

## JOURNAL OF THE HOUSE

## Sixty-sixth Legislative Assembly

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Bismarck, April 22, 2019

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

The prayer was offered by Pastor Leanne Simmons, First Presbyterian Church, Bismarck.

The roll was called and all members were present except Representatives McWilliams, O'Brien, Owens, and Satrom.

A quorum was declared by the Speaker.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**REP. LOUSER 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 2317, which motion prevailed.

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

**Engrossed SB 2317:** Reps. Weisz, Rohr, Schneider

**MOTION**

**REP. LOUSER MOVED** that HB 1320, which is on the Twelfth order, be laid over one legislative day, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KREIDT MOVED** that the conference committee report on Engrossed HB 1007 as printed on HJ pages 1971-1973 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1007, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home; to provide for a report; to provide for a transfer; to provide for an exemption; 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, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Becker; Ertelt; Keiser; Magrum; Ruby, D.; Simons

**ABSENT AND NOT VOTING:** McWilliams; O'Brien; Owens

Reengrossed HB 1007 passed and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DOCKTER MOVED** that the conference committee report on HB 1174 as printed on HJ pages 1973-1974 be adopted.

**REQUEST**

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

The question being on the motion to adopt the conference committee report on HB 1174, the conference committee report on HB 1174 was rejected on a verification vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. HOWE MOVED** that the conference committee report on Engrossed SB 2017 as printed on HJ page 1974 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. LANING MOVED** that the conference committee report on Engrossed SB 2306 as printed on HJ pages 1977-1978 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2306, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2306:** A BILL for an Act to create and enact a new section to chapter 15.1-13, a new section to chapter 15.1-18, and a new section to chapter 43-51 of the North Dakota Century Code, relating to occupational licensure of military members and military spouses; to amend and reenact sections 15.1-13-13, 15.1-13-17, 43-51-01, and 43-51-11.1 of the North Dakota Century Code, relating to occupational licensure of military members and spouses; and to provide for a report.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**ABSENT AND NOT VOTING:** McWilliams; O'Brien; Owens

Engrossed SB 2306, as amended, passed.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SCHREIBER-BECK MOVED** that the conference committee report on Engrossed SB 2216 as printed on HJ pages 1974-1977 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2216, as amended, was placed on the Fourteenth order of business.

**SECOND READING OF SENATE BILL**

**SB 2216:** A BILL for an Act to create and enact a new section to chapter 15-19 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 15-19-01, 15-19-02, 15-19-02.1, 15-19-06, 15-19-08, and 15-20.1-03 of the North Dakota Century Code, relating to distance education; and to repeal sections 15-19-03 and 15-19-04 of the North Dakota Century Code, relating to authorization

of enrollments to the center for distance education by a superintendent of a school and advertising.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Becker; Bellew; Blum; Boe; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Ertelt; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Simons; Skroch; Steiner; Strinden; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**ABSENT AND NOT VOTING:** McWilliams; O'Brien; Owens

Engrossed SB 2216, as amended, passed.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. BELLEW MOVED** that the conference committee report on Engrossed SB 2321 as printed on HJ page 1978 be adopted, which motion prevailed on a voice vote.

#### MOTION

**REP. LOUSER MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed on a voice vote.

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

#### CONSIDERATION OF MESSAGES FROM THE SENATE

**REP. LOUSER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1018 as printed on HJ pages 1827-1834 and in the Senate amendments to HCR 3055 as printed on HJ pages 1941-1942 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 1018:** Reps. Nathe, Martinson, Boe.

**HCR 3055:** Reps. Headland, Grueneich, Eidson.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1025, as engrossed:** Your conference committee (Sens. Dever, Poolman, Mathern and Reps. Schobinger, B. Anderson, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1563-1565, adopt amendments as follows, and place HB 1025 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1563-1565 of the House Journal and pages 1331-1333 of the Senate Journal and that Engrossed House Bill No. 1025 be amended as follows:

Page 1, line 2, remove "and"

Page 1, line 2, after "report" insert "; and to provide an exemption"

Page 1, replace lines 12 through 20 with:

"Veterans' affairs	\$1,168,015	\$179,614	\$1,347,629
State approving agency	271,998	13,660	285,658

Grants - transportation program	1,719,520	(919,520)	800,000
Transport vans	18,600	200	18,800
Service dogs	50,000	0	50,000
Veterans' home cemetery	<u>0</u>	<u>291,500</u>	<u>291,500</u>
Total all funds	\$3,228,133	(\$434,546)	\$2,793,587
Less estimated income	<u>2,091,571</u>	<u>(714,414)</u>	<u>1,377,157</u>
Total general fund	\$1,136,562	\$279,868	\$1,416,430
Full-time equivalent positions	7.00	0.00	7.00"

Page 2, replace lines 2 through 5 with:

"Transport vans	\$18,600	\$0
Grant database enhancements	0	7,500
Temporary loan and grant position	0	140,000
Veterans' home cemetery	<u>0</u>	<u>291,500</u>
Total all funds	\$18,600	\$439,000
Less estimated income	<u>0</u>	<u>291,500</u>
Total general fund	\$18,600	\$147,500"

Page 2, after line 9, insert:

**"SECTION 3. EXEMPTION.** The amount of \$50,000 appropriated for the posttraumatic stress disorder service dogs program in section 1 of chapter 49 of the 2017 Session Laws is not subject to section 54-44.1-11 and any unexpended funds from this program are available for the program during the biennium beginning July 1, 2019, and ending June 30, 2021.

