

JOURNAL OF THE HOUSE

Sixty-seventh Legislative Assembly

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Bismarck, April 1, 2021

The House convened at 1:00 p.m., with Speaker K. Koppelman presiding.

The prayer was offered by Pastor Lisa Ahlness, Lutheran Church of the Cross, Bismarck.

The roll was called and all members were present except Representatives Dobervich and Pyle.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER K. KOPPELMAN DEEMED approval of the amendments to Engrossed SB 2001, Engrossed SB 2002, Engrossed SB 2005, Engrossed SB 2008, Engrossed SB 2010, Engrossed SB 2022, Engrossed SB 2023, and Engrossed SB 2179.

Engrossed SB 2001, Engrossed SB 2002, Engrossed SB 2005, Engrossed SB 2008, Engrossed SB 2010, Engrossed SB 2022, Engrossed SB 2023, and Engrossed SB 2179, as amended, were placed on the Fourteenth order of business on the calendar.

COMMUNICATION FROM GOVERNOR DOUG BURGUM

This is to inform you that on March 31, 2021, I have signed the following: HB 1090, HB 1105, HB 1124, HB 1127, HB 1139, HB 1190, HB 1214, HB 1223, HB 1287, HB 1294, HB 1368, HB 1411, and HB 1461.

MOTION

REP. LOUSER MOVED that SB 2266 and SB 2304, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed on a voice vote.

CONSIDERATION OF MESSAGES FROM THE SENATE

REP. LOUSER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1045 as printed on HJ page 1073, in the Senate amendments to Engrossed HB 1103 as printed on HJ page 1073, in the Senate amendments to HB 1148 as printed on HJ page 1281, in the Senate amendments to Engrossed HB 1279 as printed on HJ pages 1315-1316, in the Senate amendments to Engrossed HB 1437 as printed on HJ page 1265, and in the Senate amendments to Engrossed HB 1502 as printed on HJ page 1281 and that a conference committee be appointed to meet with a like committee from the Senate on each of these measures, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed HB 1045: Reps. Beltz, Richter, Dobervich.

Engrossed HB 1103: Reps. Devlin, Beltz, Fegley.

HB 1148: Reps. Paur, Christensen, Hanson.

Engrossed HB 1279: Reps. Weisz, Kading, Owens.

Engrossed HB 1437: Reps. Schreiber-Beck, Thomas, D. Johnson.

Engrossed HB 1502: Reps. Satrom, Vetter, Hanson.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1164 as printed on HJ page 1314 and that a conference committee be appointed to meet with a like committee from the Senate.

REQUEST

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

ROLL CALL

The question being on the motion to not concur in the Senate amendments to Engrossed HB

1164, the roll was called and there were 65 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Jones; Karls; Kasper; Keiser; Klemin; Kreidt; Lefor; Longmuir; Martinson; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Paur; Pollert; Porter; Richter; Roers Jones; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Stemen; Strinden; Thomas; Tveit; Vigesaa; Weisz; Westlind; Zubke

NAYS: Becker; Bellew; Christensen; Ertelt; Fegley; Hauck; Hoverson; Johnson, M.; Kading; Kempenich; Kiefert; Koppelman, B.; Louser; Magrum; Marschall; Meier; Owens; Paulson; Rohr; Ruby, D.; Ruby, M.; Schatz; Skroch; Steiner; Toman; Trottier; Vetter; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Pyle

The motion prevailed on a recorded roll call vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed HB 1164: Reps. Satrom, Vetter, Hanson.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1043 as printed on HJ pages 1280-1281.

REQUEST

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

ROLL CALL

The question being on the motion to concur in the Senate amendments to Engrossed HB 1043, the roll was called and there were 48 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Buffalo; Damschen; Dobervich; Dockter; Guggisberg; Hager; Hagert; Hanson; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Karls; Keiser; Klemin; Lefor; Longmuir; Martinson; Mitskog; Mock; Nathe; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Paur; Pollert; Porter; Roers Jones; Ruby, M.; Sanford; Schneider; Schreiber-Beck; Stemen; Vigesaa; Weisz; Westlind; Zubke

NAYS: Becker; Bellew; Brandenburg; Christensen; Cory; Delzer; Devlin; Ertelt; Fegley; Fisher; Hatlestad; Hauck; Hoverson; Jones; Kading; Kasper; Kempenich; Kiefert; Koppelman, B.; Kreidt; Louser; Magrum; Marschall; Meier; Monson; Nehring; Owens; Paulson; Richter; Rohr; Ruby, D.; Satrom; Schatz; Schauer; Schmidt; Schobinger; Skroch; Steiner; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Pyle

The motion prevailed on a recorded roll call vote.

Engrossed HB 1043, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1043: A BILL for an Act to create and enact two new sections to chapter 54-66 of the North Dakota Century Code, relating to the ethics commission delegation of duties and advisory opinions; to amend and reenact subsection 2 of section 54-66-01 and sections 54-66-05, 54-66-06, 54-66-07, 54-66-08, 54-66-09, and 54-66-12 of the North Dakota Century Code, relating to ethics commission complaint procedures.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Damschen; Devlin; Dobervich; Dockter; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Karls; Keiser; Kempenich; Kiefert; Klemm; Koppelman, B.; Lefor; Longmuir; Louser; Marschall; Martinson; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Paulson; Paur; Pollert; Porter; Richter; Roers Jones; Ruby, M.; Sanford; Schmidt; Schneider; Schobinger; Schreiber-Beck; Stemen; Thomas; Toman; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Bellew; Cory; Delzer; Ertelt; Fegley; Hauck; Hoverson; Kading; Kasper; Kreidt; Magrum; Meier; Owens; Rohr; Ruby, D.; Satrom; Schatz; Schauer; Skroch; Steiner; Strinden; Trotter; Tveit

ABSENT AND NOT VOTING: Pyle

Reengrossed HB 1043 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do concur in the Senate amendments to HB 1112 as printed on HJ page 1301, which motion prevailed on a voice vote.

HB 1112, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to amend and reenact section 54-23.3-11 of the North Dakota Century Code, relating to the prioritization of admission of inmates.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemm; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trotter; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Pyle

Engrossed HB 1112 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1130 as printed on HJ page 1281, which motion prevailed on a voice vote.

Engrossed HB 1130, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1130: A BILL for an Act to create and enact sections 40-18-14.1, 40-18-14.2, 40-18-14.3,

40-18-14.4, and 40-18-14.5 of the North Dakota Century Code, relating to the authority of the municipal court to execute judgments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Kreidt; Lefor; Longmuir; Louser; Magrum; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke

NAYS: Bellew; Delzer; Ertelt; Koppelman, B.; Marschall; Toman; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Pyle

Reengrossed HB 1130 passed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEMIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1185 as printed on HJ page 1281, which motion prevailed on a voice vote.

