund	(\$6,423)	\$30,000	\$23,577
FTE	0.00	0.00	0.00

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also adjusted to reflect this change.

² Funding for operating expenses is increased. The executive recommendation and House version did not include this increase.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1020

Page 1, line 1, remove "to create and enact two new sections to chapter 61-02 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove "subsection 1 of"

Page 1, line 3, remove "section 61-02-02,"

Page 1, line 4, after "61-02-79" insert ", 61-29-06, 61-40-05,"

Page 1, line 5, remove "definitions,"

Page 1, line 6, after the second comma insert "management of the Little Missouri scenic river, the authority of the western area water supply authority,"

Page 1, line 7, remove "to provide"

Page 1, line 8, replace "for a state engineer study;" with "to provide for an industrial commission study;"

Page 1, line 8, remove "to the"

Page 1, line 8, after "management" insert "study and reports"

Page 1, line 10, after "commission" insert "and the industrial commission"

Page 1, line 10, replace "and" with "to provide for a transfer;"

Page 1, line 10, after "exemptions" insert "; to provide a contingent effective date; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, replace lines 19 through 21 with:

"Administrative and support services	\$5,535,618	\$97,568	\$5,633,186
Water and atmospheric resources	<u>863,400,218</u>	<u>(146,889,929)</u>	<u>716,510,289</u>
Total all funds	\$868,935,836	(\$146,792,361)	\$722,143,475"

Page 2, line 2, replace "\$277,612" with "\$257,498"

Page 2, line 3, replace "\$1,249" with "\$1,241"

Page 2, remove lines 4 through 8

Page 2, remove lines 15 through 23

Page 3, line 5, replace "\$299,875,000" with "\$298,875,000"

Page 3, replace lines 6 through 12 with:

- "a. \$147,125,000 for water supply;
- b. \$136,000,000 for flood control; and
- c. \$15,750,000 for general water."

Page 3, remove lines 17 through 31

Page 4, replace lines 1 through 3 with:

"SECTION 6. LEGISLATIVE INTENT - MOUSE RIVER FLOOD CONTROL PROJECT FUNDING. Except for funding provided during bienniums prior to the 2017-19 biennium, it is the intent of the sixty-fifth legislative assembly that the state provide no more than \$193,000,000 of state funding for Mouse River flood control projects within the city limits of Minot. It is the intent of the sixty-fifth legislative assembly that the \$193,000,000 be made available during the 2017-19, 2019-21, 2021-23, and 2023-25 bienniums.

SECTION 7. LEGISLATIVE INTENT - RED RIVER VALLEY WATER SUPPLY PROJECT - REPORT TO LEGISLATIVE MANAGEMENT. It is the intent of the sixty-fifth legislative assembly that the state water commission provide up to \$30,000,000, for a ninety percent state cost share to the Garrison diversion conservancy district to be used for the design, permitting, property and easement acquisition related to the project, construction, and other related activity for the Red River valley water supply project, for the biennium beginning July 1, 2017, and ending June 30, 2019. The Garrison diversion conservancy district shall report on a regular basis to the legislative management's water topics overview committee during the 2017-18 interim regarding the progress of the Red River valley water supply project."

Page 4, line 5, replace "The" with "Notwithstanding section 5 of chapter 500 of the 2011 Session Laws, the"

Page 4, line 8, replace "\$19,500,000" with "\$25,000,000"

Page 4, line 8, remove "from funds"

Page 4, remove line 9

Page 4, line 10, replace "chapter 20 of the 2013 Session Laws" with "from the general fund to the western area water supply authority authorized in section 3 of chapter 500 of the 2011 Session Laws"

Page 4, line 11, remove "If the"

Page 4, remove lines 12 and 13

Page 4, line 14, replace "under section 61-40-09." with "The western area water supply authority is not obligated to repay principal on loans from the resources trust fund for the period beginning July 1, 2017, and ending June 30, 2018. The interest rate on the \$10,000,000 loan to the western area water supply authority authorized in section 4 of chapter 500 of the 2011 Session Laws must be 2.5 percent on any outstanding balance remaining after the effective date of this Act."

Page 4, line 16, replace "quarterly" with "monthly"

Page 4, line 22, replace "11" with "8"

Page 4, after line 25, insert:

"SECTION 10. APPROPRIATION - INDUSTRIAL COMMISSION STUDY - WESTERN AREA WATER SUPPLY AUTHORITY - REPORT TO LEGISLATIVE MANAGEMENT. There is appropriated out of any moneys in the resources trust fund, in the state treasury, the sum of \$150,000, or so much of the sum as may be necessary, to the industrial commission for the purpose of conducting an independent study of the feasibility and desirability of the sale or lease of the industrial water supply assets of the western area water supply authority, for the period beginning with the effective date of this Act, and ending June 30, 2019. The study must provide information regarding the financial impact to the western area water supply authority, its members and customers, the financial viability of the authority, and options available to the authority for debt servicing. The industrial commission may form a nonvoting advisory committee chaired by the state engineer to provide input regarding the scope of the study and to receive reports on the status of the study. The industrial commission shall report to the legislative management's interim water topics overview committee on the results of the study by June 1, 2018.