**SECTION 4. ESTIMATED INCOME - VETERANS' HOME CEMETERY FUNDING.** The estimated income line item in section 1 of this Act includes \$291,500, of which \$265,000 is from federal funds and \$26,500 is from the Melvin Norgard memorial fund, for the purpose of repairing and maintaining the cemetery located on the veterans' home campus during the biennium beginning July 1, 2019, and ending June 30, 2021. This funding is considered a one-time funding item."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1025 - Department of Veterans' Affairs - Conference Committee Action

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Veterans' affairs	\$1,168,015	\$1,322,258	\$25,371	\$1,347,629	\$1,359,423	(\$11,794)
State approving agency	271,998	284,501	1,157	285,658	285,658	
Grants - Transportation program	1,719,520	800,000		800,000	800,000	
Transport vans	18,600	18,800		18,800	40,000	(21,200)
Service dogs	50,000	50,000		50,000	50,000	
Veterans' home cemetery			291,500	291,500	291,500	
Total all funds	\$3,228,133	\$2,475,559	\$318,028	\$2,793,587	\$2,826,581	(\$32,994)
Less estimated income	<u>2,091,571</u>	<u>1,084,500</u>	<u>292,657</u>	<u>1,377,157</u>	<u>1,377,157</u>	<u>0</u>
General fund	\$1,136,562	\$1,391,059	\$25,371	\$1,416,430	\$1,449,424	(\$32,994)
FTE	7.00	7.00	0.00	7.00	8.00	(1.00)

## Department 321 - Department of Veterans' Affairs - Detail of Conference Committee Changes

	Adds Funding for Salary and Benefit Increases <sup>1</sup>	Adds Funding for Veteran Benefit Specialist Training <sup>2</sup>	Adds One-Time Funding for a Cemetery Program <sup>3</sup>	Total Conference Committee Changes
Veterans' affairs	\$7,071	\$18,300		\$25,371
State approving agency	1,157			1,157
Grants - Transportation program				
Transport vans				
Service dogs				
Veterans' home cemetery			\$291,500	291,500
<b>Total all funds</b>	<b>\$8,228</b>	<b>\$18,300</b>	<b>\$291,500</b>	<b>\$318,028</b>
Less estimated income	1,157	0	291,500	292,657
General fund	\$7,071	\$18,300	\$0	\$25,371
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding of \$8,228, of which \$7,071 is from the general fund and \$1,157 is from federal funds, is added for 2019-21 biennium salary increases of 2 percent, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, on July 1, 2019, and 2.5 percent on July 1, 2020. This provides a total of \$36,773 for state employee salary increases, of which \$30,631 is from the general fund and \$6,142 is from federal funds, the same as provided by the Senate. The House approved 2019-21 biennium salary increases of 2 percent per year and provided a total of \$28,545 for state employee salary increases, of which \$23,560 is from the general fund and \$4,985 is from federal funds.

<sup>2</sup> Funding of \$18,300 from the general fund is added for veteran benefit specialist training, the same as provided by the Senate. The House did not provide funding for this training.

<sup>3</sup> One-time funding of \$291,500 is added for a Veterans' Home cemetery program, of which \$265,000 is from federal funds and \$26,500 is from the Melvin Norgard memorial fund, for repairing and maintaining the Veterans' Home cemetery, the same as provided by the Senate. The House did not provide funding for this program.

The Senate removed \$140,000 of one-time funding from the general fund approved by the House for a temporary loan and grant position and added \$151,794 from the general fund for 1 FTE loan and grants position. The Conference Committee approved \$140,000 of one-time funding from the general fund for the temporary position, but did not add the 1 FTE loan and grants position, the same as the House.

The Senate added \$21,200 from the general fund to provide a total appropriation of \$40,000 for purchasing two transport vans. The Conference Committee provided \$18,800 from the general fund for the purchase of one transport van, the same as the House.

This amendment also:

- Adds a section allowing the Department of Veterans' Affairs to continue unexpended 2017-19 funding for the posttraumatic stress disorder service dog program into the 2019-21 biennium, the same as the Senate.
- Adds a section identifying \$291,500 of one-time funding, of which \$265,000 is from federal funds and \$26,500 is from the Melvin Norgard memorial fund, for repairs and maintenance at the cemetery located on the Veterans' Home campus during the 2019-21 biennium. This section was included by the Senate.

Engrossed HB 1025 was placed on the Seventh order of business on the calendar.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. SCHOBINGER MOVED** that the conference committee report on Engrossed HB 1025 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 provide an appropriation for defraying the expenses of the department of veterans' affairs; to provide for a report; and to provide an exemption.

**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, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Hoverson; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Johnston; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Koppelman, B.; Koppelman, K.; Kreidt; Laning; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; McWilliams; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Paulson; Paur; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Strinden; Toman; Trotter; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Becker; Bellew; Ertelt; Simons

**ABSENT AND NOT VOTING:** Buffalo; O'Brien

Reengrossed HB 1025 passed.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1004, as engrossed:** Your conference committee (Sens. G. Lee, Sorvaag, Mathern and Reps. Kreidt, Meier, Holman) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1527-1528, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1527 and 1528 of the House Journal and pages 1274-1276 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

Page 1, remove lines 14 through 23

Page 2, replace line 1 with:

"Salaries and wages	\$36,371,434	\$1,348,140	\$37,719,574
Operating expenses	27,714,187	5,038,893	32,753,080
Capital assets	2,188,491	1,679,322	3,867,813
Grants	46,441,941	6,815,351	53,257,292
Tobacco prevention	13,646,704	(744,640)	12,902,064
Women, infants, and children food payments	20,200,000	(420,000)	19,780,000
Medical marijuana	<u>1,465,704</u>	<u>(1,465,704)</u>	<u>0</u>
Total all funds	\$148,028,461	\$12,251,362	\$160,279,823
Less estimated income	<u>115,278,152</u>	<u>8,641,081</u>	<u>123,919,233</u>
Total general fund	\$32,750,309	\$3,610,281	\$36,360,590"

