

## JOURNAL OF THE HOUSE

## Sixty-fifth Legislative Assembly

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Bismarck, April 13, 2017

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

The prayer was offered by Chaplain Colleen Ressler, St. Vincent's Care Center, Bismarck.

The roll was called and all members were present except Representatives Blum, Kiefert, Kreidt, and Seibel.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on April 12, 2017, I have signed the following: HB 1321.

**MOTION**

**REP. VIGESAA MOVED** that SCR 4001 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Vigesaa's motion, SCR 4001 was rereferred.

**MOTION**

**REP. VIGESAA MOVED** that SB 2037, which is on the Seventh order, be laid over two legislative days, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DEVLIN MOVED** that the conference committee report on SB 2270 as printed on HJ page 1596 be adopted, which motion prevailed on a voice vote.

SB 2270, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2270:** A BILL for an Act to amend and reenact subsection 5 of section 6-09.4-03, section 61-24-27, subsection 3 of section 61-24.8-01, and sections 61-24.8-13, 61-24.8-14, 61-24.8-16, and 61-24.8-17 of the North Dakota Century Code, relating to financing options for the Garrison Diversion Conservancy District and notice of assessments; and to declare an emergency.

**ROLL CALL**

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

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

**NAYS:** Becker, Rick C.; Ertelt; Johnston; Koppelman, B.; Simons

**ABSENT AND NOT VOTING:** Blum; Kiefert; Kreidt; Seibel

SB 2270, as amended, passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SEIBEL MOVED** that the conference committee report on HCR 3019 as printed on HJ pages 1615-1616 be adopted, which motion prevailed on a voice vote.

HCR 3019, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3019:** A concurrent resolution requesting the United States Army Corps of Engineers divest land not needed for the management of the Garrison project area in North Dakota.

**ROLL CALL**

The question being on the final adoption of the amended resolution, 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.; 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; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trotter; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Blum; Kiefert; Kreidt; Seibel

Engrossed HCR 3019 was declared adopted on a recorded roll call vote.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. D. ANDERSON MOVED** that the conference committee report on Engrossed HB 1025 as printed on HJ pages 1614-1615 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1025, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1025:** A BILL for an Act to create and enact section 20.1-04-07.1 and chapter 20.1-05.1 of the North Dakota Century Code, relating to wild turkey hunting licenses for individuals receiving hunting expeditions from a nonprofit organization and authorization for issuance of special allocation hunting licenses; to amend and reenact sections 20.1-02-04, 20.1-04-07, 20.1-08-04.1, 20.1-08-04.2, and 20.1-08-04.6 of the North Dakota Century Code, relating to authorization for issuance of special allocation hunting licenses; to repeal sections 20.1-08-04.8, 20.1-08-04.12, and 20.1-08-04.13 of the North Dakota Century Code, relating to authorization for issuance of special allocation hunting licenses; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; Damschen; Delmore; Devlin; Dobervich; Dockter; Ertelt; Grueneich; Guggisberg; Hanson; Hatlestad; Headland; Heinert; Hogan; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson;

Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Becker, Rick C.; Boe; Delzer; Johnston; Magrum; Simons

**ABSENT AND NOT VOTING:** Blum; Kiefert; Kreidt; Seibel

Reengrossed HB 1025 passed and the emergency clause was declared carried.

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

**REP. PORTER MOVED** that the conference committee report on Engrossed SB 2189 as printed on HJ pages 1616-1617 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2189, as amended, was placed on the Fourteenth order of business.

#### **SECOND READING OF SENATE BILL**

**SB 2189:** A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to the confidentiality of children's advocacy center records; and to amend and reenact subsection 3 of section 12.1-34-07 and subsection 1 of section 27-20-51 of the North Dakota Century Code, relating to reimbursement of the cost of forensic interviews and confidentiality of juvenile court records and children's advocacy center records.

#### **ROLL CALL**

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

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; 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; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; 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; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Johnston; McWilliams; Simons

**ABSENT AND NOT VOTING:** Blum; Kiefert; Kreidt; Seibel

Engrossed SB 2189, as amended, passed.

