

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

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**Bismarck, April 3, 2017**

The Senate convened at 1:00 p.m., with President Sanford presiding.

The prayer was offered by Sister Anna Rose Ruhland, St. Vincent's Care Center, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**MOTION**

**SEN. KLEIN MOVED** that Engrossed HB 1152 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1152 was rereferred.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. UNRUH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2327 as printed on SJ pages 990-994, which motion prevailed on a voice vote.

Engrossed SB 2327, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2327:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12-60-24, title 23.1, and subdivision v of subsection 1 of section 54-06-04 of the North Dakota Century Code, relating to the creation of the department of environmental quality, the transfer of duties and responsibilities of the state department of health relating to environmental quality to the department of environmental quality, and biennial reports of the department of environmental quality; to amend and reenact section 4-35.2-01, subdivision b of subsection 5 of section 6-09.4-03, sections 11-33-01, 11-33-02.1, and 11-33-22, subdivision d of subsection 2 of section 12.1-06.1-01, section 15-05-16, sections 20.1-13-05, 20.1-17-01, and 23-01-02, subsection 8 of section 23-01.3-01, sections 23-20.2-02, 23-20.2-03, and 24-03-23, subsection 5 of section 28-32-50, sections 38-08-04.5, 38-11.1-03.1, 38-11.1-04.1, and 38-11.2-02, subsection 12 of section 38-14.1-03, subsection 2 of section 38-14.1-21, sections 38-22-07, 38-22-12, 40-47-01, 43-18-02, 43-18-09, 43-35-03, 43-35-19, 43-35-19.1, 43-35-19.2, 43-35-20, and 43-35-23, subsection 11 of section 43-48-03, sections 43-62-01 and 43-62-03, subsection 1 of section 43-62-15, subsection 3 of section 44-04-18.4, section 44-04-32, subsection 1 of section 54-07-01.2, subsection 3 of section 54-12-08, section 54-44.3-30, subsection 33 of section 57-43.2-01, sections 58-03-11, 58-03-11.1, and 58-03-17, subsection 13 of section 58-06-01, section 61-04.1-04, subsections 1 and 2 of section 61-28-02, subsection 2 of section 61-28.1-02, subsection 15 of section 61-28.1-03, subsection 2 of section 61-28.2-01, and sections 61-29-04, 61-33-09, and 61-35-24 of the North Dakota Century Code, relating to the transfer of duties and responsibilities of the state department of health to the department of environmental quality and the regulation of x-ray operators; to repeal chapters 19-10 and 19-16.1, sections 23-01-01.2, 23-01-04.1, 23-01-23, 23-01-30, and 23-01-36, chapters 23-20, 23-20.1, 23-20.3, 23-20.5, 23-25, 23-26, 23-29, 23-29.1, 23-31, 23-32, 23-33, 23-37, and 39-26, and sections 61-28-03 and 61-28-05 of the North Dakota Century Code, relating to the transfer of duties and responsibilities of the state department of health to the department of environmental quality; to provide a penalty; to provide a continuing appropriation; to provide for transition; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT

VOTING.

**YEAS:** Armstrong; Bekkedahl; Bowman; Burckhard; Casper; Cook; Davison; Dever; Erbele; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Luick; Meyer; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Anderson; Campbell; Clemens; Dotzenrod; Grabinger; Heckaman; Kilzer; Larsen, O.; Lee, J.; Marcellais; Mathern; Nelson; Oban; Piepkorn; Robinson; Sorvaag

Reengrossed SB 2327 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to SB 2099 as printed on SJ pages 1023-1024, which motion prevailed on a voice vote.

SB 2099, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2099:** A BILL for an Act to amend and reenact section 23-01-39 of the North Dakota Century Code, relating to the immunization program.

#### ROLL CALL

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2099 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. LUICK MOVED** that the Senate do concur in the House amendments to SB 2262 as printed on SJ page 871, which motion prevailed on a voice vote.

SB 2262, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2262:** A BILL for an Act to create and enact a new section to chapter 19-20.1 of the North Dakota Century Code, relating to fertilizer regulation by cities, counties, or townships.

#### ROLL CALL

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Mathern

Engrossed SB 2262 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. UNRUH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2286 as printed on SJ pages 985-990, which motion prevailed on a voice vote.

Engrossed SB 2286, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2286:** A BILL for an Act to amend and reenact sections 49-22-03 and 49-22-14.1 and subsection 2 of section 49-22-16 of the North Dakota Century Code, relating to energy conversion and transmission facility siting; and to provide for a legislative management study regarding the consideration of local zoning ordinances and zoning provisions during the application and public hearing process.

**ROLL CALL**

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2286 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. HOLMBERG MOVED** that the Senate do concur in the House amendments to SB 2196 as printed on SJ page 1027, which motion prevailed on a voice vote.

SB 2196, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2196:** A BILL for an Act to authorize this issuance of revenue bonds for the purchase of land and construction of an integrated carbon plant at Valley City state university; to provide an appropriation; to provide for a report to the budget section; to provide for a report to the sixty-sixth legislative assembly; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2196 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to SB 2141 as printed on SJ page 1024, which motion prevailed on a voice vote.

SB 2141, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2141:** A BILL for an Act to amend and reenact sections 43-32-01, 43-32-02, 43-32-05, 43-32-06.1, 43-32-07, 43-32-08.1, 43-32-12, 43-32-13, 43-32-14, 43-32-16, 42-32-17, 43-32-19.1, 43-32-20, 43-32-20.1, 43-32-24, 43-32-26, 43-32-27, 43-32-27.1, and 43-32-30 of the North Dakota Century Code, relating to regulation by the state board of psychologist examiners; and to repeal sections 43-32-33 and 43-32-34 of the North Dakota Century Code, relating to applied behavior analysis.

**ROLL CALL**

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed SB 2141 passed.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. POOLMAN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2261 as printed on SJ page 1027, which motion prevailed on a voice vote.

Engrossed SB 2261, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2261:** A BILL for an Act to amend and reenact sections 16.1-03-01, 16.1-03-02, 16.1-03-03, and 16.1-03-07 of the North Dakota Century Code, relating to the organization of political parties and caucuses within legislative districts; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2261 passed and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2322 as printed on SJ page 1025, which motion prevailed on a voice vote.

Engrossed SB 2322, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2322:** A BILL for an Act to create and enact a new section to chapter 10-04 of the North Dakota Century Code, relating to the financial exploitation of vulnerable adults.

**ROLL CALL**

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper;

Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2322 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2342 as printed on SJ pages 953-954, which motion prevailed on a voice vote.