Page 2, replace line 11 with:

"Microbiology laboratory technology upgrades	0	483,000"
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Page 2, replace lines 13 and 14 with:

"Total all funds	\$3,254,286	\$2,057,554
Less estimated income	<u>3,254,286</u>	<u>1,967,554"</u>

Page 2, line 21, replace "\$1,250,000" with "\$1,125,000"

Page 3, after line 31, insert:

**"SECTION 7. LEGISLATIVE INTENT - ELECTRONIC ACCESS TO VITAL RECORDS - REPORT TO LEGISLATIVE MANAGEMENT.** It is the intent of the sixty-sixth legislative assembly that the state department of health implement a program of electronic access to vital records through web access or kiosk in cooperation with other state agencies in at least eight locations around the state. The state department of health shall report to the legislative management before July 1, 2020, regarding the implementation of electronic access to vital records."

Page 4, line 1, replace "\$450,000" with "\$483,000"

Page 4, line 2, replace "and" with a comma

Page 4, line 2, replace "other funds" with "federal funds, and \$33,000 is from special funds from fee revenue"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1004 - State Department of Health - Conference Committee Action**

	Base Budget	House Version	Conference Committee Changes	Conference Committee Version	Senate Version	Comparison to Senate
Salaries and wages	\$36,371,434	\$37,514,606	\$204,968	\$37,719,574	\$38,570,554	(\$850,980)
Operating expenses	27,714,187	32,753,080		32,753,080	34,008,080	(1,255,000)
Capital assets	2,188,491	3,834,813	33,000	3,867,813	4,027,813	(160,000)
Grants	46,441,941	53,057,292	200,000	53,257,292	56,157,292	(2,900,000)
Tobacco prevention	13,646,704	12,894,208	7,856	12,902,064	12,902,064	
WIC food payments	20,200,000	19,780,000		19,780,000	19,780,000	
Medical marijuana	1,465,704					
Total all funds	\$148,028,461	\$159,833,999	\$445,824	\$160,279,823	\$165,445,803	(\$5,165,980)
Less estimated income	115,278,152	123,781,185	138,048	123,919,233	129,085,213	(5,165,980)
General fund	\$32,750,309	\$36,052,814	\$307,776	\$36,360,590	\$36,360,590	\$0
FTE	211.50	204.00	0.00	204.00	204.00	0.00

**Department 301 - State Department of Health - Detail of Conference Committee Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Increases Funding for Sexual Violence Primary Prevention Program <sup>2</sup>	Increases One-Time Funding for Microbiology Laboratory Technology Upgrades <sup>3</sup>	Total Conference Committee Changes
Salaries and wages	\$204,968			\$204,968
Operating expenses				
Capital assets			\$33,000	33,000
Grants		\$200,000		200,000
Tobacco prevention	7,856			7,856
WIC food payments				
Medical marijuana				
Total all funds	\$212,824	\$200,000	\$33,000	\$445,824
Less estimated income	105,048	0	33,000	138,048
General fund	\$107,776	\$200,000	\$0	\$307,776
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> Funding is added to provide for employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and an increase of 2.5 percent on July 1, 2020, the same as the Senate version. The House provided funding for salary increases of 2 percent on July 1, 2019, and 2 percent on July 1, 2020.

<sup>2</sup> Funding for sexual violence primary prevention program grants is increased to provide a total of \$2.45 million, of which \$2.11 million is from the general fund, the same as the Senate version. The House did not provide this increase.

<sup>3</sup> Funding from fee revenue is provided to increase the one-time appropriation for microbiology laboratory technology upgrades to provide a total of \$483,000, of which \$90,000 is from the general fund, \$360,000 is from federal funds, and \$33,000 is from special funds from fee revenue, the same as the Senate version.

The conference committee did not add \$5,165,980 of federal funds relating to an anticipated opioid grant, which the Senate had added. A section of legislative intent is added that the department implement a program of electronic access to vital records through web access or kiosk in cooperation with other state agencies in at least eight locations around the state. In addition, the section requires the department report to the Legislative Management by July 1, 2020, regarding the implementation of electronic access to vital records. This section was also included in the Senate version.

Engrossed HB 1004 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KREIDT MOVED** that the conference committee report on Engrossed HB 1004 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1004, as amended, was placed on the Eleventh order of business.

#### SECOND READING OF HOUSE BILL

**HB 1004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact section 23-02.1-29 of the North Dakota Century Code, relating to vital records fees; to provide a statement of legislative intent; to provide a report; 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 70 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Delzer; Devlin; Dobervich; Dockter; Eidson; Fegley; Fisher; Grueneich; Guggisberg; Hager; Hanson; Hatlestad; Headland; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Kreidt; Laning; Lefor; Longmuir; Louser; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Nelson, M.; Owens; Pollert; Porter; Richter; Roers Jones; Rohr; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Strinden; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Becker; Bellew; Ertelt; Heinert; Hoverson; Johnston; Kading; Koppelman, B.; Koppelman, K.; Magrum; Marschall; McWilliams; Paulson; Paur; Pyle; Ruby, D.; Ruby, M.; Schatz; Simons; Skroch; Steiner; Toman

**ABSENT AND NOT VOTING:** Buffalo; O'Brien

Reengrossed HB 1004 passed and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1040, as engrossed:** Your conference committee (Sens. Patten, Kannianen, Dotzenrod and Reps. Grueneich, Fisher, Eidson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1392-1393, adopt amendments as follows, and place HB 1040 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1392 and 1393 of the House Journal and page 964 of the Senate Journal and that Engrossed House Bill No. 1040 be amended as follows:

Page 2, line 20, replace "five hundred thousand" with "one million"



Page 4, line 10, replace "two" with "four"

Page 4, line 11, replace "two" with "four"

Renumber accordingly

Engrossed HB 1040 was placed on the Seventh order of business on the calendar.