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

**REP. SEIBEL MOVED** that the conference committee report on SB 2116 as printed on HJ page 1617 be adopted, which motion prevailed on a voice vote.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2344.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2206, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2206:** Sens. Bekkedahl; Cook; Dotzenrod

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

**MR. SPEAKER:** The President has appointed Sen. Hogue to replace Sen. Kilzer on the Conference Committee on HB 1003.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2116.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HCR 3019.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2189.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1025.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2270.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1044, HB 1085, HB 1233, HB 1365.

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

**MR. SPEAKER:** The President has signed: HB 1044, HB 1085, HB 1233, HB 1365.

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

**MR. SPEAKER:** The President has signed: SB 2161, SB 2253, SB 2264, SB 2316.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 13, 2017: HB 1009, HB 1011, HB 1017, HB 1021, HB 1037, HB 1043, HB 1060, HB 1096, HB 1183, HB 1194, HB 1195, HB 1204, HB 1318, HB 1334, HB 1339, HB 1374, HB 1387, HB 1418, HB 1419, HB 1433.

**REPORT OF STANDING COMMITTEE**

**SCR 4001: Appropriations Committee (Rep. Delzer, Chairman)** recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4001 was placed on the Fourteenth order on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1155, as engrossed:** Your conference committee (Sens. Holmberg, Wanzek, Grabinger and Reps. Delzer, Vigesaa, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1295, adopt amendments as follows, and place HB 1155 on the Seventh order:

That the Senate recede from its amendments as printed on page 1295 of the House Journal and pages 1063 and 1064 of the Senate Journal and that Engrossed House Bill No. 1155 be amended as follows:

Page 3, after line 2, insert:

"f. For purposes of this subsection, the calculation of total percentage general fund allotments made under section 54-44.1-12 must be based on total general fund allotments after any allotment exemption granted by the director of the budget compared to total general fund appropriations."

Page 3, line 24, overstrike the comma

Page 3, line 24, overstrike "that appropriations to the department of public instruction for state"

Page 3, overstrike lines 25 and 26

Page 3, line 27, overstrike "fund"

Page 3, line 27, remove the overstrike over "as follows:"

Page 4, line 2, after "fund" insert:

- "a. The following appropriations may be allotted only to the extent that the allotment can be offset by transfers from the foundation aid stabilization fund:
  - (1) General fund appropriations to the department of public instruction for state school aid, transportation aid, and special education aid; and
  - (2) General fund appropriations to the department of career and technical education for grants to school districts.
- b. After allotments of two and one-half percent have been ordered during a biennium, the director of the budget may exempt the following appropriations from up to one percent of an allotment each biennium:
  - (1) General fund appropriations to the department of corrections and rehabilitation; and
  - (2) General fund appropriations to the department of human services for direct care programs"

Renumber accordingly

Engrossed HB 1155 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1201, as engrossed:** Your conference committee (Sens. Casper, Roers, Marcellais and Reps. Sukut, Lefor, Boschee) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1277, adopt amendments as follows, and place HB 1201 on the Seventh order:

That the Senate recede from its amendments as printed on page 1277 of the House Journal and page 1064 of the Senate Journal and that Engrossed House Bill No. 1201 be amended as follows:

Page 1, line 3, remove ", subdivision d of subsection 1 of section"

Page 1, line 4, remove "47-16-13.1,"

Page 1, line 5, replace "devices" with "alarms"

Page 1, line 5, remove "to provide a penalty;"

Page 1, line 10, replace "**devices**" with "**alarms**"

Page 1, line 11, overstrike " - **Penalty**"

Page 1, line 12, after the first "property" insert "that includes a wood or other fuel-fired fireplace, heater, or appliance or an attached garage."

Page 1, line 13, after "23-09-02.1" insert "or unless exempted by state and local building and fire codes."