SECTION 11. ACTIONS RESULTING FROM THE WESTERN AREA WATER SUPPLY AUTHORITY STUDY.

1. If the industrial commission determines, based on the study directed in section 10 of this Act, that it is feasible and desirable to lease or sell the industrial water supply assets of the western area water supply authority, the industrial commission shall develop a timeline to complete the lease or the sale of the industrial water assets of the western area water supply authority and report to the legislative management's interim water topics overview committee.
2. If the industrial commission determines, based on the study directed in section 10 of this Act, that it is not feasible and desirable to lease or sell the industrial water supply assets of the western area water supply authority, notwithstanding section 5 of chapter 500 of the 2011 Session Laws, the western area water supply authority shall, with the assistance of the industrial commission and the Bank of North Dakota, repay its obligations to the Bank of North Dakota and the state water commission through the issuance of revenue bonds or other financing options acceptable to the industrial commission and Bank of North Dakota."

Page 4, remove lines 26 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 30

Page 8, replace lines 1 through 5 with:

"SECTION 12. AMENDMENT. Section 57-51.1-07 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07. Allocation of moneys in oil extraction tax development fund.

Moneys deposited in the oil extraction tax development fund must be transferred monthly by the state treasurer as follows:

1. Twenty percent must be allocated and credited to the sinking fund established for payment of the state of North Dakota water development bonds, southwest pipeline series, and any moneys in excess of the sum necessary to maintain the accounts within the sinking fund and for the

payment of principal and interest on the bonds must be credited to a special trust fund, to be known as the resources trust fund. The resources trust fund must be established in the state treasury and the funds therein must be deposited and invested as are other state funds to earn the maximum amount permitted by law which income must be deposited in the resources trust fund. ~~Five~~Three percent of the amount credited to the resources trust fund must be transferred no less than quarterly into the renewable energy development fund, not to exceed three million dollars per biennium. One-half of one percent of the amount credited to the resources trust fund must be transferred no less than quarterly into the energy conservation grant fund not to exceed ~~one million~~ two hundred thousand dollars per biennium. The principal and income of the resources trust fund may be expended only pursuant to legislative appropriation and are available to:

- a. The state water commission for planning for and construction of water-related projects, including rural water systems. These water-related projects must be those which the state water commission has the authority to undertake and construct pursuant to chapter 61-02; and
 - b. The industrial commission for the funding of programs for development of renewable energy sources; for studies for development of cogeneration systems that increase the capacity of a system to produce more than one kind of energy from the same fuel; for studies for development of waste products utilization; and for the making of grants and loans in connection therewith.
 - c. The department of commerce for the funding of programs for development of energy conservation and for the making of grants and loans relating to energy conservation.
2. Twenty percent must be allocated to the common schools trust fund and foundation aid stabilization fund as provided in section 24 of article X of the Constitution of North Dakota.
 3. Thirty percent must be allocated to the legacy fund as provided in section 26 of article X of the Constitution of North Dakota.
 4. Thirty percent must be allocated and credited to the state's general fund.

SECTION 13. AMENDMENT. Section 57-51.1-07 of the North Dakota Century Code is amended and reenacted as follows:

57-51.1-07. Allocation of moneys in oil extraction tax development fund.

Moneys deposited in the oil extraction tax development fund must be transferred monthly by the state treasurer as follows:

1. Twenty percent must be allocated and credited to the sinking fund established for payment of the state of North Dakota water development bonds, southwest pipeline series, and any moneys in excess of the sum necessary to maintain the accounts within the sinking fund and for the payment of principal and interest on the bonds must be credited to a special trust fund, to be known as the resources trust fund. The resources trust fund must be established in the state treasury and the funds therein must be deposited and invested as are other state funds to earn the maximum amount permitted by law which income must be deposited in the resources trust fund. Three percent of the amount credited to the resources trust fund must be transferred no less than quarterly into the renewable energy development fund, not to exceed three million dollars per biennium. One-half of one percent of the amount credited to the resources trust fund must be transferred no less than quarterly into the energy conservation grant fund not to exceed one million two hundred thousand dollars per biennium. The principal and

income of the resources trust fund may be expended only pursuant to legislative appropriation and are available to:

- a. The state water commission for planning for and construction of water-related projects, including rural water systems. These water-related projects must be those which the state water commission has the authority to undertake and construct pursuant to chapter 61-02; and
 - b. The industrial commission for the funding of programs for development of renewable energy sources; for studies for development of cogeneration systems that increase the capacity of a system to produce more than one kind of energy from the same fuel; for studies for development of waste products utilization; and for the making of grants and loans in connection therewith.
 - c. The department of commerce for the funding of programs for development of energy conservation and for the making of grants and loans relating to energy conservation.
2. Twenty percent must be allocated to the common schools trust fund and foundation aid stabilization fund as provided in section 24 of article X of the Constitution of North Dakota.
 3. Thirty percent must be allocated to the legacy fund as provided in section 26 of article X of the Constitution of North Dakota.
 4. Thirty percent must be allocated and credited to the state's general fund."