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

**REP. GRUENEICH MOVED** that the conference committee report on Engrossed HB 1040 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1040, as amended, was placed on the Eleventh order of business.

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

**HB 1040:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subdivision to subsection 7 of section 57-38-30.3 of the North Dakota Century Code, relating to the provision of an income tax credit for purchases of manufacturing machinery and equipment to automate manufacturing processes; to provide an effective date; and to provide an expiration date.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 68 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beadle; Blum; Boe; Bosch; Boschee; Brandenburg; Damschen; Dobervich; Dockter; Fegley; Fisher; Grueneich; Hager; Hanson; Hatlestad; Headland; Heinert; Holman; Howe; Johnson, C.; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Kreidt; Laning; Lefor; Longmuir; Magrum; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nelson, J.; Owens; Pollert; Porter; Pyle; Richter; Roers Jones; Rohr; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schreiber-Beck; Steiner; Strinden; Trottier; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Klemin

**NAYS:** Becker; Bellew; Delzer; Devlin; Eidson; Ertelt; Guggisberg; Hoverson; Johnston; Kading; Kiefert; Koppelman, B.; Koppelman, K.; Louser; Marschall; McWilliams; Nelson, M.; Paulson; Paur; Ruby, D.; Schobinger; Simons; Skroch; Toman

**ABSENT AND NOT VOTING:** Buffalo; O'Brien

Reengrossed HB 1040 passed.

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#### **MOTION**

**REP. LOUSER MOVED** that SB 2042, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed on a voice vote.

#### **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 1018 and HCR 3055, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1018:** Reps. Nathe; Martinson; Boe

**HCR 3055:** Reps. Headland; Grueneich; Eidson

#### **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 1018:** Sens. Holmberg; Bekkedahl; Robinson

**HCR 3055:** Sens. Cook; Unruh; Dotzenrod

**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 2317:** Reps. Weisz; Rohr; Schneider

**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 1174.

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

**MR. PRESIDENT:** The House has adopted the conference committee report on: SB 2017, SB 2321.

**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 1025, HB 1040.

**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 2216, SB 2306.

**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 1004.

**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 1007.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2022.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1022.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1007, HB 1171.

**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 2186.

**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: HB 1513.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1268, HB 1287, HB 1383.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2017, SB 2216, SB 2306, SB 2321.

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

**MR. SPEAKER:** The President has signed: HB 1268, HB 1287, HB 1383.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1001, HB 1439.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: HB 1268, HB 1287, HB 1383.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2017, SB 2216, SB 2306, SB 2321.

**MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2018, SB 2020, SB 2221.

**MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2018, SB 2020, SB 2221.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 22, 2019: HB 1001, HB 1439.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 22, 2019: HB 1268, HB 1287, HB 1383.

#### **MOTION**

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

#### **MOTION**

**REP. LOUSER 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., Tuesday, April 23, 2019, which motion prevailed on a voice vote.

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

**HB 1157, as engrossed:** Your conference committee (Sens. J. Roers, Kreun, Piepkorn and Reps. Bosch, Lefor, M. Nelson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1489-1496, adopt amendments as follows, and place HB 1157 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1489-1496 of the House Journal and pages 1238-1245 of the Senate Journal and that Engrossed House Bill No. 1157 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 43-09-01, 43-09-05, 43-09-09, 43-09-09.2, 43-09-10, 43-09-11, 43-09-12, 43-09-13.2, 43-09-15, 43-09-15.1, 43-09-16, 43-09-18, 43-09-20, 43-09-21, 43-09-22, and 43-09-23 of the North Dakota Century Code, relating to regulation by the state electrical board; and to provide a penalty.

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

**SECTION 1. AMENDMENT.** Section 43-09-01 of the North Dakota Century Code is amended and reenacted as follows:

##### **43-09-01. Definitions.**

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

1. "Apprentice electrician" means ~~a person~~ an individual who is learning the trade under the personal supervision of a state-licensed electrician.
2. "Board" means the state electrical board.
3. "Class B electrician" means ~~a person having~~ an individual who has the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment in accordance with the standard rules and regulations governing such work, ~~and shall have~~ who has eighteen months' experience in farmstead or residential wiring, and ~~shall have~~ passed an examination before the state electrical

board based upon the national electrical code as it applies to farmstead or residential wiring.