Page 1, line 13, overstrike "smoke"

Page 1, line 13, remove "and"

Page 1, line 14, replace the first "devices" with "alarms"

Page 1, line 14, remove the overstrike over "systems"

Page 1, line 14, remove the second "devices"

Page 1, line 15, remove "Devices"

Page 1, line 15, overstrike "must be installed and maintained in"

Page 1, overstrike line 16

Page 1, line 17, overstrike "adopted by the state fire marshal" and insert immediately thereafter "The installation and maintenance must be in accordance with state and local building and fire codes. All residential rental property, with the exception of property covered by section 23-09-02.1, must be equipped with smoke detection alarms or other approved alarm systems for the protection of occupants of the property"

Page 1, line 19, replace "devices" with "alarms"

Page 1, line 19, replace "Devices" with "Alarms"

Page 1, line 22, replace "devices" with "alarms"

Page 1, line 24, replace "devices" with "alarms"

Page 2, line 1, overstrike "unit"

Page 2, line 2, replace the first "device" with "alarm"

Page 2, line 2, remove the overstrike over the second "system"

Page 2, line 2, remove the second "device"

Page 2, line 5, overstrike "dwelling units" and insert immediately thereafter "dwellings"

Page 2, line 7, remove "detection"

Page 2, line 8, replace "devices" with "alarms"

Page 2, line 9, overstrike "Any property owner who willfully fails to install a"

Page 2, line 9, remove "device"

Page 2, line 9, overstrike "as required by this"

Page 2, line 10, overstrike "section is guilty of"

Page 2, line 10, replace "an infraction" with "A landlord may charge a tenant for damages equivalent to three times the cost associated with replacing an alarm that was damaged during the time the tenant occupied the property."

5. A landlord may not be held liable for injury or damages caused as the result of an inoperable carbon monoxide alarm"

Page 2, remove lines 11 through 16

Page 3, line 17, replace "2018" with "2019"

Renumber accordingly

Engrossed HB 1201 was placed on the Seventh order of business on the calendar.

**ANNOUNCEMENT**

**SPEAKER BELLEW ANNOUNCED** that the House will 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. Klemm, Chairman)** has carefully examined the Journal of the Sixty-second, Sixty-fifth, and Sixty-sixth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1421, after line 12, insert:

**"ANNOUNCEMENT**

**SPEAKER BELLEW ANNOUNCED** that Rep. Olson will replace Rep. Beadle on the Conference Committee on SB 2183."

Page 1557, after line 25, insert:

**"POINT OF INFORMATION"**

Pursuant to HR 509, SCR 4001 was placed on the calendar without a recommendation.

Page 1603, after line 21, insert:

**"THE SPEAKER APPOINTED** as a Conference Committee on:

**HB 1023:** Reps. Vigesaa; Boehning; Keiser"

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

**COMMUNICATION FROM GOVERNOR DOUG BURGUM**

This is to inform you that on April 13, 2017, I have signed the following: HB 1045, HB 1098, HB 1126, HB 1181, HB 1202, HB 1222, HB 1236, HB 1247, HB 1272, HB 1283, HB 1299, HB 1320, and HB 1390.

Also, on April 13, 2017, I have signed the following: HB 1037, HB 1043, HB 1060, HB 1137, HB 1189, and HB 1318.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4001:** A concurrent resolution authorizing the Budget Section of the Legislative Management to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants passed by Congress.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; 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; Kasper; Keiser; Kempenich; Klemm; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**ABSENT AND NOT VOTING:** Blum; Damschen; Kiefert; Kreidt; Seibel

SCR 4001 was declared adopted on a recorded roll call vote.

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**CONSIDERATION OF MESSAGES FROM THE SENATE**

**REP. VIGESAA MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1178 as printed on HJ pages 1622-1625 and in the Senate amendments to Engrossed HB 1361 as printed on HJ pages 1634-1635 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 1178:** Reps. Olson, Nathe, Headland.

**Engrossed HB 1361:** Reps. Dockter, B. Koppelman, Toman.

**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 2206, which motion prevailed.

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

**Engrossed SB 2206:** Reps. Headland, Dockter, Mitskog

**MOTION**

**REP. VIGESAA MOVED** that Engrossed HB 1201, which is on the Seventh order, be rereferred back to the **Conference Committee** for further consideration, which motion prevailed. Pursuant to Rep. Vigesaa's motion, Engrossed HB 1201 was rereferred.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PAUR MOVED** that the conference committee report on Engrossed HB 1341 as printed on HJ page 1615 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1341, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1341:** A BILL for an Act to amend and reenact subsections 3 and 7 of section 19-03.1-23 and subsection 1 of section 19-03.1-23.1 of the North Dakota Century Code, relating to the elimination of enhanced penalties for manufacturing, delivering, or possessing controlled substances near schools; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Heinert; Speaker Bellew

**ABSENT AND NOT VOTING:** Blum; Damschen; Kiefert; Kreidt; Seibel

Reengrossed HB 1341 passed.



