

JOURNAL OF THE SENATE

Sixty-eighth Legislative Assembly

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Bismarck, February 17, 2023

The Senate convened at 12:30 p.m., with President Miller presiding.

The prayer was offered by Father James Ermer, St. Leo's Catholic Church, Casselton and St. Thomas Catholic Church, Buffalo.

The roll was called and all members were present except Senator Krebsbach.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Beard, Chairman)** has carefully examined the Journal of the Thirty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 646, remove lines 14 through 18

SEN. BEARD MOVED that the report be adopted, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2004: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2004 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "auditor" insert "; to amend and reenact sections 54-10-10 and 54-12-08 of the North Dakota Century Code, relating to the salary of the state auditor and assistant and special assistant attorneys general; and to declare an emergency"

Page 1, replace lines 8 through 17 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$13,123,559	\$3,559,638	\$16,683,197
Operating expenses	1,371,703	522,368	1,894,071
Capital assets	0	70,550	70,550
Information technology consultants	450,000	0	450,000
Total all funds	\$14,945,262	\$4,152,556	\$19,097,818
Less estimated income	5,826,152	2,335,579	8,161,731
Total general fund	\$9,119,110	\$1,816,977	\$10,936,087
Full-time equivalent positions	61.00	9.00	70.00

**SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET -
REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY.** The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Local government audit office furniture	\$0	\$21,000
Inflationary increases for travel and professional development	0	81,000
Audit software setup and migration	0	45,550
Capital equipment replacement	0	25,000
Total all funds	\$0	\$172,550
Less estimated income	0	37,000
Total general fund	\$0	\$135,550

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The state auditor shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 3. APPROPRIATION - 2021-23 BIENNIUM - REFUND OF AUDIT FEES. There is appropriated out of any moneys in the state auditor operating account in the state treasury, not otherwise appropriated, the sum of \$24,358, or so much of the sum as may be necessary, to the state auditor for the purpose of providing refunds to local governments whose audit fees exceeded one percent of their revenues, for the period beginning with the effective date of this section, and ending June 30, 2023.

SECTION 4. AMENDMENT. Section 54-10-10 of the North Dakota Century Code is amended and reenacted as follows:

54-10-10. Salary of state auditor.

The annual salary of the state auditor is one hundred ~~twelve thousand two hundred forty-one~~ thirty thousand dollars through June 30, ~~2022~~ 2024, and one hundred ~~fourteen thousand four hundred eighty-six~~ thirty-five thousand two hundred dollars thereafter.

SECTION 5. AMENDMENT. Section 54-12-08 of the North Dakota Century Code is amended and reenacted as follows:

54-12-08. Assistant and special assistant attorneys general - Appointment - Revocation - Compensation.

1. After consultation with the head of the state department or institution or with the state board, commission, committee, or agency affected, the attorney general may appoint assistant or special assistant attorneys general to represent the state board, commission, committee, or agency. A state officer, head of any state department, whether elected or appointed, or state department, board, commission, committee, or agency may not employ legal counsel, and no person may act as legal counsel in any matter, action, or proceeding in which the state or any state department, board, commission, committee, or agency is interested or is a party, except upon written appointment by the attorney general. Workforce safety and insurance, the department of transportation, the state tax commissioner, the public service commission, the insurance commissioner, the agriculture commissioner, and the securities commissioner, and the state auditor may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. The attorney general may revoke the appointment only for good cause or upon the request of the entity. Good cause means an inadequate level of experience, competence, or ethical standards.
2. The powers conferred upon special assistant attorneys general are the same as are exercised by the regular assistant attorneys general, unless the powers are limited specifically by the terms of the appointment. Except as otherwise provided by this section, an appointment is revocable at the pleasure of the attorney general. The appointment may be made with or without compensation, and when compensation is allowed by the attorney general for services performed, the compensation must be paid out of the funds appropriated therefor.
3. The attorney general may require payment for legal services rendered by any assistant or special assistant attorney general to any state official, board, department, agency, or commission and those entities shall make

the required payment to the attorney general. Moneys received by the attorney general in payment for legal services rendered must be deposited into the attorney general's operating fund. General fund moneys may not be utilized for the payment of legal services provided by the attorneys employed by the attorney general, except for those payments required of the department of health and human services, department of environmental quality, and the state hospital.

4. An assistant or special assistant attorney general appointed to represent the state board of higher education or an institution under the control of the state board of higher education may access and examine any record under the control of the state board of higher education. For purposes of reviewing records under the Family Educational Rights and Privacy Act [20 U.S.C. 1232g; 34 CFR 99] or any other federal privacy law, the assistant or special assistant attorney general is considered a state educational official authorized to access student records.

SECTION 6. EMERGENCY. Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2004 - State Auditor - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$13,123,559	\$3,559,638	\$16,683,197
Operating expenses	1,371,703	522,368	1,894,071
Capital assets		70,550	70,550
Information technology consultants	450,000		450,000
Total all funds	\$14,945,262	\$4,152,556	\$19,097,818
Less estimated income	5,826,152	2,335,579	8,161,731
General fund	\$9,119,110	\$1,816,977	\$10,936,087
FTE	61.00	9.00	70.00

Department 117 - State Auditor - Detail of Senate Changes

	Adjusts Funding for Cost to Continue Salaries ¹	Adjusts Base Budget Funding ²	Adds Funding for Salary and Benefit Increases ³	Adds Salary Equity Funding for Elected Officials ⁴	Adds Local Government Division Audit Positions ⁵	Adds 1 FTE Attorney Position ⁶
Salaries and wages	\$86,660	\$17,593	\$1,016,889	\$26,748	\$1,427,784	\$265,292
Operating expenses		(17,593)			126,500	
Capital assets						
Information technology consultants						
Total all funds	\$86,660	\$0	\$1,016,889	\$26,748	\$1,554,284	\$265,292
Less estimated income	23,627	0	402,836	0	1,554,284	0
General fund	\$63,033	\$0	\$614,053	\$26,748	\$0	\$265,292
FTE	0.00	0.00	0.00	0.00	7.00	1.00

	Adds 1 FTE Education Coordinator Position ⁷	Increases Funding for Temporary Salaries ⁸	Increases Funding for Audit Software Upgrades ⁹	Increases Funding for Information Technology ¹⁰	Adds Funding for Capital Space Rent Model ¹¹	Adds One- Time Funding for Local Government Auditors ¹²
Salaries and wages	\$218,672	\$500,000				
Operating expenses			\$115,564	\$17,669	\$178,228	\$21,000
Capital assets						
Information technology consultants						
Total all funds	\$218,672	\$500,000	\$115,564	\$17,669	\$178,228	\$21,000
Less estimated income	0	250,000	61,266	6,566	0	0
General fund	\$218,672	\$250,000	\$54,298	\$11,103	\$178,228	\$21,000
FTE	1.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for Operating Expense Inflation ¹³	Adds One-Time Funding for Audit Software Upgrades ¹⁴	Adds One-Time Funding for Equipment ¹⁵	Total Senate Changes
Salaries and wages				\$3,559,638
Operating expenses	\$81,000			522,368
Capital assets		\$45,550	\$25,000	70,550
Information technology consultants				
Total all funds	\$81,000	\$45,550	\$25,000	\$4,152,556
Less estimated income	37,000	0	0	2,335,579
General fund	\$44,000	\$45,550	\$25,000	\$1,816,977
FTE	0.00	0.00	0.00	9.00

¹ Funding is added for cost to continue salary increases.

² Base budget funding is adjusted to transfer \$17,593 from operating expenses to salaries and wages.

³ The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	General Fund	Other Funds	Total
Salary increase	\$432,963	\$318,639	\$751,602
Health insurance increase	181,090	84,197	265,287
Total	\$614,053	\$402,836	\$1,016,889

⁴ Funding is added for providing a salary equity increase for the State Auditor. The State Auditor's annual salary is increased from the current level of \$114,486 to \$130,000 (13.6 percent) effective July 1, 2023. This funding is in addition to the funding added for the general 4 percent annual salary increases for state employees.

⁵ Funding is added from special funds in the agency's operating fund for local government audit positions and related ongoing operating expenses as follows:

- 1 FTE local government audit manager position (\$308,364);
- 2 FTE local government auditor II positions (\$415,480);
- 4 FTE local government auditor I positions (\$703,940); and
- Ongoing operating expenses of \$126,500 related to additional local government auditors.

⁶ Funding is added for 1 FTE attorney position.

⁷ Funding is added for 1 FTE education coordinator position.

⁸ Funding is added, including funding from special funds in the agency's operating fund, for temporary salaries for internships.

⁹ Funding is increased, including funding from federal and special funds, for operating costs related to audit software upgrades.

¹⁰ Funding is added, including funding from special funds in the agency's operating fund, for operating expenses related to Information Technology Department rate increases.

¹¹ Funding is added for operating expenses related to a new Capitol space rent model.

¹² One-time funding is added for operating expenses related to local government auditor positions.

¹³ One-time funding, including funding from federal and special funds, is added for operating expenses related to travel and professional development inflationary increases.

¹⁴ One-time funding is added for costs related to audit software upgrades.

¹⁵ One-time funding is added for capital costs related to the replacement of equipment over \$5,000.

This amendment also:

- Adds a section to provide a deficiency appropriation of \$24,358 from the State Auditor operating account to the State Auditor to refund audit fees to local governments whose audit costs exceeded 1 percent of their revenues during the biennium ended June 30, 2023;
- Adds a section to provide the statutory changes necessary to increase the State Auditor's annual salary to \$130,000 (13.6 percent) effective July 1, 2023, and to \$135,200 (4 percent) effective July 1, 2024;
- Adds a section to amend Section 54-12-08 relating to assistant and special assistant attorneys general to allow the State Auditor to employ an attorney; and
- Adds a section to declare the deficiency appropriation to be an emergency measure.

REPORT OF STANDING COMMITTEE

SB 2124: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2124 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2128, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2128 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation for a certified community behavioral health clinic grant program.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - DEPARTMENT OF HEALTH AND HUMAN SERVICES - CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC GRANT PROGRAM - ONE-TIME FUNDING. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the department of health and human services for the purpose of providing a certified community behavioral health clinic planning grant to a private entity, for the biennium beginning July 1, 2023, and ending June 30, 2025. The department of health and human services shall develop guidelines for the grant, including eligibility criteria and reporting requirements. The funding appropriated in this section is considered a one-time funding item."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2139, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2139 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2185, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2185 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2213, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO NOT PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2213 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2290: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15

YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2290 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 7, replace "\$6,100,000" with "\$3,000,000"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2310: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2326: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2326 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2361: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2361 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2364: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2364 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 12, after the underscored period insert "If the district ceases operation, all permanent easements must be transferred to the public water system receiving a beneficial use from the water pipelines and other facilities. If no public water system exists, all permanent easements must transfer to the state. The state or public water system shall assume full responsibility for all easement activities and responsibilities, including any environmental remediation obligations."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2367: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2367 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 11, replace "thirty" with "fifty"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the state share of oil and gas taxes deposited in the tax relief fund from \$230 million to \$250 million per biennium. Current law provides for \$200 million of tax collections to be deposited in the fund each biennium.

REPORT OF STANDING COMMITTEE

SB 2370: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2370 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 17, after "state" insert an underscored comma

Page 1, line 17, after "subdivision" insert "of this state or any other state."

Page 1, line 18, remove "A county also may participate in cooperative"

Page 1, remove lines 19 through 22

Page 2, line 4, after "54-40.3" insert ". This section does not apply to construction of public improvement as defined in chapter 48-01.2"

Page 2, line 9, after "state" insert an underscored comma

Page 2, line 9, after "subdivision" insert "of this state or any other state."

Page 2, line 10, remove "A city also may participate in"

Page 2, replace lines 11 through 14 with "This section does not apply to construction of a public improvement as defined in chapter 48-01.2."

Renumber accordingly

MOTION

SEN. LUICK MOVED that SB 2069 be returned to the Senate floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. LUICK REQUESTED the unanimous consent of the Senate to withdraw SB 2069. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SB 2346: SEN. RUMMEL (Finance and Taxation Committee) MOVED that the amendments on SJ page 642 be adopted and then be placed on the Eleventh order with **DO NOT PASS**.

REQUEST

SEN. LARSEN REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2346, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

The proposed amendments to SB 2346 were adopted on a recorded roll call vote.

SECOND READING OF SENATE BILL

SB 2346: A BILL for an Act to amend and reenact sections 15.1-27-02, 15.1-27-04.1, 15.1-27-04.2, and 57-15-01.1, subsection 1 of section 57-15-14, section 57-15-14.2, and subdivision c of subsection 1 of section 57-20-07.1 of the North Dakota Century Code, relating to required reports, the determination of state aid payments, school district levy authority, and an increase in the rate of state sales and use tax; to repeal sections 15.1-27-04.3, 15.1-27-15.1, and 15.1-27-20.2 of the North Dakota Century Code, relating to adjustments to state aid payments; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Barta; Beard; Boehm; Braunberger; Clemens; Estenson; Hogan; Kreun; Larsen; Larson; Lemm; Luick; Magrum; Mathern; Paulson; Vedaa; Weber; Weston; Wobbema

NAYS: Axtman; Bekkedahl; Burckhard; Cleary; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogue; Kannianen; Kessel; Klein; Krebsbach; Lee; Meyer; Myrdal; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek

Engrossed SB 2346 failed.

CONSIDERATION OF AMENDMENTS

SB 2364: SEN. KANNIANEN (Energy and Natural Resources Committee) MOVED that the amendments on SJ page 660 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2364: A BILL for an Act to create and enact a new section to chapter 61-24 of the North Dakota Century Code, relating to the Garrison Diversion Conservancy District and permanent easements.

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: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2364 passed.

CONSIDERATION OF AMENDMENTS

SB 2290: SEN. WANZEK (Appropriations Committee) MOVED that the amendments on SJ pages 659-660 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2290: A BILL for an Act to provide an appropriation to the agriculture commissioner for grasslands grazing grants; and to provide an exemption.

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

YEAS: Axtman; Barta; Beard; Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Rust; Sickler; Sorvaag; Vedaa; Wanzek; Weston; Wobbema

NAYS: Boehm; Larsen; Piepkorn; Schaible; Weber

Engrossed SB 2290 passed.

CONSIDERATION OF AMENDMENTS

SB 2370: SEN. BARTA (State and Local Government Committee) MOVED that the amendments on SJ pages 660-661 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2370: A BILL for an Act to create and enact a new section to chapter 11-11 and a new section to chapter 40-05 of the North Dakota Century Code, relating to cooperative purchasing pursuant to a joint powers agreement; and to amend and reenact subsection 4 of section 11-11-14, and subsection 52 of section 40-05-01 of the North Dakota Century Code, relating to authorizing a city or a county to engage in cooperative purchasing.

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: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2370 passed.

CONSIDERATION OF AMENDMENTS

SB 2128, as engrossed: SEN. MATHERN (Appropriations Committee) MOVED that the amendments on SJ page 659 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to provide an appropriation for a certified community behavioral health clinic grant program.

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 38 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Erbele; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Mathern; Meyer; Myrdal; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston

NAYS: Beard; Boehm; Elkin; Estenson; Larsen; Luick; Magrum; Paulson; Wobbema

Reengrossed SB 2128 passed.

CONSIDERATION OF AMENDMENTS

SB 2004: SEN. J. ROERS (Appropriations Committee) MOVED that the amendments on SJ pages 655-659 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; to amend and reenact sections 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor; and to declare an emergency.

MOTION

SEN. MEYER MOVED that Engrossed SB 2004 be amended as follows.

Page 1, line 2, remove "and 54-12-08"

Page 1, line 3, remove "and assistant and special assistant attorneys general"

Page 1, replace line 13 with:

"Salaries and wages	\$13,123,559	\$3,294,346	\$16,417,905"
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Page 1, replace line 17 with:

"Total all funds	\$14,945,262	\$3,887,264	\$18,832,526"
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Page 1, replace line 19 with:

"Total general fund	\$9,119,110	\$1,551,685	\$10,670,795"
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Page 1, replace line 20 with:

"Full-time equivalent positions	61.00	8.00	69.00"
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Page 2, remove lines 25 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 9

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes 1 FTE attorney position and related funding of \$265,292 from the general fund and statutory changes.

REQUEST

SEN. MEYER REQUESTED a verification vote on the motion to adopt the proposed amendments to Engrossed SB 2004, which request was granted.

REQUEST

SEN. DAVISON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2004, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2004, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Elkin; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Weber; Weston; Wobbema

NAYS: Beard; Dever; Dwyer; Erbele; Estenson; Larsen; Magrum; Paulson; Sorvaag; Vedaa; Wanzek

The proposed amendments to Engrossed SB 2004 were adopted on a recorded roll call vote.

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; to amend and reenact sections 54-10-10 and 54-12-08 of the North Dakota Century Code, relating to the salary of the state auditor and assistant and special assistant attorneys general; and to declare an emergency.