Engrossed SB 2342, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2342:** A BILL for an Act to provide for the creation of a task force on the prevention of sexual abuse of children; and to provide a report to the legislative management.

#### ROLL CALL

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2342 passed.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2202 as printed on SJ page 953, which motion prevailed on a voice vote.

Engrossed SB 2202, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF SENATE BILL

**SB 2202:** A BILL for an Act to amend and reenact section 43-48-03 and subsection 2 of section 43-48-05 of the North Dakota Century Code, relating to clinical laboratory practice exemptions and board membership.

#### ROLL CALL

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Reengrossed SB 2202 passed.

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#### CONSIDERATION OF MESSAGES FROM THE HOUSE

**SEN. KLEIN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2033, in the House amendments to Engrossed SB 2039, in the House

amendments to SB 2041, in the House amendments to Engrossed SB 2047, in the House amendments to Engrossed SB 2135, in the House amendments to Reengrossed SB 2149, in the House amendments to Engrossed SB 2189, in the House amendments to Engrossed SB 2253, and in the House amendments to Engrossed SB 2264 and that a conference committee be appointed to meet with a like committee from the House on each of these measures, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEES

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

**Engrossed SB 2033:** Sens. Anderson, J. Lee, Piepkorn.

**Engrossed SB 2039:** Sens. J. Lee, Kreun, Heckaman.

**SB 2041:** Sens. Anderson, Clemens, Heckaman.

**Engrossed SB 2047:** Sens. Schaible, Cook, Kreun.

**Engrossed SB 2135:** Sens. Poolman, Hogue, Marcellais.

**Reengrossed SB 2149:** Sens. Armstrong, D. Larson, Nelson.

**Engrossed SB 2189:** Sens. O. Larsen, Kreun, Piepkorn.

**Engrossed SB 2253:** Sens. Burckhard, Kannianen, Dotzenrod.

**Engrossed SB 2264:** Sens. O. Larsen, Clemens, Heckaman.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. KLEIN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1204 and Engrossed HB 1339, which motion prevailed.

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

**Engrossed HB 1204:** Sens. Unruh, Kreun, Oban

**Engrossed HB 1339:** Sens. D. Larson, Anderson, J. Lee

#### CONSIDERATION OF AMENDMENTS

**HB 1155, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 1063-1064 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 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, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1155, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1006, as engrossed: SEN. WANZEK (Appropriations Committee) MOVED** that the amendments on SJ pages 1058-1059 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the tax commissioner and for payment of state reimbursement under the homestead tax credit and disabled veterans' credit; to provide for a continuing

appropriation; to provide for transfers; to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to a multistate tax audit fund; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1006, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1019, as engrossed: SEN. SORVAAG (Appropriations Committee) MOVED** that the amendments on SJ pages 1060-1063 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1019:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department; to amend and reenact sections 55-08-06 and 55-08-07.1 of the North Dakota Century Code, relating to permits for motor vehicles and parks and the recreation concession revolving fund; to provide a grant to the international peace garden; to provide exemptions; to provide for a legislative management study; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Larsen, O.

Engrossed HB 1019, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1018, as engrossed: SEN. ERBELE (Appropriations Committee) MOVED** that the amendments on SJ pages 1059-1060 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; and to provide an exemption.

#### ROLL CALL

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

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Larsen, O.

Engrossed HB 1018, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1201, as engrossed and amended: SEN. ROERS (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 1064 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1201:** A BILL for an Act to provide for a legislative management study of carbon monoxide alarms.

#### 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 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larson, D.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

**NAYS:** Bekkedahl; Davison; Larsen, O.; Lee, G.; Myrdal

Engrossed HB 1201, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1369: SEN. POOLMAN (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 1064 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

#### SECOND READING OF HOUSE BILL

**HB 1369:** A BILL for an Act to create and enact sections 16.1-01-04.1 and 16.1-01-04.2, a new subsection to section 39-06-03.1, and a new subsection to section 39-06-14 of the North Dakota Century Code, relating to identification and residency requirements for electors and identification cards; to amend and reenact sections 16.1-01-04, 16.1-01-12, 16.1-02-09, 16.1-05-07, 16.1-07-06, 16.1-15-08, 16.1-15-19, and 39-06-07.1 of the North Dakota Century Code, relating to qualifications of electors, responsibilities of election officials before issuing ballots, elector identification requirements, identification cards, and operator's licenses; and to provide a penalty.

#### 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 37 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Cook; Davison; Dever; Erbele; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Meyer; Myrdal; Oehlke; Osland; Poolman; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner



**NAYS:** Anderson; Clemens; Dotzenrod; Grabinger; Heckaman; Mathern; Nelson; Oban; Piepkorn; Robinson

HB 1369, as amended, passed.

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### SECOND READING OF HOUSE BILL

**HB 1347:** A BILL for an Act to amend and reenact section 38-08-04.5 of the North Dakota Century Code, relating to the abandoned oil and gas well plugging and site reclamation fund; to provide an appropriation; and to provide a report to the legislative management.

### 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Armstrong; Bekkedahl; Bowman; Burckhard; Campbell; Casper; Clemens; Cook; Davison; Dever; Dotzenrod; Erbele; Grabinger; Heckaman; Hogue; Holmberg; Kannianen; Kilzer; Klein; Krebsbach; Kreun; Laffen; Larsen, O.; Larson, D.; Lee, G.; Lee, J.; Luick; Marcellais; Mathern; Meyer; Myrdal; Nelson; Oban; Oehlke; Osland; Piepkorn; Poolman; Robinson; Roers; Rust; Schaible; Sorvaag; Unruh; Vedaa; Wanzek; Wardner

Engrossed HB 1347 passed.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1347.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1001, HB 1007, HB 1010, HB 1275.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1018, HB 1201, HB 1369.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1006, HB 1019, HB 1155.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1425.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1244, HB 1329.

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

**MR. PRESIDENT:** The House has passed, unchanged: SB 2244.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2029, SB 2203, SB 2250, SB 2321, SB 2340.

### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2029

Page 2, line 28, after "rules" insert "to provide for oversight of the industrial hemp during growth, harvest, and processing and"

Page 2, line 29, remove "and to allow for supervision of the industrial"

Page 2, line 30, remove "hemp during its growing, harvesting, and processing"

Page 3, line 1, remove "To provide sufficient funds to pay costs associated with monitoring and testing"

Page 3, line 2, replace "industrial hemp in the state. the" with "The"

Page 3, line 2, replace "five" with "one hundred fifty dollars plus twenty-five"

Page 3, line 3, remove "The minimum fee assessed must be one hundred fifty dollars per"

Page 3, replace lines 4 and 5 with:

"5. Fees collected under this chapter must be deposited in the commissioner's operating fund and are appropriated to the department on a continuing basis for the purpose of enforcing this chapter."