4. "Journeyman electrician" means a person having an individual who has the necessary qualifications, training, and technical knowledge to wire, install, and repair electrical apparatus and equipment and power limited systems in accordance with the standard rules and regulations governing such work.
5. "Licensee" means an individual who holds a valid license issued by the board.
6. "Master electrician" means a person having an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, lay out, and supervise the installation and repair of electrical wiring apparatus, and equipment for electric light, heat, and power and power limited systems, in accordance with the standard rules and regulations governing such work.
7. "Nonelectrical system" means a system as defined by the articles contained in chapter 8 and other articles which contains class II or class III circuits and systems as defined by the national electrical code, as adopted by the board. Although the board may expand this definition, the board may not narrow this definition. The term does not include a circuit or system that is installed:
  - a. Within an area of special occupancies, as defined under articles 500 through 517 of the national electrical code.
  - b. For heat, light, or power.
  - c. For the control of heat, light, or power, unless the circuit or system employs digital communication.
8. "Power limited electrician" means an individual who has the necessary qualifications, training, experience, and technical knowledge to plan, layout, and supervise the installation and repair of a power limited system.
9. "Power limited system" means a system as defined by the articles contained in chapter 8 and other articles which contains class II or class III circuits and systems as defined by the national electrical code, as adopted by the board. Although the board may expand this definition, the term does not include a nonelectrical system.

**SECTION 2. AMENDMENT.** Section 43-09-05 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-05. Powers and duties of state electrical board - Biennial report.**

The board shall adopt a seal and may adopt reasonable rules to carry out this chapter. The board may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. The board shall appoint qualified inspectors. Upon receipt of notice of completion of any electrical wiring or power limited system installation involving a value of five hundred dollars or more, the inspectors shall inspect the electrical or power limited system installation and approve or condemn that installation. The inspector shall make a report of the inspection on forms prescribed by the board.

**SECTION 3. AMENDMENT.** Section 43-09-09 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-09. License required - Examination - Board to issue license.**

Every

1. ~~A person, partnership, company, corporation, limited liability company, or association that undertakes or offers may not undertake or plan to undertake with another person to plan, lay out, supervise, install, make additions, make alterations, or make repairs, in the installation of wiring, apparatus, or equipment for electric light, heat, or power or for a power limited system, shall apply to unless licensed by the board for a license.~~
2. The board shall examine ~~the~~ an applicant for licensure and if, upon a technical and practical examination, the applicant is found to possess the required knowledge and skill and to be versed in the laws of electricity, the applicant shall be issued a license in the class for which the applicant was examined. The license ~~shall~~ must be signed by the president and the secretary of the board and attested by the seal of the board.
3. Each licensee or permitholder shall report that ~~person's~~ individual's licensing or renewals to the electrical inspector, if there is one, in the ~~municipality~~ city in which that ~~person~~ individual operates.

**SECTION 4. AMENDMENT.** Section 43-09-09.2 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-09.2. Advertising prohibited - Exceptions - Liability - Penalty.**

1. Except as provided in this section, if ~~an electrical~~ a license is required under section 43-09-09 ~~or by local ordinance~~, a person may not advertise to contract for electrical services without being licensed as or being associated with a class B ~~or~~ electrician, master electrician, ~~or power limited electrician~~, unless that person intends to contract the electrical services with a licensed electrical contractor.
2. If a person associates with ~~a class B or master~~ an electrician under subsection 1 and that association ends, that person is jointly and severally liable for any ~~electrical services~~ contracts entered under that association.
3.
  - a. A person violating this section is guilty of a class B misdemeanor for a first conviction, but no fine in excess of one hundred dollars and no term of imprisonment may be imposed.
  - b. A person violating this section is guilty of a class A misdemeanor for a second or subsequent conviction, but the penalties are as follows:
    - (1) For a second conviction, no fine in excess of one thousand dollars and no term of imprisonment may be imposed.
    - (2) For a third or subsequent conviction, a fine not to exceed one thousand dollars, or imprisonment not to exceed thirty days, or both, may be imposed.

**SECTION 5. AMENDMENT.** Section 43-09-10 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-10. Types of licenses.**

The classes of electricians who may be licensed under section 43-09-09 are:

1. Master electrician.
2. Journeyman electrician.
3. Class B electrician.
4. Power limited electrician.

**SECTION 6. AMENDMENT.** Section 43-09-11 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-11. Qualifications.**

An applicant for an electrician's license must have the following experience and training:

1. For licensure as a master electrician, an applicant must have completed one year's experience as a licensed journeyman electrician.
2. For licensure as a journeyman electrician, an applicant must have:
  - a. Completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment, which experience may not be obtained in less than three years.
  - b. Effective for an applicant who registered with the board as an apprentice after January 31, 2008, completed at least one of the following:
    - (1) Successfully completed apprenticeship training approved by the federal bureau of apprenticeship and training and completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment.
    - (2) Successfully completed an appropriate course of study, which may not be less than two years or the equivalent of two years, at a board-approved institution of higher education and completed eight thousand hours' experience in installing and repairing electrical wiring, apparatus, and equipment. The board may determine equivalent hours of education that may be applied as a credit against the eight thousand hours' experience requirement under this paragraph.
3. For licensure as a class B electrician, eighteen months' experience in farmstead or residential wiring.
4. For licensure as a power limited electrician:
  - a. Hold a valid board-recognized tradesman certification; or
  - b. Possess the necessary work experience and training, as approved by the board.

**SECTION 7. AMENDMENT.** Section 43-09-12 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-12. Examination - Requirements.**

Each applicant for an electrician's license shall pay the examination fee and shall take an oath and submit written evidence that the applicant has had the required experience. ~~If a partnership, corporation, or limited liability company applies for a license, an officer or manager thereof shall make the application and take the oath and submit evidence as to experience.~~

**SECTION 8. AMENDMENT.** Section 43-09-13.2 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-13.2. ~~Electrical inspectors~~Inspectors - License required - Exception.**

~~A person~~An individual employed by the state electrical board or a political subdivision to inspect electrical or power limited system installations must be licensed as a journeyman electrician or master electrician. ~~This section does not~~

apply to an inspector employed by the electrical board or a political subdivision as of July 2, 1989.