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 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston

NAYS: Meyer; Schaible; Wobbema

Engrossed SB 2004 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to create and enact a new section to chapter 50-06 and chapter 57-40.7 of the North Dakota Century Code, relating to the creation of the 988 crisis hotline program and the 988 crisis stabilization fund and the imposition of a 988 access fee; to provide a continuing appropriation; to provide for a legislative management report; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Braunberger; Burckhard; Cleary; Conley; Davison; Dwyer; Elkin; Hogan; Hogue; Kessel; Klein; Krebsbach; Lee; Luick; Mathern; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Sickler; Sorvaag; Weber

NAYS: Boehm; Clemens; Dever; Erbele; Estenson; Kannianen; Kreun; Larsen; Larson; Lemm; Magrum; Meyer; Myrdal; Paulson; Rust; Schaible; Vedaa; Wanzek; Weston; Wobbema

Engrossed SB 2149 passed.

SECOND READING OF SENATE BILL

SB 2322: A BILL for an Act to provide an appropriation to the department of health and human services for behavioral health primary prevention initiative grants.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Braunberger; Hogan; Lee; Mathern

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lemm; Luick; Magrum; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2322 failed.

SECOND READING OF SENATE BILL

SB 2238: A BILL for an Act to amend and reenact section 50-11.1-06.2 of the North Dakota Century Code, relating to criminal history record checks for early childhood services providers; and to provide for a legislative management study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3

NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

NAYS: Larsen; Magrum; Vedaa

Engrossed SB 2238 passed.

SECOND READING OF SENATE BILL

SB 2333: A BILL for an Act to amend and reenact sections 54-03-02 and 54-35-16 of the North Dakota Century Code, relating to annually reconvened sessions of the legislative assembly.

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 21 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Braunberger; Cleary; Conley; Davison; Estenson; Kannianen; Kessel; Larsen; Larson; Luick; Magrum; Mathern; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Vedaa

NAYS: Beard; Boehm; Burckhard; Clemens; Dever; Dwyer; Elkin; Erbele; Hogan; Hogue; Klein; Krebsbach; Kreun; Lee; Lemm; Meyer; Myrdal; Patten; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

SB 2333 failed.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to provide an appropriation to the department of health and human services for early childhood programs; and to provide for a legislative management study regarding early child care programs and child care services to identify major needs and systemic approaches to stabilize child care infrastructure.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Braunberger; Cleary; Hogan; Lee; Mathern; Piepkorn; Roers, K.; Weber

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lemm; Luick; Magrum; Meyer; Myrdal; Patten; Paulson; Roers, J.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weston; Wobbema

Engrossed SB 2323 failed.

SECOND READING OF SENATE BILL

SB 2237: 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 a child care income tax credit; and to provide an effective date.

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 40 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Magrum; Mathern; Meyer; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Schaible; Sickler; Sorvaag; Vedaa; Weber; Weston

NAYS: Beard; Kannianen; Luick; Myrdal; Rust; Wanzek; Wobbema

SB 2237 passed.

SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to amend and reenact sections 11-08-06, 11-08-11, 11-08-14, 11-10-02, 11-10-11, 11-10-14, 11-10-20, 11-10-22, 11-10-28, and 11-22-01, subsection 2 of section 12.1-32-08, and sections 27-01-01.1, 27-05.2-01, 27-05.2-02, and 27-05.2-04 of the North Dakota Century Code, relating to clerks of district court; to repeal section 27-05.2-07 of the North Dakota Century Code, relating to clerks of court; and to provide an appropriation.

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 19 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Braunberger; Davison; Dever; Hogan; Hogue; Kreun; Larson; Lee; Luick; Meyer; Myrdal; Piepkorn; Roers, J.; Sickler; Sorvaag

NAYS: Boehm; Burckhard; Cleary; Clemens; Conley; Dwyer; Elkin; Erbele; Estenson; Kannianen; Kessel; Klein; Krebsbach; Larsen; Lemm; Magrum; Mathern; Patten; Paulson; Roers, K.; Rummel; Rust; Schaible; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2277 failed.

MOTION

SEN. KLEIN MOVED that the Senate stand in recess until 2:50 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Miller presiding.

SECOND READING OF SENATE BILL

SB 2317: A BILL for an Act to amend and reenact sections 38-25-05, 38-25-06, and 38-25-07 of the North Dakota Century Code, relating to the amalgamation of the underground storage of oil and gas; to repeal section 38-25-08 of the North Dakota Century Code, relating to amalgamating property interests; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Braunberger; Hogan; Larsen; Lemm; Magrum; Mathern; Weber

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Luick; Meyer; Myrdal; Patten; Paulson; Piepkorn;

Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek;
Weston; Wobbema

SB 2317 failed.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to amend and reenact section 38-22-08 of the North Dakota Century Code, relating to permit requirements for pore space storage; to repeal section 38-22-10 of the North Dakota Century Code, relating to amalgamation property interests; and to declare an emergency.

MOTION

SEN. MAGRUM MOVED that SB 2228 be amended as follows, which motion failed on a voice vote.

Page 1, line 15, remove the overstrike over "~~made a good faith effort to get~~"

Page 1, line 15, remove "obtained"

Page 1, line 17, remove the overstrike over "~~That the storage operator has obtained the consent of persons who own at least sixty~~"

Page 1, remove the overstrike over line 18

Page 1, line 19, remove the overstrike over "6."

Page 2, line 1, remove the overstrike over "7."

Page 2, line 1, remove "6."

Page 2, line 3, remove the overstrike over "8."

Page 2, line 3, remove "7."

Page 2, line 4, remove the overstrike over "9."

Page 2, line 4, remove "8."

Page 2, line 6, remove the overstrike over "10."

Page 2, line 6, remove "9."

Page 2, line 8, remove the overstrike over "11."

Page 2, line 8, remove "10."

Page 2, line 9, remove the overstrike over "12."

Page 2, line 9, remove "11."

Page 2, line 12, remove the overstrike over "13."

Page 2, line 12, remove "12."

Page 2, line 15, remove the overstrike over "14. That all nonconsenting pore space owners"

Page 2, line 15, after the overstruck period insert "have received just compensation under chapter 32-15 and section 16 of article I of the Constitution of North Dakota or the district court has authorized the plaintiff to take possession under section 32-15-29."

Renumber accordingly

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Larson; Luick; Magrum; Mathern

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Lee; Lemm; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

SB 2228 failed.

SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to clinician-administered drugs.

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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger; Piepkorn; Roers, J.; Roers, K.

SB 2378 passed.

SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act to amend and reenact subsection 2 of section 43-41-04 and subsection 4 of section 43-41-09 of the North Dakota Century Code, relating to the licensure of social workers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Braunberger; Cleary; Conley; Davison; Dever; Erbele; Estenson; Hogan; Kreun; Larsen; Luick; Mathern; Meyer; Myrdal; Rust; Sorvaag; Wanzek; Weber

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Clemens; Dwyer; Elkin; Hogue; Kannianen; Kessel; Klein; Krebsbach; Larson; Lee; Lemm; Magrum; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Schaible; Sickler; Vedaa; Weston; Wobbema

SB 2203 failed.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to create and enact chapter 43-47.1 of the North Dakota Century Code, relating to adoption of the counseling compact.

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: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

SB 2187 passed.

SECOND READING OF SENATE BILL

SB 2387: A BILL for an Act to provide for a legislative management study relating to property tax reform.

MOTION

SEN. LUICK MOVED that SB 2387 be amended as follows, which motion prevailed on a verification vote.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study relating to property tax reform."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - PROPERTY TAX REFORM THROUGH GRADUATED ASSESSMENTS. During the 2023-24 interim, the legislative management shall consider studying the feasibility and desirability of implementing property tax reform through the use of a graduated property assessment method in which property is assessed at a base property value and then is subject to an annual rate of property valuation increase. The study must include consideration of potential benefits and challenges associated with a graduated property assessment method. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

SB 2387: A BILL for an Act to create and enact two new sections to chapter 57-02 and a new section to chapter 57-15 of the North Dakota Century Code, relating to limitations on true and full valuation of primary residences and agricultural property and limitations on the effective tax rate on a primary residence; to amend and reenact subsection 15 of section 57-02-08, sections 57-02-08.1, 57-02-14, 57-15-31.1, and 57-15-34, and subsection 2 of section 57-55-10 of the North Dakota Century Code, relating to limitations on the effective tax rate on a primary residence and removal of the farm residence property tax exemption; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Boehm; Braunberger; Cleary; Estenson; Hogue; Kreun; Larsen; Lemm; Luick; Magrum; Meyer; Myrdal; Paulson; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

NAYS: Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Kannianen; Kessel; Klein; Krebsbach; Larson; Lee; Mathern; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Vedaa

SB 2387 failed.

SECOND READING OF SENATE BILL

SB 2369: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to a property tax credit for qualified parents of school-aged children who attend a nonpublic school or home education program; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Barta; Beard; Boehm; Burckhard; Clemens; Dever; Dwyer; Estenson; Hogue; Larsen; Larson; Lemm; Luick; Magrum; Meyer; Myrdal; Paulson; Roers, J.; Sickler; Vedaa; Wanzek; Weston; Wobbema

NAYS: Axtman; Bekkedahl; Braunberger; Cleary; Conley; Davison; Elkin; Erbele; Hogan; Kannianen; Kessel; Klein; Krebsbach; Kreun; Lee; Mathern; Patten; Piepkorn; Roers, K.; Rummel; Rust; Schaible; Sorvaag; Weber

SB 2369 failed.

SECOND READING OF SENATE BILL

SB 2177: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to an optional residential property tax freeze for seniors; and to provide an effective date.

MOTION

SEN. KREUN MOVED that SB 2177 be amended as follows, which motion failed on a verification vote.

Page 1, line 10, remove ""Direct relative" means a spouse, parent, grandparent, uncle, aunt, child, sibling."

Page 1, remove line 11

Page 1, line 12, remove "b."

Page 2, line 1, replace "c." with "b."

Page 2, line 6, replace "A property tax freeze" with "A claim may not be made to freeze the property tax of a residence most recently assessed with a true and full valuation exceeding five hundred seventy-five thousand dollars. Subject to the annual claim submission requirement in subsection 9, the frozen tax amount"

Page 2, line 17, remove "If any individual other than a direct relative of the claimant resides in the primary"

Page 2, line 18, replace "residence, the" with "The"

Page 2, line 19, after "section" insert "if the claimant is receiving rent from an individual residing in the primary residence"

Page 2, line 25, after "claim" insert "as provided in subsection 9"

Page 3, line 4, remove "of the claimant's right to reapply for a"

Page 3, line 5, remove "property tax freeze"

Page 3, line 8, remove "who receives notice under this subsection"

Page 3, line 8, after "claim" insert "as provided in subsection 9"

Page 3, line 13, after "9." insert "To claim a property tax freeze under this section, a claimant annually shall sign and file with the assessor, by February first of each year, a verified statement of facts establishing the claimant's eligibility for the current taxable year.

10. The county directors of tax equalization annually shall certify to the tax commissioner, by March first of each year, claims for a property tax freeze allowed under this section.

11."

Page 3, line 17, replace "2022" with "2023"

Renumber accordingly

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Burckhard; Dever; Elkin; Kreun; Larsen; Larson; Lemm; Mathern; Meyer; Paulson; Vedaa; Wobbema

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Cleary; Clemens; Conley; Davison; Dwyer; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Lee; Luick; Magrum; Myrdal; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston

SB 2177 failed.

SECOND READING OF SENATE BILL

SB 2357: 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 a primary residence income tax credit; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Braunberger; Cleary; Clemens; Estenson; Hogan; Larsen; Luick; Mathern; Piepkorn; Wobbema

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Magrum; Meyer; Myrdal; Patten; Paulson; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston

SB 2357 failed.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to amend and reenact subsection 22 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for certain property owned and occupied as a home by a blind person; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Conley; Davison; Dever; Dwyer; Hogan; Luick; Roers, J.; Vedaa; Wobbema

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Elkin; Erbele; Estenson; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston

SB 2244 failed.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to create and enact two new sections to chapter 57-02 of the North Dakota Century Code, relating to the creation of a primary residence property tax relief fund, a property tax credit for property used as a primary residence, and limitations on the true and full valuation of property for tax purposes; to amend and reenact subsection 7 of section 15.1-27-04.1, subsection 4 of section 21-10-13, subdivision c of subsection 1 of section 57-20-07.1, and section 57-51.1-07.5 of the North Dakota Century Code, relating to determination of state school aid, information displayed on property tax statements, transfer of legacy fund earnings, and deposit of oil and gas tax revenues; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Estenson; Larsen

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

SB 2309 failed.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to a primary residence valuation freeze for purposes of calculating property tax; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dever; Vedaa

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek; Weber; Weston; Wobbema

SB 2361 failed.

SECOND READING OF SENATE BILL

SB 2139: A BILL for an Act to amend and reenact sections 11-19.1-15 and 23-06-03 of the North Dakota Century Code, relating to final disposition of individuals who are indigent.

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 45 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Cleary; Clemens; Conley; Davison; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Burckhard; Dever

Engrossed SB 2139 passed.

SECOND READING OF SENATE BILL

SB 2310: A BILL for an Act to create and enact a new section to chapter 32-12.2 of the North Dakota Century Code, relating to state reimbursement for the cost of claims; and to provide for application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Boehm; Estenson; Larsen; Lemm; Luick; Magrum; Paulson; Vedaa; Weber; Weston; Wobbema

NAYS: Axtman; Barta; Beard; Bekkedahl; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Mathern; Meyer; Myrdal; Patten; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Wanzek

SB 2310 failed.

SECOND READING OF SENATE BILL

SB 2124: A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to meal reimbursement.

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 43 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larson; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Wobbema

NAYS: Cleary; Larsen; Magrum; Weston

SB 2124 passed.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to provide an appropriation to the attorney general for a law enforcement resiliency grant program.

ROLL CALL

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

NAYS: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

Engrossed SB 2213 failed.

SECOND READING OF SENATE BILL

SB 2326: A BILL for an Act to amend and reenact sections 61-02-01.3 and 61-02-02 of the North Dakota Century Code, relating to the use of economic analysis for flood control and water conveyance projects and works.

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: Axtman; Barta; Beard; Bekkedahl; Boehm; Braunberger; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

SB 2326 passed.

SECOND READING OF SENATE BILL

SB 2185: A BILL for an Act to provide for an appropriation to the department of health and human services for the development of a pregnancy and parenting resource website; 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: Axtman; Barta; Beard; Bekkedahl; Boehm; Burckhard; Cleary; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Estenson; Hogan; Hogue; Kannianen; Kessel; Klein; Krebsbach; Kreun; Larsen; Larson; Lee; Lemm; Luick; Magrum; Mathern; Meyer; Myrdal; Patten; Paulson; Piepkorn; Roers, J.; Roers, K.; Rummel; Rust; Schaible; Sickler; Sorvaag; Vedaa; Wanzek; Weber; Weston; Wobbema

NAYS: Braunberger

Engrossed SB 2185 passed and the emergency clause was declared carried.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SB 2002, SB 2024, SB 2155, SB 2248, SB 2265, SB 2274, SB 2282, SB 2313, SB 2335, SB 2341, SB 2344, SB 2347, SB 2360, SB 2363.

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

MR. SPEAKER: The Senate has passed, and your favorable consideration is requested on: SCR 4014.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2025, SB 2251, SB 2371.

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

MADAM PRESIDENT: The House has passed, and your favorable consideration is requested on: HB 1007, HB 1011, HB 1028, HB 1068, HB 1095, HB 1191, HB 1205, HB 1231, HB 1286, HB 1296, HB 1387, HB 1398, HB 1416, HB 1435, HB 1449, HB 1457, HB 1476, HB 1478, HB 1487, HB 1497, HB 1534.

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

MADAM PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1484, HB 1528.