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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BEADLE MOVED** that the conference committee report on Engrossed HB 1378 as printed on HJ page 1635 be adopted.

**REQUEST**

**REP. MOCK REQUESTED** a verification vote, which request was granted.

The question being on the motion to adopt the conference committee report on Engrossed HB 1378, the conference committee report on Engrossed HB 1378 was rejected on a verification vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DELZER MOVED** that the conference committee report on Engrossed HB 1155 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1155, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1155:** A BILL for an Act to amend and reenact sections 54-27.2-01, 54-27.2-03, and 54-44.1-12 of the North Dakota Century Code, relating to the balance of the budget stabilization fund, transfers and expenditures from the budget stabilization fund, and the allotment of funds; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 1 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker, Rich S.; Becker, Rick C.; Boe; Boehning; Bosch; Boschee; Brabandt; Brandenburg; Carlson; 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; Kasper; Keiser; Kempenich; Klemin; Koppelman, B.; Koppelman, K.; Laning; Lefor; Longmuir; Louser; Magrum; Maragos; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; O'Brien; Oliver; Olson; Owens; Paur; Pollert; Porter; Pyle; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Streyle; Sukut; Toman; Trottier; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Bellew

**NAYS:** Steiner

**ABSENT AND NOT VOTING:** Blum; Damschen; Kiefert; Kreidt; Seibel

Reengrossed HB 1155 passed and the emergency clause was declared carried.

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

**MR. PRESIDENT:** The House has passed, unchanged: SCR 4001.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1182.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1436.

**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 1178 and HB 1361, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1178:** Reps. Olson; Nathe; Headland

**HB 1361:** Reps. Dockter; B. Koppelman; Toman

**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 1040:** Sens. J. Lee; Dever; Heckaman

**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 2206:** Reps. Headland; Dockter; Mitskog

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

**MR. SPEAKER:** The President has appointed Sen. Sorvaag to replace Sen. Erbele on the Conference Committee on HB 1018.

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

**MR. SPEAKER:** The President has appointed Sen. Wanzek to replace Sen. Erbele on the Conference Committee on SB 2020.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on: HB 1378.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1341.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1155.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2045, SB 2052.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2156, SB 2166, SB 2313, SB 2321.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: SB 2273.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1044, HB 1085, HB 1233, HB 1365.

**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 8:00 a.m., Friday, April 14, 2017, which motion prevailed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1016, as engrossed:** Your conference committee (Sens. Bowman, Hogue, Robinson and Reps. Brandenburg, Nathe, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1280-1282, adopt amendments as follows, and place HB 1016 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1280-1282 of the House Journal and pages 997-1000 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, remove lines 14 through 24

Page 2, replace lines 1 and 2 with:

"Salaries and wages	\$6,640,086	\$26,439	\$6,666,525
Operating expenses	3,685,547	(159,613)	3,525,934
Capital assets	249,046	32,975,000	33,224,046
Grants	509,514	(190,961)	318,553
Civil air patrol	311,773	(12,193)	299,580
Tuition, recruiting, and retention	2,517,500	100,000	2,617,500
Air guard contract	8,054,554	44,028	8,098,582
Army guard contract	59,870,605	(2,152,661)	57,717,944
Veterans' cemetery	811,486	69,798	881,284
Reintegration program	<u>1,903,743</u>	<u>(642,359)</u>	<u>1,261,384</u>
Total all funds	\$84,553,854	\$30,057,478	\$114,611,332
Less estimated income	<u>66,864,852</u>	<u>31,309,926</u>	<u>98,174,778</u>
Total general fund	\$17,689,002	(\$1,252,448)	\$16,436,554"

Page 2, replace lines 7 through 14 with:

"Salaries and wages	\$12,441,232	\$109,887	\$12,551,119
Operating expenses	8,905,310	(1,616,859)	7,288,451
Capital assets	740,000	(171,000)	569,000
Grants	18,673,247	(1,784,088)	16,889,159
Disaster costs	<u>108,165,484</u>	<u>(56,719,643)</u>	<u>51,445,841</u>
Total all funds	\$148,925,273	(\$60,181,703)	\$88,743,570
Less estimated income	<u>137,518,175</u>	<u>(58,224,473)</u>	<u>79,293,702</u>
Total general fund	\$11,407,098	(\$1,957,230)	\$9,449,868"

Page 2, replace lines 19 through 21 with:

"Grand total general fund	\$29,096,100	(\$3,209,678)	\$25,886,422
Grand total special funds	<u>204,383,027</u>	<u>(26,914,547)</u>	<u>177,468,480</u>
Grand total all funds	\$233,479,127	(\$30,124,225)	\$203,354,902"

Page 2, line 24, replace "\$638,219" with "\$591,978"

Page 2, line 24, replace "\$253,000" with "\$234,453"

Page 2, line 25, replace "\$1,249" with "\$1,241"

Page 2, line 26, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-SIXTH LEGISLATIVE ASSEMBLY"

Page 2, line 27, after "biennium" insert "and the 2017-19 biennium one-time funding items in the appropriation in section 1 of this Act"

Page 3, after line 15, insert:

"The 2017-19 biennium one-time funding amounts are not a part of the entity's base budget for the 2019-21 biennium. The adjutant general shall report to the appropriations committees of the sixty-sixth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2017, and ending June 30, 2019."

Page 4, line 16, remove ", contingent upon the adjutant general"

Page 4, remove line 17

Page 4, line 18, remove "assignment in association with the Grand Forks air force base"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1016 - Summary of Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Adjutant General						
Total all funds	\$84,553,854	\$114,563,814	\$47,518	\$114,611,332	\$114,611,332	\$0
Less estimated income	66,864,852	98,195,447	(20,669)	98,174,778	98,174,778	0
General fund	\$17,689,002	\$16,368,367	\$68,187	\$16,436,554	\$16,436,554	\$0
Department of Emergency Services						
Total all funds	\$148,925,273	\$88,659,329	\$84,241	\$88,743,570	\$88,793,570	(\$50,000)
Less estimated income	137,518,175	79,300,727	(7,025)	79,293,702	79,293,702	0
General fund	\$11,407,098	\$9,358,602	\$91,266	\$9,449,868	\$9,499,868	(\$50,000)
Bill total						
Total all funds	\$233,479,127	\$203,223,143	\$131,759	\$203,354,902	\$203,404,902	(\$50,000)
Less estimated income	204,383,027	177,496,174	(27,694)	177,468,480	177,468,480	0
General fund	\$29,096,100	\$25,726,969	\$159,453	\$25,886,422	\$25,936,422	(\$50,000)

**House Bill No. 1016 - Adjutant General - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$6,640,086	\$6,673,161	(\$6,636)	\$6,666,525	\$6,666,525	
Operating expenses	3,685,547	3,492,934	33,000	3,525,934	3,525,934	
Capital assets	249,046	33,224,046		33,224,046	33,224,046	
Grants	509,514	318,553		318,553	318,553	
Civil air patrol	311,773	299,787	(207)	299,580	299,580	
Tuition, recruiting, and retention	2,517,500	2,617,500		2,617,500	2,617,500	
Air guard contract	8,054,554	8,089,803	8,779	8,098,582	8,098,582	
Army guard contract	59,870,605	57,703,081	14,863	57,717,944	57,717,944	
Veterans' Cemetery	811,486	882,321	(1,037)	881,284	881,284	
Reintegration program	1,903,743	1,262,628	(1,244)	1,261,384	1,261,384	
Total all funds	\$84,553,854	\$114,563,814	\$47,518	\$114,611,332	\$114,611,332	\$0
Less estimated income	66,864,852	98,195,447	(20,669)	98,174,778	98,174,778	0
General fund	\$17,689,002	\$16,368,367	\$68,187	\$16,436,554	\$16,436,554	\$0
FTE	155.00	155.00	0.00	155.00	155.00	0.00