**SECTION 9. AMENDMENT.** Section 43-09-15 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-15. Renewal of license - Denial, suspension, or revocation of licenses.**

1. An electrician's license may be issued for a term of only one year, but may be renewed without examination upon the payment of the proper fee. If the licensee fails to renew the license for a period of three consecutive years or more, the licensee is required to appear for re-examination. The state electrical board may deny, suspend, revoke, or refuse to renew any license issued or applied for under the provisions of this chapter for any of the following reasons:
  - 1-a. Failure or refusal to maintain or adhere to the minimum standards set forth in the electrical code referred to in section 43-09-21.
  - 2-b. Any cause for which the issuance of the license could have been refused had ~~that information~~ then existed and been known to the board.
  - 3-c. Commitment of any act of gross negligence, incompetency, or misconduct in the practice of ~~a master or journeyman electrician or the business of an electrical contractor~~ the profession regulated under this chapter.
  - 4-d. Material misstatement, misrepresentation, or fraud in obtaining the license.
  - 5-e. After due notice, failed or refused to correct, within the specified time, any electrical installation not in compliance with the provisions of this chapter.
  - 6-f. Failure or refusal to make a deposit or acquire public liability insurance as required by ~~sections 43-09-14 and~~ section 43-09-20.
  - 7-g. Failure to ~~repay~~ or enter into a written contract for repayment, under a payment schedule acceptable to the board, ~~of money disbursed from the fund as provided under section 43-09-14, or failure to make timely payments under a payment contract entered into under the board's policy for administering the undertaking fund~~ any financial obligation to the board.
  - 8-h. Failure to furnish certification of completion of continuing education as required under section 43-09-15.1.

Any person whose

2. ~~If an individual's license is denied or whose license is~~ suspended, or revoked by the board, or ~~wh~~ that individual is refused a license by the board, that individual may appeal to the appropriate court.

**SECTION 10. AMENDMENT.** Section 43-09-15.1 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-15.1. Continuing education.**

~~After March 31, 1990, each~~ An applicant for renewal of an electrician's license pursuant to section 43-09-15 must have successfully completed ~~prior thereto~~ at least four hours, and thereafter eight hours each biennium, of continuing education relating to the standards set forth in section 43-09-21 or as otherwise prescribed by the board. The board may not require more than sixteen hours of

continuing education in each biennium. The board shall conduct education sessions ~~for licensees~~ each year at not ~~less~~fewer than six locations throughout the state. Attendance at such sessions, or attendance at other education sessions certified by the board as approved, fulfills the educational requirements of this section. The board may charge a fee ~~to licensees~~ for attendance at the education sessions at an amount to be determined by the board, but not to exceed ten dollars per ~~person~~attendee for each session.

**SECTION 11. AMENDMENT.** Section 43-09-16 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-16. When license not required.**

The following persons ~~may not be~~are not required to hold an electrician's ~~license~~be licensed by and are not subject to regulation by the board under this chapter:

1. Employees of public utilities engaged in the manufacture and distribution of electrical energy ~~when~~while engaged in work directly pertaining to the manufacture and distribution of electrical energy. This exemption terminates at the first point of service attachment, except for the installing or testing of electric meters and measuring devices and the maintenance of ~~their service~~electric meters and measuring devices.
2. ~~Employees, independent contractors, or subcontractors of a company that operates or installs telephone and radio communication systems when engaged in work pertaining directly to the installation of telephone and radio communication conductors on premises where the installations are made for use exclusively for the transmission of telephone and radio signals is a telecommunication carrier as defined under section 57-34-01 or that is a satellite or cable systems provider, while acting in the scope of employment or the terms of the contract.~~
3. ~~Employees, independent contractors, or subcontractors of dealers in household appliances, such as room air-conditioners, clothes dryers, dishwashers, freezers, garbage disposals, refrigerators, stoves, washing machines, water heaters, and similar appliances when such employees are~~while installing and connecting such appliances to an existing electrical receptacle.
4. A representative of a manufacturing firm that is installing or modifying controls of wiring solely on industrial machinery that is for use by the firm itself, and performed by or under the direction of a registered professional engineer who issues a state-accepted evaluation, which is to be maintained with the equipment.
5. An individual who is installing a nonelectrical system.
6. An individual who is installing a power limited system that is installed within a residential dwelling or is installed with a factory connector or cord powered by an existing electrical receptacle.

**SECTION 12. AMENDMENT.** Section 43-09-18 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-18. Apprentice ~~to master electrician.~~**

~~Any person~~An individual may serve as an apprentice under a licensed master electrician ~~or power limited electrician~~, but a master electrician ~~or power limited electrician~~may not allow an apprentice to work on any installation without personal supervision of a licensed electrician.

**SECTION 13. AMENDMENT.** Section 43-09-20 of the North Dakota Century Code is amended and reenacted as follows:



**43-09-20. ~~Contract for installation of electrical wiring and installation of electrical equipment~~ Installations made with master electrician, class B electrician, or power limited electrician - Requirement for liability insurance.**