Renumber accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2203**

Page 1, line 7, replace "\$500,000" with "\$250,000"

Page 1, line 14, remove "and the"

Page 1, line 15, remove "appropriations committees of the sixty-sixth legislative assembly"

Page 1, line 17, after "interim" insert "and to the appropriations committees of the sixty-sixth legislative assembly"

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment reduces the appropriation for human trafficking grant funding from \$500,000 to \$250,000. The amendment also adjusts the reporting requirements to provide for recipient organizations to provide reports to the Attorney General and for the Attorney General to provide reports to the Legislative Management and the Appropriations Committees of the 66<sup>th</sup> Legislative Assembly.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2250**

In lieu of the amendments adopted by the House as printed on pages 1024 through 1026 of the House Journal, Engrossed Senate Bill No. 2250 is amended as follows:

Page 1, line 16, overstrike "and"

Page 1, line 17, after the underscored closing parenthesis insert: "The child has reached four years of age before August first in the year of enrollment; and

(3)"

Renumber accordingly

#### **HOUSE AMENDMENTS TO SENATE BILL NO. 2321**

In lieu of the amendments adopted by the House as printed on page 986 of the House Journal, Senate Bill No. 2321 is amended as follows:

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

Page 1, line 15, remove the overstrike over "twenty"

Page 1, line 15, remove "two hundred"

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

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2340

In lieu of the amendments as printed on pages 1052 and 1053 of the House Journal, Engrossed Senate Bill No. 2340 is amended as follows:

Page 1, line 8, replace "fifteen" with "twenty"

Page 1, line 9, replace "four" with "six"

Page 1, line 9, replace "sixty" with "sixty-five"

Page 1, line 10, replace "four" with "six"

Page 2, line 7, remove the overstrike over "if"

Page 2, line 7, remove "Except as provided in paragraph 5, if"

Page 2, overstrike line 8

Page 2, line 9, overstrike "instrument" and insert immediately thereafter "a space of at least three inches [7.62 centimeters] is not provided across the top of the first page"

Page 2, line 9, replace "may" with "shall"

Page 2, line 10, remove the overstrike over "must"

Page 2, line 10, remove "may"

Page 2, line 10, after "levied" insert "in accordance with the fee structure"

Page 2, line 14, replace "fifteen" with "twenty"

Page 2, line 15, replace "four" with "six"

Page 2, line 15, replace "sixty" with "sixty-five"

Page 2, line 16, replace "four" with "six"

Page 2, line 17, remove the overstrike over "and"

Page 2, line 18, remove the overstrike over "page"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2042, SB 2088, SB 2316.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2042

Page 1, line 15, overstrike "for purposes of"

Page 1, line 16, overstrike "detoxification"

Page 1, line 21, overstrike "present within hearing distance" and insert immediately thereafter "monitoring the individual"

Page 3, line 28, after "~~16.~~" insert "15."

Page 3, line 28, remove the overstrike over ""Includes" should be read as if the phrase "but is not limited to" were also set forth."

Page 3, line 29, replace "15." with "16."

Page 4, line 1, replace "16." with "17."

Page 4, line 2, replace "17." with "18."

Page 4, line 5, replace "18." with "19."

Page 4, line 7, replace "19." with "20."

Page 4, line 9, replace "20." with "21."

Page 4, line 13, replace "21." with "22."

Page 4, line 14, replace "22." with "23."

Page 4, line 19, replace "23." with "24."

Page 4, line 23, replace "24." with "25."

Page 4, line 28, replace "25." with "26."

Page 5, line 5, replace "26." with "27."

Page 5, line 9, replace "27." with "28."

Page 5, line 11, replace "28." with "29."

Page 5, line 13, replace "29." with "30."

Page 5, line 20, replace "30." with "31."

Page 14, line 29, replace "or" with an underscored comma

Page 14, line 30, after "43-47" insert ", or a licensed marriage and family therapist licensed under chapter 43-53"

Page 15, line 1, remove "a licensed marriage and family therapist"

Page 15, line 2, remove "licensed under chapter 43-53."

Page 15, line 3, remove the underscored comma

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2088

In lieu of the amendments adopted by the House as printed on page 1075 of the House Journal, Engrossed Senate Bill No. 2088 is amended as follows:

Page 1, line 13, remove "individuals"

Page 1, line 13, overstrike "regarding"

Page 1, line 13, remove "the"

Page 1, line 13, overstrike "use"

Page 1, line 13, overstrike "of"

Page 1, line 13, remove "tobacco, nicotine."

Page 1, line 13, overstrike "alcohol"

Page 1, line 13, remove the third underscored comma

Page 1, line 13, overstrike "or"

Page 1, line 14, remove "other harmful"

Page 1, line 14, overstrike "substance"

Page 1, line 14, remove "; the engagement in gambling; or the use of any"

Page 1, remove lines 15 and 16

Page 1, line 17, replace "to disorders recognized" with "an individual regarding a substance-related or addictive disorder identified"

Page 1, line 18, remove ", or a"

Page 1, line 19, remove "future edition adopted by the board"

Page 4, line 17, replace "for" with "of an intern seeking"

Page 4, line 20, after "professionals" insert "who are"

Page 4, line 20, after "counselor" insert ", approved by the board."

Page 4, line 21, after the underscored period insert "The other professional must be registered as a clinical supervisor by the board that licenses the other professional."

Page 9, line 15, replace "2023" with "2024"

Page 9, line 16, replace "2017" with "2018"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2316

Page 1, line 2, after the first comma insert "and"

Page 1, line 2, remove ", and 23-13-16"

Page 1, line 4, after the first comma insert "and"

Page 1, line 4, remove ", and aboveground"

Page 1, line 5, remove "petroleum storage tanks"

Page 2, line 8, replace "current international" with "state and local"

Page 2, line 8, remove "codes"

Page 2, line 9, remove the first "international"

Page 2, line 9, remove "of the international code council"

Page 2, line 11, remove the overstrike over "The state fire marshal may make reasonable provision for the application or"

Page 2, remove the overstrike over line 12

Page 2, line 18, remove "or private or public contracted fire service agency"

Page 3, line 6, remove "Architects and engineers preparing"

Page 3, line 6, overstrike "private" and insert immediately thereafter "Private"

Page 3, line 6, remove the overstrike over "~~must be~~"

Page 3, line 7, remove the overstrike over "~~submitted~~"

Page 3, line 7, remove "shall submit school plans and specifications"

Page 3, line 17, overstrike "architect or engineer preparing" and insert immediately thereafter "person that prepared"

Page 3, line 17, after the second "or" insert "the person that is"

Page 3, line 25, replace "The international building code" with "State and local fire and building codes"

Page 3, line 26, overstrike "The"

Page 3, line 26, remove "international fire code"

Page 3 line 26, overstrike the period

Page 3, line 27, overstrike "3."

