

## JOURNAL OF THE SENATE

## Sixty-seventh Legislative Assembly

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Bismarck, February 5, 2021

The Senate convened at 12:30 p.m., with President Sanford 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 Senator Myrdal.

A quorum was declared by the President.

## MOTION

**SEN. BURCKHARD MOVED** that the Senate reconsider its action whereby SB 2220 failed to pass, which motion prevailed on a verification vote.

## SECOND READING OF SENATE BILL

**SB 2220:** A BILL for an Act to amend and reenact subsection 2 of section 5-01-17, subsection 2 of section 5-01-19, and section 5-02-05 of the North Dakota Century Code, relating to the dispensing and selling of alcoholic beverages on Sunday; 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 24 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bell; Burckhard; Conley; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Lee; Lemm; Meyer; Oban; Patten; Piepkorn; Poolman; Roers, K.; Vedaa; Wobbema

**NAYS:** Bekkedahl; Clemens; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Klein; Larson, D.; Luick; Marcellais; Mathern; Oehlke; Roers, J.; Rust; Schaible; Sorvaag; Wanzek; Wardner; Weber

**ABSENT AND NOT VOTING:** Myrdal

SB 2220 passed.

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## CONSIDERATION OF AMENDMENTS

**SB 2183: SEN. ANDERSON (Human Services Committee) MOVED** that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a voice vote.

SB 2183 was rereferred to the **Appropriations Committee**.

## CONSIDERATION OF AMENDMENTS

**SB 2221: SEN. CLEMENS (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2278: SEN. LARSON (Judiciary Committee) MOVED** that the amendments be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

## CONSIDERATION OF AMENDMENTS

**SB 2189: SEN. BELL (Finance and Taxation Committee) MOVED** that the amendments

be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed on a voice vote.

#### MOTION

**SEN. KLEIN MOVED** that that after action on the Sixth order, SB 2269 and SB 2075 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed on a voice vote.

#### CONSIDERATION OF AMENDMENTS

**SB 2269: SEN. SCHAIBLE (Education Committee) MOVED** that the amendments 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 2269:** A BILL for an Act to create and enact a new section to chapter 15.1-32 of the North Dakota Century Code, relating to a postsecondary transitional 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 43 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Heitkamp; Larsen, D.; Larsen, O.

**ABSENT AND NOT VOTING:** Myrdal

Engrossed SB 2269 passed.

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#### CONSIDERATION OF AMENDMENTS

**SB 2075: SEN. KREUN (Industry, Business and Labor Committee) MOVED** that the amendments 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 2075:** A BILL for an Act to create and enact chapter 26.1-02.2 of the North Dakota Century Code, relating to insurance data and security; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Myrdal

Engrossed SB 2075 passed.

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**SECOND READING OF SENATE BILL**

**SB 2281:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to a statewide sexual assault evidence collection kit tracking system; to amend and reenact subsection 5 of section 31-13-03 of the North Dakota Century Code, relating to the collection of samples of blood or body fluids for DNA testing; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Heckaman; Myrdal

Engrossed SB 2281 passed and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2140:** A BILL for an Act to create and enact section 15-10-43.2 of the North Dakota Century Code, relating to professional student exchange program repayment; to repeal section 15-10-43.1 of the North Dakota Century Code, relating to professional student exchange program repayment; 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 19 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Burckhard; Conley; Dwyer; Elkin; Erbele; Hogue; Klein; Kreun; Lemm; Meyer; Oban; Oehlke; Patten; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Bekkedahl; Bell; Clemens; Davison; Dever; Fors; Heitkamp; Hogan; Holmberg; Kannianen; Krebsbach; Larsen, D.; Larsen, O.; Larson, D.; Lee; Luick; Marcellais; Mathern; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa

**ABSENT AND NOT VOTING:** Heckaman; Myrdal

SB 2140 failed.