MOTION

SEN. KLEIN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Monday, February 20, 2023, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2003: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2003 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "general" insert "; to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the creation of an opioid settlement fund; to amend and reenact sections 53-12.1-09 and 54-12-11 of the North Dakota Century Code, relating to transfers from the lottery operating fund to the multijurisdictional drug task force grant fund and the salary of the attorney general; to provide a transfer; to provide an exemption; to provide for a report; and to provide for a legislative management study"

Page 1, remove lines 8 through 24

Page 2, replace lines 1 through 3 with:

	Base Level	Adjustments or Enhancements	Appropriation
Salaries and wages	\$50,832,646	\$5,642,965	\$56,475,611
Operating expenses	15,237,498	2,450,937	17,688,435
Capital assets	648,055	2,912,522	3,560,577
Grants	3,903,440	0	3,903,440
Human trafficking victims grants	1,101,879	9,601	1,111,480
Forensic nurse examiners grants	250,691	2,181	252,872
Statewide litigation funding pool	0	5,000,000	5,000,000
Litigation fees	127,500	0	127,500
Medical examinations	660,000	0	660,000
North Dakota lottery	5,254,844	178,602	5,433,446
Arrest and return of fugitives	8,500	0	8,500
Gaming commission	7,489	0	7,489
Criminal justice information sharing	4,074,968	471,677	4,546,645
Law enforcement	<u>3,048,927</u>	<u>4,145,778</u>	<u>7,194,705</u>
Total all funds	\$85,156,437	\$20,814,263	\$105,970,700
Less estimated income	<u>42,509,719</u>	<u>(125,870)</u>	<u>42,383,849</u>
Total general fund	\$42,646,718	\$20,940,133	\$63,586,851
Full-time equivalent positions	253.00	7.00	260.00"

Page 2, line 4, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY"

Page 2, line 5, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 7 through 18 with:

"Criminal history improvement system	\$400,000	\$0
Automated biometric identification system	300,000	0
Charitable gaming technology system	475,000	0
Additional income	250,000	0
Missing persons database	300,000	0
Prosecuting case management system	1,000,000	0
Charitable gaming tax information technology costs	50,000	0
Capital assets	1,111,706	2,818,877
Statewide litigation funding pool	4,650,000	5,000,000
Staff operating and equipment costs	0	792,090
Inflationary increases	0	156,463
Back the blue grants	0	3,500,000
Law enforcement resiliency grants	0	400,000
Total all funds	\$8,536,706	\$12,667,430
Total other funds	<u>8,536,706</u>	<u>2,050,084</u>
Total general fund	\$0	\$10,617,346

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The attorney general shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 3. ADDITIONAL INCOME - APPROPRIATION - REPORT. In addition to the amounts appropriated to the attorney general in section 1 of this Act, there is appropriated from federal or other funds, the sum of \$250,000, or so much of the sum as may be necessary, to the attorney general for the purposes of defraying the expenses of the office, for the biennium beginning July 1, 2023, and ending June 30, 2025. The attorney general shall notify the office of management and budget and the legislative council of any funding made available pursuant to this section.

SECTION 4. TRANSFER - STATEWIDE LITIGATION FUNDING POOL TO STATE AGENCIES - ESTIMATED INCOME - GAMING AND EXCISE TAX ALLOCATION FUND. The statewide litigation funding pool line item in section 1 of this Act includes \$5,000,000, of which \$4,557,748 is from the general fund and \$442,252 is from the gaming and excise tax allocation fund, which the attorney general shall transfer to eligible state agencies for litigation expenses during the biennium beginning July 1, 2023, and ending June 30, 2025. The attorney general may not use funding from the litigation pool to pay judgments under section 32-12-04.

SECTION 5. ESTIMATED INCOME - CHARITABLE GAMING TECHNOLOGY SYSTEM - CHARITABLE GAMING OPERATING FUND. The estimated income line item in section 1 of this Act includes \$736,000 from the charitable gaming operating fund for defraying expenses related to the continued development and implementation of the charitable gaming technology system.

SECTION 6. HUMAN TRAFFICKING VICTIMS GRANT PROGRAM - REQUIREMENTS - REPORTS. The human trafficking victims grants line item in section 1 of this Act includes \$1,111,480 from the general fund for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims and related administrative costs for the biennium beginning July 1, 2023, and ending June 30, 2025. The attorney general may provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law

enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-ninth legislative assembly on the use of the funds received and the outcomes of its program. The attorney general shall report to the legislative management during the 2023-24 interim on the status and results of the grant program.

SECTION 7. FORENSIC NURSE EXAMINERS GRANT PROGRAM - REPORTS. The forensic nurse examiners grants line item in section 1 of this Act includes \$252,872 from the general fund for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs and related administrative costs, for the biennium beginning July 1, 2023, and ending June 30, 2025. Any organization that receives a grant under this section shall report to the attorney general and the appropriations committees of the sixty-ninth legislative assembly on the use of the funds received and the outcomes of its programs. The attorney general shall report to the appropriations committees of the sixty-ninth legislative assembly on the number of nurses trained, the number and location of nurses providing services related to sexual assault nurse examiner programs, and documentation of collaborative efforts to assist victims which includes nurses, the hospital or clinic, law enforcement, and state's attorneys.

SECTION 8. BACK THE BLUE GRANT PROGRAM - MATCHING REQUIREMENT - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY. The law enforcement line item in section 1 of this Act includes \$3,500,000 from the general fund for the purpose of providing back the blue grants to assist local law enforcement agencies with workforce recruitment and retention, for the biennium beginning July 1, 2023, and ending June 30, 2025. Of the funding available under this program, \$1,500,000 is available exclusively to local law enforcement agencies employing ten or fewer employees working in a law enforcement capacity.

1. To be eligible for a grant under this section, a law enforcement agency must have incurred workforce recruitment and retention-related expenditures. Eligible expenditures include:
 - a. Bonuses paid to new and current law enforcement officers;
 - b. Tuition and fee payments made on behalf of law enforcement trainees; and
 - c. Costs to upgrade law enforcement equipment.
2. Law enforcement agencies seeking reimbursement for workforce recruitment and retention-related expenditures must submit a report of actual expenditures incurred to the attorney general with the grant application.
3. The attorney general:
 - a. May spend the funds for this program only to the extent the applicant has secured one dollar of matching funds from nonstate sources for every four dollars provided by the attorney general;
 - b. Shall reimburse each eligible applicant fifty percent of allowable expenditures;
 - c. May not award funding for this program to state or federal law enforcement entities; and
 - d. Shall report to the sixty-ninth legislative assembly regarding the number of grants awarded under this section.

SECTION 9. LAW ENFORCEMENT RESILIENCY GRANT PROGRAM - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY. The law enforcement line item in section 1 of this Act includes \$400,000 from the general fund for the purpose

of providing law enforcement resiliency program grants, for the biennium beginning July 1, 2023, and ending June 30, 2025. Funding provided under this Act must be used to defray administrative, therapeutic, training, and outreach-related costs of providing mental health and wellness support services to current and retired correctional and law enforcement personnel. The attorney general shall establish guidelines to award funding under this section. Any organization that receives a grant under this section shall report to the attorney general and the attorney general shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of the funds received and the outcomes of its programs.

SECTION 10. A new section to chapter 50-06 of the North Dakota Century Code is created and enacted as follows:

Opioid settlement fund.

There is created in the state treasury an opioid settlement fund. The fund consists of opioid litigation funds received by the state. Moneys received by the state as a result of opioid litigation must be deposited in the fund. Moneys in the fund may be used as authorized by legislative appropriation. The legislative assembly shall consult with the governor in determining the use of the moneys in the fund. As used in this section, "opioid litigation" means civil litigation, demand, or settlement in lieu of litigation alleging unlawful conduct related to the marketing, sale, or distribution of opioids in this state or other alleged illegal actions that contributed to the excessive use of opioids.

SECTION 11. AMENDMENT. Section 53-12.1-09 of the North Dakota Century Code is amended and reenacted as follows:

53-12.1-09. Operating fund - Continuing appropriation - Authorization of disbursements - Report - Net proceeds.

There is established within the state treasury the lottery operating fund into which must be deposited all revenue from the sale of tickets, interest received on money in the fund, and all other fees and moneys collected, less a prize on a lottery promotion, prize on a winning ticket paid by a retailer, and a retailer's commission. Except for moneys in the lottery operating fund appropriated by the legislative assembly for administrative and operating costs of the lottery under section 53-12.1-10, all other money in the fund is continuously appropriated for the purposes specified in this section. During each regular session, the attorney general shall present a report to the appropriations committee of each house of the legislative assembly on the actual and estimated operating revenue and expenditures for the current biennium and projected operating revenue and expenditures for the subsequent biennium authorized by this section. A payment of a prize or expense or transfer of net proceeds by the lottery may be made only against the fund or money collected from a retailer on the sale of a ticket. A disbursement from the fund must be for the following purposes:

1. Payment of a prize as the director deems appropriate to the owner of a valid, winning ticket;
2. Notwithstanding section 53-12.1-10, payment of a marketing expense that is directly offset by cosponsorship funds collected;
3. Payment of a gaming system or related service expense, retailer record and credit check fees, game group dues, and retailer commissions; and
4. Transfer of net proceeds:
 - a. Eighty thousand dollars must be transferred to the state treasurer each quarter for deposit in the gambling disorder prevention and treatment fund;
 - b. An amount for the lottery's share of a game's prize reserve pool must be transferred to the multistate lottery association;

- c. Starting July 1, 2019~~2023~~, two hundred fifty thousand dollars must be transferred to the state treasurer each quarter for deposit in the attorney general multijurisdictional drug task force grant fund; and
- d. The balance of the net proceeds, less holdback of any reserve funds the director may need for continuing operations, must be transferred to the state treasurer on at least an annual basis for deposit in the state general fund.

SECTION 12. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general.

The annual salary of the attorney general is one hundred ~~sixty-five~~~~seventy-five~~ thousand ~~eight~~~~nine~~ hundred ~~forty-five~~~~twenty-eight~~ dollars through June 30, ~~2022~~~~2024~~, and one hundred ~~sixty-nine~~~~eighty-two~~ thousand ~~one~~~~nine~~ hundred ~~sixty-two~~~~sixty-five~~ dollars thereafter.

SECTION 13. CRIMINAL HISTORY RECORD CHECKS - FEES. Any individual or entity requesting a criminal history record check from the bureau of criminal investigation, as a result of legislation enacted by the sixty-eighth legislative assembly, shall pay a reasonable fee established by the attorney general to the attorney general to be deposited in the general fund for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 14. EXEMPTION - CONTINGENT FEE ARRANGEMENT. Notwithstanding section 54-12-08.1, the attorney general may contract for legal services compensated by a contingent fee arrangement for ongoing multistate technology litigation during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 15. EXEMPTION - ATTORNEY GENERAL REFUND FUND. Notwithstanding section 54-12-18, the attorney general may retain the balance in the attorney general refund fund which would otherwise be transferred to the general fund on June 30, 2023.

SECTION 16. EXEMPTION - CONCEALED WEAPON REWRITE PROJECT. The amount appropriated to the attorney general from the general fund for a concealed weapon rewrite project as contained in section 1 of chapter 37 of the 2015 Session Laws and continued into the 2017-19, 2019-21, and 2021-23 bienniums, is not subject to the provisions of section 54-44.1-11. Any unexpended funds from this appropriation are available to the attorney general for the concealed weapon rewrite project, during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 17. EXEMPTION - CRIMINAL HISTORY IMPROVEMENT PROJECT. The amount of \$400,000 appropriated from the attorney general refund fund in the operating expenses line item for the criminal history improvement project in section 1 of chapter 3 of the 2021 Session Laws is not subject to section 54-44.1-11 and is available for the project during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 18. EXEMPTION - COVID-19 FUNDS - JUSTICE ASSISTANCE GRANTS. The amount of \$2,082,871 appropriated from federal funds derived from COVID-19 funds for justice assistance grants during the 2019-21 biennium in section 1 of chapter 27 and continued into the 2021-23 biennium in section 2 of chapter 27 of the 2021 Session Laws is not subject to section 54-44.1-11 and is available for the program during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 19. EXEMPTION - FEDERAL STATE FISCAL RECOVERY FUND. The amount of \$1,350,000 appropriated from federal funds derived from the state fiscal recovery fund, of which \$300,000 was for a missing persons database, \$1,000,000 was for the replacement of the prosecuting case management system,

and \$50,000 was for charitable gaming information technology costs, in subsections 19, 20, and 42 of section 1 of chapter 550 of the 2021 Special Session Session Laws is not subject to section 54-44.1-11 and is available for the program during the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 20. LEGISLATIVE MANAGEMENT STUDY - STATE CRIME LABORATORY. During the 2023-24 interim, the legislative management shall study the services and needs of the North Dakota state crime laboratory, including staffing and equipment needs; the need for forensic scientists with training in firearms and fingerprint analysis; the feasibility and desirability of remodeling current state crime laboratory facilities, acquiring other vacant laboratory facilities in the state, and operating additional state crime laboratory facilities in the state; services the state crime laboratory should have the capability of providing to support law enforcement entities in the state; and whether the state crime laboratory should be administratively separate from the bureau of criminal investigation. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$50,295,349	\$6,180,262	\$56,475,611
Operating expenses	15,237,498	2,450,937	17,688,435
Capital assets	648,055	2,912,522	3,560,577
Grants	3,903,440		3,903,440
Litigation fees	127,500		127,500
Medical examinations	660,000		660,000
North Dakota lottery	5,254,844	178,602	5,433,446
Arrest and return of fugitives	8,500		8,500
Gaming commission	7,489		7,489
Criminal justice information sharing	4,074,968	471,677	4,546,645
Law enforcement	3,048,927	4,145,778	7,194,705
Human trafficking victims grants	1,101,879	9,601	1,111,480
Forensic nurse examiners grants	250,691	2,181	252,872
State Crime Laboratory salary equity	537,297	(537,297)	
Statewide litigation pool		5,000,000	5,000,000
Additional income		250,000	250,000
Total all funds	\$85,156,437	\$21,064,263	\$106,220,700
Less estimated income	42,509,719	124,130	42,633,849
General fund	\$42,646,718	\$20,940,133	\$63,586,851
FTE	253.00	7.00	260.00

Department 125 - Attorney General - Detail of Senate Changes

	Adds Funding for the Cost to Continue Salaries ¹	Adds Funding for Salary and Benefit Increases ²	Adjusts Funding for Prior Biennium Salary Equity Increases ³	Adds Funding for FTE Positions ⁴	Adds Funding for the Medicaid Fraud Control Unit ⁵	Transfers the State Fire Marshal ⁶
Salaries and wages	\$519,493	\$3,589,614		\$2,615,910	\$715,753	(\$1,797,805)
Operating expenses				772,912	102,419	(365,094)
Capital assets						
Grants						
Litigation fees						
Medical examinations						
North Dakota lottery	8,471	156,756				
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing		76,341				
Law enforcement	14,398	222,387				
Human trafficking victims grants	936	8,665				
Forensic nurse examiners grants	198	1,983				
State Crime Laboratory salary equity						
Statewide litigation pool						
Additional income						
Total all funds	\$543,496	\$4,055,746	\$0	\$3,388,822	\$818,172	(\$2,162,899)
Less estimated income	151,470	1,548,160	(2,404,289)	0	271,880	(1,275,214)
General fund	\$392,026	\$2,507,586	\$2,404,289	\$3,388,822	\$546,292	(\$887,685)
FTE	0.00	0.00	0.00	12.00	3.00	(8.00)

	Adjusts Base Level Funding ⁷	Adds Funding for Software Costs ⁸	Adds Funding for the Capitol Rent Model ⁹	Adds One- Time Funding for FTE Positions ¹⁰	Adds One- Time Funding for Capital Assets ¹¹	Adds One- Time Funding for Inflationary Increases ¹²
Salaries and wages	\$537,297					
Operating expenses	258,439	\$831,700	\$259,708	\$434,390		\$156,463
Capital assets	(264,055)			357,700	\$2,818,877	
Grants						
Litigation fees						
Medical examinations						
North Dakota lottery	13,375					
Arrest and return of fugitives						
Gaming commission						
Criminal justice information sharing	(261)	395,597				
Law enforcement	8,993					
Human trafficking victims grants						
Forensic nurse examiners grants						
State Crime Laboratory salary equity	(537,297)					
Statewide litigation pool						
Additional income						
Total all funds	\$16,491	\$1,227,297	\$259,708	\$792,090	\$2,818,877	\$156,463
Less estimated income	(791,961)	324,000	0	51,955	1,555,877	0
General fund	\$808,452	\$903,297	\$259,708	\$740,135	\$1,263,000	\$156,463
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One-Time Funding for the Litigation Funding Pool ¹³	Adds One-Time Funding for Law Enforcement Grants ¹⁴	Adds One-Time Funding for Additional Income ¹⁵	Total Senate Changes
Salaries and wages				\$6,180,262
Operating expenses				2,450,937
Capital assets				2,912,522
Grants				
Litigation fees				
Medical examinations				
North Dakota lottery				178,602
Arrest and return of fugitives				
Gaming commission				
Criminal justice information sharing				471,677
Law enforcement		\$3,900,000		4,145,778
Human trafficking victims grants				9,601
Forensic nurse examiners grants				2,181
State Crime Laboratory salary equity				(537,297)
Statewide litigation pool	\$5,000,000			5,000,000
Additional income			\$250,000	250,000
Total all funds	\$5,000,000	\$3,900,000	\$250,000	\$21,064,263
Less estimated income	442,252	0	250,000	124,130
General fund	\$4,557,748	\$3,900,000	\$0	\$20,940,133
FTE	0.00	0.00	0.00	7.00

¹ Funding is added for the cost to continue salary increases.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	General Fund	Other Funds	Total
Salary increase	\$1,778,318	\$1,083,827	\$2,862,145
Health insurance increase	729,268	464,333	1,193,601
Total	\$2,507,586	\$1,548,160	\$4,055,746

³ Funding of \$2,404,289 is adjusted for prior biennium salary equity increases for Bureau of Criminal Investigation (BCI), Medicaid Fraud Control Unit (MFCU), and State Crime Laboratory positions by reducing funding from the Attorney General refund fund and increasing funding from the general fund.