**Department No. 540 - Adjutant General - Detail of Conference Committee Changes**

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Restores Funding for Maintenance and Repairs <sup>2</sup>	Total Conference Committee Changes
Salaries and wages	(\$6,636)		(\$6,636)
Operating expenses		33,000	33,000
Capital assets			
Grants			
Civil air patrol	(207)		(207)
Tuition, recruiting, and retention			
Air guard contract	(6,221)	15,000	8,779
Army guard contract	(15,137)	30,000	14,863
Veterans' Cemetery	(1,037)		(1,037)
Reintegration program	(1,244)		(1,244)
Total all funds	(\$30,482)	\$78,000	\$47,518
Less estimated income	(20,669)	0	(20,669)
General fund	(\$9,813)	\$78,000	\$68,187
FTE	0.00	0.00	0.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month, the same as the Senate version. Section 2 is also adjusted to reflect the change.

<sup>2</sup> Funding of \$78,000 from the general fund for maintenance and repairs is restored, the same as the Senate version. The House had reduced funding for maintenance and repairs by \$178,000 from the general fund.

### House Bill No. 1016 - Department of Emergency Services - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$12,441,232	\$12,465,927	\$85,192	\$12,551,119	\$12,601,119	(\$50,000)
Operating expenses	8,905,310	7,288,451		7,288,451	7,288,451	
Capital assets	740,000	569,000		569,000	569,000	
Grants	18,673,247	16,889,159		16,889,159	16,889,159	
Disaster costs	108,165,484	51,446,792	(951)	51,445,841	51,445,841	
Total all funds	\$148,925,273	\$88,659,329	\$84,241	\$88,743,570	\$88,793,570	(\$50,000)
Less estimated income	137,518,175	79,300,727	(7,025)	79,293,702	79,293,702	0
General fund	\$11,407,098	\$9,358,602	\$91,266	\$9,449,868	\$9,499,868	(\$50,000)
FTE	79.00	79.00	0.00	79.00	79.00	0.00

### Department No. 542 - Department of Emergency Services - Detail of Conference Committee Changes

	Adjusts Funding for Health Insurance Increases <sup>1</sup>	Restores Funding for Salaries and Wages <sup>2</sup>	Total Conference Committee Changes
Salaries and wages	(\$14,808)	\$100,000	\$85,192
Operating expenses			
Capital assets			
Grants			
Disaster costs	(951)		(951)
Total all funds	(\$15,759)	\$100,000	\$84,241
Less estimated income	(7,025)	0	(7,025)
General fund	(\$8,734)	\$100,000	\$91,266
FTE	0.00	0.00	0.00

<sup>1</sup> Funding for employee health insurance is adjusted to reflect the updated premium amount of \$1,241 per month, the same as the Senate version. Section 2 is also adjusted to reflect the change.

<sup>2</sup> Funding of \$100,000 from the general fund for salaries and wages is restored to provide for a final reduction of \$100,000. The House had reduced salaries and wages funding by \$200,000 from the general fund. The Senate version restored \$150,000 from the general fund for salaries and wages.

This amendment also removes contingency language from Section 9 to allow the Adjutant General to spend the money carried over from the 2015-17 biennium in the tuition, recruiting, and retention line item without certifying to the Office of Management and Budget that the National Guard has received a new assignment in association with the Grand Forks Air Force Base, the same as the Senate version.

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1300:** Your conference committee (Sens. Unruh, Cook, Armstrong and Reps. Klemin, K. Koppelman, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1434-1436 and place HB 1300 on the Seventh order.

HB 1300 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2052:** Your conference committee (Sens. J. Lee, Anderson, Heckaman and Reps. B. Anderson, Weisz, Schneider) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 770 and place SB 2052 on the Seventh order.

SB 2052 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2045:** Your conference committee (Sens. Campbell, Casper, Nelson and Reps. Grueneich, Owens, Weisz) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 1083 and place SB 2045 on the Seventh order.