Page 8, remove lines 6 through 30

Page 9, remove lines 1 through 24

Page 9, line 31, replace "twenty-five" with "twenty-six"

Page 10, line 7, overstrike "that" and insert immediately thereafter "of one and one-half percent over the three month London interbank offered rate, but"

Page 10, line 7, overstrike "one and three-quarters" and insert immediately thereafter "three"

Page 10, replace lines 15 through 26 with:

"SECTION 16. AMENDMENT. Section 61-29-06 of the North Dakota Century Code is amended and reenacted as follows:

61-29-06. Management.

Channelization, reservoir construction, or diversion other than for agricultural ~~or recreational, or temporary use~~ purposes and the dredging of waters within the confines of the Little Missouri scenic river and all Little Missouri River tributary streams are expressly prohibited. Flood control dikes may be constructed within the floodplain of the Little Missouri River. Diking and riprapping for bank erosion control shall be permitted within the confines of the Little Missouri scenic river. The construction of impoundments for any purpose on the Little Missouri mainstream shall be prohibited.

This chapter shall in no way affect or diminish the rights of owners of the land bordering the river to use the waters for domestic purposes, including livestock watering, or any other rights of riparian landowners.

SECTION 17. AMENDMENT. Section 61-40-05 of the North Dakota Century Code is amended and reenacted as follows:

61-40-05. Authority of the western area water supply authority.

In addition to authority declared under section 61-40-01, the board of directors of the western area water supply authority may:

1. Sue and be sued in the name of the authority.
2. Exercise the power of eminent domain in the manner provided by title 32 or as described in this chapter for the purpose of acquiring and securing any right, title, interest, estate, or easement necessary or proper to carry out the duties imposed by this chapter, and particularly to acquire the necessary rights in land for the construction of an entire part of any pipeline, reservoir, connection, valve, pumping installation, or other facility for the storage, transportation, or utilization of water and all other appurtenant facilities used in connection with the authority. However, if the interest sought to be acquired is a right of way for any project authorized in this chapter, the authority, after making a written offer to purchase the right of way and depositing the amount of the offer with the clerk of the district court of the county in which the right of way is located, may take immediate possession of the right of way, as authorized by section 16 of article I of the Constitution of North Dakota. Within thirty days after notice has been given in writing to the landowner by the clerk of the district court that a deposit has been made for the taking of a right of way as authorized in this subsection, the owner of the property taken may appeal to the district court by serving a notice of appeal upon the acquiring agency, and the matter must be tried at the next regular or special term of court with a jury unless a jury be waived, in the manner prescribed for trials under chapter 32-15.
3. Accept funds, property, services, pledges of security, or other assistance, financial or otherwise, from federal, state, and other public or private sources for the purpose of aiding and promoting the construction, maintenance, and operation of the authority. The authority may cooperate and contract with the state or federal government, or any department or agency of state or federal government, or any city, water district, or water system within the authority, in furnishing assurances and meeting local cooperation requirements of any project involving treatment, control, conservation, distribution, and use of water.
4. Cooperate and contract with the agencies or political subdivisions of this state or other states, in research and investigation or other activities promoting the establishment, construction, development, or operation of the authority.
5. Appoint and fix the compensation and reimbursement of expenses of employees as the board determines necessary to conduct the business and affairs of the authority and to procure the services of engineers and other technical experts, and to retain attorneys to assist, advise, and act for the authority in its proceedings.
6. Operate and manage the authority to distribute water to authority members and others within or outside the territorial boundaries of the authority and this state.
7. Hold, own, sell, or exchange any and all property purchased or acquired by the authority. All money received from any sale or exchange of property must be deposited to the credit of the authority and may be used to pay expenses of the authority.
8. Enter contracts to obtain a supply of bulk water through the purchase of infrastructure, bulk water sale or lease, which contracts may provide for payments to fund some or all of the authority's costs of acquiring, constructing, or reconstructing one or more water supply or infrastructure.