Page 3, line 28, replace "4." with "3."

Page 3, remove lines 29 and 30

Page 4, remove lines 1 through 10

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2276.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2276**

In lieu of the amendments as printed on pages 1050 and 1051 of the House Journal, Engrossed Senate Bill No. 2276 is amended as follows:

Page 1, line 1, after the second comma insert "and"

Page 1, line 2, remove ", and section 29-27-02"

Page 1, line 3, replace the comma with "and"

Page 1, line 4, remove ", and judgments imposing fines or assessing costs"

Page 1, line 10, remove "A corporation may not"

Page 1, replace lines 11 and 12 with "All assets received by a corporation from donors for special use or purpose must be designated as temporarily restricted or permanently restricted in accordance with the applicable generally accepted accounting principles and disclosed on the corporation's financial statements. A corporation may pledge as collateral, grant a security interest in, or borrow from assets initially designated as temporarily restricted only for purposes that are in accordance with the donor's restrictions. A corporation may not pledge as collateral, grant a security interest in, or borrow from assets designated as permanently restricted assets."

Page 2, remove lines 21 through 30

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2045.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2045**

Page 1, line 3, after "date" insert "; to provide an expiration date"

Page 1, line 8, remove the overstrike over "~~(Effective through June 30,~~"

Page 1, line 8, after "~~2017~~" insert "2019"

Page 1, line 8, remove the overstrike over the closing boldfaced parenthesis

Page 1, line 22, remove the overstrike over "~~(Effective after June 30,~~"

Page 1, line 22, after "~~2017~~" insert "2019"

Page 1, line 22, remove the overstrike over ") ~~Voluntary settlement of extraordinary road use fee~~"

Page 1, remove the overstrike over lines 23 and 24

Page 2, remove the overstrike over lines 1 through 6

Page 2, line 9, remove the overstrike over "~~(Effective through June 30,~~"

Page 2, line 9, after "~~2017~~" insert "2019"

Page 2, line 9, remove the overstrike over the closing boldfaced parenthesis

Page 2, line 24, remove the overstrike over "~~(Effective after June 30,~~"

Page 2, line 24, after "~~2017~~" insert "2019"

Page 2, line 24, remove the overstrike over ") ~~Proceeds of sale -- Continuing appropriation. The~~"

Page 2, remove the overstrike over lines 25 through 31

Page 3, remove the overstrike over lines 1 and 2

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment continues the provision until June 30, 2019, that extraordinary road use fees for overweight vehicle violations be deposited in the general fund of the jurisdiction having authority over a road where the violation occurred.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2054.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass, unchanged: SB 2314.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2099, SB 2141, SB 2196, SB 2202, SB 2261, SB 2262, SB 2286, SB 2322, SB 2327, and SB 2342.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2033, SB 2039, SB 2041, SB 2047, SB 2135, SB 2149, SB 2189, SB 2253, and SB 2264, and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2033:** Sens. Anderson; J. Lee; Piepkorn

**SB 2039:** Sens. J. Lee; Kreun; Heckaman

**SB 2041:** Sens. Anderson; Clemens; Heckaman

**SB 2047:** Sens. Schaible; Cook; Kreun

**SB 2135:** Sens. Poolman; Hogue; Marcellais

**SB 2149:** Sens. Armstrong; D. Larson; Nelson

**SB 2189:** Sens. O. Larsen; Kreun; Piepkorn

**SB 2253:** Sens. Burckhard; Kannianen; Dotzenrod

**SB 2264:** Sens. O. Larsen; Clemens; 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 2223:** Reprs. Sukut; Bosch; Dobervich

**SB 2239:** Reprs. Westlind; B. Anderson; Dobervich

**SB 2247:** Reprs. Grueneich; Rick C. Becker; M. Nelson

**SB 2311:** Reprs. D. Ruby; Louser; Boschee

**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 1085, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1085:** Reprs. D. Anderson; B. Anderson; Schneider

**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 1204:** Sens. Unruh; Kreun; Oban

**HB 1339:** Sens. D. Larson; Anderson; J. Lee

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2026, SB 2027, SB 2028, SB 2107, SB 2181, SB 2186, SB 2210, SB 2245, SB 2248, SB 2295, SB 2301, SCR 4003.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1159, HB 1206, HB 1210, HB 1288, HB 1291, HB 1323, HB 1338, HB 1352.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2026, SB 2027, SB 2028, SB 2107, SB 2181, SB 2186, SB 2210, SB 2245, SB 2248, SB 2295, SB 2301, SCR 4003.

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

**MR. SPEAKER:** The President has signed: SB 2026, SB 2027, SB 2028, SB 2107, SB 2181, SB 2186, SB 2210, SB 2245, SB 2248, SB 2295, SB 2301, SCR 4003.

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

**MR. SPEAKER:** The President has signed: HB 1159, HB 1206, HB 1210, HB 1288, HB 1291, HB 1323, HB 1338, HB 1352.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1097, HB 1110, HB 1116, HB 1134,



HB 1150, HCR 3014.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1159, HB 1206, HB 1210, HB 1288, HB 1291, HB 1323, HB 1338, HB 1352.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 3, 2017: SB 2026, SB 2027, SB 2028, SB 2107, SB 2181, SB 2186, SB 2210, SB 2245, SB 2248, SB 2295, SB 2301.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 3, 2017: SB 2053, SB 2136, SB 2151, SB 2193, SB 2195, SB 2201, SB 2283, SB 2300, SB 2330.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for filing on April 3, 2017: SCR 4003.