Engrossed HB 1185, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1185: A BILL for an Act to amend and reenact sections 39-06-09 and 39-08-13 of the North Dakota Century Code, relating to liability for negligence of a minor driver and accident report forms; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Pyle

Reengrossed HB 1185 passed and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2259: A BILL for an Act to create and enact chapter 51-25.1 of the North Dakota Century Code, relating to tobacco product manufacturer certification, service, and reporting requirements; and to provide a penalty.

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 66 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Bosch; Boschee; Brandenburg; Buffalo; Damschen; Devlin; Dobervich; Dockter; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Lefor; Longmuir; Martinson; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Pollert; Porter; Richter; Roers Jones; Sanford; Satrom; Schauer; Schmidt; Schneider; Schreiber-Beck; Steiner; Stemen; Strinden; Trotter; Tveit; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Becker; Bellew; Christensen; Cory; Delzer; Ertelt; Hauck; Hoverson; Kading; Koppelman, B.; Kreidt; Louser; Magrum; Marschall; Meier; Paulson; Paur; Rohr; Ruby, D.; Ruby, M.; Schatz; Schobinger; Skroch; Thomas; Toman; Vetter

ABSENT AND NOT VOTING: Boe; Pyle

SB 2259 passed.

SECOND READING OF SENATE BILL

SB 2054: A Bill for and Act to amend and reenact section 4.1-27-19 of the North Dakota Century Code, relating to refusal or revocation of a license to operate a livestock auction market; and to repeal chapter 4.1-88 of the North Dakota Century Code, relating to wool dealers.

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 93 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Becker; Bellew; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Christensen; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Ertelt; Fegley; Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Hoverson; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Magrum; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schatz; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Skroch; Steiner; Stemen; Strinden; Thomas; Toman; Trotter; Tveit; Vetter; Vigasaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

ABSENT AND NOT VOTING: Pyle

SB 2054 passed.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to a mental health program registry; 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 84 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Anderson, B.; Anderson, D.; Anderson, P.; Beltz; Boe; Bosch; Boschee; Brandenburg; Buffalo; Cory; Damschen; Delzer; Devlin; Dobervich; Dockter; Fegley;

Fisher; Guggisberg; Hager; Hagert; Hanson; Hatlestad; Hauck; Headland; Heinert; Howe; Ista; Johnson, D.; Johnson, M.; Jones; Kading; Karls; Kasper; Keiser; Kempenich; Kiefert; Klemin; Koppelman, B.; Kreidt; Lefor; Longmuir; Louser; Marschall; Martinson; Meier; Mitskog; Mock; Monson; Nathe; Nehring; Nelson, J.; Nelson, M.; O'Brien; Ostlie; Owens; Paulson; Paur; Pollert; Porter; Richter; Roers Jones; Rohr; Ruby, D.; Ruby, M.; Sanford; Satrom; Schauer; Schmidt; Schneider; Schobinger; Schreiber-Beck; Steiner; Stemen; Strinden; Thomas; Trottier; Tveit; Vetter; Vigesaa; Weisz; Westlind; Zubke; Speaker Koppelman, K.

NAYS: Becker; Bellew; Christensen; Ertelt; Hoverson; Magrum; Schatz; Skroch; Toman

ABSENT AND NOT VOTING: Pyle

Engrossed SB 2161, as amended, passed.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2026, SB 2233, SB 2329.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass, unchanged: SB 2274, SB 2324.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1093, HB 1107, HB 1137, HB 1168, HB 1187, HB 1393, HB 1459, HB 1480.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1436.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1162, HB 1181, HB 1282, HB 1396, HB 1410.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1162

Page 1, line 20, after "card" insert "or a credit card"

Page 1, line 21, after the underscored period insert "If a licensed organization accepts electronic payment for the purchase of a raffle ticket, the organization shall verify the ticket purchaser is at least eighteen years of age and physically is located in the state."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1181

In lieu of the amendments as printed on page 1031 of the Senate Journal, Reengrossed House Bill No. 1181 is amended as follows:

Page 2, line 3, replace "The clerk of the district court shall maintain any" with "Any"

Page 2, line 4, remove "separately from the record"

Page 2, line 5, replace "relating to the offense. The records" with "must be kept confidential and"

Page 3, line 13, after "professional" insert ", whether for a retrospective evaluation of fitness or an evaluation of the defendant's current fitness."

Page 3, line 21, after the second "obtained" insert ", and the defendant's responses to questions related to the defendant's fitness to proceed, except for any restricted, proprietary, copyrighted, or other information subject to trade secret protection"

Page 4, line 21, replace "one year" with "one hundred eighty days. The court may extend the suspension for an additional three hundred sixty-five days if there is medical evidence to believe the defendant's fitness to proceed will be restored during the extended period"

Page 5, line 26, replace "clear and convincing" with "a preponderance of the"

Page 6, line 11, after "or" insert "director's designee or the"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1282

Page 1, line 2, after "on" insert "federal"

Page 1, line 2, remove "of federal laws"

Page 1, line 7, after "on" insert "**federal**"

Page 1, line 7, remove "of federal laws"

Page 1, line 10, replace "law" with "statute"

Page 1, line 11, remove "The membership for the committee on nullification of federal laws is comprised of:"

Page 1, remove lines 12 through 18

Page 1, line 19, replace "party" with "During each biennium, the legislative management shall appoint a committee on federal nullification in the same manner as the legislative management appoints other interim committees. The legislative management shall designate the chairman of the committee. The committee shall operate according to the statutes and procedure governing the operation of other legislative management interim committees"

Page 1, line 20, remove "The president pro tempore of the senate and the speaker of the house shall serve as"

Page 1, remove lines 21 through 23

Page 1, line 24, remove "5."

Page 1, line 24, replace "either co-presiding officer" with "the chairman of the committee"

Page 2, line 1, replace "6." with "4."

Page 2, line 1, after "of" insert "a"

Page 2, line 1, replace "legislation" with "statute"

Page 2, line 1, remove "an"

Page 2, line 3, replace "law" with "statute"

Page 2, line 3, remove "In making its recommendation, the"

Page 2, remove lines 4 through 6

Page 2, line 7, replace "7." with "5."

Page 2, line 7, replace "all" with "any"

Page 2, line 7, replace "statutes" with "statute"

Page 2, line 7, replace "regulations" with "regulation"

Page 2, line 7, replace "and" with "or"

Page 2, line 8, replace "orders" with "order"

Page 2, line 8, remove "for the purpose of determining"

Page 2, line 9, remove "constitutionality"

Page 2, line 11, replace "8." with "6. When making a recommendation, the committee shall consider whether the federal statute, regulation, or executive order is outside the scope of the powers delegated to the federal government by the United States Constitution.