9. Acquire, construct, improve, and own water supply infrastructure, office and maintenance space in phases, in any location, and at any time.
10. Enter contracts to provide for a bulk sale, lease, or other supply of water for beneficial use to persons within or outside the authority. The contracts may provide for payments to fund some or all of the authority's costs of acquiring, constructing, or reconstructing one or more water system projects, as well as the authority's costs of operating and maintaining one or more projects, whether the acquisition, construction, or reconstruction of any water supply project actually is completed and whether water actually is delivered pursuant to the contracts. The contracts the cities, water districts, and other entities that are members of the western area water supply authority are authorized to execute are without limitation on the term of years.
11. Borrow money as provided in this chapter.
12. Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of its powers or in the performance of its covenants or duties or in order to secure the payment of its obligations, but an encumbrance, mortgage, or other pledge of property of the authority may not be created by any contract or instrument.
13. Accept from any authorized state or federal agency loans or grants for the planning, construction, acquisition, lease, or other provision of a project, and enter agreements with the agency respecting the loans or grants. Other than state-guaranteed loans, additional debt that may form the basis of a claim for territorial or franchise protection for industrial water sales for oil and gas exploration and production may be acquired by the authority or member entities only upon approval by the industrial commission and the emergency commission.
14. Contract debts and borrow money, pledge property of the authority for repayment of indebtedness, and provide for payment of debts and expenses of the authority.
15. Operate and manage the authority to distribute water to any out-of-state cities or water systems that contract with the authority.
16. Accept, apply for, and hold water allocation permits.
17. Adopt rules concerning the planning, management, operation, maintenance, sale, and ratesetting regarding water sold by the authority. The authority may adopt a rate structure with elevated rates set for project industrial water depot and lateral supplies in recognition that a large component of the project expense is being incurred to meet the demands of industrial users. The industrial water depot and lateral rate structure must be approved in accordance with section 61-40-11.
18. Develop water supply systems; store and transport water; and provide, contract for, and furnish water service for domestic, municipal, and rural water purposes; milling, manufacturing, mining, industrial, metallurgical, and any and all other beneficial uses; and fix the terms and rates therefore. The authority may acquire, construct, operate, and maintain dams, reservoirs, ground water storage areas, canals, conduits, pipelines, tunnels, and any and all treatment plants, works, facilities, improvements, and property necessary the same without any required public vote before taking action.
19. Contract to purchase or improve water supply infrastructure or to obtain bulk water supplies without requiring any vote of the public on the projects or contracts. In relation to the initial construction of the system and for the purposes of entering a contract with the authority, municipalities are exempt from the public voting requirements or water contract duration limitations otherwise imposed by section 40-33-16.

- 20. Accept assignment by member entities of contracts that obligate member entities to provide a water supply, contracts that relate to construction of water system infrastructure, or other member entity contracts that relate to authorities transferred to the authority under this chapter.
- 21. Issue revenue bonds to repay its loan obligations to the Bank of North Dakota and the state water commission.

Page 10, line 30, overstrike "The"

Page 10, line 30, remove "industrial commission shall provide"

Page 10, line 30, overstrike "an industrial water depot and"

Page 10, line 31, overstrike "lateral retail rate"

Page 11, line 2, remove "for the authority which is a competitive, floating, market rate" and insert immediately thereafter "The industrial commission may authorize the authority to contract at competitive, floating, market rates for industrial water depot and lateral retail sales. The authority shall provide a report on the rates to the commission and legislative management's water topics overview committee on a regular basis"

Page 11, line 9, replace "\$25,000,000" with "\$26,000,000"

Page 11, replace lines 11 through 20 with:

"SECTION 20. LEGISLATIVE MANAGEMENT STUDY - OIL AND GAS INDUSTRIAL WATER USE. During the 2017-18 interim, the legislative management shall consider studying industrial water use of the oil and gas industry. The study is to include the recapture of water used in fracking, the recycling of water used in fracking, and other oil and gas activities, fracking methods which do not require the use of water, and taxes or fees other states charge for water used in the oil and gas industry.

SECTION 21. EFFECTIVE DATE - EXPIRATION DATE. Section 12 of this Act becomes effective on July 1, 2017, is effective through June 30, 2019, and after that date is ineffective. Section 13 of this Act becomes effective on July 1, 2019.

SECTION 22. CONTINGENT EFFECTIVE DATE. Section 17 of this Act is contingent on certification by the industrial commission to the legislative council that the industrial commission has determined the western area water supply authority shall, with the assistance of the industrial commission and the Bank of North Dakota, repay its obligations to the Bank of North Dakota and the state water commission through the issuance of revenue bonds, as provided under subsection 2 of section 11 of this Act.

SECTION 23. EMERGENCY. Sections 8, 9, 10, 11, 16, 17, and 22 of this Act are declared to be an emergency measure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1020 - Summary of Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Industrial Commission				
Total all funds	\$0	\$0	\$150,000	\$150,000
Less estimated income	0	0	150,000	150,000
General fund	\$0	\$0	\$0	\$0
State Water Commission				
Total all funds	\$868,935,836	\$860,013,589	(\$137,870,114)	\$722,143,475
Less estimated income	868,935,836	860,013,589	(137,870,114)	722,143,475
General fund	\$0	\$0	\$0	\$0
Bill total				

Total all funds	\$868,935,836	\$860,013,589	(\$137,720,114)	\$722,293,475
Less estimated income	868,935,836	860,013,589	(137,720,114)	722,293,475
General fund	\$0	\$0	\$0	\$0

House Bill No. 1020 - Industrial Commission - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
WAWS industrial water study			\$150,000	\$150,000
Total all funds	\$0	\$0	\$150,000	\$150,000
Less estimated income	0	0	150,000	150,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Department No. 405 - Industrial Commission - Detail of Senate Changes

	Adds Funding for WAWS Industrial Water Study ¹	Total Senate Changes
WAWS industrial water study	\$150,000	\$150,000
Total all funds	\$150,000	\$150,000
Less estimated income	150,000	150,000
General fund	\$0	\$0
FTE	0.00	0.00

¹ A section is added appropriating \$150,000 from the resources trust fund for conducting an independent study of the feasibility and desirability of the sale or lease of the industrial water supply assets of the Western Area Water Supply Authority. The Industrial Commission is required to report the findings to the Water Topics Overview Committee by June 1, 2018.