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**SECOND READING OF SENATE BILL**

**SB 2235:** A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to the creation of a school nurse grant program; and to provide an appropriation.

**MOTION**

**SEN. BAKKE MOVED** that SB 2235 be amended as follows.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study regarding school nurse programs.

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

**SECTION 1. SCHOOL NURSE PROGRAMS - LEGISLATIVE MANAGEMENT STUDY.** During the 2021-22 interim, the legislative management shall consider

studying school nurse programs in the state. The study must include a review of the number of school districts in the state which employ nurses, whether the nurses are employed full-time or part-time, national trends regarding the hiring of nurses by school districts, and an evaluation of the benefits of employing nurses in school districts. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-eighth legislative assembly."

Renumber accordingly

#### REQUEST

**SEN. MATHERN REQUESTED** a verification vote on the motion to adopt the proposed amendments to SB 2235, which request was granted.

The proposed amendments to SB 2235 failed on a verification vote.

#### 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, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Erbele; Hogan; Luick; Marcellais; Mathern; Oban; Piepkorn; Roers, K.

**NAYS:** Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Meyer; Oehlke; Patten; Poolman; Roers, J.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Heckaman; Myrdal

SB 2235 failed.

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#### SECOND READING OF SENATE BILL

**SB 2295:** A BILL for an Act to create and enact chapter 49-20.2 of the North Dakota Century Code, relating to net metering of electricity.

#### 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 6 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Hogan; Marcellais; Mathern; Piepkorn; Weber

**NAYS:** Anderson; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer; Oban; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Wobbema

**ABSENT AND NOT VOTING:** Heckaman; Myrdal

SB 2295 failed.

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#### SECOND READING OF SENATE BILL

**SB 2320:** A BILL for an Act to create and enact a new section to chapter 21-10 of the North Dakota Century Code, relating to fiscal impact statements for a measure or policy affecting the legacy fund.

#### 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 0 YEAS, 45 NAYS, 0

EXCUSED, 2 ABSENT AND NOT VOTING.

**NAYS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**ABSENT AND NOT VOTING:** Heckaman; Myrdal

SB 2320 failed.

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#### SECOND READING OF SENATE BILL

**SB 2277:** A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for motor vehicles transferred under a divorce decree; 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 44 YEAS, 1 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Larsen, O.

**ABSENT AND NOT VOTING:** Heckaman; Myrdal

SB 2277 passed.

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#### SECOND READING OF SENATE BILL

**SB 2200:** A BILL for an Act to create and enact a new subsection to section 57-38-31 of the North Dakota Century Code, relating to use tax reporting and remittance on income tax returns; 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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogan; Hogue; Holmberg; Kannianen; Krebsbach; Kreun; Larsen, D.; Larson, D.; Lee; Lemm; Luick; Marcellais; Mathern; Meyer; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Klein; Larsen, O.; Sorvaag

**ABSENT AND NOT VOTING:** Heckaman; Myrdal

SB 2200 passed.

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#### SECOND READING OF SENATE BILL

**SB 2201:** A BILL for an Act to create and enact a new section to chapter 1-08 of the North Dakota Century Code, relating to requiring the state to observe daylight saving time

year round; to repeal section 40-01-20 of the North Dakota Century Code, relating to daylight saving time; 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 22 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bell; Burckhard; Conley; Elkin; Heitkamp; Kannianen; Klein; Krebsbach; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Marcellais; Oban; Patten; Schaible; Vedaa; Wanzek; Wardner; Wobbema

**NAYS:** Bakke; Bekkedahl; Clemens; Davison; Dever; Dwyer; Erbele; Fors; Hogan; Hogue; Holmberg; Kreun; Lee; Mathern; Meyer; Oehlke; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Sorvaag; Weber

**ABSENT AND NOT VOTING:** Heckaman; Myrdal

SB 2201 failed.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4008:** A concurrent resolution declaring February 11, 2021, as Giving Hearts Day in North Dakota.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4008 was declared adopted on a voice vote.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SB 2124, SB 2187, SB 2226, SB 2287, SB 2334.