⁴ Funding is added from the general fund for the following FTE positions:

	FTE Positions	Salaries and Wages	Operating Expenses	Total
Attorney positions	2.00	\$548,296	\$83,540	\$631,836
BCI cybercrime positions	3.00	677,355	162,621	839,976
BCI criminal investigator positions	3.00	677,355	162,674	840,029
State Crime Laboratory positions	4.00	712,904	364,077	1,076,981
Total	12.00	\$2,615,910	\$772,912	\$3,388,822

⁵ Funding of \$840,029, including \$715,753 for salaries and wages and \$102,419 for related operating expenses, is added from the general fund for 3 FTE MFCU positions. In addition, funding for MFCU is adjusted by \$341,747 by reducing federal funds and increasing funding from the general fund to reflect a change in the federal-state cost-sharing of the program. Previously, the federal government provided funding for 90 percent of the costs of the MFCU program. The new federal funding rate is 75 percent.

⁶ Funding of \$2,162,899 for 8 FTE positions for the State Fire Marshal is transferred from the Attorney General to the Insurance Commissioner. Funding removed in the Attorney General budget includes \$887,685 from the general fund, \$893,085 from the Attorney General operating fund, and \$382,129 from the Reduced Cigarette Ignition Propensity and Firefighter Protection Act enforcement fund.

⁷ Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Transfers \$537,297 from the Attorney General refund fund for prior biennium State Crime Laboratory salary equity funding from a special line item to the salaries and wages line item	\$0	\$0	\$0
Adds funding for salary equity increases from the Attorney General operating fund	0	22,368	22,368
Reduces funding for operating expenses from the Attorney General operating fund	0	(22,368)	(22,368)
Adjusts funding for Information Technology (IT) Division and Criminal Justice Information Sharing (CJIS) Division operating expenses by reducing funding from the Attorney General refund fund	856,262	(856,262)	0
Adds funding for the BCI, State Crime Laboratory, and Gaming Division inflationary increases, including funding from the charitable gaming operating fund	125,000	20,000	145,000
Adds funding for gaming, licensing, and deposit projects operating expenses, including funding from the charitable gaming operating fund	37,000	37,000	74,000
Adds funding for Information Technology Department rate increases	54,245	7,301	61,546
Adds funding to replace Attorney General IT servers	54,000	0	54,000
Reduces funding for bond payments for the State Crime Laboratory	(318,055)	0	(318,055)
Total	\$808,452	(\$791,961)	\$16,491

⁸ Funding is added for software upgrades, maintenance, and subscription costs, as follows:

	General Fund	Other Funds	Total
Adds funding for increased software maintenance and subscription costs	\$419,297	\$0	\$419,297
Adds federal funding for sexual assault kit tracking system software maintenance	0	180,000	180,000
Adds funding for the automated biometric identification system and data extraction software, of which \$144,000 is from federal funds	384,000	144,000	528,000
Adds funding for legal case search software, also known as Discovery software	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total	\$903,297	\$324,000	\$1,227,297

⁹ Funding of \$259,708 is added from the general fund for a new Capitol space rent model.

¹⁰ One-time funding of \$792,090 for operating expenses and capital assets for new FTE positions is added as follows:

	General Fund	Other Funds	Total
FTE attorney positions operating expenses	\$12,520	\$0	\$12,520
FTE BCI cybercrime positions operating expenses (\$159,717) and capital assets (\$153,300)	313,017	0	313,017
FTE BCI criminal investigator positions operating expenses (\$57,642) and capital assets (\$153,300)	210,942	0	210,942
FTE MFCU positions operating expenses (\$18,173) and capital assets (\$51,100), of which \$51,955 is from federal funds	17,318	51,955	69,273
FTE State Crime Laboratory operating expenses	<u>186,338</u>	<u>0</u>	<u>186,338</u>
Total	\$740,135	\$51,955	\$792,090

¹¹ One-time funding of \$2,818,877 is added for capital assets, as follows:

	General Fund	Other Funds	Total
State Crime Laboratory capital assets, including firearms and fingerprint software and testing equipment upgrades and the replacement of intolizyrs. Of the total, \$754,677 is from federal funds.	\$886,000	\$754,677	\$1,640,677
Gaming Division and Consumer Protection and Antitrust Division vehicles and radios, of which \$51,100 is from the Attorney General refund fund and \$51,100 is from the charitable gaming operating fund	0	102,200	102,200
Gaming, licensing, and deposit software, including \$699,000 from the charitable gaming operating fund	177,000	699,000	876,000
Replacement of 10 undercover BCI vehicles	<u>200,000</u>	<u>0</u>	<u>200,000</u>
Total	\$1,263,000	\$1,555,877	\$2,818,877

¹² One-time funding of \$156,463 is added from the general fund for BCI, State Crime Laboratory, and Gaming Division inflationary increases.

¹³ One-time funding of \$5,000,000 is added for the statewide litigation funding pool, of which \$4,557,748 is from the general fund and \$442,252 is from the gaming and excise tax allocation fund.

¹⁴ One-time funding of \$3.9 million is added from the general fund for law enforcement grant programs, including \$3.5 million for a back the blue grant program and \$400,000 for a law enforcement resiliency grant program.

¹⁵ One-time funding of \$250,000 is added from federal funds or other funds received during

the 2023-25 biennium, the same amount provided for the 2017-19, 2019-21, and 2021-23 bienniums. This amount is appropriated in a separate section of the bill.

This amendment also adds sections to:

- Require the Attorney General to transfer funds appropriated in the statewide litigation funding pool line item to eligible state agencies for litigation expenses during the 2023-25 biennium and identifies \$442,252 appropriated in the estimated income line item for the statewide litigation funding pool is from the gaming excise tax allocation fund.
- Identify \$736,000 appropriated in the estimated income line item is from the charitable gaming operating fund for the continued development and implementation of the charitable gaming technology system.
- Identify \$1,111,480 appropriated from the general fund is for the purpose of providing grants to organizations involved in providing prevention and treatment services related to human trafficking victims. The Attorney General may provide grants for the development and implementation of direct care emergency or long-term crisis services, residential care, training for law enforcement, support of advocacy services, and programs promoting positive outcomes for victims. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 69th Legislative Assembly on the use of the funds received and the outcomes of its program.
- Identify \$252,872 appropriated from the general fund is for the purpose of providing forensic nurse examiner program grants for community-based or hospital-based sexual assault examiner programs. Any organization that receives a grant under this section is required to report to the Attorney General and the Appropriations Committees of the 69th Legislative Assembly on the use of the funds received and the outcomes of its programs.
- Identify \$3.5 million appropriated from the general fund in the grants line item is for back the blue grants. Of this amount, \$1.5 million is available exclusively to local law enforcement agencies employing ten or fewer employees working in a law enforcement capacity. The Attorney General may spend funding for this program only to the extent the applicant has secured \$1 for every \$4 provided by the Attorney General.
- Identify \$400,000 appropriated from the general fund in the law enforcement line item is for a law enforcement resiliency grant program to be provided to defray the administrative, therapeutic, training, and outreach-related costs of providing mental health and wellness support services to current and retired correctional and law enforcement personnel.
- Creates a new section to North Dakota Century Code Chapter 50-06 to create an opioid settlement fund and deposit money received by the state as a result of opioid litigation in the fund.
- Amend Section 53-12.1-09 to increase transfers from the lottery operating fund to the multijurisdictional drug task force grant fund by \$50,000, from \$200,000 to \$250,000 each quarter. This change will reduce general fund revenue by \$400,000 for the 2023-25 biennium.
- Amend Section 54-12-11 to provide for the Attorney General's annual salary to increase from \$169,162 to \$175,928 effective July 1, 2023, and \$182,965 effective July 1, 2024, to reflect the 4 percent and 4 percent approved salary increases.
- Require any person or entity requesting a criminal record check from BCI to pay a reasonable fee as determined by the Attorney General. The funding must be deposited in the general fund during.
- Authorize the Attorney General to contract for legal services that are compensated by a contingent fee arrangement, relating to ongoing multistate technology litigation, during the 2023-25 biennium.
- Allow the Attorney General to retain the balance in the Attorney General refund fund at the end of the 2021-23 biennium to be used during the 2023-25 biennium, rather than transferring the balance to the general fund.
- Provide the Attorney General an exemption to continue any remaining funding appropriated from the general fund during the 2015-17 biennium and continued into

the 2017-19, 2019-21, and 2021-23 bienniums for a concealed weapon rewrite project into the 2023-25 biennium.

- Provide the Attorney General an exemption to continue any remaining funding of the \$400,000 appropriated from the Attorney General refund fund during the 2021-23 biennium for the criminal history improvement project into the 2023-25 biennium.
- Provide the Attorney General an exemption to continue any remaining funding of the \$2,082,871 appropriated from federal COVID-19 funds during the 2019-21 biennium and continued into the 2021-23 biennium for justice assistance grants into the 2023-25 biennium.
- Provide the Attorney General an exemption to continue any remaining funding appropriated from the federal State Fiscal Recovery Fund during the 2021-23 biennium for a missing persons database (\$300,000), the replacement of the prosecuting case management system (\$1 million), and charitable gaming IT costs (\$50,000) into the 2023-25 biennium.
- Provide for a Legislative Management study of the services and needs of the State Crime Laboratory.

REPORT OF STANDING COMMITTEE

SB 2009: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2009 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, replace "and" with "to create and enact a new section to chapter 4.1-01 of the North Dakota Century Code, relating to the establishment of a post-production royalty oversight program; to amend and reenact sections 4.1-01-02, 4.1-01-21.1, 49-22-09, and 49-22-09.2 of the North Dakota Century Code, relating to the salary of the agriculture commissioner, the environmental impact mitigation fund, factors to be considered in evaluating applications and designations of sites, corridors, and routes, and mitigating direct and indirect environmental impacts;"

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

Page 1, remove lines 10 through 24

Page 2, replace lines 1 through 5 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$15,717,126	\$1,693,446	\$17,410,572
Operating expenses	6,848,052	588,121	7,436,173
Capital assets	15,000	(8,000)	7,000
Grants	9,031,774	1,922,195	10,953,969
Agricultural products utilization commission	1,760,417	3,350,000	5,110,417
North Dakota trade office	1,600,000	500,000	2,100,000
Board of animal health	865,718	0	865,718
Wildlife services	1,457,400	200,000	1,657,400
Pipeline restoration and reclamation oversight program	200,000	0	200,000
Crop harmonization board	<u>75,000</u>	<u>0</u>	<u>75,000</u>
Total all funds	\$37,570,487	\$8,245,762	\$45,816,249
Less estimated income	<u>24,110,775</u>	<u>6,025,073</u>	<u>30,135,848</u>
Total general fund	\$13,459,712	\$2,220,689	\$15,680,401
Full-time equivalent positions	79.00	2.00	81.00"

Page 2, line 6, after "**FUNDING**" insert "**- EFFECT ON BASE BUDGET - REPORT TO SIXTY-NINTH LEGISLATIVE ASSEMBLY**"

Page 2, line 7, after "biennium" insert "and the one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace line 9 with:

"Agricultural products utilization commission	\$2,700,000	\$3,000,000"
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Page 2, replace lines 14 through 17 with:

"Intermodal facility construction grant program	2,000,000	0
North Dakota trade office	0	500,000
Total all funds	\$20,900,000	\$3,500,000
Less estimated income	10,400,000	3,000,000
Total general fund	\$10,500,000	\$500,000

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The agriculture commissioner shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 3. TRANSFER - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND TO BIOSCIENCE INNOVATION FUND - BIOSCIENCE INNOVATION GRANT PROGRAM. The office of management and budget shall transfer \$5,500,000 from the strategic investment and improvements fund to the bioscience innovation grant fund for the purpose of the bioscience innovation grant program under section 4.1-01-20.1 for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 4. TRANSFER - LEGACY EARNINGS FUND TO BIOSCIENCE INNOVATION FUND - BIOSCIENCE INNOVATION GRANT PROGRAM. Pursuant to the designation of funding for other legislative purposes under subdivision c of subsection 4 of section 21-10-13, the office of management and budget shall transfer \$6,500,000 from the legacy earnings fund to the bioscience innovation grant fund for the purpose of the bioscience innovation grant program under section 4.1-01-20.1 for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 5. TRANSFER - ENVIRONMENT AND RANGELAND PROTECTION FUND TO ENVIRONMENTAL IMPACT MITIGATION FUND - MITIGATION OF AGRICULTURAL LAND. The office of management and budget shall transfer \$250,000 from the environment and rangeland protection fund to the environmental impact mitigation fund for the purpose of mitigation of agricultural land under section 4.1-01-21.1 for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 2, line 18, replace "STATE WATER COMMISSION" with "DEPARTMENT OF WATER RESOURCES"

Page 2, line 19, remove "state"

Page 2, line 20, replace "water commission" with "department of water resources"

Page 2, line 27, replace "\$6,899,395" with "\$7,344,029"

Page 2, line 31, replace "\$619,329" with "\$648,228"

Page 3, after line 2, insert:

"SECTION 10. ESTIMATED INCOME - TRANSFER - BANK OF NORTH DAKOTA PROFITS - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION. The estimated income line item in section 1 of this Act includes the sum of \$3,000,000 which the Bank of North Dakota shall transfer from the Bank's current earnings and undivided profits to the agriculture commissioner for deposit in the agricultural products utilization fund for the purpose of defraying the expenses of the agricultural products utilization commission for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 3, line 3, replace "PIPELINE RESTORATION AND RECLAMATION" with
"ABANDONED OIL AND GAS WELL PLUGGING AND SITE RECLAMATION
FUND"

Page 3, line 4, replace "\$200,000" with "\$700,000"

Page 3, line 5, after "fund" insert ", of which \$200,000 is"

Page 3, line 6, after "program" insert "and \$500,000 is for the purpose of defraying the
expenses of the post-production royalty oversight program"

Page 3, line 9, replace "\$1,600,000" with "\$2,100,000"

Page 3, after line 19, insert:

"SECTION 14. AMENDMENT. Section 4.1-01-02 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01-02. Salary of agriculture commissioner.

The annual salary of the agriculture commissioner is one hundred ~~twenty-one~~thirty thousand ~~five hundred fifty-three~~ dollars through June 30, ~~2022~~2024, and one hundred ~~twenty-three~~thirty-five thousand ~~ninetwo~~ hundred ~~eighty-four~~ dollars after that date.

SECTION 15. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Post-production royalty oversight program.

The commissioner shall establish a post-production royalty oversight program providing technical assistance and support to mineral owners, lease owners, and mineral companies relating to royalty payment issues. The commissioner may contract for ombudsmen for assistance on royalty payment issues. The commissioner is not subject to the provisions of chapter 54-44.4 when contracting for the services of ombudsmen. The names of mineral owners, lease owners, and mineral companies that receive assistance under the program are not subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.

SECTION 16. AMENDMENT. Section 4.1-01-21.1 of the North Dakota Century Code is amended and reenacted as follows:

4.1-01-21.1. Environmental impact mitigation fund - Report to legislative management - Continuing appropriation.

1. There is created in the state treasury the environmental impact mitigation fund. The fund consists of all moneys deposited in the fund under section 49-22-09.2. All moneys in the fund are appropriated to the commissioner on a continuing basis for ~~distribution~~disbursement by the agriculture commissioner ~~to landowners for the mitigation of agricultural land impacted by development as set forth under subsection 2~~in accordance with this section.
2. ~~Funding~~Moneys in the fund may be used only for:
 - a. Contracting for consultation with environmental scientists or engineers for relevant services to implement mitigation required from the impact of development; and
 - b. Reclamation or mitigation of adverse impacts from development.
3. The commissioner is not subject to chapter 54-44.4 when contracting for services under this chapter.

4. The federal environmental law impact review committee shall establish criteria for disbursement of moneys in the environmental impact fundsmitigation fund.
5. The commissioner shall make disbursements of moneys in the environmental impact mitigation fund based upon the determinations made by the federal environmental law impact review committee.
6. For purposes of this section, the federal environmental law impact review committee shall hold meetings as the chairman determines necessary at a time and place set by the chairman. Upon written request of any four members, the presiding officer shall call a special meeting of the committee.
7. The federal environmental law impact review committee shall make determinations for the disbursement of environmental impact mitigation fund grants in accordance with subsection 2 and provide those determinations to the commissioner.
8. The federal environmental law impact review committee shall provide a biennial report of environmental impact mitigation fund disbursements to the legislative management.
9. For purposes of this section, the environmental impact mitigation fund is not subject to subsection 2 of section 4.1-01-18.

SECTION 17. AMENDMENT. Section 49-22-09 of the North Dakota Century Code is amended and reenacted as follows:

49-22-09. Factors to be considered in evaluating applications and designation of sites, corridors, and routes.