This amendment also:

- Adds a section requiring the Industrial Commission, based on the results of the study, to either develop a timeline to complete the lease or the sale of the Western Area Water Supply Authority's assets or assist the Western Area Water Supply Authority in refinancing its outstanding debt through bonding.
- Adds a section amending North Dakota Century Code Section 61-40-05 to allow, under certain conditions, the Western Area Water Supply Authority to issue revenue bonds to repay its loan obligations to the Bank of North Dakota and the State Water Commission.

House Bill No. 1020 - State Water Commission - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Administrative and support services	\$5,535,618	\$5,635,772	(\$2,586)	\$5,633,186
Water and atmospheric resources	863,400,218	736,077,817	(19,567,528)	716,510,289
Minot flood control loan		110,000,000	(110,000,000)	
Water authority debt payments		8,300,000	(8,300,000)	
Total all funds	\$868,935,836	\$860,013,589	(\$137,870,114)	\$722,143,475
Less estimated income	868,935,836	860,013,589	(137,870,114)	722,143,475
General fund	\$0	\$0	\$0	\$0
FTE	97.00	93.00	0.00	93.00

Department No. 770 - State Water Commission - Detail of Senate Changes

Adjusts Funding for Health Insurance Increases ¹	Adjusts Funding Available for Water Projects ²	Removes Funding for Flood Hazard Risk	Removes Funding from Minot Flood Control Loan ⁴	Removes Funding from Water Authority Debt Payments ⁵	Total Senate Changes

		Management Study ³				
Administrative and support services	(\$2,586)					(\$2,586)
Water and atmospheric resources	(17,528)	(19,500,000)	(50,000)			(19,567,528)
Minot flood control loan				(110,000,000)		(110,000,000)
Water authority debt payments					(8,300,000)	(8,300,000)
Total all funds	(\$20,114)	(\$19,500,000)	(\$50,000)	(\$110,000,000)	(\$8,300,000)	(\$137,870,114)
Less estimated income	(20,114)	(19,500,000)	(50,000)	(110,000,000)	(8,300,000)	(137,870,114)
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

¹ Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month. Section 2 of the bill is also adjusted to reflect this change.

² Funding of \$19,500,000 from the resources trust fund is removed as a result of the Senate changes to the refinancing of Western Area Water Supply Authority debt. The House included the refinancing of the \$19.5 million loan from the resources trust fund. The Senate provided for refinancing the \$25 million loan from the general fund.

³ Funding of \$50,000 from the resources trust fund is removed for a study by the State Engineer of flood hazard risk management added by the House.

⁴ The \$110 million loan authorization from the Bank of North Dakota provided by the House to the State Water Commission for the Minot flood control project is removed. The Senate included legislative intent that the state provide \$193 million during the 2017-19, 2019-21, 2021-23, and 2023-25 bienniums for the Mouse River flood control projects within the city limits of Minot.

⁵ The Senate removed Sections 5, 19, and 20 added by the House related to fresh water royalty payments. The removal of these sections reduces resources trust fund revenues by an estimated \$8.3 million which were appropriated to the State Water Commission.

This amendment also:

- Removes Section 3 which provided for a \$135,000 grant from the resources trust fund to the Game and Fish Department for law enforcement activities on sovereign lands in the state.
- Reduces water-related funding designations in Section 7 from \$299,875,000 to \$298,875,000 and combines the seven designations into three. The Senate designates \$147,125,000 for water supply, \$136,000,000 for flood control, and \$15,750,000 for general water.
- Removes Section 8 related to Northwest Area Water Supply Project funding.
- Removes Sections 9 and 10 related to a \$110 million loan authorization from the Bank of North Dakota and an appropriation of the loan proceeds to the State Water Commission for the Minot flood control project and legislative intent.
- Adds a section providing legislative intent that the state provide no more than \$193 million of state funding for Mouse River flood control projects within the city limits of Minot during the 2017-19, 2019-21, 2021-23, and 2023-25 bienniums.
- Adds a section providing legislative intent that the State Water Commission provide \$30 million to the Garrison Diversion Conservancy District for the Red River Valley Water Supply Project which is a 90 percent cost share.
- Changes Section 11 regarding the refinancing of Western Area Water Supply Authority debt, to remove the repayment of a \$19.5 million loan from the resources trust fund, but instead repay a \$25 million loan from the general fund. The section also changes the Western Area Water Supply Authority financial reporting from quarterly to monthly, directs the Western Area Water Supply Authority to abstain from repaying principal on loans from the resources trust fund from July 1, 2017, through June 30, 2018, and changes the interest rate on the \$10 million loan to the

Western Area Water Supply Authority from 5 to 2.5 percent.