**MOTION**

**SEN. KLEIN MOVED** that the Senate be on the Fourth, Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, April 4, 2017, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1025, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1025 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on page 896 of the Senate Journal, Engrossed House Bill No. 1025 is amended as follows:

Page 1, line 1, after "enact" insert "section 20.1-04-07.1 and"

Page 1, line 2, after the first "to" insert "wild turkey hunting licenses for veterans receiving hunting expeditions from a nonprofit organization and"

Page 4, after line 4, insert:

**"SECTION 3.** Section 20.1-04-07.1 of the North Dakota Century Code is created and enacted as follows:

**20.1-04-07.1. Spring wild turkey licenses for certain veterans.**

The director shall issue four spring wild turkey licenses and permits to hunt wild turkeys to veterans residing in North Dakota and who are selected by a nonprofit organization that provides outdoor recreation activities to veterans to help improve their health and well-being and to reduce the rate of suicide among veterans. The organization shall provide each veteran a hunting expedition during the spring wild turkey season designed to achieve the purpose of the organization during which the veteran may use the veteran's wild turkey license."

Page 5, line 15, remove "and the rocky mountain elk foundation"

Page 5, line 17, remove "and the"

Page 5, line 18, remove "rocky mountain elk foundation"

Page 5, line 21, remove "Fifty percent of all net"

Page 5, remove lines 22 and 23

Page 5, line 24, replace "foundation policies and objectives. All remaining" with "The"

Page 5, line 24, after "proceeds" insert "distributed to the North American wildlife enforcement memorial museum and educational center"

Page 5, line 27, remove "and the"

Page 5, line 28, remove "rocky mountain elk foundation"

Page 6, line 1, remove "and the North American"

Page 6, line 2, remove "wildlife enforcement memorial museum and educational center"

Page 6, line 4, remove "and the North American wildlife enforcement memorial"

Page 6, line 5, remove "museum and educational center"

Page 6, line 7, remove "and fifty percent of all"

Page 6, line 8, replace "net proceeds" with ". The net proceeds distributed to the rocky mountain elk foundation"

Page 6, line 10, remove "All remaining net proceeds must be used for"

Page 6, remove line 11

Page 6, line 12, remove "museum and educational center located at the international peace garden."

Page 6, line 13, remove "and the North American wildlife enforcement memorial"

Page 6, line 14, remove "museum and educational center"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1178, as engrossed: Finance and Taxation Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1178 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1216, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1216 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 53-06.1-01, subsection 4 of section 53-06.1-01.1, subsection 1 of section 53-06.1-06, subsection 5 of section 53-06.1-11, and section 53-06.1-14 of the North Dakota Century Code, relating to the use of electronic pull tabs and electronic pull tab devices.

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

**SECTION 1. AMENDMENT.** Section 53-06.1-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **53-06.1-01. Definitions.**

As used in this chapter:

1. "Adjusted gross proceeds" means gross proceeds less cash prizes, cost of merchandise prizes, gaming tax, and federal excise tax imposed under section 4401 of the Internal Revenue Code [26 U.S.C. 4401].
2. "Charitable organization" means an organization whose primary purpose is for relief of poor, distressed, underprivileged, diseased, elderly, or

- abused persons, prevention of cruelty to children or animals, or similar condition of public concern.
3. "Civic and service organization" means an organization whose primary purpose is to promote the common good and social welfare of a community as a sertoma, lion, rotary, jaycee, kiwanis, or similar organization.
  4. "Closely related organization" means an organization that controls, is controlled by, or is under common control with another organization. Control exists when an organization has the authority or ability to elect, appoint, or remove a majority of the officers or directors of another organization or, by policy, contract, or otherwise, has the authority or ability to directly or indirectly direct or cause the direction of the management or policies of another organization.
  5. "Distributor" means a person that sells, markets, or distributes equipment designed for use in the conduct of games.
  6. "Educational organization" means a nonprofit public or private elementary or secondary school, two-year or four-year college, or university.
  7. "Electronic pull tab device" means a device, approved by the attorney general, which electronically displays pull tabs.
  8. "Eligible organization" means a veterans, charitable, educational, religious, fraternal, civic and service, public safety, or public-spirited organization domiciled in North Dakota or authorized by the secretary of state as a foreign corporation under chapter 10-33, incorporated as a nonprofit organization, and which has been regularly and actively fulfilling its primary purpose within this state during the two immediately preceding years. However, an educational organization does not need to be incorporated or be in existence for two years. An organization's primary purpose may not involve the conduct of games. The organization may be issued a license by the attorney general. For purposes of this section, a foreign corporation authorized under chapter 10-33 is not an eligible organization unless authorized to conduct a raffle under chapter 20.1-04 or 20.1-08 and may not conduct a game other than a raffle under chapter 20.1-04 or 20.1-08.
  - ~~8-9.~~ "Fraternal organization" means an organization, except a school fraternity, which is a branch, lodge, or chapter of a national or state organization and exists for the common business, brotherhood, or other interests of its members. The organization must have qualified for exemption from federal income tax under section 501(c)(8) or 501(c)(10) of the Internal Revenue Code.
  - ~~9-10.~~ "Games" means games of chance.
  - ~~10-11.~~ "Gross proceeds" means all cash and checks received from conducting games.
  - ~~11-12.~~ "Licensed organization" means an eligible organization licensed by the attorney general.
  - ~~12-13.~~ "Manufacturer" means, for a pull tab or bingo card, a person who designs, prints, assembles, or produces the product. For a pull tab or bingo card dispensing device or bingo card marking device, a manufacturer means the person who directly controls and manages development of and owns the rights to the proprietary software encoded on a processing chip that enables the device to operate.
  - ~~13-14.~~ "Net income" means gross proceeds less cash prizes, cost of merchandise prizes, and expenses to conduct the gaming activity.

- ~~14-15.~~ "Net proceeds" means adjusted gross proceeds less allowable expenses and gaming tax.
- ~~15-16.~~ "Permit" means a local permit or charity local permit issued by a governing body of a city or county to a nonprofit organization or group of people domiciled in North Dakota.
- ~~16-17.~~ "Person" means any person, partnership, corporation, limited liability company, association, or organization.
- ~~17-18.~~ "Prize board" means a board used with pull tabs to award cash or merchandise prizes.
- ~~18-19.~~ "Public safety organization" means an organization whose primary purpose is to provide firefighting, ambulance service, crime prevention, or similar emergency assistance.
- ~~19-20.~~ "Public-spirited organization" means an organization whose primary purpose is for scientific research, amateur sports competition, safety, literary, arts, preservation of cultural heritage, educational activities, educational public service, youth, economic development, tourism, community medical care, community recreation, or similar organization, which does not meet the definition of any other type of eligible organization. However, a nonprofit organization or a group of people recognized as a public-spirited organization by a governing body of a city or county for obtaining a permit does not need to meet this definition.
- ~~20-21.~~ "Pull tab" means a folded or banded ticket or jar ticket, a pull tab card with break-open tabs, or an electronic pull tab displaying concealed numbers or symbols or combinations of concealed numbers and symbols which are exposed by a player to determine the outcome. The terms "pull tab" and "jar ticket" are used interchangeably unless otherwise stated. A winning pull tab contains certain symbols, numbers, or combinations of symbols and numbers and may contain multiple winning symbols, numbers, or combinations of symbols and numbers which have been previously designated as winning symbols or numbers.
- ~~22.~~ "Religious organization" means a church, body of communicants, or group gathered in common membership whose primary purpose is for advancement of religion, mutual support and edification in piety, worship, and religious observances.
- ~~21-23.~~ "Veterans organization" means any congressionally chartered post organization, or any branch or lodge or chapter of a nonprofit national or state organization whose membership consists of individuals who are or were members of the armed services or forces of the United States. The organization must have qualified for exemption from federal income tax under section 501(c)(19) of the Internal Revenue Code.