1. The commission shall be guided by, but is not limited to, the following considerations, where applicable, to aid the evaluation and designation of sites, corridors, and routes:
 - a. Available research and investigations relating to the effects of the location, construction, and operation of the proposed facility on public health and welfare, natural resources, and the environment.
 - b. The effects of new electric energy conversion and electric transmission technologies and systems designed to minimize adverse environmental effects.
 - c. The potential for beneficial uses of waste energy from a proposed electric energy conversion facility.
 - d. Adverse direct and indirect environmental effects that cannot be avoided should the proposed site or route be designated.
 - e. Alternatives to the proposed site, corridor, or route which are developed during the hearing process and which minimize adverse effects.
 - f. Irreversible and irretrievable commitments of natural resources should the proposed site, corridor, or route be designated.
 - g. The direct and indirect economic impacts of the proposed facility.
 - h. Existing plans of the state, local government, and private entities for other developments at or in the vicinity of the proposed site, corridor, or route.

- i. The effect of the proposed site or route on existing scenic areas, historic sites and structures, and paleontological or archaeological sites.
 - j. The effect of the proposed site or route on areas unique because of biological wealth or because the areas are habitats for rare and endangered species.
 - k. Problems raised by federal agencies, other state agencies, and local entities.
 - l. Written comments from the agriculture commissioner.
2. The commission may not condition the issuance of a certificate or permit on the applicant providing a mitigation payment assessed or requested by another state agency or entity to offset a negative impact on wildlife habitat.

SECTION 18. AMENDMENT. Section 49-22-09.2 of the North Dakota Century Code is amended and reenacted as follows:

49-22-09.2. Mitigating direct or indirect environmental impacts.

- 1. An applicant ~~may elect to~~ shall provide payment to mitigate any assessed adverse direct ~~or indirect~~ environmental impacts of a proposed site, corridor, route, or facility. The applicant ~~may elect to~~ shall provide a minimum of fifty percent of the payment to the agriculture commissioner.
- 2. The agriculture commissioner shall deposit any moneys paid to mitigate the adverse environmental impacts of a proposed site, corridor, route, or facility ~~as follows:~~
 - a. ~~Fifty percent~~ into the environmental impact mitigation fund; ~~and~~
 - b. ~~Fifty percent into the federal environmental law impact review fund.~~

SECTION 19. WILDLIFE SERVICES PROGRAM - INDIRECT COSTS. The wildlife services line item in section 1 of this Act includes the sum of \$1,657,400 for the purpose of defraying the expenses of the wildlife services program during the biennium beginning July 1, 2023, and ending June 30, 2025. The agriculture commissioner may not use funding appropriated for the program to pay indirect costs as part of the United States department of agriculture animal and plant health inspection service wildlife services program.

SECTION 20. EXEMPTION - COVID-19 SPECIALTY CROP BLOCK GRANT PROGRAM. The amount of \$5,000,000 appropriated from federal funds derived from COVID-19 funds for the specialty crop block grant program during the 2019-21 biennium in section 1 of chapter 27 and continued into the 2021-23 biennium in section 2 of chapter 27 of the 2021 Session Laws is not subject to section 54-44.1-11 and is available for the program during the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2009 - Department of Agriculture - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$15,717,126	\$1,693,446	\$17,410,572
Operating expenses	6,848,052	588,121	7,436,173
Capital assets	15,000	(8,000)	7,000
Grants	9,031,774	1,922,195	10,953,969
State Board of Animal Health	865,718		865,718
Wildlife services	1,457,400	200,000	1,657,400
Crop Harmonization Board	75,000		75,000
Pipeline restoration and reclamation	200,000		200,000

Ag. Products Utilization Commission	1,760,417	3,350,000	5,110,417
North Dakota trade office	1,600,000	500,000	2,100,000
Total all funds	\$37,570,487	\$8,245,762	\$45,816,249
Less estimated income	24,110,775	6,025,073	30,135,848
General fund	\$13,459,712	\$2,220,689	\$15,680,401
FTE	79.00	2.00	81.00

Department 602 - Department of Agriculture - Detail of Senate Changes

	Adds Funding for the Cost to Continue Salaries ¹	Adds Funding for Salary and Benefit Increases ²	Adds Salary Equity Funding for Elected Officials ³	Adds Funding for FTE Positions ⁴	Adjusts Base Level Funding ⁵	Adds Funding for the Capitol Rent Model ⁶
Salaries and wages	\$115,069	\$1,190,586	\$2,535	\$385,256		\$198,136
Operating expenses				111,300	(\$221,315)	
Capital assets					(8,000)	
Grants					866,695	
State Board of Animal Health						
Wildlife services					200,000	
Crop Harmonization Board						
Pipeline restoration and reclamation						
Ag. Products Utilization Commission						
North Dakota trade office						
Total all funds	\$115,069	\$1,190,586	\$2,535	\$496,556	\$837,380	\$198,136
Less estimated income	49,755	497,347	0	0	572,471	0
General fund	\$65,314	\$693,239	\$2,535	\$496,556	\$264,909	\$198,136
FTE	0.00	0.00	0.00	2.00	0.00	0.00

	Adds Funding for a Royalty Oversight Program ⁷	Adds Funding for Specialty Crop Block Grants ⁸	Adds funding for APUC ⁹	Adds One- Time Funding for APUC ¹⁰	Adds One- Time Funding for the Trade Office ¹¹	Total Senate Changes
Salaries and wages						\$1,693,446
Operating expenses	\$500,000					588,121
Capital assets						(8,000)
Grants		\$1,055,500				1,922,195
State Board of Animal Health						
Wildlife services						200,000
Crop Harmonization Board						
Pipeline restoration and reclamation						
Ag. Products Utilization Commission			\$350,000	\$3,000,000		3,350,000
North Dakota trade office					\$500,000	500,000
Total all funds	\$500,000	\$1,055,500	\$350,000	\$3,000,000	\$500,000	\$8,245,762
Less estimated income	500,000	1,055,500	350,000	3,000,000	0	6,025,073
General fund	\$0	\$0	\$0	\$0	\$500,000	\$2,220,689
FTE	0.00	0.00	0.00	0.00	0.00	2.00

¹ Funding is added for the cost to continue salary increases.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	General Fund	Other Funds	Total
Salary increase	\$453,936	\$309,206	\$763,142
Health insurance increase	239,303	188,141	427,444
Total	\$693,239	\$497,347	\$1,190,586

³ Funding is added for providing a salary equity increase for the Agriculture Commissioner. The Agriculture Commissioner's annual salary is increased from the current level of \$123,984 to \$130,000 (4.9 percent) effective July 1, 2023. This funding is in addition to the funding added for the general 4 percent annual salary increases for state employees.

⁴ Funding of \$496,566 is added from the general fund for 2 FTE positions. Of the funding provided, \$180,326 is for an FTE project manager and systems coordinator position, including \$170,326 for salaries and wages and \$10,000 for operating expenses, and \$316,230 is for an FTE marketing specialist position, including \$214,930 for salaries and wages and \$101,300 for operating expenses.

⁵ Base level funding is adjusted as follows:

	General Fund	Other Funds	Total
Adds funding for information technology rate increases	\$17,565	\$12,568	\$30,133
Adds funding for information technology data processing, communications, and services	10,078	215,059	225,137
Adjusts funding for travel, operating fees and services, and other operating expenses	47,266	(659,851)	(612,585)
Adds federal funding for the plant and potato cyst nematode program	0	26,000	26,000
Adds federal funding for the local food purchase assistance program for local underserved producers, including \$110,000 for operating expenses and \$868,000 for grants	0	978,000	978,000
Adjusts funding for capital assets to provide a total of \$7,000 for capital assets from the environment and rangeland protection fund	(10,000)	2,000	(8,000)
Adds funding for noxious weeds grants, of which \$80,000 is from federal funds and \$118,695 is from the environment and rangeland protection fund to provide a total of \$1,623,969, of which \$170,000 is from federal funds and \$1,453,969 is from the environment and rangeland protection fund	0	198,695	198,695
Reduces funding for the waterbank program to provide a total of \$100,000 from the North Dakota outdoor heritage fund	0	(200,000)	(200,000)
Adds funding for aerial contract services for the Wildlife Services program to provide a total of \$1,657,400 for the Wildlife Services program	<u>200,000</u>	<u>0</u>	<u>200,000</u>
Total	\$264,909	\$572,471	\$837,380

⁶ Funding of \$198,136 is added from the general fund for a new Capitol space rent model.

⁷ Funding of \$500,000 is added from the abandoned oil and gas well plugging and site reclamation fund for a post-production royalty oversight program, allowing the Agriculture Commissioner to contract for ombudsmen to assist individuals and companies in royalty payment issues.

⁸ Federal funding of \$1,055,500 is added for the specialty crop block grant program to provide a total of \$7,094,805 from federal funds. This amount does not include funding for the program from COVID-19 federal funds. A section is added to the bill to provide the Agriculture Commissioner an exemption to continue COVID-19 funding appropriated for the program for the 2019-21 biennium and continued into the 2021-23 biennium during the 2021 legislative session into the 2023-25 biennium.

⁹ Funding of \$350,000 is added from the Agricultural Products Utilization Commission (APUC) fund for the APUC program to provide total ongoing funding of \$2,110,417 from the APUC fund.

¹⁰ One-time funding of \$3,000,000 is added from Bank of North Dakota profits for the APUC program to provide total funding of \$5,110,417 for the program.

¹¹ One-time funding of \$500,000 is added from the general fund for the North Dakota Trade Office to provide a total of \$2.1 million from the general fund.

This amendment also:

- Adds a section providing for a \$5.5 million transfer from the strategic investment and improvements fund to the bioscience innovation grant fund for the bioscience innovation grant program. The Agriculture Commissioner has continuing appropriation authority for the bioscience innovation grant fund.
- Adds a section providing for a \$6.5 million transfer from the legacy earnings fund to the bioscience innovation grant fund for the bioscience innovation grant program to provide a total of \$12 million for the bioscience program in Senate Bill No. 2009 for the 2023-25 biennium.
- Adds a section providing for a \$250,000 transfer from the environment and rangeland protection fund to the environmental impact mitigation fund for the environmental impact mitigation program. The Agriculture Commissioner has continuing appropriation authority for the environmental impact mitigation fund.
- Amends a section identifying the amount of funding (\$7,344,029) appropriated from the environment and rangeland protection fund.

- Amends a section identifying the amount of funding (\$648,228) appropriated from the Game and Fish Department operating fund.
- Adds a section to transfer \$3 million from Bank of North Dakota profits to the APUC fund.
- Amends a section to identify the amount of funding (\$700,000) appropriated from the abandoned oil and gas well plugging and site reclamation fund.
- Amends a section identifying the amount of funding (\$2,100,000) appropriated from the general fund for the North Dakota Trade Office. The Agriculture Commissioner may spend 60 percent of this amount without requiring any matching funds from the North Dakota Trade Office. Additional amounts may be spent only to the extent that the North Dakota Trade Office provides \$1 of matching funds from private or other public sources for every \$1 provided by the Agriculture Commissioner. Matching funds may include money spent by businesses or organizations to pay salaries to export assistants, to provide training, and to buy computer equipment as part of the North Dakota Trade Office's export assistance program.
- Adds a section to provide the statutory changes necessary to increase the Agriculture Commissioner's salary to \$130,000 (4.9 percent) effective July 1, 2023, and to \$135,200 (4 percent) effective July 1, 2024.
- Adds a new section to North Dakota Century Code Chapter 4.1-01 to establish a post-production royalty oversight program, allowing the Agriculture Commissioner to contract for ombudsmen to assist individuals and companies in royalty payment issues.
- Adds three sections to amend Sections 4.1-01-21.1, 49-22-09, and 49-22-09.2 relating to the environmental impact fund, factors to be considered in evaluating applications and designation of sites, corridors, and routes, and mitigating direct and indirect environmental impacts.
- Adds a section to provide the funding appropriated in the wildlife services line item may not be used to pay indirect costs as part of the United States Department of Agriculture Animal and Plant Health Inspection Service Wildlife Services program.
- Adds a section to provide an exemption to authorize the Agriculture Commissioner to continue the \$5 million appropriated by the 2021 Legislative Assembly for the COVID-19 specialty crop block grant program for the 2019-21 biennium, which was continued into the 2021-23 biennium into the 2023-25 biennium. The Agriculture Commissioner anticipates approximately \$3.5 million will be continued into the 2023-25 biennium.

REPORT OF STANDING COMMITTEE

SB 2017: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2017 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after "department" insert "; to provide a contingent appropriation; to provide for a transfer; and to provide an exemption"

Page 1, remove lines 10 through 24

Page 2, replace lines 1 and 2 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$33,741,592	\$4,686,592	\$38,428,184
Operating expenses	16,276,782	1,543,716	17,820,498
Capital assets	6,774,770	1,773,891	8,548,661
Grants - game and fish	8,923,343	1,166,633	10,089,976
Land habitat and deer depredation	17,995,597	8,926,706	26,922,303
Noxious weed control	725,000	0	725,000
Missouri River enforcement	296,999	20,588	317,587
Grants, gifts, and donations	670,133	14,824	684,957
Nongame wildlife conservation	100,000	0	100,000
Lonetree reservoir	1,818,409	367,205	2,185,614
Wildlife services	500,000	0	500,000

Shooting sports grant program	250,000	0	250,000
Aquatic nuisance species program	<u>1,509,009</u>	<u>1,450,655</u>	<u>2,959,664</u>
Total special funds	\$89,581,634	\$19,950,810	\$109,532,444
Full-time equivalent positions	164.00	6.00	170.00"

Page 2, line 3, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY"

Page 2, line 4, after "biennium" insert "and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, replace lines 8 and 9 with:

"State radio equipment	801,500	0
Aquatic nuisance species laboratory and storage facility	0	850,000
In-car video system and body cameras	0	550,000
Fisheries pond liners	0	1,000,000
Devils Lake bunkhouse improvements	0	350,000
Fisheries dam repairs	0	380,000
Wash stations and other equipment	0	205,000
Uniforms and supplies for new FTE positions	<u>0</u>	<u>89,090</u>
Total special funds	\$2,786,500	\$3,424,090

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The game and fish department shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025."

Page 2, after line 13, insert:

"SECTION 4. CONTINGENT APPROPRIATION AND FULL-TIME EQUIVALENT POSITIONS - RECOVERING AMERICA'S WILDLIFE ACT. Subject to the provisions of this section, there is appropriated from federal funds, the sum of \$27,150,000, or so much of the sum as may be necessary, to the game and fish department for the purpose of administering programs approved under the federal Recovering America's Wildlife Act, for the biennium beginning July 1, 2023, and ending June 30, 2025. The department is authorized seven full-time equivalent positions for this purpose. The funding and positions authorized in this section are available only upon passage of the federal Recovering America's Wildlife Act.

SECTION 5. EXEMPTION - LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer up to \$2,000,000 of appropriation authority between the operating expenses, capital assets, and grants - game and fish line items in section 1 of this Act as requested by the game and fish department during the biennium beginning July 1, 2023, and ending June 30, 2025. The game and fish department shall notify the legislative council of any transfers made pursuant to this section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2017 - Game and Fish Department - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$33,741,592	\$4,686,592	\$38,428,184
Operating expenses	16,276,782	1,543,716	17,820,498
Capital assets	6,774,770	1,773,891	8,548,661
Grants - Game and fish	8,923,343	1,166,633	10,089,976
Land habitat and deer depredation	17,995,597	8,926,706	26,922,303
Noxious weed control	725,000		725,000
Missouri River enforcement	296,999	20,588	317,587
Grants - Gifts - Donations	670,133	14,824	684,957
Nongame wildlife conservation	100,000		100,000
Lonetree reservoir	1,818,409	367,205	2,185,614
Wildlife services	500,000		500,000
Shooting sports grant program	250,000		250,000

Aquatic nuisance species program	1,509,009	1,450,655	2,959,664
Contingent Funding		27,150,000	27,150,000
Total all funds	\$89,581,634	\$47,100,810	\$136,682,444
Less estimated income	89,581,634	47,100,810	136,682,444
General fund	\$0	\$0	\$0
FTE	164.00	13.00	177.00

Department 720 - Game and Fish Department - Detail of Senate Changes

	Adds Funding for the Cost to Continue Salaries ¹	Adds Funding for Salary and Benefit Increases ²	Adds FTE Positions ³	Adds Funding for Additional Emphasis on Wildlife Habitat ⁴	Adds Funding for Aquatic Nuisance Species Program ⁵	Adjusts Funding in Line Items ⁶
Salaries and wages	\$295,116	\$2,550,796	\$457,592			\$1,383,088
Operating expenses			87,934			185,442
Capital assets						(1,374,109)
Grants - Game and fish						1,166,633
Land habitat and deer depredation		170,354		\$4,657,974		1,285,000
Noxious weed control						
Missouri River enforcement		6,834				13,754
Grants - Gifts - Donations		14,824				
Nongame wildlife conservation						
Lonetree reservoir		60,620				306,585
Wildlife services						
Shooting sports grant program						
Aquatic nuisance species program		43,816			\$1,198,589	
Contingent Funding						
Total all funds	\$295,116	\$2,847,244	\$545,526	\$4,657,974	\$1,198,589	\$2,966,393
Less estimated income	295,116	2,847,244	545,526	4,657,974	1,198,589	2,966,393
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	2.00	3.00	1.00	0.00