- Removes Sections 13 and 14 added by the House which appropriated \$50,000 to the State Engineer to conduct a flood hazard risk management study.
- Changes Section 15 to provide for a \$200,000 allocation from the resources trust fund to the energy conservation grant fund for the 2017-19 biennium and restores the allocation to \$1.2million for subsequent bienniums. The House removed all allocations to the energy conservation grant fund.
- Changes Sections 17 and 21 to increase the total allocation to the infrastructure revolving loan fund from \$25 million as provided by the House to \$26 million.
- Changes Section 18 related to the interest rate of the line of credit from the Bank of North Dakota to the State Water Commission from "may not exceed 1.75 percent" to "1.5 percent over the three month London interbank offered rate which may not exceed three percent."
- Adds a section amending Section 61-29-06 to authorize the State Water Commission to issue temporary use permits within the confines of the Little Missouri Scenic River and all Little Missouri River tributary streams.
- Changes Section 20 to authorize the Industrial Commission to allow the Western Area Water Supply Authority to contract at competitive, floating, market rates for industrial water depot and lateral retail sales. The House version directed the Industrial Commission to get the competitive, floating, market rate.
- Removes Section 22 regarding a Legislative Management study of the Western Area Water Supply Authority's industrial infrastructure.
- Adds a section for the Legislative Management to consider studying the industrial water use of the oil and gas industry.
- Adds an emergency clause.

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 1330.

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 1025, HB 1041, HB 1235, and HB 1269, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1025: Reps. D. Anderson; M. Ruby; Mitskog

HB 1041: Reps. K. Koppelman; Satrom; M. Nelson

HB 1235: Reps. K. Koppelman; Johnston; M. Nelson

HB 1269: Reps. K. Koppelman; Satrom; M. Nelson

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 1201: Sens. Casper; Roers; Marcellais

HB 1403: Sens. J. Lee; Anderson; Heckaman

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2006, SB 2029, SB 2163, SB 2191, SB 2231, SB 2250, SB 2272, SB 2276, SB 2298, SB 2335, SB 2340, and SB 2343.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2025, SB 2139, SB 2156, SB 2203, and SB 2224, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2025: Sens. Kilzer; Dever; Robinson

SB 2139: Sens. Myrdal; Luick; Nelson

SB 2156: Sens. J. Lee; Burckhard; Anderson

SB 2203: Sens. Myrdal; Dever; Grabinger
SB 2224: Sens. Bekkedahl; Vedaa; Marcellais

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 2033: Reps. Rohr; Kiefert; Schneider
SB 2039: Reps. Devlin; B. Anderson; Damschen
SB 2041: Reps. Damschen; McWilliams; P. Anderson
SB 2045: Reps. Grueneich; Owens; Weisz
SB 2052: Reps. B. Anderson; Kiefert; Schneider
SB 2116: Reps. Seibel; Westlind; Skroch
SB 2149: Reps. K. Koppelman; Satrom; M. Nelson
SB 2189: Reps. Porter; D. Anderson; P. Anderson
SB 2273: Reps. Olson; Trottier; Mitskog

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

MR. SPEAKER: The President has appointed Sen. Nelson to replace Sen. Laffen on the Conference Committee on SB 2045.

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

MR. PRESIDENT: The Speaker has appointed Rep. Lefor to replace Rep. Marschall on the Conference Committee on SB 2270.

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

MR. PRESIDENT: The Speaker has appointed Rep. Damschen to replace Rep. Seibel on the Conference Committee on SB 2313.

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

MR. PRESIDENT: The Speaker has appointed Rep. Damschen to replace Rep. Seibel on the Conference Committee on SB 2047.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2311.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2239.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1330.

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

MR. SPEAKER: The President has signed: HB 1144, HB 1149, HB 1151, HB 1156, HB 1198, HB 1251, HB 1255, HB 1279, HB 1321, HB 1345, HB 1354, HB 1363, HB 1367, HB 1395, HB 1398, HB 1415, HCR 3011, HCR 3021.

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

MR. SPEAKER: The President has signed: SB 2038, SB 2088, SB 2188, SB 2271, SB 2329.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARAGOS MOVED that the House do concur in the Senate amendments to HB 1058 as printed on HJ page 930, which motion prevailed on a voice vote.

HB 1058, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1058: A BILL for an Act to amend and reenact subsection 7 of section 12.1-32-15 of the North Dakota Century Code, relating to registration requirements for sexual offenders.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 86 YEAS, 0 NAYS, 0 EXCUSED, 8 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.; Johnston; Jones; Kading; Karls; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Streytle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Becker, Rick C.; Kasper; Kempenich; Magrum; Marschall; Rohr; Seibel; Simons

Engrossed HB 1058 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. K. KOPPELMAN MOVED that the House do concur in the Senate amendments to Engrossed HB 1197 as printed on HJ page 915, which motion prevailed on a voice vote.