No

1. ~~A contract, agreement, or undertaking with another person for the installation of electrical wiring or power limited wiring or the installation of electrical or power limited system parts of other apparatus may not be entered into by anyone not other than a master electrician or power limited electrician. A class B electrician, as herein defined, is authorized to may not enter into a contract, undertaking, or agreement for the installation of farmstead electrical wiring, except for:~~
  - a. ~~Farmstead electrical wiring; or residential~~
  - b. ~~Residential electrical wiring in one or two family dwellings located in municipalities a city with a population of two thousand five hundred or less population, and the electrician's authority under the contract, undertaking, or agreement is limited to the actual installation by that electrician of farmstead electrical wiring or residential electrical wiring in one or two family dwellings located in municipalities of two thousand five hundred or less population, and the installation of electrical equipment, appliances, and apparatus used on farmsteads and such residences. Before an electrician referred to in this section enters into a contract for installation of electrical wiring, the electrician shall deposit with the board~~ fewer.
2. ~~If a licensee is acting as a contractor, that licensee shall submit to the board evidence of the existence of public liability insurance with a licensed insurance carrier, with policy limits of at least five hundred thousand dollars for a master electrician, and two hundred fifty thousand dollars for a class B electrician.~~

**SECTION 14. AMENDMENT.** Section 43-09-21 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-21. Standards for electrical wiring, apparatus, and equipment.**

All electrical and power limited wiring, apparatus, or equipment must comply with the rules of the board made under authority of the laws of this state and in conformity with the approved methods of construction for safety to life and property. The regulations in the national electrical code and the national electrical safety code as approved by the American national standards institute are prima facie evidence of these approved methods. ~~Any municipality~~ Although a city may make more stringent requirements by ordinance, application of the ordinance must be limited to individuals licensed by the board under this chapter. An electrical or power limited system installation may not be connected for use until proof has been furnished to the person, ~~firm, corporation, or limited liability company~~ supplying electrical energy that there is compliance with the applicable regulations. The manufacturer of a new manufactured building or modular unit shall make any changes required for the proof within fourteen days from the notice that the building or unit does not comply with the applicable regulations. This section does not apply to the movement of a new manufactured building or modular unit into or within this state before the process of being connected for use.

**SECTION 15. AMENDMENT.** Section 43-09-22 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-22. Inspection of installation - Condemnation.**

1. The board has jurisdiction over and shall provide inspection for all electrical installations. ~~Inspectors~~ The board has jurisdiction over and shall provide inspection for all power limited system installations. If there is a disagreement between an electrician and an inspector over

interpretation or over a correction for violation issued by any inspector, the executive director of the board shall review the identified disagreement and render a final decision, which either party may appeal to the board.

2. The executive director of the board, as authorized by the board, may condemn installations hazardous to life and property or may order specific corrections to be made. InspectorsThe executive director may order disconnection of service thereto discontinued-after notice to the owner of the property. The order is subject to the owner's right of appeal to the board. NoA condemned installation may not be reconnected for service until proof has been furnished that the installation has been brought up to the required standards.
3. The board may charge thea master electrician, class B electrician, or power limited electrician responsible for the installation a fee to cover the cost of inspectionfor inspections. Cities
4. A city may make provisions for inspection of all electrical work doneand power limited systems installed within theirthe corporate limits of the city. City inspectorsA city shall register their names the name of the inspector with the board within ten days after their of appointment. A city may not require inspection of an installation that is outside the jurisdiction of the board.

**SECTION 16. AMENDMENT.** Section 43-09-23 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-23. Criminal penalty - Civil proceedings.**

~~Any person who~~A person that violates any of the provisions of this chapter is guilty of a class B misdemeanor. In addition to criminal proceedings, the board may commence administrative or civil court proceedings as follows:

1. The board may issue a cease and desist order against a person allegedly making or offering to make ~~electrical~~ installations in violation of section 43-09-09 or 43-09-09.2 based upon information provided to the board by its ~~electrical~~ inspectors or other persons, by investigation reports, affidavits, complaints of witnesses, or oral testimony given to the board at a regular or special board meeting. Violation of the cease and desist order may be considered by the court in issuing a temporary or permanent restraining order and in ordering the payment of costs and attorney's fees in proceedings authorized under this section.
2. The board may apply to the district court in the county in which the violations have occurred for a temporary or permanent injunction under chapter 32-06, enjoining persons from performing, advertising, or contracting for making ~~electrical~~ installations without a valid license issued by the board in violation of section 43-09-09 or 43-09-09.2. The court may not require a written undertaking, security, or bond as a basis for issuing any temporary or permanent restraining order under this section unless the court specifically orders and states the basis for requiring the security. Upon a determination that a violation of section 43-09-09 or 43-09-09.2 has occurred, the court may assess against the defendants the actual costs incurred and reasonable attorney's fees necessary for the investigation and court proceedings against the unlicensed person.
3. After an administrative hearing has been conducted by the board under chapter 28-32, an appeal from an order of the board or from the assessment of costs and attorney's fees may be taken to the district court under chapter 28-32."

Renumber accordingly

Engrossed HB 1157 was placed on the Seventh order of business on the calendar.

### REPORT OF CONFERENCE COMMITTEE

**HB 1202:** Your conference committee (Sens. Unruh, Schaible, Piepkorn and Reps. Lefor, Zubke, D. Anderson) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ pages 1893-1895, adopt amendments as follows, and place HB 1202 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1893-1895 of the House Journal and pages 1636-1638 of the Senate Journal and that House Bill No. 1202 be amended as follows:

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

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

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

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

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

1. "Board" means the sovereign lands advisory board.
2. "Board of university and school lands" means that entity created by section 15-01-01.
3. "Navigable waters" means waters that were in fact navigable at the time of statehood, and that are used, were used, or were susceptible of being used in their ordinary condition as highways for commerce over which trade and travel were or may have been conducted in the customary modes of trade on water.
4. "Sovereign lands" means those areas, including beds and islands, lying within the ordinary high water mark of navigable lakes and streams. Lands established to be riparian accretion or reliction lands pursuant to section 47-06-05 are considered to be above the ordinary high water mark and are not sovereign lands.
- ~~4-5.~~ "State engineer" means the person appointed by the state water commission pursuant to section 61-03-01.