	Adds Funding for ITD Increases ⁷	Adds Funding for Motor Pool Increases ⁸	Adds Funding for Midterm Conservation Agreements ⁹	Adds One- Time Funding for Supplies for New FTE Positions ¹⁰	Adds One- Time Funding for Capital Assets ¹¹	Adds Contingent Funding for Recovering America's Wildlife Act ¹²
Salaries and wages						
Operating expenses	\$80,908	\$1,157,192		\$32,240		
Capital assets				18,000	\$3,130,000	
Grants - Game and fish						
Land habitat and deer depredation			\$2,777,778	35,600		
Noxious weed control						
Missouri River enforcement						
Grants - Gifts - Donations						
Nongame wildlife conservation						
Lonetree reservoir						
Wildlife services						
Shooting sports grant program						
Aquatic nuisance species program				208,250		
Contingent Funding						\$27,150,000
Total all funds	\$80,908	\$1,157,192	\$2,777,778	\$294,090	\$3,130,000	\$27,150,000
Less estimated income	80,908	1,157,192	2,777,778	294,090	3,130,000	27,150,000
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	7.00

	Total Senate Changes
Salaries and wages	\$4,686,592
Operating expenses	1,543,716
Capital assets	1,773,891
Grants - Game and fish	1,166,633
Land habitat and deer depredation	8,926,706
Noxious weed control	
Missouri River enforcement	20,588
Grants - Gifts - Donations	14,824
Nongame wildlife conservation	
Lonetree reservoir	367,205
Wildlife services	
Shooting sports grant program	
Aquatic nuisance species program	1,450,655
Contingent Funding	27,150,000
Total all funds	\$47,100,810
Less estimated income	47,100,810
General fund	\$0
FTE	13.00

¹ Funding is added for the cost to continue salary increases.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	Other Funds
Salary increase	\$1,937,848
Health insurance increase	909,396
Total	\$2,847,244

³ The following FTE positions and related funding are added:

Position	FTE	Salaries and Wages	Operating Expenses	Total
Fisheries biologist II	1.00	\$228,958	\$9,790	\$238,748
Warden investigator	1.00	228,634	78,144	306,778
Total	2.00	\$457,592	\$87,934	\$545,526

⁴ Funding is added for the additional emphasis on wildlife habitat and access on private lands including 3 FTE positions and the following:

	Other Funds
Salaries and wages	\$622,604
Operating expenses	35,370
Habitat / non-access payments	1,000,000
PLOTS payments	3,000,000
Total	\$4,657,974

⁵ Funding is added for the aquatic nuisance species program, including 1 FTE biologist I position and the following:

	Other Funds
Salaries and wages	\$197,648
Temporary salaries	245,000
Operating expenses	687,941
Grants	68,000
Total	\$1,198,589

⁶ Funding is added from federal funds from various line items to adjust the base budget.

⁷ Funding is added for Information Technology Department shared software and rate increases.

⁸ Funding is added from other funds for motor pool cost increases.

⁹ Funding is added from federal and special funds for midterm conservation agreements.

¹⁰ One-time funding is added from federal and special funds for the following supplies and equipment related to new FTE positions:

<u>Description</u>	<u>Position</u>	<u>Other Funds</u>
Uniforms, laptop, and other supplies	Fisheries biologist II	\$3,250
Uniforms, computer, radio, weapons, and vehicle package	Warden investigator	46,990
Uniforms, computers, ATV, and other equipment	Wildlife habitat biologists	35,600
Uniforms, laptop, and other equipment	Aquatic nuisance species biologist	3,250
Wash stations and other equipment	Aquatic nuisance species biologist	205,000
Total		\$294,090

¹¹ One-time funding of \$3,130,000 is added for the following capital assets:

	<u>Other Funds</u>
In-car video system and body cameras	\$550,000
Fisheries pond liners	1,000,000
Aquatic nuisance species laboratory and storage facility	850,000
Devils Lake bunkhouse improvements	350,000
Fisheries dam repairs	380,000
Total	\$3,130,000

¹² A section is added providing a contingent appropriation from federal funds for 7 FTE positions, operating expenses, and grant payments to administer programs approved under the federal Recovering America's Wildlife Act contingent on the passage of the federal Recovering America's Wildlife Act.

This amendment adds a section authorizing the Game and Fish Department to transfer up to \$2 million between the operating expenses, capital assets, and grants - game and fish line items, during the 2023-25 biennium. The department must report any transfers to the Legislative Council.

REPORT OF STANDING COMMITTEE

SB 2019: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2019 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after "department" insert "; to provide for a transfer; and to provide for an exemption"

Page 1, replace lines 12 through 20 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Administration	\$2,765,070	\$240,756	\$3,005,826
Park operations and maintenance	21,155,523	15,305,776	36,461,299
Recreation	11,126,162	4,338,887	15,465,049
Total all funds	\$35,046,755	\$19,885,419	\$54,932,174
Less estimated income	22,599,593	18,818,687	41,418,280
Total general fund	\$12,447,162	\$1,066,732	\$13,513,894
Full-time equivalent positions	57.75	7.25	65.00"

Page 1, remove lines 23 and 24

Page 2, replace lines 1 and 2 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
International Peace Garden	\$876,329	\$250,000	\$1,126,329
Total general fund	\$876,329	\$250,000	\$1,126,329"

Page 2, replace lines 5 through 9 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Grand total general fund	\$13,323,491	\$1,316,732	\$14,640,223
Grand total special funds	22,599,593	18,818,687	41,418,280
Grand total all funds	\$35,923,084	\$20,135,419	\$56,058,503"

Page 2, line 10, after "FUNDING" insert "- EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY"

Page 2, line 11, after "biennium" insert "and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act"

Page 2, remove line 14

Page 2, replace lines 18 through 22 with:

"Fort Abraham Lincoln viewshed lease	50,000	0
Parks matching grant program	1,632,800	3,000,000
Deferred maintenance and capital projects	10,000,000	10,000,000
Cabin construction	0	2,400,000
Lake Metigoshe reimagined project	0	250,000
City, county, and tribal park system grants	0	750,000
Total all funds	\$27,782,800	\$16,400,000
Total other funds	<u>27,532,800</u>	<u>16,400,000</u>
Total general fund	\$250,000	\$0

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The parks and recreation department shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 3. GAME AND FISH OPERATING FUND - TRANSFER - BOAT RAMP OPERATION AND MAINTENANCE. The sum of \$122,000, or so much of the sum as may be necessary, included in the park operations and maintenance line item in subdivision 1 of section 1 of this Act, is from the game and fish operating fund, or federal or other funds available to the game and fish department, which must be transferred to the parks and recreation department for maintenance, operating, and extraordinary repairs expenses relating to boat ramps at state parks for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 4. ADDITIONAL INCOME - APPROPRIATION - REPORTING. In addition to the amounts appropriated in section 1 of this Act, any additional federal or other funds that become available are appropriated to the parks and recreation department for the biennium beginning July 1, 2023, and ending June 30, 2025. The department shall report any additional income under this section to the office of management and budget and the legislative council.

SECTION 5. ESTIMATED INCOME - LEGACY EARNINGS FUND - PARK CABIN CONSTRUCTION. The estimated income line item in section 1 of this Act includes \$2,400,000 from the legacy earnings fund for cabin construction at a state park selected by the director of the parks and recreation department.

SECTION 6. ESTIMATED INCOME - STRATEGIC INVESTMENT AND IMPROVEMENTS FUND - PARKS AND RECREATION. The estimated income line item in section 1 of this Act includes \$12,500,000 from the strategic investment and improvements fund, of which \$10,000,000 is for deferred maintenance and capital projects, \$250,000 is for the Lake Metigoshe reimagined project, \$1,500,000 is for state park matching grants, and \$750,000 is for city, county, and tribal park system grants.

SECTION 7. CITY, COUNTY, AND TRIBAL GRANT PROGRAM - GRANT LIMITATION. With the funding provided for the city, county, and tribal grant program, the parks and recreation department may not award more than \$100,000 to an entity.

SECTION 8. EXEMPTION - UNEXPENDED APPROPRIATIONS. The following appropriations are not subject to the provisions of section 54-44.1-11 and may be continued into the biennium beginning July 1, 2023, and ending June 30, 2025:

1. Any funds remaining in the International Peace Garden line item for repair of the peace tower at the International Peace Garden in subdivision 2 of section 30 of chapter 15 of the 2013 Session Laws are available for capital projects and extraordinary repairs and equipment. Funding available for use by the International Peace Garden in this section is subject to the International Peace Garden raising dollar-for-dollar matching funds from nonstate sources;
2. Any funds remaining for trail lease renewals and construction or purchasing trail easements in subdivision 1 of section 1 of chapter 19 of the 2021 Session Laws are available for trail lease renewals and construction and repairs and purchasing trail easements;
3. Any funds remaining for extraordinary repairs in subdivision 1 of section 1 of chapter 44 of the 2019 Session Laws;
4. Any funds remaining for parks capital projects and International Peace Garden capital projects in subdivision 1 of section 1 of chapter 44 of the 2019 Session Laws are available for any capital projects and equipment;
5. Any funds remaining for the Fort Abraham Lincoln viewshed lease in subdivision 1 of section 1 of chapter 19 of the 2021 Session Laws are available for plantings to improve the viewshed;
6. Any funds remaining for extraordinary repairs and capital projects in subdivision 1 of section 1 of chapter 19 of the 2021 Session Laws;
7. Any funds remaining for deferred maintenance and capital projects from the federal state fiscal recovery fund in subsection 9 of section 1 of chapter 550 of the 2021 Special Session Session Laws;
8. Any funds remaining for grants to local park districts to renovate and upgrade existing facilities from the federal state fiscal recovery fund in subsection 5 of section 1 of chapter 550 of the 2021 Special Session Session Laws; and
9. Any funds remaining from the federal state fiscal recovery fund in section 7 of chapter 19 of the 2021 Session Laws as amended by section 4 of chapter 548 of the 2021 Special Session Session Laws for capital projects improvements at state parks, subject to the department obtaining matching funds from nonstate sources for each project on a dollar-for-dollar basis"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2019 - Parks and Recreation Department - Senate Action

	Base Budget	Senate Changes	Senate Version
Administration	\$2,765,070	\$240,756	\$3,005,826
Park operations and maintenance	21,155,523	15,305,776	36,461,299
Recreation	11,126,162	4,338,887	15,465,049
International Peace Garden	876,329	250,000	1,126,329
Total all funds	\$35,923,084	\$20,135,419	\$56,058,503
Less estimated income	22,599,593	18,818,687	41,418,280
General fund	\$13,323,491	\$1,316,732	\$14,640,223
FTE	57.75	7.25	65.00

Department 750 - Parks and Recreation Department - Detail of Senate Changes

	Adds Funding for the Cost to Continue Salaries ¹	Adds Funding for Salary and Benefit Increases ²	Adds FTE Position for Cabin Construction Project ³	Converts Temporary Seasonal Positions to FTE Positions ⁴	Adds Funding for Capitol Space Rent Model ⁵	Adds Funding for ITD Increases ⁶
Administration		\$115,082			\$125,674	
Park operations and maintenance	\$85,913	679,938	\$65,175	\$131,928		\$5,270
Recreation		83,094				
International Peace Garden						
Total all funds	\$85,913	\$878,114	\$65,175	\$131,928	\$125,674	\$5,270
Less estimated income	4,209	50,327	0	131,928	0	3,663
General fund	\$81,704	\$827,787	\$65,175	\$0	\$125,674	\$1,607
FTE	0.00	0.00	1.00	6.25	0.00	0.00

	Adjusts Funding for Bond Payments ⁷	Decreases Funding for Park Operations and Maintenance ⁸	Adds Special Fund Spending Authority ⁹	Adds Funding for Equipment Life Cycle Replacement ¹⁰	Adds Funding for Recreation ¹¹	Adds Funding for International Peace Garden ¹²
Administration						
Park operations and maintenance	(\$35,215)	(\$635,933)	\$1,750,000	\$858,700		
Recreation					\$255,793	
International Peace Garden						\$250,000
Total all funds	(\$35,215)	(\$635,933)	\$1,750,000	\$858,700	\$255,793	\$250,000
Less estimated income	0	(635,933)	1,750,000	858,700	255,793	0
General fund	(\$35,215)	\$0	\$0	\$0	\$0	\$250,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds One- Time Funding for Cabin Construction Project ¹³	Adds One- Time Funding for Lake Metigoshe Reimagined Project ¹⁴	Adds One- Time Funding for State Park Matching Grant Program ¹⁵	Adds One- Time Funding for Local Park System Grants ¹⁶	Adds One- Time Funding for Deferred Maintenance and Capital Projects ¹⁷	Total Senate Changes
Administration						\$240,756
Park operations and maintenance	\$2,400,000				\$10,000,000	15,305,776
Recreation		\$250,000	\$3,000,000	\$750,000		4,338,887
International Peace Garden						250,000
Total all funds	\$2,400,000	\$250,000	\$3,000,000	\$750,000	\$10,000,000	\$20,135,419
Less estimated income	2,400,000	250,000	3,000,000	750,000	10,000,000	18,818,687
General fund	\$0	\$0	\$0	\$0	\$0	\$1,316,732
FTE	0.00	0.00	0.00	0.00	0.00	7.25

¹ Funding is added for the cost to continue salary increases.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,648 per month:

	General Fund	Other Funds	Total
Salary increase	\$557,311	\$34,470	\$591,781
Health insurance increase	270,476	15,857	286,333
Total	\$827,787	\$50,327	\$878,114

³ Funding of \$65,175 from the general fund is added for 1 FTE position for a cabin construction project during the 2nd year of the biennium.

⁴ Funding is added from special funds to convert temporary seasonal employees to 6.25 FTE positions.

⁵ Funding is added from the general fund for a new Capitol space rent model.

⁶ Funding is added for Information Technology Department rate increases.

- ⁷ Funding is decreased from the general fund due to bond payments relating to the Turtle River State Park administrative office ending in 2024.
- ⁸ Funding is decreased from the park operations and maintenance line item due to reduction in federal funding.
- ⁹ Funding of \$1.75 million is added from the parks operating fund due to higher park visitation revenue.
- ¹⁰ Funding is added from the parks operating fund for equipment life cycle replacement.
- ¹¹ Funding is added from federal funds for base budget changes in the recreation line item.
- ¹² Funding is added from the general fund for an International Peace Garden ongoing operating grant to provide a total of \$1,126,329.
- ¹³ Funding of \$2.4 million is added from the legacy earnings fund for the construction of cabins.
- ¹⁴ Funding of \$250,000 is added from the strategic investment and improvements fund for the Lake Metigoshe reimaged project.
- ¹⁵ Funding of \$3 million is added for the state park matching grant program, of which \$1.5 million is from the strategic investment and improvements fund and \$1.5 million is from federal funds.
- ¹⁶ Funding of \$750,000 is added from the strategic investment and improvements fund for city, county, and tribal park system grants.
- ¹⁷ One-time funding of \$10 million is added from the strategic investment and improvements fund for deferred maintenance and capital projects.

This amendment also adds sections to:

- Provide an appropriation of any additional federal funds or other funds which become available to the Parks and Recreation Department for the 2023-25 biennium.
- Provide \$122,000 from the game and fish operating fund, or other funds available to the Game and Fish Department for maintenance, operating, and extraordinary repairs expenses relating to boat ramps at state parks for the 2023-25 biennium.
- Identifies \$2.4 million from the legacy earnings fund for cabin construction at a state park designated by the Director of the Parks and Recreation Department.
- Identifies \$12.5 million from the strategic investment and improvements fund, of which \$10 million is for deferred maintenance and capital projects, \$250,000 is for the Lake Metigoshe reimaged project, \$1.5 million is for state park matching grants, and \$750,000 is for city, county, and tribal park system grants.
- Identifies that city, county, and tribal park system grants are limited to \$100,000 per entity.
- Allows any funds remaining in the International Peace Garden line item for repair of the Peace Tower in Section 30 of Chapter 15 of the 2013 Session Laws to be available for capital projects, extraordinary repairs, and equipment into the 2023-25 biennium.
- Allows any funds remaining for trail lease renewals and construction or purchasing trail easements from the appropriation in subdivision 1 of Section 1 of Chapter 19 of the 2021 Session Laws to be available for trail lease renewals and construction and repairs or purchasing trail easements into the 2023-25 biennium.
- Allows any funds remaining for extraordinary repairs from the appropriation in subdivision 1 of Section 1 of Chapter 44 of the 2019 Session Laws to be available for extraordinary repairs into the 2023-25 biennium.
- Allows any funds remaining for parks capital project and International Peace Garden capital projects from the appropriation in subdivision 1 of Section 1 of Chapter 44 of the 2019 Session Laws to be available for any capital project and equipment into the 2023-25 biennium.