Engrossed HB 1197, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1197: A BILL for an Act to create and enact a new chapter to title 32 of the North Dakota Century Code, relating to asbestos bankruptcy trust transparency.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 79 YEAS, 7 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

NAYS: Boschee; Delmore; Guggisberg; Hogan; Mitskog; Mock; Schneider

ABSENT AND NOT VOTING: Becker, Rick C.; Kasper; Kempenich; Magrum; Marschall; Rohr; Seibel; Simons

Reengrossed HB 1197 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. RUBY MOVED that the House do concur in the Senate amendments to Engrossed HB 1320 as printed on HJ page 1173, which motion prevailed on a voice vote.

Engrossed HB 1320, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1320: A BILL for an Act to amend and reenact sections 39-12-02 and 39-12-03 of the

North Dakota Century Code, relating to a uniform truck permitting system for oversized or overweight vehicles and local authority to limit use of vehicles on highways; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 87 YEAS, 0 NAYS, 0 EXCUSED, 7 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.; Johnston; Jones; Kading; Karls; Keiser; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; 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; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Becker, Rick C.; Kasper; Kempenich; Magrum; Marschall; Seibel; Simons

Reengrossed HB 1320 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. RUBY MOVED that the House do concur in the Senate amendments to Engrossed HB 1202 as printed on HJ page 1173, which motion prevailed on a voice vote.

Engrossed HB 1202, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1202: A BILL for an Act to provide for a department of transportation study.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 77 YEAS, 10 NAYS, 0 EXCUSED, 7 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; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, M.; O'Brien; Oliver; Olson; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Sukut; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke

NAYS: Delzer; Hanson; Johnston; Keiser; Nelson, J.; Owens; Skroch; Streyle; Toman; Speaker Bellew

ABSENT AND NOT VOTING: Becker, Rick C.; Kasper; Kempenich; Magrum; Marschall; Seibel; Simons

Reengrossed HB 1202 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. VETTER MOVED that the House do concur in the Senate amendments to HB 1189 as printed on HJ page 1173, which motion prevailed on a voice vote.

HB 1189, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1189: A BILL for an Act to amend and reenact subsection 3 of section 54-44.7-03 and section 54-44.7-04 of the North Dakota Century Code, relating to procurement procedures and exceptions to bidding thresholds for state building projects.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 6 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.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; 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; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Becker, Rick C.; Kasper; Magrum; Marschall; Seibel; Simons

Engrossed HB 1189 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HEINERT MOVED that the House do concur in the Senate amendments to Reengrossed HB 1419 as printed on HJ page 1175, which motion prevailed on a voice vote.

Reengrossed HB 1419, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to provide an appropriation for a shooting sports grant program.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 85 YEAS, 3 NAYS, 0 EXCUSED, 6 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; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; 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; Schobinger; Schreiber-Beck; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Johnston; McWilliams; Schneider

ABSENT AND NOT VOTING: Becker, Rick C.; Kasper; Magrum; Marschall; Seibel; Simons

Reengrossed HB 1419 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. RUBY MOVED that the House do concur in the Senate amendments to Engrossed HB 1299 as printed on HJ pages 1193-1195, which motion prevailed on a voice

vote.

Engrossed HB 1299, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1299: A BILL for an Act to amend and reenact section 39-06-19 of the North Dakota Century Code, relating to operator's license renewal.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 61 YEAS, 28 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Blum; Boe; Boschee; Brabandt; Brandenburg; Damschen; Dockter; Ertelt; Grueneich; Guggisberg; Hatlestad; Headland; Hogan; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Keiser; Kempenich; Kiefert; Klemin; Koppelman, K.; Kreidt; Laning; Longmuir; Louser; Maragos; McWilliams; Mock; Monson; Nathe; Nelson, M.; O'Brien; Oliver; Olson; Owens; Pollert; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schneider; Schobinger; Schreiber-Beck; Sukut; Trottier; Vetter; Weisz; Westlind; Zubke

NAYS: Boehning; Bosch; Carlson; Delmore; Delzer; Devlin; Dobervich; Hanson; Heinert; Holman; Karls; Koppelman, B.; Lefor; Martinson; Meier; Mitskog; Nelson, J.; Paur; Porter; Schatz; Schmidt; Simons; Skroch; Steiner; Streyle; Toman; Vigesaa; Speaker Bellew

ABSENT AND NOT VOTING: Becker, Rick C.; Kasper; Magrum; Marschall; Seibel

Reengrossed HB 1299 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. K. KOPPELMAN MOVED that the House do concur in the Senate amendments to Engrossed HB 1236 as printed on HJ pages 1103-1104, which motion prevailed on a voice vote.

Engrossed HB 1236, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1236: A BILL for an Act to amend and reenact section 29-04-03.1 of the North Dakota Century Code, relating to prosecution for sexual abuse of minors.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 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.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; 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; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Becker, Rick C.; Kasper; Magrum; Marschall; Seibel

Reengrossed HB 1236 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. D. JOHNSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1126 as printed on HJ page 1193, which motion prevailed on a voice vote.