7."

Page 2, line 13, replace "9." with "8."

Page 2, line 13, after "majority" insert "of the members-elect"

Page 2, line 14, remove "based on constitutionality"

Page 2, line 15, remove "recognize or"

Page 2, line 16, replace "law" with "statute, regulation."

Page 2, remove lines 17 through 20

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1396

Page 1, line 6, remove " - "

Page 1, line 7, remove "**Award of fees**"

Page 1, remove lines 8 through 10

Page 1, line 11, remove "2."

Page 1, line 11, after "liable" insert "for any physical or emotional injury, physical damage, or death"

Page 1, remove lines 13 through 22

Page 2, remove lines 1 through 3

Re-number accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1410

Page 2, line 23, after "and" insert ", if the offender is the prevailing party, may"

Page 3, line 19, after "and" insert ", if the offender is the prevailing party, may"

Re-number accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1001.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1001

Page 1, replace lines 13 and 14 with:

"Salaries and wages	\$3,623,946	\$87,088	\$3,711,034
Operating expenses	368,440	53,195	421,635"

Page 1, replace lines 17 and 18 with:

"Governor's salary	<u>274,112</u>	<u>10,363</u>	<u>284,475</u>
Total general fund	\$4,287,298	\$150,646	\$4,437,944"

Page 2, line 16, replace "forty-two" with "forty-three"

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

Page 2, line 16, replace "forty-one" with "forty-six"

Page 2, line 22, replace "one" with "seven"

Page 2, line 22, replace "seventy-nine" with "twenty-seven"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1001 - Governor's Office - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$3,623,946	\$3,707,055	\$3,979	\$3,711,034
Operating expenses	368,440	271,635	150,000	421,635
Contingencies	10,000	10,000		10,000
Rough Rider Awards	10,800	10,800		10,800
Governor's salary	<u>274,112</u>	<u>281,636</u>	<u>2,839</u>	<u>284,475</u>
Total all funds	\$4,287,298	\$4,281,126	\$156,818	\$4,437,944
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$4,287,298	\$4,281,126	\$156,818	\$4,437,944
FTE	18.00	18.00	0.00	18.00

Department 101 - Governor's Office - Detail of Senate Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Restores Funding for Operating Expenses ²	Adds Funding for Event Travel Costs ³	Total Senate Changes
Salaries and wages	\$3,979			\$3,979
Operating expenses		\$100,000	\$50,000	150,000
Contingencies				
Rough Rider Awards				
Governor's salary	<u>2,839</u>			<u>2,839</u>
Total all funds	\$6,818	\$100,000	\$50,000	\$156,818
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$6,818	\$100,000	\$50,000	\$156,818
FTE	0.00	0.00	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The House provided salary adjustments of 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and a maximum monthly increase of \$250.

² Funding for operating expenses removed by the House is restored.

³ Funding is added for travel expenses associated with State of the State and Rough Rider Award ceremonies.

This amendment also makes the statutory changes necessary to provide the Governor and Lieutenant Governor with salary increases of 1.5 percent effective July 1, 2021, and 2 percent effective July 1, 2022. The House had provided 1.5 percent annual increases.

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

MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1386.

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1043, HB 1112, HB 1130, and HB 1185.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1045, HB 1103, HB 1148, HB 1164, HB 1279, HB 1437, and HB 1502, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1045: Reps. Beltz; Richter; Dobervich

HB 1103: Reps. Devlin; Beltz; Fegley

HB 1148: Reps. Paur; Christensen; Hanson

HB 1164: Reps. Satrom; Vetter; Hanson

HB 1279: Reps. Weisz; Kading; Owens

HB 1437: Reps. Schreiber-Beck; Thomas; D. Johnson

HB 1502: Reps. Becker; Paulson; Hager

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1002, HB 1005, HB 1007, HB 1011, HB 1014, HB 1065, HB 1208, HB 1335, HB 1345, HB 1370, HB 1416, HB 1447, HB 1449.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3043, HCR 3047.

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

MR. SPEAKER: The President has signed: HB 1002, HB 1005, HB 1007, HB 1011, HB 1014, HB 1065, HB 1208, HB 1335, HB 1345, HB 1370, HB 1416, HB 1447, HB 1449.

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

MR. SPEAKER: The President has signed: HCR 3043, HCR 3047.

MOTION

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

MOTION

REP. LOUSER MOVED that the House be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, April 5, 2021, which motion prevailed on a voice vote.

REPORT OF STANDING COMMITTEE

SB 2007, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "to amend and reenact sections 54-59-05 and 54-59-22 of the North Dakota Century Code, relating to state agency information technology service requirements;"

Page 1, line 2, after the semicolon insert "to provide a statement of legislative intent;"

Page 1, replace lines 11 through 17 with:

"Salaries and wages	\$18,916,632	\$293,247	\$19,209,879
Operating expenses	5,083,731	480,602	5,564,333
Capital assets	<u>405,733</u>	<u>349,738</u>	<u>755,471</u>
Total all funds	\$24,406,096	\$1,123,587	\$25,529,683
Less estimated income	<u>18,751,772</u>	<u>972,268</u>	<u>19,724,040</u>

Total general fund	\$5,654,324	\$151,319	\$5,805,643
Full-time equivalent positions	120.72	(5.93)	114.79"

Page 2, replace line 2 with:

"Thermostat replacements	0	131,500
Resident absences	0	25,000"

Page 2, replace lines 6 through 8 with:

"Total all funds	\$549,050	\$373,200
Less estimated income	<u>524,050</u>	<u>348,200</u>
Total general fund	\$25,000	\$25,000"

Page 2, after line 16, insert:

"SECTION 4. RESIDENT LEAVE OF ABSENCE - LEGISLATIVE INTENT - ONE-TIME FUNDING. The operating expenses line item in section 1 of this Act includes the sum of \$25,000 from the general fund for defraying veterans' home resident costs while residents are absent from the veterans' home. This funding is considered a one-time funding item. It is the intent of the sixty-seventh legislative assembly that the veterans' home governing board increase the number of days a resident is authorized to be absent from the veterans' home without incurring a per diem cost from seven consecutive days to fourteen consecutive days. It is further the intent of the sixty-seventh legislative assembly that any future funding requests from the veterans' home for this purpose be requested from the Melvin Norgard memorial fund.