- Allows any funds remaining for Fort Abraham Lincoln viewshed lease from the appropriation in subdivision 1 of Section 1 of Chapter 19 of the 2021 Session Laws to be available for plantings to improve the viewshed in the 2023-25 biennium.
- Allows any funds remaining for extraordinary repairs and capital projects from the appropriation in subdivision 1 of Section 1 of Chapter 19 of the 2021 Session Laws to be available for extraordinary repairs and capital projects in the 2023-25 biennium.
- Allows any funds remaining from the federal State Fiscal Recovery Fund the appropriation in subsection 9 of Section 1 of Chapter 550 of the 2021 Special Session Session Laws to be available for deferred maintenance and capital projects in the 2023-25 biennium.
- Allows any funds remaining from the federal State Fiscal Recovery Fund the appropriation in subsection 5 of Section 1 of Chapter 550 of the 2021 Special Session Session Laws to be available for grants to local park districts to renovate and upgrade existing facilities in the 2023-25 biennium.
- Allows any funds remaining from the federal State Fiscal Recovery Fund appropriation in Section 7 of Chapter 19 of the 2021 Session Laws as amended by Section 4 of Chapter 548 of the 2021 Special Session Session Laws to be available for capital project improvements at state parks, subject to the department obtaining matching funds from nonstate sources for each project on a dollar-for-dollar basis in the 2023-25 biennium.

REPORT OF STANDING COMMITTEE

SB 2022: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2022 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 2, after "office" insert "; to create and enact a new subsection to section 54-44.3-20 and a new section to chapter 54-52.5 of the North Dakota Century Code, relating to exemptions from the state employee classification system and an incentive compensation program; to amend and reenact section 54-52.5-03 of the North Dakota Century Code, relating to operating costs of the retirement and investment office; and to provide an exemption"

Page 1, replace lines 9 through 15 with:

	<u>Base Level</u>	<u>Adjustments or Enhancements</u>	<u>Appropriation</u>
Salaries and wages	\$6,785,839	\$3,764,387	\$10,550,226
Operating expenses	1,323,528	1,546,409	2,869,937
Contingencies	100,000	100,000	200,000
Total special funds	\$8,209,367	\$5,410,796	\$13,620,163
Full-time equivalent positions	25.00	9.00	34.00

SECTION 2. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO THE SIXTY-NINTH LEGISLATIVE ASSEMBLY. The following amounts reflect the one-time funding items approved by the sixty-seventh legislative assembly for the 2021-23 biennium and the 2023-25 biennium one-time funding items included in the appropriation in section 1 of this Act:

<u>One-Time Funding Description</u>	<u>2021-23</u>	<u>2023-25</u>
Pension administration software implementation	\$0	\$574,900
Temporary salaries	0	50,000
Total special funds	\$0	\$624,900

The 2023-25 biennium one-time funding amounts are not a part of the entity's base budget for the 2025-27 biennium. The retirement and investment office shall report to the appropriations committees of the sixty-ninth legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2023, and ending June 30, 2025.

SECTION 3. A new subsection to section 54-44.3-20 of the North Dakota Century Code is created and enacted as follows:

Investment positions of the state retirement and investment office.

SECTION 4. AMENDMENT. Section 54-52.5-03 of the North Dakota Century Code is amended and reenacted as follows:

54-52.5-03. State retirement and investment fund - Cost of operation of agency.

A special fund known as the "state retirement and investment fund" is established for the purpose of defraying administrative expenses of the state retirement and investment office. The actual amount of administrative expenses incurred by the state retirement and investment office must be paid from the respective funds listed under section 21-10-06 and are hereby appropriated to the state retirement and investment fund in proportion to the services rendered for each fund as estimated by the state investment board. The amount necessary to pay all administrative expenses of the state retirement and investment office must be paid from the state retirement and investment fund in accordance with the agency's appropriation authority and earnings lawfully available for such purposes. Any interest income earned on the state retirement and investment fund must be credited to the fund.

SECTION 5. A new section to chapter 54-52.5 of the North Dakota Century Code is created and enacted as follows:

Incentive compensation program.

The state retirement and investment office may develop an incentive compensation program for full-time equivalent investment positions related to the internal management of the investment of funds under the control of the state investment board. The program must promote profitability, productivity, and responsible fund management. The provisions of the program must be approved annually by the state investment board. The provisions must ensure that the payouts do not occur unless the risk-based performance of the investments that are internally managed exceed the risk-based performance of policy benchmarks.

SECTION 6. EXEMPTION - PENSION ADMINISTRATION SYSTEM PROJECT. The sum of \$9,000,000 appropriated in section 1 of chapter 47 of the 2019 Session Laws and continued into the 2021-23 biennium pursuant to section 3 of chapter 22 of the 2021 Session Laws for the pension administration system is not subject to the provisions of section 54-44.1-11 and any unexpended funds are available for completing the project during the biennium beginning July 1, 2023, and ending June 30, 2025."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2022 - Retirement and Investment Office - Senate Action

	Base Budget	Senate Changes	Senate Version
Salaries and wages	\$6,785,839	\$3,764,387	\$10,550,226
Operating expenses	1,323,528	1,546,409	2,869,937
Contingencies	100,000	100,000	200,000
Total all funds	\$8,209,367	\$5,410,796	\$13,620,163
Less estimated income	8,209,367	5,410,796	13,620,163
General fund	\$0	\$0	\$0
FTE	25.00	9.00	34.00

Department 190 - Retirement and Investment Office - Detail of Senate Changes

	Adds Funding for Cost to Continue Salaries ¹	Adds Funding for Salary and Benefit Increases ²	Adds FTE Positions ³	Adds Funding for Other Salary Adjustments ⁴	Transfers Funding from Operating to Salaries ⁵	Adds Funding for Operating Expenses ⁶
Salaries and wages	\$41,345	\$532,547	\$1,547,947	\$1,012,827	\$143,721	
Operating expenses					(143,721)	\$1,551,230
Contingencies						
Total all funds	\$41,345	\$532,547	\$1,547,947	\$1,012,827	\$0	\$1,551,230
Less estimated income	41,345	532,547	1,547,947	1,012,827	0	1,551,230
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	9.00	0.00	0.00	0.00

	Increases Funding for Contingencies ⁷	Adds One-Time Funding Items ⁸	Total Senate Changes
Salaries and wages		\$486,000	\$3,764,387
Operating expenses		138,900	1,546,409
Contingencies	\$100,000		100,000
Total all funds	\$100,000	\$624,900	\$5,410,796
Less estimated income	100,000	624,900	5,410,796
General fund	\$0	\$0	\$0
FTE		0.00	9.00

¹ Funding derived from the income of funds under management is added for cost to continue salary increases.

² The following funding is added for 2023-25 biennium salary adjustments of 4 percent on July 1, 2023, and 4 percent on July 1, 2024, and increases in health insurance premiums from \$1,429 to \$1,643 per month:

	General Fund	Other Funds	Total
Salary increase	\$0	\$401,009	\$401,009
Health insurance increase	0	131,538	131,538
Total	\$0	\$532,547	\$532,547

³ Funding of \$1,547,947 derived from the income of funds under management and FTE positions are added as follows:

- \$374,621 for 2 FTE investment assistant positions.
- \$1,173,326 for 7 FTE positions, including 5 investment positions, 1 fiscal position, and 1 administrative position. The funding is only for the 2nd year of the biennium.

⁴ Funding of \$1,012,827 derived from the income of funds under management is added for other salary adjustments as follows:

- \$506,929 for FTE positions approved during the November 2021 special legislative session.
- \$383,540 for salary equity increases.
- \$122,358 for other salary increases and internships.

⁵ Funding of \$143,721 is transferred from the operating expenses line item to the salaries and wages line item related to cost-savings from operating expenses and increases in salaries.

⁶ Funding of \$1,551,230 derived from the income of funds under management is added for operating expenses as follows:

- \$6,721 for Information Technology Department rate increases.
- \$100,000 for executive search expenses.
- \$167,500 for inflationary increases.
- \$977,419 for pension administration software fees.
- \$32,750 for staff development and marketing materials.
- \$266,840 for other operating expense increases related to rent, travel, and data processing.

⁷ Funding derived from the income of funds under management is increased by \$100,000 for

contingencies to provide total funding of \$200,000.

⁸ One-time funding of \$624,900 derived from the income of funds under management is added as follows:

- \$436,000 for temporary salaries to implement new pension administration software.
- \$50,000 for additional temporary salaries.
- \$138,900 for operating expenses related to the implementation of new pension administration software.

This amendment also adds sections to:

- Amend North Dakota Century Code Section 54-44.3-20 to exempt the investment staff of the Retirement and Investment Office from the state employee classification system.
- Amend Section 54-52.5-03 to clarify the Retirement and Investment Office administrative expenses are from the earnings available from the funds under management.
- Create a new section to Chapter 54-52.5 relating to an incentive compensation program.
- Provide an exemption for a pension administration information technology project to continue any unexpended 2019-21 biennium funds into the 2023-25 biennium, which are estimated to be \$6.7 million.

REPORT OF STANDING COMMITTEE

SB 2098: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2118: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2118 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

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

Page 1, line 2, replace "subsection 1 of section" with "and"

Page 2, after line 15, insert:

"9. "Secured party" means an insurer covering the abandoned motor vehicle under an insurance policy."

Page 2, line 16, replace "9." with "10."

Page 2, line 19, replace "10." with "11."

Page 2, line 21, replace "11." with "12."

Page 3, remove lines 18 through 30

Page 4, replace lines 1 and 2 with:

"SECTION 4. AMENDMENT. Section 23.1-15-05 of the North Dakota Century Code is amended and reenacted as follows:

23.1-15-05. Notice to owner and law enforcement of abandoned vehicle.

1. When an abandoned motor vehicle does not fall within the provisions of section 23.1-15-04, the unit of government or commercial towing service taking it into custody shall give notice of the taking within ten days or within ten days after communications from the owner, lienholder, or

secured parties of the abandoned motor vehicle have ceased. The notice must set forth the date and place of the taking, the year, make, model, and serial number of the abandoned motor vehicle, and the place where the vehicle is being held, must inform the owner and any lienholders or secured parties of their right to reclaim the vehicle under section 23.1-15-06, must state that failure of the owner, lienholders, or secured parties to exercise their right to reclaim the vehicle within thirty days is deemed a waiver by the owner, lienholders, or secured parties of all right, title, and interest in the vehicle and a consent to the disposal of the vehicle pursuant to section 23.1-15-07, and must state the end date of the thirty-day period during which the owner may reclaim the abandoned motor vehicle.

2. The notice must be sent by certified mail, return receipt requested, to the registered owner, if any, of the abandoned motor vehicle and to all readily identifiable lienholders or secured parties of record. If it is impossible to determine with reasonable certainty the identity and address of the registered owner and all lienholders, the notice must be published once in a newspaper of general circulation in the area where the motor vehicle was abandoned or placed on the official website for the unit of government that initiated the impound process from public property. When posted on a website, the notice must be placed in a designated area on the official website for a minimum of thirty days and must include the information in subsection 1. Published notices may be grouped together for convenience and economy. Failure of the owner, lienholders, or secured parties to exercise the right to reclaim the abandoned motor vehicle by the end of the public notice period is deemed a waiver by the owner, lienholders, or secured parties of all right, title, and interests in the vehicle and a consent to the disposal of the vehicle pursuant to section 23.1-15-07.
3. Subject to section 23.1-15-04, a commercial towing service that takes an abandoned motor vehicle into custody shall provide notice to the law enforcement agency having jurisdiction in the location from which the motor vehicle was towed within twelve hours after completing the tow.
4. Notice under subsection 3 must include:
 - a. The license plate number and state of registration;
 - b. The location from which the abandoned motor vehicle was towed;
 - c. The location to which the abandoned motor vehicle was towed;
 - d. The name, address, and telephone number of the commercial towing service that towed and is storing the abandoned motor vehicle; and
 - e. A description of the abandoned motor vehicle, including make, model, year, and color.
5. A commercial towing service that violates subsection 3 may not collect a storage fee under section 23.1-15-06 and shall return the motor vehicle to the registered owner at no cost to the owner, lienholder, or identifiable secured party."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2170: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2170 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2194, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman)

recommends **DO NOT PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2194 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2221: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2221 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 2, line 16, replace "two" with "five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2226: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2226 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2239, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2239 was placed on the Eleventh order on the calendar. This bill affects workforce development.

REPORT OF STANDING COMMITTEE

SB 2243: Industry and Business Committee (Sen. Larsen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "23-10-06.2" insert ", 23-10-12,"

Page 1, line 2, after "transferability" insert ", revocation, and suspension"

Page 1, line 12, after the second "the" insert "mobile home park"

Page 1, line 13, remove ", officers, directors, partners,"

Page 1, line 13, replace "shareholders" with "any individual possessing more than a twenty percent ownership interest in the entity subject to the license"

Page 1, after line 14, insert:

"SECTION 2. AMENDMENT. Section 23-10-12 of the North Dakota Century Code is amended and reenacted as follows:

23-10-12. Revocation or suspension of license - Penalty for operating without license.

1. The department may deny an application or take disciplinary action, up to and including suspension of a license for a mobile home park, recreational vehicle park, or campground, and revocation of a license for a recreational vehicle park or campground, against any applicant or licensee upon the failure of the applicant or licensee to comply with this chapter or with any of the rules adopted by the health council and regulations promulgated by the department. A license for the operation of a mobile home park may be revoked only by the appropriate district court of the county where the mobile home park is situated.
2. Before the department takes disciplinary action against a license, the department shall notify the licensee in writing of the reason disciplinary action is being considered and shall provide a reasonable amount of time for correction to be made. Action taken under the authority granted in this

section must comply with chapter 28-32. Any person who maintains or operates a mobile home park, recreational vehicle park, or campground without first obtaining a license, or who operates the same ~~after~~ revocation during suspension of the license, is guilty of an infraction."

Page 4, line 10, replace "five" with "ten"

Page 4, line 12, remove "or revoked"

Page 4, line 12, remove the second "or"

Page 4, line 13, remove "revoked."

Page 4, after line 14, insert:

"10. Notwithstanding section 23-10-02, in a dispute between a landlord and a tenant under this section, the district court of the county in which the dispute arose has original jurisdiction over the dispute."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2249: Workforce Development Committee (Sen. Wobbema, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2249 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 2, replace "centralization" with "efficiency"

Page 1, line 11, replace "administer and provide administrative services" with "gather information regarding the continuing education requirements and the practice of licensing out-of-state practitioners"

Page 1, line 12, after the underscored period insert "The commissioner shall analyze the information to develop and update a strategy for more efficient continuing education requirements and more efficient practices for licensing out-of-state practitioners. As necessary, the commissioner shall prepare and request introduction of legislation to implement this strategy."

Page 1, line 19, remove "centralize administration of the"

Page 1, line 20, remove "boards under the commissioner, to"

Page 1, line 20, replace "licensees" with "practitioners"

Page 1, line 20, remove "seventy-two"

Page 1, line 21, replace "hours" with "three business days"

Page 1, line 21, remove the comma

Page 1, line 22, replace "long-practicing professionals" with "the contributions of employers and the opportunities afforded by evolving technology"

Page 2, line 5, remove "centralization of administration of"

Page 2, line 6, remove "occupational boards under the commissioner,"

Page 2, line 7, replace "licensees" with "practitioners"

Page 2, line 12, replace "2025" with "2023"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2253: Industry and Business Committee (Sen. Larsen, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2253 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 3, replace "section" with "sections"

Page 1, line 3, after "23-35-02.2" insert ", 43-18.2-01, and 43-18.2-03"

Page 1, line 5, remove "and"

Page 1, line 5, after "systems" insert ", and sewer and water installers"

Page 2, line 9, replace "regulated" with "enforced"

Page 2, line 12, remove ", not to exceed one hundred"

Page 2, line 13, remove "dollars,"

Page 2, line 16, remove "Each day a violation continues is"

Page 2, replace line 17 with:

"SECTION 2. AMENDMENT. Section 43-18.2-01 of the North Dakota Century Code is amended and reenacted as follows:

43-18.2-01. Definitions.

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

1. "Board" means the state board of plumbing.
2. "Sewer and water contractor" means any person who installs, plans, and manages the installation and repair of building sewer and water service.
3. "Sewer and water installation" means the installation of building sewer and water service and the repair of existing building sewer and water service.
4. "Sewer and water installer" means any person, other than a sewer and water contractor, who installs and repairs building sewer and water service.
5. "Sewer and water service" does not include installing an onsite wastewater treatment system.

SECTION 3. AMENDMENT. Section 43-18.2-03 of the North Dakota Century Code is amended and reenacted as follows:

43-18.2-03. Licenses.

~~No~~A person, ~~firm, corporation, or limited liability company~~, except ~~plumbers~~a plumber holding a valid ~~license~~license under chapter 43-18, may ~~not~~ engage in the business of sewer and water contractor or sewer and water installer unless registered and licensed by the board ~~to do so under this chapter~~. ~~This~~A license issued under this chapter allows the licensee to do plumbing necessary for sewer and water installation. This chapter does not regulate the installation of an onsite wastewater treatment system.

Page 3, line 2, replace "five licensees." with ":

- a. Four licensees, who are actively practicing installers, appointed by the governor;

- b. Three representatives from local public health units who are licensed environmental health practitioners in this state appointed by the governor from a list of names forwarded by local public health units; and
- c. One representative from the department of environmental quality as appointed by the director of the department of environmental quality.