SB 2045 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2166, as engrossed:** Your conference committee (Sens. Cook, Unruh, Dotzenrod and Reps. Olson, Howe, Grueneich) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 983, adopt amendments as follows, and place SB 2166 on the Seventh order:

That the House recede from its amendments as printed on page 983 of the Senate Journal and page 1112 of the House Journal and that Engrossed Senate Bill No. 2166 be amended as follows:

Page 2, line 7, replace "instruments" with "increments"

Page 5, after line 29, insert:

**"SECTION 7. LEGISLATIVE MANAGEMENT STUDY - APPLICATION OF PROPERTY TAX INCENTIVES.** During the 2017-18 interim, the legislative management shall consider studying the duplicative application of property tax incentives, including benefits received by properties located in both a tax increment financing district and a renaissance zone; the duration for which a single property may benefit from the use of multiple property tax incentives; and the impacts on the remainder of the property tax base that is not receiving incentives created as a result of offering property tax incentives. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

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

ReNUMBER accordingly

Engrossed SB 2166 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2156:** Your conference committee (Sens. J. Lee, Burckhard, Anderson and Reps. D. Anderson, Damschen, Bosch) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ pages 1112-1114 and place SB 2156 on the Seventh order.

SB 2156 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2313, as engrossed:** Your conference committee (Sens. Unruh, Armstrong, Oban and

Reps. Lefor, Damschen, Roers Jones) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 850, adopt amendments as follows, and place SB 2313 on the Seventh order:

That the House recede from its amendments as printed on page 850 of the Senate Journal and page 1017 of the House Journal and that Engrossed Senate Bill No. 2313 be amended as follows:

Page 1, line 3, remove "17-04-03,"

Page 1, line 3, remove the second comma

Page 1, line 4, remove "the creation and duration of wind energy easements,"

Page 1, line 5, remove the comma

Page 1, line 6, after the semicolon insert "to provide a statement of legislative intent;"

Page 1, line 12, replace the first "and" with an underscored comma

Page 1, line 12, after "support" insert ", and outreach"

Page 1, line 17, remove "The program may provide technical education, support, and outreach on wind-related"

Page 1, remove line 18

Page 1, line 19, remove "4."

Page 1, after line 21, insert:

"4. The agriculture commissioner shall work in cooperation with the public service commission to carry out the duties described in this section."

Page 1, remove lines 22 and 23

Page 2, remove lines 1 through 12

Page 3, line 12, after "and" insert "less than"

Page 3, line 12, after "turbine" insert "or more"

Page 3, line 12, remove "any"

Page 3, line 13, remove "quarter section of property containing"

Page 3, line 13, replace "occupied" with "inhabited rural"

Page 3, line 15, replace "A variance may be granted" with "The commission may grant a variance"

Page 3, line 16, after "permittee" insert ", the nonparticipating landowner,"

Page 3, line 21, after the underscored period insert "A local zoning authority may require setback distances greater than those required under this subsection. For purposes of this subsection, "height of the turbine" means the distance from the base of the wind turbine to the turbine blade tip when it is in its highest position."

**SECTION 4. LEGISLATIVE INTENT - WIND ENERGY RESTORATION AND RECLAMATION OVERSIGHT PROGRAM.** It is the intent of the sixty-fifth legislative assembly that the agriculture commissioner establish the wind property restoration and reclamation oversight program, created in section 1 of this Act, using existing operating funds."

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

Page 3, line 22, remove "have applied"

Page 3, line 23, replace "for" with "receive"

Page 3, line 23, replace "December 31" with "August 1"

Renumber accordingly

Engrossed SB 2313 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2321:** Your conference committee (Sens. Rust, Vedaa, Schaible and Reps. Owens, Heinert, Guggisberg) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1078-1079, adopt amendments as follows, and place SB 2321 on the Seventh order:

That the House recede from its amendments as printed on pages 1078 and 1079 of the Senate Journal and page 1252 of the House Journal and that Senate Bill No. 2321 be amended as follows:

Page 1, line 11, overstrike "Beginning" and insert immediately thereafter "Except as provided in subdivision c, beginning"

Page 1, line 15, replace "two hundred" with "fifty"

Page 1, after line 15, insert:

"c. Beginning July 1, 2017, the superintendent of public instruction shall determine the amount of payments due to a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of thirty-five percent of its actual expenditures, plus one hundred thousand dollars if the school district is in a cooperative agreement with another school district to share academic resources, and the school districts are considering reorganization under chapter 15.1-12. An eligible school district may receive payments under this provision for a maximum of two years."

Renumber accordingly

SB 2321 was placed on the Seventh order of business on the calendar.

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

**Buell J. Reich, Chief Clerk**