**SECTION 2. AMENDMENT.** Subsection 4 of section 53-06.1-01.1 of the North Dakota Century Code is amended and reenacted as follows:

4. The commission shall adopt rules in accordance with chapter 28-32, to administer and regulate the gaming industry, including methods of conduct, play, and promotion of games; minimum procedures and standards for recordkeeping and internal control; requiring tax returns and reports from organizations or distributors; methods of competition and doing business by distributors and manufacturers; acquisition and use of gaming equipment; quality standards or specifications for the manufacture of pull tabs, paper bingo cards, electronic pull tab devices, pull tab and bingo card dispensing devices, and bingo card marking devices; to ensure that net proceeds are used for educational, charitable, patriotic, fraternal, religious, or public-spirited uses; to protect and promote the public interest; to ensure fair and honest games; to ensure

that fees and taxes are paid; and to prevent and detect unlawful gambling activity.

**SECTION 3. AMENDMENT.** Subsection 1 of section 53-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

1. No person, except a member, volunteer, an employee of a licensed organization or an organization that has a permit, or an employee of a temporary employment agency who provides services to a licensed organization, may manage, control, or conduct any game. "Member" includes a member of an auxiliary organization. In conducting pull tabs, prize boards, or bingo through a dispensing device, selling pull tabs through a pull tab device, selling raffle tickets, or conducting sports pools, the attorney general may allow an employee of an alcoholic beverage establishment to provide limited assistance to an organization.

**SECTION 4. AMENDMENT.** Subsection 5 of section 53-06.1-11 of the North Dakota Century Code is amended and reenacted as follows:

5. For a site where bingo is not the primary game:
  - a. If twenty-one or paddlewheels is conducted, the monthly rent may not exceed two hundred dollars multiplied by the necessary number of tables based on criteria prescribed by gaming rule. For each twenty-one table with a wager greater than five dollars, an additional amount up to one hundred dollars may be added to the monthly rent. If pull tabs is also conducted involving only a jar bar, the monthly rent for pull tabs may not exceed an additional one hundred seventy-five dollars. If pull tabs is conducted involving only a dispensing device, electronic pull tab device, or ~~both~~ a jar bar and dispensing device or electronic pull tab device, the monthly rent for pull tabs may not exceed an additional three hundred twenty-five dollars.
  - b. If twenty-one and paddlewheels are not conducted but pull tabs is conducted involving either a jar bar or dispensing device, or ~~both~~ electronic pull tab device, or any combination, the monthly rent may not exceed four hundred dollars.

**SECTION 5. AMENDMENT.** Section 53-06.1-14 of the North Dakota Century Code is amended and reenacted as follows:

**53-06.1-14. Distributors and manufacturers.**

1. A manufacturer of pull tabs, bingo cards, electronic pull tab devices, or bingo card marking devices shall apply annually for a license and pay a license fee of four thousand dollars. A manufacturer of pull tab dispensing devices shall apply annually for a license and pay a license fee of one thousand dollars. A manufacturer of fifty-fifty raffle systems shall apply annually for a license and pay a license fee of five hundred dollars. A distributor shall apply annually for a license and pay a license fee of one thousand five hundred dollars. Application must be made before the first day of April in each year on a form prescribed by the attorney general.
2. A licensed distributor may not sell, market, or distribute gaming equipment except to a licensed distributor, licensed organization, organization that has a permit, or other person authorized by gaming rule or the attorney general. A manufacturer of a pull tab dispensing device, pull tab, electronic pull tab device, bingo card marking device, bingo card, or fifty-fifty raffle system may only sell, market, or distribute the manufacturer's pull tab dispensing device and processing chip encoded with proprietary software, pull tab, electronic pull tab device, bingo card marking device, bingo card, or fifty-fifty raffle system to a licensed distributor. A licensed distributor may purchase or acquire a pull tab dispensing device and processing chip encoded with proprietary software, pull tab, electronic pull tab device, bingo card marking device,

- bingo card, or fifty-fifty raffle system only from a licensed manufacturer or licensed distributor. However, a distributor may purchase or acquire a used pull tab dispensing device or electronic pull tab device from a licensed organization. A distributor may not duplicate a manufacturer's processing chip encoded with proprietary software. No gaming equipment or prize may be sold or leased at an excessive price.
3. A licensed distributor shall affix a North Dakota gaming stamp to each deal of pull tabs and bingo cards, raffle board, punchboard, sports pool board, calcutta board, and series of paddlewheel ticket cards sold or otherwise provided to a licensed organization and shall purchase the stamps from the attorney general for thirty-five cents each. Ten cents of each stamp sold by the attorney general, up to thirty-six thousand dollars per biennium, must be credited to the attorney general's operating fund to defray the costs of issuing and administering the gaming stamps.
  4. A licensed organization, organization that has a permit, licensed manufacturer, or North Dakota wholesaler of liquor or alcoholic beverages may not be a distributor or stockholder of a distributor. A distributor may not be a stockholder of a manufacturer.
  5. In addition to the license fee, the attorney general may require advance payment of any fee necessary to pay the cost of a record check of an applicant according to subdivision c of subsection 5 of section 53-06.1-06.
  6. A licensed manufacturer may not refuse to sell deals of pull tabs, paper bingo cards, or gaming equipment to a licensed distributor unless:
    - a. A specific deal of pull tabs is sold on an exclusive basis;
    - b. The manufacturer does not sell deals of pull tabs, paper bingo cards, or gaming equipment to any distributor in the state;
    - c. A gaming law or rule prohibits the sale;
    - d. The distributor has not provided the manufacturer with proof of satisfactory credit or is delinquent on any payment owed to the manufacturer; or
    - e. The distributor has not met the manufacturer's standard minimum order quantity and freight terms."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1300: Energy and Natural Resources Committee (Sen. Unruh, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). HB 1300 was placed on the Sixth order on the calendar.