3."

Page 3, line 2, after "initial" insert "appointed"

Page 3, line 7, replace the first "a" with "an appointed"

Page 5, line 18, replace "Section" with "Sections"

Page 5, line 18, after the first "1" insert ", 2, and 3"

Page 5, line 18, replace "becomes" with "become"

Page 5, line 19, replace "3" with "5"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2256: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2256 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2275: Finance and Taxation Committee (Sen. Kannianen, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2283, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2283 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2284, as engrossed: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2284 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 13, line 6, remove "Revenues received under section 57-51-15 must be adjusted to reflect the"

Page 13, remove lines 7 through 9

Page 13, line 10, remove "(3)"

Page 13, line 10, remove "and revenues received under section"

Page 13, line 11, remove "57-51-15"

Page 13, line 11, remove the overstrike over "paragraph 4"

Page 13, line 11, remove "paragraphs 1 and 2"

Page 19, line 29, remove "Revenues received under section 57-51-15 must be adjusted to reflect the"

Page 19, remove line 30

Page 20, remove lines 1 and 2

Page 20, line 3, remove "(3)"

Page 20, line 3, remove "and revenues received under section"

Page 20, line 4, remove "57-51-15"

Page 20, line 4, remove the overstrike over "paragraph 4"

Page 20, line 4, remove "paragraphs 1 and 2"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2291: Appropriations Committee (Sen. Bekkedahl, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2291 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the utilization of federal temporary assistance for needy families block grant funding received by the state."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT FUNDING. During the 2023-24 interim, the legislative management shall consider studying the utilization of federal temporary assistance for needy families block grant funding received by the state. The study must include a review of the recent history of the use of the funds and an assessment and determination of the appropriate use of the funds for administrative costs, direct and indirect client financial and other support, and other purposes. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2300: Industry and Business Committee (Sen. Larsen, Chairman) recommends **DO NOT PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2300 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

REPORT OF STANDING COMMITTEE

SB 2372: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2372 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 61-16.1-11 and section 61-16.1-15.1 of the North Dakota Century Code, relating to joint water resource boards and the construction of a water project in more than one county; and to amend and reenact sections 61-16.1-12.1 and 61-16.1-15 of the North Dakota Century Code, relating to joint water resource boards."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 61-16.1-11 of the North Dakota Century Code is created and enacted as follows:

All districts within the Red River, James River, Mouse River, Missouri River, and Devils Lake drainage basins shall, by agreement, form and remain a member of a joint water resource board relative to the district's respective drainage basin. All agreements and subsequent amendments must be filed with the department of water resources. Notwithstanding other provisions of law, the board of county commissioners of the member districts in the Red River, James River, Mouse River, Missouri River, and Devils Lake drainage basins shall approve a levy of tax not to exceed two mills upon the taxable valuation of the real property within each joint board's respective drainage basin.

SECTION 2. AMENDMENT. Section 61-16.1-12.1 of the North Dakota Century Code is amended and reenacted as follows:

61-16.1-12.1. Water resource boards - Agreements with state or federal agencies for certain improvements.

A water resource board may enter into an agreement with any federal or state agency, or any combination thereof, for the construction of a project, under the terms of which the contract for the work is to be let by the federal or state agency or any combination thereof. If under the terms of the agreement at least fifty percent of the total cost of constructing the project is to be paid by the agency or agencies and if any portion of the cost of the project is to be paid by the levy of special assessments, the board may by resolution create a project assessment district for the purpose of levying special assessments to finance the amount that the district will be obligated to pay in accordance with the agreement, over and above any other funds ~~which that~~ are on hand and properly available for that purpose. The assessment district must be of a size and form as to include all properties ~~which that~~ in the judgment of the board, after consultation with a registered engineer designated by the board for that purpose, will be benefited by the construction of the proposed project, and the board shall direct the engineer to prepare a map showing the boundaries of the proposed assessment district. The board shall by resolution declare the necessity of the project, set forth the general nature and purpose of the proposed project, estimate the total cost of the project, and the approximate amount or fraction of the cost ~~which that~~ the district will be obligated to pay under the agreement, and the fact that this amount, or a lesser amount as the board may specify, is proposed to be paid by the levy of special assessments upon property within the assessment district determined to be benefited by the project. The board shall cause the resolution of necessity together with a copy of the map showing the boundaries of the assessment district and a notice stating the date and time by which the owners of any property liable to be specially assessed for the proposed project must file their votes on the proposed project with the secretary of the board to be mailed to each landowner affected by the proposed project as determined by the tax rolls of the county in which the affected property is located. The board may send the material by certified mail or by regular mail attested by an affidavit of mailing signed by the attorney or secretary of the board. The notice ~~also must also~~ set forth the time and place where the board shall meet to determine whether the project is approved. The notice must also be published once in a newspaper of general circulation in the district and once in the official county newspaper of each county in which the benefited lands are located. Within five days after the first mailing of the resolution the board shall cause a copy of the resolution to be personally served upon any county, city, or township, school district, park district, or other political subdivision, in its corporate capacity which may be benefited directly or indirectly from the construction of the proposed project and upon any county which may become liable for any deficiency in the fund to be created for the project, by delivering a copy of the resolution to any member of the governing body thereof. The meeting must be held not less than thirty days after the mailing of the resolution, at which time the board shall determine whether the project is approved. If the board finds that fifty percent or more of the total votes filed are against a proposed project, then the board may not proceed further with the proposed project. If the board finds that less than fifty percent of votes filed are against the proposed project, the board may proceed with the project. In any assessment district created under this section

the board may dispense with all other requirements of this chapter, other than those stated in this section. After the contract for the work has been let, the board may issue warrants on the fund of the project for the total amount of the cost thereof, and the board, without holding the hearing required by section 61-16.1-18, shall proceed to determine and levy any assessments against property benefited by the project and prepare an assessment list all in accordance with the procedures required by sections 61-16.1-21 through 61-16.1-24. ~~The provisions of sections~~ Sections 61-16.1-25 through 61-16.1-36 ~~are applicable~~ apply to the assessments and the special warrants issued pursuant to this section.

SECTION 3. AMENDMENT. Section 61-16.1-15 of the North Dakota Century Code is amended and reenacted as follows:

61-16.1-15. Financing project through revenue bonds, general taxes, or special assessments - Apportionment of benefits.

A water resource board ~~shall have the authority~~ may, either upon request or by its own motion, to acquire needed interest in property and provide for the cost of construction, alteration, repair, operation, and maintenance of a project through issuance of improvement warrants or with funds raised by special assessments, general tax levy, issuance of revenue bonds, or by a combination of general ad valorem tax, special assessments, and revenue bonds. Whenever a water resource board decides to acquire property or interests in property to construct, operate, alter, repair, or maintain a project with funds raised in whole or in part through special assessments, ~~such~~ the assessments ~~shall~~ must be apportioned to and spread upon lands or premises benefited by the project in proportion to and in accordance with benefits accruing thereto. The board shall assess the proportion of the cost of the project, or the part of the cost to be financed with funds raised through levy and collection of special assessments which any lot, piece, or parcel of land ~~shall bear~~ bears in proportion to the benefits accruing thereto and any county, city, or township, school district, park district, or other political subdivision which is benefited ~~thereby~~ by the project. In determining assessments, the water resource board shall carry out to the maximum extent possible the water management policy of this chapter that upstream landowners must share with downstream landowners the responsibility to provide for the proper management of surface waters.

SECTION 4. Section 61-16.1-15.1 of the North Dakota Century Code is created and enacted as follows:

Projects or benefits in more than one county.

1. The districts from two or more counties may agree to jointly construct or assign benefits and assessments for a project. Two or more districts shall create a joint board under section 61-16.1-11 before constructing a project and before assessing the lands or premises for a project that benefits or is located in more than one county. If the districts do not agree to undertake a joint project, a district may undertake the project by providing notice to the joint board where the project is located, in either the Red River, James River, Mouse River, Missouri River, or Devils Lake drainage basin, together with the engineer's report required under section 61-16.1-17.
2. If the joint board finds the project is necessary, and the benefits of the project will exceed the costs, the joint board shall proceed with the procedures in sections 61-16.1-15 through 61-16.1-36 regarding:
 - a. The creation, construction, alteration, repair, operation, and maintenance of a project and an assessment district;
 - b. The determination and levy of assessments against property benefited by the project; and
 - c. The special warrants issued pursuant to this chapter.

3. If the assessment vote is successful, the joint board shall construct, own, operate, and maintain the project. The joint board shall administer the corresponding assessment district for the project in accordance with this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2374: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2374 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

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 4.1-01 of the North Dakota Century Code, relating to a postproduction royalty oversight program; and to provide a report to the energy development and transmission committee.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4.1-01 of the North Dakota Century Code is created and enacted as follows:

Postproduction royalty oversight program - Report.

1. The commissioner shall establish an ombudsmen program providing technical assistance and support to mineral owners, lease owners, and mineral companies relating to royalty payment issues.
2. The commissioner may contract for ombudsmen to be a resource for technical assistance and followup on royalty payment issues.
3. The program may provide technical education, support, and outreach on royalty payment-related matters in coordination with other entities.
4. The commissioner may contract with local individuals, deemed trustworthy by the mineral owners, lease owners, and mineral companies, to be ombudsmen. The commissioner is not subject to the provisions of chapter 54-44.4 when contracting for the services of ombudsmen.
5. The names of landowners, mineral owners, lease owners, and mineral companies that receive assistance under the program are not subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota.
6. The commissioner shall submit expenses related to the implementation of the program to the industrial commission for reimbursement.
7. By June first of each even-numbered year, the commissioner shall provide a report to the energy development and transmission committee."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2389: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2389 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study of the prior authorization process for health insurance.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - HEALTH INSURANCE PRIOR AUTHORIZATION.

1. During the 2023-24 interim, the legislative management shall consider studying prior authorization in health benefit plans. The study must include consideration of:
 - a. The extent to which prior authorization is used by health insurance companies in this state, including the types of services and procedures for which prior authorization is required.
 - b. The impact of prior authorization on patient care, including the effects on patient health outcomes, patient satisfaction, health care costs, and patient access to care.
 - c. The impact of prior authorization on health care providers and insurers, including the administrative burden, time, and cost associated with obtaining prior authorization, and the appropriate utilization of health care services.
 - d. State and federal laws and regulations that may impact prior authorization.
 - e. Input from stakeholders, including patients, providers, and commercial insurance plans.
2. The study may include consideration of issues related to response times, retroactive denial, data reporting, clinical criteria and medical necessity, transparency, fraud and abuse, reviewer qualifications, exceptions, and an appeal process.
3. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4012: State and Local Government Committee (Sen. K. Roers, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4012 was placed on the Eleventh order on the calendar. This resolution does not affect workforce development.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Kessel, Luick, Wanzek, Weber and Rep. Thomas introduced:

(Approved by the Delayed Bills Committee)

SCR 4017: A concurrent resolution urging the Administrator of the United States Environmental Protection Agency to fully reinstate, and strictly abide by the October 17, 2017, memorandum titled Adhering to the Fundamental Principles of Due Process, Rule of Law, and Cooperative Federalism in Consent Decrees and Settlement Agreements; to promulgate and enforce only environmental regulations that appropriately take into account public and private fiscal impacts as well as the nation's continuing food security and energy security; and to defer to and work together in good faith with all sovereign states in the spirit of cooperative federalism.

Was read the first time and referred to the **Agriculture and Veterans Affairs Committee**.

FIRST READING OF HOUSE BILLS

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts; to provide for transfers; and to provide an exemption.

Was read the first time and referred to the **Appropriations Committee**.

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the department of career and technical education; to amend and reenact sections 15-19-00.1, 15-19-01, 15-19-02, 15-19-06, 15-19-08, 15-20.1-03, and 15.1-02-04 of the North Dakota Century Code, relating to the administration of the center for

distance education; and to provide an exemption.
Was read the first time and referred to the **Appropriations Committee**.

HB 1082: A BILL for an Act to create and enact a new subsection to section 41-08-03, a new subsection to section 41-08-10, sections 41-09-05.1, 41-09-07.1, 41-09-07.2, 41-09-26.1, 41-09-26.2, 41-09-34.1, and 41-09-46.1, and chapters 41-11 and 41-12 of the North Dakota Century Code, relating to the adoption of the Uniform Commercial Code amendments (2022); to amend and reenact sections 41-01-09, 41-01-12, 41-01-15, 41-01-20, 41-02-02, 41-02-06, 41-02-08, 41-02-09, 41-02-10, and 41-02-12, subsection 2 of section 41-02-16, section 41-02.1-02, subsection 1 of section 41-02.1-03, sections 41-02.1-07, 41-02.1-10, 41-02.1-11, 41-02.1-12, and 41-02.1-14, subsection 2 of section 41-02.1-17, subsection 1 of section 41-03-04, subsection 1 of section 41-03-05, sections 41-03-38, 41-03-66, 41-04.1-03, 41-04.1-09, 41-04.1-10, and 41-04.1-11, subsection 3 of section 41-04.1-15, subdivision b of subsection 2 of section 41-04.1-16, subsection 1 of section 41-04.1-18, subsection 1 of section 41-04.1-19, sections 41-04.1-25, 41-05-04, 41-05-16, 41-07-02, 41-07-06, 41-08-02, 41-08-06, 41-08-29, 41-09-02, 41-09-04, and 41-09-05, subsection 2 of section 41-09-13, section 41-09-14, subsection 3 of section 41-09-17, sections 41-09-18, 41-09-19, 41-09-20, and 41-09-21, subsection 1 of section 41-09-24, subsection 1 of section 41-09-25, sections 41-09-30, 41-09-32, 41-09-33, 41-09-34, 41-09-36, 41-09-37, 41-09-43, 41-09-44, 41-09-50, 41-09-51, and 41-09-52, subsection 6 of section 41-09-54, section 41-09-61, subdivision b of subsection 1 of section 41-09-66, sections 41-09-68, 41-09-70, and 41-09-80, subsection 2 of section 41-09-98, section 41-09-102, subdivision a of subsection 1 of section 41-09-105, section 41-09-108, subsection 1 of section 41-09-111, subsection 1 of section 41-09-114, section 41-09-115, subdivision a of subsection 1 of section 41-09-116, and sections 41-09-119 and 41-09-123 of the North Dakota Century Code, relating to the adoption of the Uniform Commercial Code amendments (2022).

Was read the first time and referred to the **Judiciary Committee**.

HB 1249: A BILL for an Act to create and enact chapter 15.1-41 of the North Dakota Century Code, relating to requiring schools to designate their athletic teams and sports for male, female, or coed participation and limitations on use of governmental property for athletic events.

Was read the first time and referred to the **Education Committee**.

HB 1273: A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to the prohibition of ranked-choice and approval voting in elections; and to amend and reenact subsection 7 of section 11-09.1-05 and subsection 9 of section 40-05.1-06 of the North Dakota Century Code, relating to home rule powers.

Was read the first time and referred to the **Judiciary Committee**.

HB 1334: A BILL for an Act to create and enact sections 12.1-17-04.1 and 29-04-01.1 of the North Dakota Century Code, relating to domestic terrorism and the statute of limitations for domestic terrorism; to amend and reenact section 29-04-02 of the North Dakota Century Code, relating to the statute of limitations for felonies except murder or domestic terrorism; to provide a penalty; and to declare an emergency.

Was read the first time and referred to the **Judiciary Committee**.

HB 1376: A BILL for an Act to amend and reenact sections 15-19-01, 15.1-07-25.4, 15.1-31-01, 15.1-31-06, 15.1-31-07, and 15.1-31-08 of the North Dakota Century Code, relating to virtual instruction of students and open enrollment.

Was read the first time and referred to the **Education Committee**.

HB 1489: A BILL for an Act to create and enact chapter 15-10.6 of the North Dakota Century Code, relating to requiring institutions of higher education designating athletic teams and sports for male, female, or coed participation.

Was read the first time and referred to the **Education Committee**.

HB 1510: A BILL for an Act to amend and reenact section 38-11.1-09 of the North Dakota Century Code, relating to legal fees and costs a surface owner may be awarded in cases relating to the development of minerals.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3006: A concurrent resolution urging Congress to support policies to increase oil refining capacity in the United States.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

HCR 3013: A concurrent resolution recognizing December 6th as "Miner's Day" and urging the federal government to refrain from enacting regulations that threaten the reliability and affordability of electric power in North Dakota and to increase support for research, development, and deployment for next generation carbon-based energy generation.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

HCR 3014: A concurrent resolution urging the Southwest Power Pool and Midcontinent Independent System Operator to take prompt and decisive actions to maintain the reliability of the Bulk Power System by correcting market failures that have allowed capacity retirements to outpace replacement.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

HCR 3015: A concurrent resolution urging the federal government to recognize natural gas and nuclear energy as environmentally sustainable economic activities.

Was read the first time and referred to the **Energy and Natural Resources Committee**.

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

Shanda Morgan, Secretary