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

#### **Navigability determinations.**

1. Before making a determination that a body of water or portion of a body of water is navigable, the state engineer shall:
  - a. Develop and deliver to the state water commission a preliminary finding regarding the navigability of the body of water or portion of a body of water and the legal rationale for the preliminary finding; and
  - b. Consult with the state water commission in an open meeting and demonstrate the public need and purpose for the determination to be made.

2. After completing the requirements of subsection 1, the state engineer may proceed with making a final determination of navigability by:
  - a. Providing reasonable public notice of the preliminary finding, legal rationale for the preliminary finding, and opportunity for the public to provide comments for no less than sixty days. The notice must:
    - (1) Include the address and electronic mail address to which public comments may be sent and the deadline by which public comments must be received;
    - (2) Clearly identify the specific body of water or portion of a body of water for which the finding of navigability is sought;
    - (3) State the state engineer will hold a public hearing regarding the preliminary finding before a final determination of navigability is made, and provide the date, time, and location of the public hearing;
    - (4) Be provided to the governing body of each soil conservation district, water resource district, and county adjacent to the body of water or portion of a body of water for which the preliminary finding was made;
    - (5) Be published in the official county newspaper for each county adjacent to the body of water or portion of a body of water for which the preliminary finding was made; and
    - (6) Briefly state the purpose of the hearing and describe the impact or effect a determination of navigability will have on the property rights of persons who own property adjacent to the body of water or portion of a body of water for which the determination of navigability may be made; and
  - b. Holding a public hearing regarding the preliminary finding.
3. After completing the requirements of subsection 2 and making a determination of navigability, the state engineer shall prepare a report regarding the determination, including summaries of the information provided to the state water commission, the public hearings held, and the public comments received. The state engineer shall provide the report to the state water commission, send the report by certified mail to any person that appeared at the public hearing required under subsection 2 or provided written comments by the deadline, make the report available to the public, including on the website for the office of the secretary of state, and provide public notice of the report's availability. The report is final on the date it is provided to the state water commission.
4. A determination of navigability may be appealed directly to a court of competent jurisdiction in accordance with sections 28-32-42 through 28-32-46 and sections 28-32-50 and 28-32-51.

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

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

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

Renumber accordingly

HB 1202 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2022, as engrossed:** Your conference committee (Sens. Poolman, Wanzek, Robinson and Reps. Kempenich, Bellew, Howe) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1445-1446, adopt amendments as follows, and place SB 2022 on the Seventh order:

That the House recede from its amendments as printed on pages 1445 and 1446 of the Senate Journal and pages 1578 and 1579 of the House Journal and that engrossed Senate Bill No. 2022 be amended as follows:

Page 1, replace lines 10 through 15 with:

"Salaries and wages	\$4,425,570	\$552,660	\$4,978,230
Operating expenses	862,484	2,676,450	3,538,934
Capital assets	0	6,300,000	6,300,000
Contingencies	<u>52,000</u>	<u>0</u>	<u>52,000</u>
Total special funds	\$5,340,054	\$9,529,110	\$14,869,164
Full-time equivalent positions	19.00	1.00	20.00"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2022 - Retirement and Investment Office - Conference Committee Action**

	Base Budget	Senate Version	Conference Committee Changes	Conference Committee Version	House Version	Comparison to House
Salaries and wages	\$4,425,570	\$4,986,508	(\$8,278)	\$4,978,230	\$4,928,230	\$50,000
Operating expenses	862,484	3,538,934		3,538,934	888,934	2,650,000
Capital assets		6,300,000		6,300,000		6,300,000
Contingencies	<u>52,000</u>	<u>82,000</u>	<u>(30,000)</u>	<u>52,000</u>	<u>52,000</u>	
Total all funds	\$5,340,054	\$14,907,442	(\$38,278)	\$14,869,164	\$5,869,164	\$9,000,000
Less estimated income	<u>5,340,054</u>	<u>14,907,442</u>	<u>(38,278)</u>	<u>14,869,164</u>	<u>5,869,164</u>	<u>9,000,000</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	19.00	20.00	0.00	20.00	20.00	0.00

**Department 190 - Retirement and Investment Office - Detail of Conference Committee Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Adjusts Funding for Contingencies <sup>2</sup>	Total Conference Committee Changes
Salaries and wages	(\$8,278)		(\$8,278)
Operating expenses			
Capital assets			
Contingencies		(\$30,000)	(30,000)
Total all funds	(\$8,278)	(\$30,000)	(\$38,278)
Less estimated income	(8,278)	(30,000)	(38,278)
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> Funding is adjusted to provide employee salary increases of 2 percent on July 1, 2019, with a minimum monthly increase of \$120 and a maximum monthly increase of \$200, and 2.5 percent salary increase on July 1, 2020, to provide a total of \$133,673 for state employee salary increases, the same as provided in the House version. The Senate provided funding for a 2 percent salary increase on July 1, 2019, and a 3 percent salary increase on July 1, 2020, to provide a total of \$141,951 for state employee salary increases.

<sup>2</sup> Funding of \$30,000 for contingencies added by the Senate is removed to provide a total contingencies appropriation of \$52,000, the same as provided in the House version.

The Conference Committee provided \$9 million of special funds for the pension administrative system project, the same as the Senate version. The House had removed this funding.

Engrossed SB 2022 was placed on the Seventh order of business on the calendar.

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

**Buell J. Reich, Chief Clerk**