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 17, remove the overstrike over "~~The board of university and school lands~~"

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

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

**HB 1343, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1343 was placed on the Sixth order on the calendar.

Page 1, line 8, remove the overstrike over "~~The percentage of ingredients by~~"

Page 1, remove the overstrike over lines 9 through 14

Page 1, line 15, remove the overstrike over "~~determines, upon the commissioner's own motion~~" and insert immediately thereafter "after consultation with the agriculture commissioner"

Page 1, line 15, remove the overstrike over "~~or at the request of a domestic~~"

Page 1, line 16, remove the overstrike over "~~winery, that~~" and insert immediately thereafter "a shortage of produce grown in this state exists for a particular crop rendering a winery unable to meet its production needs; or"

Page 1, line 16, remove the overstrike over "~~weather conditions, pest infestations, plant disease epidemics, or other~~"

Page 1, remove the overstrike over lines 17 through 19

Page 1, line 20, remove the overstrike over "~~exemption.~~" and insert immediately thereafter "The exemption applies only to the use of out-of-state produce, not juice or finished wine. All produce must be fermented and bottled in this state."

Page 2, line 9, remove the overstrike over "~~for not more than~~"

Page 2, line 9, after "~~twenty~~" insert "thirty"

Page 2, line 9, remove the overstrike over "~~events per calendar year~~"



Page 2, line 12, remove the overstrike over "~~To participate in a pride of Dakota even sponsored by the department of~~"

Page 2, remove the overstrike over lines 13 and 14

Page 2, line 15, remove the overstrike over "~~does not count against the~~"

Page 2, line 15, after "~~twenty~~" insert "thirty"

Page 2, line 15, remove the overstrike over "~~special events limitation.~~"

Page 2, line 23, remove the overstrike over "~~obtain a domestic winery~~"

Page 2, line 23, remove "acquire a state and local"

Page 2, line 23, remove the overstrike over "~~and~~"

Page 2, line 24, remove the overstrike over "~~a retailer license allowing the onpremises sales of~~"

Page 2, line 24, remove "to sell at retail other"

Page 2, line 25, remove the overstrike over "~~at a restaurant owned by the licensee and located on property contiguous~~"

Page 2, line 26, remove the overstrike over "~~to~~"

Page 2, line 26, remove "in addition to the wine produced at"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1378, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1378 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "aircraft detection lighting systems on wind generators" with "light-mitigating technology systems on wind energy conversion facilities"

Page 1, line 6, replace "**Aircraft detection lighting**" with "**Light-mitigating technology**"

Page 1, after line 6 insert:

- "1. The commission shall adopt rules by January 1, 2019, relating to the implementation of light-mitigating technology systems on wind energy conversion facilities which must include service and maintenance requirements and safety standards and lighting system requirements, and which are consistent with the federal aviation administration regulations [14 CFR 1.1 et seq.].

2."

Page 1, line 7, remove "generator, designed for or capable of wind energy"

Page 1, remove line 8

Page 1, line 9, replace "aircraft detection lighting system in accordance" with "energy conversion facility for which the commission issued a certificate of site compatibility after June 5, 2016, must be equipped with a functioning light-mitigating technology system that complies"

Page 1, line 9, remove "The"

Page 1, remove lines 10 and 11

Page 1, line 12, replace "standards, and lighting system requirements." with:

"3. The commission shall require the installation of light-mitigating technology systems that comply with rules adopted by the commission as soon as technically feasible and if economically feasible for wind energy conversion facilities for which a certificate of site compatibility was issued before June 5, 2016.

4."

Page 1, line 12, replace "cost" with "costs"

Page 1, line 12, after "with" insert "the"

Page 1, line 13, replace "these systems" with "light-mitigating technology systems"

Page 1, line 13, replace "a turbine" with "the wind energy conversion facility"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1390, as engrossed: Agriculture Committee (Sen. Luick, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1390 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 61-16-08 and 61-32-03.1 of the North Dakota Century Code, relating to water resource board members and subsurface water management system permits; to provide for a legislative management study; to provide for a penalty; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 61-16-08 of the North Dakota Century Code is amended and reenacted as follows:

#### **61-16-08. Eligibility for appointment to board - Term of office - Removal - Filling vacancies - Compensation of managers.**

1. When a water resource district has been created, any resident landowner in the district, except a county commissioner, is eligible, subject to the provisions of this section, for appointment to the water resource board. After June 30, 1985, when the term of office of a district manager has expired, the manager's successor shall hold office for three years from the first day of January next following the date of the successor's appointment. The term of office of a manager does not terminate until the successor in office is appointed and qualified. In case the office of any district manager becomes vacant, the manager appointed to fill the vacancy shall serve the unexpired term of the manager whose office became vacant. Within three months after the start of an individual's term as a district manager, the individual shall attend a course on water management, and each district manager shall attend a course on water management every three years during the manager's term.
2. Each member of a water resource board shall receive the sum of at least seventy-five dollars but not more than one hundred thirty-five dollars per day while performing duties as a member of the board, and an allowance for meals and lodging expenses at the same rate and under the same conditions as provided for state officials and employees. The allowance for travel expenses shall be at the same rate as provided by section 11-10-15 and shall be evidenced by a subvoucher or receipt as provided by section 21-05-01.

3. A manager may be removed from the board by the board of county commissioners after it appears to the board of county commissioners by competent evidence, and after a public hearing, if so requested by the manager subject to removal, at which hearing the manager must be apprised of and allowed ample opportunity to repudiate the evidence, that the manager has been guilty of misconduct, malfeasance, crime in office, neglect of duty in office, habitual drunkenness, gross incompetency, or inability to perform the duties of office for reasons of health.