SECTION 5. AMENDMENT. Section 54-59-05 of the North Dakota Century Code is amended and reenacted as follows:

54-59-05. Powers and duties of department. (Effective through July 31, 2023)

The department:

1. Shall provide, supervise, and regulate information technology of all executive branch state entities, excluding the institutions under the control of the board of higher education and the veterans' home.
2. Shall provide network services in a way that ensures the network requirements of a single entity do not adversely affect the functionality of the whole network, facilitates open communications with the citizens of the state, minimizes the state's investment in human resources, accommodates an ever-increasing amount of traffic, supports rapid detection and resolution of problems, protects the network infrastructure from damage and security breaches, provides for the aggregation of data, voice, video, and multimedia into a statewide transport mechanism or backbone, and provides for the network support for the entity to carry out its mission.
3. May review and approve additional network services that are not provided by the department.
4. May purchase, finance the purchase, or lease equipment, software, or implementation services or replace, including by trade or resale, equipment or software as may be necessary to carry out this chapter. With the exception of agreements entered related to the statewide interoperable radio network, an agreement to finance the purchase of software, equipment, or implementation services may not exceed a period of five years. The department shall submit any intended financing proposal for the purchase of software, equipment, or implementation services under this subsection, which is in excess of one million dollars, to the legislative assembly or the budget section if the legislative assembly is not in session before executing a financing agreement. Any

- request considered by the budget section must comply with section 54-35-02.9. If the legislative assembly or the budget section does not approve the execution of a financing agreement, the department may not proceed with the proposed financing arrangement. With the exception of financing for the statewide interoperable radio network, the department may finance the purchase of software, equipment, or implementation services only to the extent the purchase amount does not exceed seven and one-half percent of the amount appropriated to the department during that biennium.
5. Shall review requests for lease, purchase, or other contractual acquisition of information technology as required by this subsection. Each executive branch agency or institution, excluding the institutions under the control of the board of higher education, shall submit to the department, in accordance with guidelines established by the department, a written request for the lease, purchase, or other contractual acquisition of information technology. The department shall review requests for conformance with the requesting entity's information technology plan and compliance with statewide policies and standards. If the request is not in conformance or compliance, the department may disapprove the request or require justification for the departure from the plan or statewide policy or standard.
 6. Shall provide information technology, including assistance and advisory service, to the executive, legislative, and judicial branches. If the department is unable to fulfill a request for service from the legislative or judicial branch, the information technology may be procured by the legislative or judicial branch within the limits of legislative appropriations.
 7. Shall request and review information, including project startup information summarizing the project description, project objectives, business need or problem, cost-benefit analysis, and project risks and a project closeout information summarizing the project objectives achieved, project budget and schedule variances, and lessons learned, regarding any major information technology project of an executive branch agency. The department shall present the information to the information technology committee on request of the committee.
 8. May request and review information regarding any information technology project of an executive branch agency with a total cost of between one hundred thousand and five hundred thousand dollars as determined necessary by the department. The department shall present the information to the information technology committee on request of the committee.
 9. Shall study emerging technology and evaluate its impact on the state's system of information technology.
 10. Shall develop guidelines for reports to be provided by each agency of the executive, legislative, and judicial branches, excluding the institutions under the control of the board of higher education, on information technology in those entities.
 11. Shall collaborate with the state board of higher education on guidelines for reports to be provided by institutions under control of the state board of higher education on information technology in those entities.
 12. Shall perform all other duties necessary to carry out this chapter.
 13. May provide wide area network services to a state agency, city, county, school district, or other political subdivision of this state. The information technology department may not provide wide area network service to any private, charitable, or nonprofit entity except the information technology department may continue to provide the wide area network service the

department provided to the private, charitable, and nonprofit entities receiving services from the department on January 1, 2003.

14. Shall assure proper measures for security, firewalls, and internet protocol addressing at the state's interface with other facilities.
15. Notwithstanding subsection 13, may provide wide area network services for a period not to exceed four years to an occupant of a technology park associated with an institution of higher education or to a business located in a business incubator associated with an institution of higher education.
16. Shall advise and oversee cybersecurity strategy for all executive branch state agencies, including institutions under the control of the state board of higher education, counties, cities, school districts, or other political subdivisions. For purposes of this subsection, the department shall consult with the attorney general and the veterans' home on cybersecurity strategy.
17. Shall advise and consult with the legislative and judicial branches regarding cybersecurity strategy.

Powers and duties of department. (Effective after July 31, 2023)

The department:

1. Shall provide, supervise, and regulate information technology of all executive branch state entities, excluding the institutions under the control of the board of higher education and the veterans' home.
2. Shall provide network services in a way that ensures the network requirements of a single entity do not adversely affect the functionality of the whole network, facilitates open communications with the citizens of the state, minimizes the state's investment in human resources, accommodates an ever-increasing amount of traffic, supports rapid detection and resolution of problems, protects the network infrastructure from damage and security breaches, provides for the aggregation of data, voice, video, and multimedia into a statewide transport mechanism or backbone, and provides for the network support for the entity to carry out its mission.
3. May review and approve additional network services that are not provided by the department.
4. May purchase, finance the purchase, or lease equipment, software, or implementation services or replace, including by trade or resale, equipment or software as may be necessary to carry out this chapter. An agreement to finance the purchase of software, equipment, or implementation services may not exceed a period of five years. The department shall submit any intended financing proposal for the purchase of software, equipment, or implementation services under this subsection, which is in excess of one million dollars, to the legislative assembly or the budget section if the legislative assembly is not in session before executing a financing agreement. Any request considered by the budget section must comply with section 54-35-02.9. If the legislative assembly or the budget section does not approve the execution of a financing agreement, the department may not proceed with the proposed financing arrangement. The department may finance the purchase of software, equipment, or implementation services only to the extent the purchase amount does not exceed seven and one-half percent of the amount appropriated to the department during that biennium.
5. Shall review requests for lease, purchase, or other contractual acquisition of information technology as required by this subsection. Each executive branch agency or institution, excluding the institutions under the control