Engrossed HB 1126, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1126: A BILL for an Act to amend and reenact sections 60-02-09, 60-02-17, 60-02-35, 60-02-38, 60-02-40, 60-02.1-08, 60-02.1-26, 60-02.1-28, 60-02.1-32, 60-02.1-35, 60-02.1-37, 60-02.1-38, 60-04-02, 60-04-04, 60-04-07, 60-04-09, 60-04-10, and 60-10-09 of the North Dakota Century Code, relating to public warehouse and grain buyer licensing and insolvencies of public warehouses and grain buyers; to repeal sections 60-02-39 and 60-02.1-25 of the North Dakota Century Code, relating to warehouse closures; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 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.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; 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; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

ABSENT AND NOT VOTING: Becker, Rick C.; Kasper; Magrum; Marschall; Seibel

Reengrossed HB 1126 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. ROERS JONES MOVED that the House do concur in the Senate amendments to Engrossed HB 1181 as printed on HJ page 1193, which motion prevailed on a voice vote.

Engrossed HB 1181, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1181: A BILL for an Act to amend and reenact sections 17-04-01, 17-04-03, and 17-04-05 of the North Dakota Century Code, relating to termination of wind option agreements, wind easements, and wind energy leases.

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 88 YEAS, 1 NAYS, 0 EXCUSED, 5 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.; Johnston; Jones; Kading; Karls; Keiser; Kempenich; Kiefert; Klemm; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Maragos; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigesaa;

Weisz; Westlind; Zubke; Speaker Bellew

NAYS: Nelson, M.

ABSENT AND NOT VOTING: Becker, Rick C.; Kasper; Magrum; Marschall; Seibel

Reengrossed HB 1181 passed.

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 1090, HB 1137, and HB 1374.

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 8:30 a.m., Thursday, April 6, 2017, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2134, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2134, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1108-1112 of the House Journal, Engrossed Senate Bill No. 2134 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 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 appropriations; to provide a contingent line of credit; 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. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - CONTINGENT LINE OF CREDIT - MINERAL REVENUE REPAYMENTS.

1. There is appropriated out of any moneys held in reserve in the strategic investment and improvements fund for mineral title disputes, not otherwise appropriated, the sum of \$100,000,000, or so much of the sum as may be necessary, to the commissioner of university and school lands for the purpose of mineral revenue repayments, for the biennium beginning July 1, 2017, and ending June 30, 2019. The funding provided in this section is considered a one-time funding item.
2. The funding provided in this section is available for the following:
 - a. Repayment of any bonus, lease, and rent collections that are 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.
 - b. Repayment of any royalties collected before July 1, 2017, which are 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.
 - c. Repayment of any royalties collected after June 30, 2017, which are 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.
 - d. Repayment of any bonus, lease, and rent collections that are attributable to the remaining oil and gas mineral tracts requiring repayments.
 - e. Other mineral revenue repayments or other reimbursements that are attributable to oil and gas mineral tracts requiring repayments.
3. Upon adoption of the final review findings by the industrial commission, the commissioner of university and school lands shall calculate the amount necessary for mineral revenue repayments based on the final review findings.
4. If the commissioner of university and school lands determines additional funding is necessary for any remaining mineral revenue repayments after the calculation under subsection 3:
 - a. The commissioner of university and school lands shall request from the sixty-sixth legislative assembly additional funding sufficient for any remaining mineral revenue repayments.
 - b. If additional funding is needed before funds being made available by the sixty-sixth legislative assembly under subdivision a, the Bank of North Dakota shall extend a line of credit, not to exceed \$87,000,000, to the commissioner of university and school lands. The commissioner of university and school lands may access the line of credit, to the extent necessary, the sum of which is appropriated, for the purpose of mineral revenue repayments for the biennium beginning July 1, 2017, and ending June 30, 2019. The commissioner of university and school lands shall repay the line of credit from funds available in the strategic investment and improvements fund as appropriated by the legislative assembly.

SECTION 4. APPROPRIATION - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - REIMBURSEMENT OF LEGAL EXPENSES.

1. There is appropriated out of any moneys held in reserve in the strategic investment and improvements fund for mineral title disputes, not otherwise appropriated, the sum of \$750,000, or so much of the sum as may be necessary, to the commissioner of university and school lands for the purpose of reimbursing legal expenses as provided in subsection 2, for the biennium beginning July 1, 2017, and ending June 30, 2019.
2. The commissioner of university and school lands shall use funds appropriated in subsection 1 to reimburse actual legal and expert fees incurred and requested by any private mineral owner, or the owner's successors in interest, who reserved the mineral rights, through deed or condemnation order from the court, when the United States acquired the owner's property as part of the land acquisitions for Garrison Dam and its reservoir, Lake Sakakawea, and who filed a lawsuit against the state of North Dakota after December 31, 2011, but before December 31, 2016, and which lawsuit was pending as of February 1, 2017, claiming title to reserved mineral rights. The legal and expert fees may not be reimbursed until the final adjudication, settlement, or other resolution of the lawsuit for which they were incurred.

SECTION 5. 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 6. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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

Buell J. Reich, Chief Clerk