**SECTION 2. AMENDMENT.** Section 61-32-03.1 of the North Dakota Century Code is amended and reenacted as follows:

**61-32-03.1. Permit to drain subsurface waters required - Permit form - Penalty.**

1.
  - a. Installation of an artificial subsurface drainage subsurface water management system comprising eighty acres [32.37 hectares] of land area or more requires a permit. The watershed area drained by a subsurface water management system may not be used to determine whether the system requires a permit under this section.
  - b. Subsurface water management systems that use surface intakes must be permitted exclusively under this section if the system will have a drainage coefficient of three-eighths of an inch [0.95 centimeters] or less. Subsurface water management systems that use surface intakes must be permitted exclusively under section 61-32-03 if the system will have a drainage coefficient exceeding three-eighths of an inch [0.95 centimeters].
  - c. Installation of a subsurface water management system comprising less than eighty acres [32.37 hectares] of land area does not require a permit.
2.
  - a. The state engineer shall develop an application form for a permit for subsurface drainage of water required under this section. A person seeking to construct an artificial subsurface drainage system a subsurface water management system that requires a permit under this section must submit a completed application to the water resource district board within which is found a majority of the land area for consideration and approval. Water resource districts may attach any necessary conditions to an approved permit, but may not deny an application unless the water resource district determines the application is of statewide significance or the proposed drainage will flood or adversely affect lands of downstream landowners within one mile [1.61 kilometers] of the proposed subsurface drainage. The water resource district board may charge permit applicants a fee up to one hundred fifty dollars. Water resource districts must shall forward copies of all approved permits to the state engineer. Water resource districts shall determine if the application proposes drainage of statewide significance. If so, the application must be referred to the state engineer for consideration and approval, and the state engineer shall make a determination within thirty days. The permit applicant shall provide a thirty-day notice to downstream property owners within one mile [1.61 kilometers] of the proposed subsurface drainage. If an investigation by a water resource district or a downstream landowner within one mile [1.61 kilometers] shows that the proposed drainage will flood or adversely affect lands of downstream landowners within one mile [1.61 kilometers], the water resource district may require flowage easements before issuing a permit. If an artificial subsurface drainage system drains into an assessment drain, natural watercourse, or pond, slough, or lake, a flowage easement is not required. Flowage easements must be filed for record in the office of the recorder of the county or counties in which the lands are situated. A person that installs an artificial

~~subsurface drainage system without first securing a permit to do so, as provided in this section, is liable for all damage sustained by a person caused by the draining, and is guilty of an infraction.~~

- b. Upon submission of a completed application for a permit, the water resource district board immediately shall give notice and a copy of the submission via certified mail to each owner of land within one mile [1.61 kilometers] downstream of the proposed subsurface water management system outlet unless the distance to the nearest assessment drain, natural watercourse, slough, or lake is less than one mile [1.61 kilometers], in which case notice and a copy of the submission must be given immediately to each owner of land between the outlet and the nearest assessment drain, natural watercourse, slough, or lake. The notice requirement in this section must be waived if the applicant presents signed, notarized letters of approval from all downstream landowners entitled to notice in this subsection.
3. a. If the water resource board receives notarized letters of approval from all downstream landowners entitled to notice, the board shall approve the completed permit application as soon as practicable but no later than thirty days after receipt of the last letter. Otherwise, the water resource board shall review the completed application at its next meeting that is at least thirty days after receipt of the application. The board shall consider any written, technical evidence provided by the applicant or a landowner notified under subsection 2 addressing whether the land of a notified landowner will be flooded or unreasonably harmed by the proposed subsurface water management system. For purposes of this section "technical evidence" means written information regarding the proposed subsurface water management system, prepared after consideration of the design and physical aspects of the proposed system, and any adverse hydraulic effects, including erosion, flood duration, crop loss, and downstream water control device operation impacts, which may occur to land owned by a landowner provided under subsection 2. Technical evidence must be submitted to the permit applicant, notified landowners, and the board within thirty days of the receipt of the completed permit application by the board. A notified landowner may not object to the proposed system unless the landowner presents technical evidence under this subsection.
- b. If the board finds, based on technical evidence, the proposed subsurface water management system will flood or unreasonably harm lands of a landowner notified under subsection 2, the board may require the applicant to obtain a notarized letter of approval before issuing a permit for the system. The board may not require a letter of approval for any land downstream of a system that outlets into an assessment drain, natural watercourse, or pond, slough, or lake if notified landowners did not provide technical evidence to the district.
- c. A water resource district may attach reasonable conditions to an approved permit for a subsurface water management system that outlets directly into a legal assessment drain or public highway right of way. For purposes of this subsection, "reasonable conditions" means conditions that address the outlet location, proper erosion control, reseeding of disturbed areas, installation of riprap or other ditch stabilization, and conditions that require all work to be done in a neat and professional manner. Any condition to locate the project a minimum distance from rural water supply lines may not extend beyond an existing easement for lines, or no greater than twenty feet [6.1 meters] from either side of the water line if the rural water line was installed under a blanket easement.

- d. A water resource district may require a subsurface water management system granted a permit under this section to incorporate a control structure at the outlet into the design of the system and may require the control structure be closed during critical flood periods.
  - e. A water resource district board may not deny a completed permit application under this section unless the board determines, based on technical evidence submitted by a landowner notified under subsection 2, the proposed water management system will flood or unreasonably harm land of a notified landowner, and a notarized letter of approval required by the board has not been obtained by the applicant. For purposes of this section, "unreasonable harm" is limited to hydraulic impacts, including erosion or other adverse impacts that degrade the physical integrity of a roadway or real property within one mile [1.61 kilometers] downstream of the system's outlet. The board shall include a written explanation of the reasons for a denial of a completed application and notify, by certified mail, the applicant and all landowners notified under subsection 2 of the approval or denial.
  - f. The board may not deny a permit more than sixty days after receipt of the completed application for the permit. If the board fails to deny the permit application within sixty days of receipt, the permit application is deemed approved.
4. A denial of a completed permit application by a water resource district board may be appealed, under section 28-34-01, to the district court of the county in which the permit application was filed. The court may approve a completed permit application denied by a water resource district board or the state engineer if the application meets the requirements of this section.
  5. A water resource district board may not be held liable to any person for issuing a permit under this section.
  6. A person that installs a subsurface water management system requiring a permit under this section without first securing the permit is liable for all damages sustained by a person caused by the subsurface water management system.
  7. A person that installs a subsurface water management system requiring a permit under this section without first securing the permit is guilty of an infraction.

**SECTION 3. LEGISLATIVE MANAGEMENT STUDY - NUTRIENT MANAGEMENT PLAN.** During the 2017-18 interim, the legislative management shall consider studying and monitoring the nutrient management plan developed by the state department of health. 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 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**SB 2188:** Your conference committee (Sens. Klein, Burckhard, Roers and Reps. Olson, Steiner, Karls) recommends that the **SENATE ACCEDE** to the House amendments as printed on SJ page 783 and place SB 2188 on the Seventh order.

SB 2188 was placed on the Seventh order of business on the calendar.

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

**Shanda Morgan, Secretary**