- of the board of higher education, shall submit to the department, in accordance with guidelines established by the department, a written request for the lease, purchase, or other contractual acquisition of information technology. The department shall review requests for conformance with the requesting entity's information technology plan and compliance with statewide policies and standards. If the request is not in conformance or compliance, the department may disapprove the request or require justification for the departure from the plan or statewide policy or standard.
6. Shall provide information technology, including assistance and advisory service, to the executive, legislative, and judicial branches. If the department is unable to fulfill a request for service from the legislative or judicial branch, the information technology may be procured by the legislative or judicial branch within the limits of legislative appropriations.
 7. Shall request and review information, including project startup information summarizing the project description, project objectives, business need or problem, cost-benefit analysis, and project risks and a project closeout information summarizing the project objectives achieved, project budget and schedule variances, and lessons learned, regarding any major information technology project of an executive branch agency. The department shall present the information to the information technology committee on request of the committee.
 8. May request and review information regarding any information technology project of an executive branch agency with a total cost of between one hundred thousand and five hundred thousand dollars as determined necessary by the department. The department shall present the information to the information technology committee on request of the committee.
 9. Shall study emerging technology and evaluate its impact on the state's system of information technology.
 10. Shall develop guidelines for reports to be provided by each agency of the executive, legislative, and judicial branches, excluding the institutions under the control of the board of higher education, on information technology in those entities.
 11. Shall collaborate with the state board of higher education on guidelines for reports to be provided by institutions under control of the state board of higher education on information technology in those entities.
 12. Shall perform all other duties necessary to carry out this chapter.
 13. May provide wide area network services to a state agency, city, county, school district, or other political subdivision of this state. The information technology department may not provide wide area network service to any private, charitable, or nonprofit entity except the information technology department may continue to provide the wide area network service the department provided to the private, charitable, and nonprofit entities receiving services from the department on January 1, 2003.
 14. Shall assure proper measures for security, firewalls, and internet protocol addressing at the state's interface with other facilities.
 15. Notwithstanding subsection 13, may provide wide area network services for a period not to exceed four years to an occupant of a technology park associated with an institution of higher education or to a business located in a business incubator associated with an institution of higher education.
 16. Shall advise and oversee cybersecurity strategy for all executive branch state agencies, including institutions under the control of the state board of higher education, counties, cities, school districts, or other political

subdivisions. For purposes of this subsection, the department shall consult with the attorney general and the veterans' home on cybersecurity strategy.

17. Shall advise and consult with the legislative and judicial branches regarding cybersecurity strategy.

SECTION 6. AMENDMENT. Section 54-59-22 of the North Dakota Century Code is amended and reenacted as follows:

54-59-22. Required use of electronic mail, file and print server administration, database administration, application server, and hosting services.

Each state agency and institution, excluding the legislative and judicial branches, the institutions under the control of the state board of higher education, the attorney general, the veterans' home, and any entity exempted by the office of management and budget after advisement by the information technology department, shall obtain electronic mail, file and print server administration, database administration, storage, application server, and hosting services through a delivery system established by the information technology department in conjunction with the office of management and budget. The office of management and budget, after receiving advice from the information technology department, shall establish policies and guidelines for the delivery of services, including the transition from existing systems to functional consolidation, with consideration given to the creation of efficiencies, cost-savings, and improved quality of service."

Page 2, after line 21, insert:

"SECTION 8. EXEMPTION - EQUIPMENT. The amount of \$20,700 appropriated from the soldiers' home fund in the capital assets line item for a dryer in section 1 of chapter 7 of the 2019 Session Laws is not subject to section 54-44.1-11 and is available for the purchase of a dryer for the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 9. EXEMPTION - ADMINISTRATOR'S RESIDENCE - CAPITAL ASSETS. Of the \$233,450 appropriated from the soldiers' home fund in the administrator's residence line item for the demolition of the administrator's residence in section 1 of chapter 7 of the 2019 Session Laws, \$54,925 is not subject to section 54-44.1-11 and is available for the purpose of defraying capital assets costs of the veterans' home for the biennium beginning July 1, 2021, and ending June 30, 2023."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Veterans' Home - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$18,916,632	\$19,191,930	\$17,949	\$19,209,879
Operating expenses	5,083,731	5,539,333	25,000	5,564,333
Capital assets	405,733	755,471		755,471
Total all funds	\$24,406,096	\$25,486,734	\$42,949	\$25,529,683
Less estimated income	18,751,772	19,716,491	7,549	19,724,040
General fund	\$5,654,324	\$5,770,243	\$35,400	\$5,805,643
FTE	120.72	114.79	0.00	114.79

Department 313 - Veterans' Home - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Adds One-Time Funding for the Cost of Resident Absences ²	Adjusts One-Time Funding ³	Total House Changes
Salaries and wages	\$17,949			\$17,949
Operating expenses		\$25,000		25,000
Capital assets				
Total all funds	\$17,949	\$25,000	\$0	\$42,949
Less estimated income	7,549	0	0	7,549
General fund	\$10,400	\$25,000	\$0	\$35,400
FTE	0.00	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 on July 1, 2021, and 2 percent on July 1, 2022.

² One-time funding of \$25,000 from the general fund is added for the cost of resident absences when a resident is away from the Veterans' Home for an extended period of time. If a resident is absent from the Veterans' Home for 4 consecutive days, the United States Department of Veterans Affairs (VA) will not pay the Veterans' Home per diem for that resident for the days in excess of the first 4 days, resulting in the Veterans' Home charging residents for the cost of per diem not received by the VA. The Veterans' Home Governing Board recently extended the policy to allow residents to be absent for up to 7 consecutive days. This amendment provides funding to allow residents to be absent for 7 additional consecutive days, resulting in a total of 14 consecutive days allowed at no cost to the resident. The Senate did not provide funding for this purpose.

³ One-time funding of \$131,500 from the soldiers' home fund is provided to allow the Veterans' Home to replace thermostats in the facility. The Senate authorized this funding for a basic care flooring project.

This amendment also:

- Adds a section to identify one-time funding of \$25,000 from the general fund to defray Veterans' Home resident costs while residents are absent from the Veterans' Home. The section provides legislative intent that the Veterans' Home Governing Board increase the number of days a resident is authorized to be absent from the Veterans' Home without incurring a per diem cost for the absence from 7 to 14 days. Further intent is provided that any future funding requests from the Veterans' Home for this purpose be requested from the Melvin Norgard memorial fund.
- Amends North Dakota Century Code Section 54-59-05 to exclude information technology of the Veterans' Home from being required to be provided by, supervised by, and regulated by the Information Technology Department. The Information Technology Department is required to consult with the Veterans' Home regarding cybersecurity strategy.
- Amends Section 54-59-22 to exclude email, file and print administration, database administration, application server, and hosting services of the Veterans' Home from being required to be provided by the Information Technology Department.
- Provides an exemption to allow the Veterans' Home to continue \$20,700 appropriated from the soldiers' home fund for the purchase of a dryer during the 2019-21 biennium into the 2021-23 biennium.
- Provides an exemption to allow the Veterans' Home to continue \$54,925 appropriated from the soldiers' home fund for the 2019-21 biennium for the demolition of the administrator's residence into the 2021-23 biennium for purchasing security cameras, humidifiers, and a building automation system.

REPORT OF STANDING COMMITTEE

SB 2013, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends

DO PASS (17 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2013 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 17 with:

"Salaries and wages	\$5,725,379	\$483,198	\$6,208,577
Operating expenses	2,283,022	(88,600)	2,194,422
Capital assets	0	1,600,000	1,600,000
Contingencies	<u>100,000</u>	<u>0</u>	<u>100,000</u>
Total special funds	\$8,108,401	\$1,994,598	\$10,102,999
Full-time equivalent positions	28.00	1.00	29.00"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2013 - Department of Trust Lands - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$5,725,379	\$6,382,638	(\$174,061)	\$6,208,577
Operating expenses	2,283,022	2,229,872	(35,450)	2,194,422
Capital assets		1,600,000		1,600,000
Contingencies	<u>100,000</u>	<u>100,000</u>		<u>100,000</u>
Total all funds	\$8,108,401	\$10,312,510	(\$209,511)	\$10,102,999
Less estimated income	<u>8,108,401</u>	<u>10,312,510</u>	<u>(209,511)</u>	<u>10,102,999</u>
General fund	\$0	\$0	\$0	\$0
FTE	28.00	30.00	(1.00)	29.00

Department 226 - Department of Trust Lands - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Removes FTE Positions ²	Total House Changes
Salaries and wages	(\$14,575)	(\$159,486)	(\$174,061)
Operating expenses		(35,450)	(35,450)
Capital assets			
Contingencies			
Total all funds	(\$14,575)	(\$194,936)	(\$209,511)
Less estimated income	<u>(14,575)</u>	<u>(194,936)</u>	<u>(209,511)</u>
General fund	\$0	\$0	\$0
FTE	0.00	(1.00)	(1.00)

¹ Funding is adjusted to provide for employee salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and an increase of 2 percent on July 1, 2022. The Senate provided funding for salary increases of 2 percent on July 1, 2021, with a monthly minimum of \$80 and a monthly maximum of \$300, and a 2 percent increase on July 1, 2022.

² An administrative assistant position and relating funding is removed, of which \$159,486 is for salaries and wages and \$35,450 is for operating expenses. The Senate added the position, the same as the executive budget.

REPORT OF STANDING COMMITTEE

SB 2017, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2017 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 through 13 with:

"Salaries and wages	\$1,248,330	\$50,314	\$1,298,644
Operating expenses	<u>1,582,334</u>	<u>551</u>	<u>1,582,885</u>
Total special funds	\$2,830,664	\$50,865	\$2,881,529
Full-time equivalent positions	5.00	0.00	5.00"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2017 - Office of Administrative Hearings - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$1,248,330	\$1,302,360	(\$3,716)	\$1,298,644
Operating expenses	1,582,334	1,582,885		1,582,885
Total all funds	\$2,830,664	\$2,885,245	(\$3,716)	\$2,881,529
Less estimated income	2,830,664	2,885,245	(3,716)	2,881,529
General fund	\$0	\$0	\$0	\$0
FTE	5.00	5.00	0.00	5.00

Department 140 - Office of Administrative Hearings - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Total House Changes
Salaries and wages	(\$3,716)	(\$3,716)
Operating expenses		
Total all funds	(\$3,716)	(\$3,716)
Less estimated income	(3,716)	(3,716)
General fund	\$0	\$0
FTE	0.00	0.00

¹ Funding is adjusted to provide salary adjustments of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

REPORT OF STANDING COMMITTEE

SB 2024, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (16 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2024 was placed on the Sixth order on the calendar.

Page 1, replace lines 14 through 20 with:

"Salaries and wages	\$30,587,358	\$1,964,459	\$32,551,817
Operating expenses	9,962,180	809,718	10,771,898
Capital assets	1,263,429	983,743	2,247,172
Grants	15,861,529	(801,411)	15,060,118
Total all funds	\$57,674,496	\$2,956,509	\$60,631,005
Less estimated income	45,193,574	1,776,356	46,969,930
Total general fund	\$12,480,922	\$1,180,153	\$13,661,075"

Page 2, replace lines 2 and 3 with:

"Air pollution program equipment	\$1,040,000	\$0
Laboratory information management system	0	1,000,000
Total all funds	\$1,040,000	\$1,000,000
Less estimated income	1,040,000	0
Total general fund	\$0	\$1,000,000"

Page 2, line 10, replace "\$773,787" with "\$773,983"

Page 2, line 29, after "**TESTING**" insert "**AND LABORATORY INFORMATION MANAGEMENT SYSTEM - EMERGENCY COMMISSION APPROVAL**"

Page 3, line 1, replace "available" with "or any funds"

Page 3, line 1, after "for" insert "defraying the expenses of"

Page 3, line 1, after "testing" insert ". It is further the intent of the sixty-seventh legislative assembly that the department of environmental quality use federal COVID-19 relief

funds or other available funds for defraying the expenses of the laboratory information management system"

Page 3, line 2, remove "made available in the deficiency appropriation in House Bill No. 1025"

Page 3, line 2, after the second period insert "The department of environmental quality may seek emergency commission approval to adjust the source of funds if a non-general fund source is identified."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2024 - Department of Environmental Quality - House Action

	Base Budget	Senate Version	House Changes	House Version
Salaries and wages	\$30,587,358	\$32,578,531	(\$26,714)	\$32,551,817
Operating expenses	9,962,180	10,879,898	(108,000)	10,771,898
Capital assets	1,263,429	1,247,172	1,000,000	2,247,172
Grants	15,861,529	15,060,118		15,060,118
Total all funds	\$57,674,496	\$59,765,719	\$865,286	\$60,631,005
Less estimated income	45,193,574	47,099,427	(129,497)	46,969,930
General fund	\$12,480,922	\$12,666,292	\$994,783	\$13,661,075
FTE	165.50	166.00	0.00	166.00

Department 303 - Department of Environmental Quality - Detail of House Changes

	Adjusts Funding for Salary Increases ¹	Removes Funding for ITD fees ²	Adds One-Time Funding for Laboratory Information Management System ³	Total House Changes
Salaries and wages	(\$26,714)			(\$26,714)
Operating expenses		(\$108,000)		(108,000)
Capital assets			\$1,000,000	1,000,000
Grants				
Total all funds	(\$26,714)	(\$108,000)	\$1,000,000	\$865,286
Less estimated income	(21,497)	(108,000)	0	(129,497)
General fund	(\$5,217)	\$0	\$1,000,000	\$994,783
FTE	0.00	0.00	0.00	0.00

¹ Funding is adjusted to provide salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100, and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent on July 1, 2021, with a minimum monthly increase of \$80 and a maximum monthly increase of \$300, and 2 percent on July 1, 2022.

² Funding for Information Technology Department customer success management fees is removed.

³ One-time funding from the general fund is added for a laboratory information management system. Legislative intent is added to provide the department also seek funding for the project from other special funds.

This amendment also:

- Amends Section 4 of the bill to adjust funding from the petroleum tank release compensation fund relating to salary and fringe benefit adjustments.
- Amends Section 6 of the bill to provide legislative intent that the department use federal coronavirus relief funds or any other funds available for the laboratory information management system before accessing funding from the general fund for the project.

REPORT OF STANDING COMMITTEE

SB 2025, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2025 was placed on the Sixth order on the calendar.

Page 1, replace lines 12 through 21 with:

"Veterans' affairs	\$1,200,129	\$301,821	\$1,501,950
State approving agency	285,658	6,366	292,024
Grants - transportation program	800,000	420,000	1,220,000
Transport vans	18,800	0	18,800
Service dogs	50,000	0	50,000
Veterans' home cemetery	0	<u>291,500</u>	<u>291,500</u>
Total all funds	\$2,354,587	\$1,019,687	\$3,374,274
Less estimated income	<u>1,085,657</u>	<u>717,993</u>	<u>1,803,650</u>
Total general fund	\$1,268,930	\$301,694	\$1,570,624
Full-time equivalent positions	7.00	1.00	8.00"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2025 - Department of Veterans' Affairs - House Action

	Base Budget	Senate Version	House Changes	House Version
Veterans' affairs	\$1,200,129	\$1,577,244	(\$75,294)	\$1,501,950
State approving agency	285,658	291,971	53	292,024
Grants - Transportation program	800,000	1,220,000		1,220,000
Transport vans	18,800	37,600	(18,800)	18,800
Service dogs	50,000	50,000		50,000
Veterans' Home Cemetery		<u>291,500</u>		<u>291,500</u>
Total all funds	\$2,354,587	\$3,468,315	(\$94,041)	\$3,374,274
Less estimated income	<u>1,085,657</u>	<u>1,803,597</u>	53	<u>1,803,650</u>
General fund	\$1,268,930	\$1,664,718	(\$94,094)	\$1,570,624
FTE	7.00	8.00	0.00	8.00

Department 321 - Department of Veterans' Affairs - Detail of House Changes

	Adjusts Funding for Salary and Benefit Increases ¹	Reduces Funding for a Temporary Position ²	Removes Funding for Stand Down Events ³	Removes Funding for a Transport Van ⁴	Total House Changes
Veterans' affairs	(\$294)	(\$70,000)	(\$5,000)		(\$75,294)
State approving agency	53				53
Grants - Transportation program					
Transport vans				(\$18,800)	(18,800)
Service dogs					
Veterans' Home Cemetery					
Total all funds	(\$241)	(\$70,000)	(\$5,000)	(\$18,800)	(\$94,041)
Less estimated income	<u>53</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>53</u>
General fund	(\$294)	(\$70,000)	(\$5,000)	(\$18,800)	(\$94,094)
FTE	0.00	0.00	0.00	0.00	0.00

¹ Salaries and wages funding is adjusted for 2021-23 biennium salary increases of 1.5 percent on July 1, 2021, with a minimum monthly increase of \$100 and 2 percent on July 1, 2022. The Senate provided salary adjustments of 2 percent with a minimum monthly increase of \$80 and a maximum monthly increase of \$300 on July 1, 2021, and 2 percent on July 1, 2022.

² Funding of \$70,000 from the general fund for a temporary training and information officer position is removed to provide a total of \$70,000 for a temporary half-time position. The Senate approved \$140,000 from the general fund for a full-time temporary training and information officer position.

³ Funding of \$5,000 from the general fund for stand down events is removed to provide total funding of \$0 for stand downs.

⁴ Funding of \$18,800 from the general fund for the purchase of a transport van is removed to provide a total of \$18,800 from the general fund for the purchase of one transport van. The Senate approved \$37,600 from the general fund for the purchase of two transport vans.

REPORT OF STANDING COMMITTEE

SB 2043, as amended: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2043, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2089, as engrossed and amended: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2089, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1250 of the House Journal, Engrossed Senate Bill No. 2089 is amended as follows:

Page 1, line 22, after "appropriations" insert "for the program"

Page 2, remove lines 1 and 2

Page 2, line 9, after "needs" insert ", including contracting with a private, nonprofit entity that does not provide autism spectrum disorder services to facilitate and provide support services to the autism spectrum disorder task force"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2139, as engrossed: Finance and Taxation Committee (Rep. Headland, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2139 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-27.2 and a new section to chapter 57-01 of the North Dakota Century Code, relating to an income tax rate reduction fund and an income tax rate adjustment; to provide for a transfer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 54-27.2 of the North Dakota Century Code is created and enacted as follows:

Certain general fund revenues to be deposited in the income tax rate reduction fund.

After any required transfers from the general fund to the budget stabilization fund under section 54-27.2-02, if the amount in the general fund exceeds sixty-five million dollars at the end of any biennium, the state treasurer shall transfer up to one hundred fifty million dollars from the general fund to the income tax rate reduction fund under section 2 of this Act.

SECTION 2. A new section to chapter 57-01 of the North Dakota Century Code is created and enacted as follows:

Income tax rate reduction fund - Income tax rate adjustment - Tax commissioner - Transfer.

1. There is created in the state treasury the income tax rate reduction fund. The fund consists of all moneys deposited in the fund under section 1 of this Act.

2. If money is transferred into the income tax rate reduction fund under section 1 of this Act, the tax commissioner shall publish reduced individual and corporate income tax rates and notify taxpayers of the reduced rates by November first of the first fiscal year of the biennium. The tax commissioner may determine the form and manner for publishing the reduced rates and notifying taxpayers, including any notification that taxpayers are not required to file returns or pay taxes. The tax commissioner shall reduce the individual income tax rates and the corporate income tax rates based on the following:
 - a. The percentage reduction to the individual and corporate income tax rates is equal to the rate reduction amount divided by the total estimated tax collections, including both the individual tax collections and corporate income tax collections, for the second year of the biennium.
 - b. Any reductions to the individual income tax rates and the corporate income tax rates apply to taxable years beginning after a rate reduction is calculated and published under this section.
 - c. The reductions to the individual income tax rates and the corporate income tax rates must be proportional to the estimated tax collections for each tax relative to the combined total estimated tax collections for both taxes.
 - d. The reductions to the individual income tax rates and corporate income tax rates must be applied equally to all tax brackets for each tax.
 - e. The reduced individual income tax rates and corporate income tax rates must be rounded to the nearest one-hundredth of a percent.
 - f. The tax commissioner shall calculate the reduced individual income tax rates and corporate income tax rates until the rates are reduced to zero.
3. If the income tax rate reduction results in a disproportionate amount of tax to be deducted and withheld under section 57-38-59, the tax commissioner may adjust the percentage that, when withheld, will as closely as possible pay the income tax liability imposed.
4. This section does not limit or suspend any provision in chapter 57-38 which is not in conflict with this section, including provisions for assessment and refund under sections 57-38-34.4, 57-38-38, and 57-38-40.
5. In April of each calendar year, the state treasurer shall transfer the amounts certified by the tax commissioner from the income tax rate reduction fund to the general fund. The amount transferred to the general fund each year may not be less than the rate reduction amount determined for the current biennium plus the rate reduction amount determined for each preceding biennium.
6. For purposes of this section:
 - a. "Base funding amount" means the total amount transferred from the income tax rate reduction fund to the general fund in the preceding biennium.
 - b. "Estimated tax collections" means the income tax collection amounts included in the revenue forecast of the current biennial state budget as approved by the most recently adjourned special or regular session of the legislative assembly.

- c. "Rate reduction amount" means one-half of the funds deposited in the income tax rate reduction fund exceeding the base funding amount.
7. The tax commissioner shall certify to the state treasurer that the individual income tax and corporate income tax rates have been reduced to zero. Upon receiving the certification from the tax commissioner, the state treasurer immediately shall transfer any moneys remaining in the income tax reduction fund to the state general fund.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2146: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2146 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide a statement of legislative intent;"

Page 1, line 8, after "to" insert "improvements for"

Page 1, line 9, after the first "the" insert "2010 standards for accessible design adopted by the United States department of justice pursuant to the"

Page 1, line 9, replace "improvements" with a comma

Page 1, after line 16, insert:

"SECTION 2. LEGISLATIVE INTENT. It is the intent of the sixty-seventh legislative assembly that the office of management and budget complete all accessibility improvements on the state capitol grounds as provided for in section 1 of this Act as soon as possible."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2245, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2245 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation to the agriculture commissioner for an intermodal facility grant program; to provide for a transfer; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION - TRANSFER - BEGINNING FARMER REVOLVING LOAN FUND - INTERMODAL FACILITY GRANT PROGRAM - ONE-TIME FUNDING. As requested by the agriculture commissioner, the Bank of North Dakota shall transfer the sum of \$2,500,000, or so much of the sum as may be necessary, from the beginning farmer revolving loan fund to the agriculture commissioner for deposit in the agriculture commissioner operating fund, the sum of which is appropriated to the agriculture commissioner for the purpose of a grant program for expanding rail capacity to enhance the value of agriculture and commercial products exported through an intermodal facility in North Dakota for the period beginning with the effective date of this Act and ending June 30, 2023. This funding is considered a one-time funding item.

1. The agriculture commissioner shall establish guidelines for awarding grants under the intermodal facility grant program.

2. Grants may be awarded only to an organization dedicated to the expansion of rail capacity at an existing intermodal facility in the state connected to and served by a class I railroad. Grant funds may be used only to pay for engineering costs, labor, equipment, and materials related to rail track expansion.

3. To qualify for the program, an organization and any entity owning assets of the intermodal facility shall agree to repay up to \$2,500,000, or the amount of the grant spent on rail track expansion, to the agriculture commissioner for transfer to the Bank of North Dakota for deposit in the beginning farmer revolving loan fund if intermodal facility assets are sold for at least \$10,000,000. If intermodal facility assets are sold for less than \$10,000,000, the amount of grant funding repaid must be proportional to the sales price as a percentage of \$10,000,000.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2245 - Summary of House Action

	Base Budget	Senate Version	House Changes	House Version
Department of Commerce				
Total all funds	\$0	\$10,000,000	(\$10,000,000)	\$0
Less estimated income	0	10,000,000	(10,000,000)	0
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
Department of Agriculture				
Total all funds	\$0	\$0	\$2,500,000	\$2,500,000
Less estimated income	0	0	2,500,000	2,500,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00
Bill total				
Total all funds	\$0	\$10,000,000	(\$7,500,000)	\$2,500,000
Less estimated income	0	10,000,000	(7,500,000)	2,500,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Senate Bill No. 2245 - Department of Commerce - House Action

	Base Budget	Senate Version	House Changes	House Version
Intermodal transportation assistance		\$10,000,000	(\$10,000,000)	
Total all funds	\$0	\$10,000,000	(\$10,000,000)	\$0
Less estimated income	0	10,000,000	(10,000,000)	0
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Department 601 - Department of Commerce - Detail of House Changes

	Removes Funding for Intermodal Transportation Assistance Program ¹	Total House Changes
Intermodal transportation assistance	(\$10,000,000)	(\$10,000,000)
Total all funds	(\$10,000,000)	(\$10,000,000)
Less estimated income	(10,000,000)	(10,000,000)
General fund	\$0	\$0
FTE	0.00	0.00

¹ One-time funding of \$10 million from the strategic investment and improvements fund appropriated by the Senate to the Department of Commerce for an intermodal transportation

assistance program is removed.

Senate Bill No. 2245 - Department of Agriculture - House Action

	Base Budget	Senate Version	House Changes	House Version
Intermodal facility grants			\$2,500,000	\$2,500,000
Total all funds	\$0	\$0	\$2,500,000	\$2,500,000
Less estimated income	0	0	2,500,000	2,500,000
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

Department 602 - Department of Agriculture - Detail of House Changes

	Adds One-Time Funding for Intermodal Grant Program ¹	Total House Changes
Intermodal facility grants	\$2,500,000	\$2,500,000
Total all funds	\$2,500,000	\$2,500,000
Less estimated income	2,500,000	2,500,000
General fund	\$0	\$0
FTE	0.00	0.00

¹ One-time funding of \$2.5 million from the beginning farmer revolving loan fund is appropriated to the Agriculture Commissioner for an intermodal facility grant program. Grants may be awarded only to an organization dedicated to the expansion of rail capacity at an existing intermodal facility in the state connected to and served by a class I railroad. Grant funds may be used only to pay for engineering costs, labor, equipment, and materials related to rail track expansion. If facility assets are sold, all or a portion of the grant amount must be repaid. An emergency clause is added.

REPORT OF STANDING COMMITTEE

SB 2281, as engrossed: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO PASS** (17 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2281 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2332, as engrossed: Education Committee (Rep. Owens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2332 was placed on the Sixth order on the calendar.

Page 2, line 5, remove the overstrike over "and"

Page 2, line 15, overstrike "and"

Page 2, remove lines 17 through 20

Page 2, line 21, replace "subdivision e by July 1, 2023" with "and

(10) Special education"

Page 2, line 28, overstrike "Completes the program's clinical experience program and the North Dakota"

Page 2, overstrike line 29

Page 2, line 30, overstrike "b."

Page 3, line 1, overstrike "c." and insert immediately thereafter "b."

Page 3, line 18, after "**STUDY**" insert "**- CRITERIA FOR ALTERNATIVE TEACHER LICENSURE**"

Re-number accordingly

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

Buell J. Reich, Chief Clerk