#### 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 2279.

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

**MR. SPEAKER:** The Senate has passed, and your favorable consideration is requested on: SCR 4008.

#### MOTION

**SEN. KLEIN MOVED** that the absent members 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 1:00 p.m., Monday, February 8, 2021, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2065: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2065 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 section 15-05-09.1 and chapter 38-25 of the North Dakota Century Code, relating to the authority of the board of university and school lands to lease lands under its control for the underground storage of oil or gas and the jurisdiction of the industrial commission to regulate the permitting and amalgamation of the underground storage of oil or gas.

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

**SECTION 1.** Section 15-05-09.1 of the North Dakota Century Code is created and enacted as follows:

**15-05-09.1. Authorization to lease for the underground storage of oil or gas.**

The board of university and school lands may lease any lands under the board's control for the underground storage of oil, natural gas, including hydrogen, and any other liquid hydrocarbons and may establish any rules and regulations necessary concerning the leasing of such rights.

**SECTION 2.** Chapter 38-25 of the North Dakota Century Code is created and enacted as follows:

**38-25-01. Definitions.**

As used in this section:

1. "Commission" mean the industrial commission.
2. "Gas" includes all natural gas, including hydrogen, and all other fluid hydrocarbons not defined as oil.
3. "Geological storage" means the underground storage of oil or gas in a storage reservoir or salt cavern.
4. "Oil" includes crude petroleum oil and other hydrocarbons regardless of gravity which are produced at the wellhead in liquid form and the liquid hydrocarbons known as distillate or condensate recovered or extracted from gas, other than gas produced in association with oil and commonly known as casinghead gas.
5. "Permit" means a permit issued by the commission allowing a person to operate an underground storage facility.
6. "Pore space" has the same meaning as in section 47-31-02.
7. "Reservoir" means a subsurface sedimentary stratum, formation, aquifer, or void, whether natural or artificially created, including oil and gas reservoirs and saline formations suitable for or capable of being made suitable for injecting, storing, and withdrawing oil or gas. The term does not include salt caverns.
8. "Salt cavern" means a natural occurring cavity contained within a salt formation or a cavity created in a salt formation by solution mining, suitable for injecting, storing, and withdrawing oil or gas.
9. "Solution mining" means the process of injecting fluid into a well to dissolve rock salt or other readily soluble rock to create a salt cavern for underground storage of oil or gas.
10. "Storage facility" means the reservoir, salt cavern, underground equipment, and surface facilities and equipment used or proposed to be used in an underground storage operation. The term does not include a pipeline used to transport oil or gas to the storage facility.
11. "Storage operator" means a person holding or applying for a permit.

**38-25-02. Commission authority.**

The commission has authority:

1. Over all persons and property necessary to administer and enforce this chapter.
2. To regulate activities relating to an underground storage facility, including construction, solution mining to create salt caverns, operation, and closure.
3. To enter an underground storage facility at a reasonable time and manner to inspect equipment and facilities, to observe, monitor, and investigate operations, and to inspect records required to be maintained at the facility.
4. To require storage operators provide financial assurance, including bonds, to ensure money is available to fulfill the storage operator's duties.
5. To exercise continuing jurisdiction over storage operators and storage facilities, including the authority to amend or revoke a permit after notice and hearing.
6. After notice and hearing, to dissolve or change the boundaries of any commission established oil or gas field or unit within or near a storage reservoir's or salt cavern's boundaries.
7. After notice and hearing, to adopt reasonable rules and issue reasonable orders to implement the policies of this chapter.
8. After notice and hearing, to grant exceptions to this chapter's requirements and implementing rules for good cause.

**38-25-03. Permit required - Permit transfer.**

Geologic storage is allowed if permitted by the commission. A permit may be transferred if the commission consents.

**38-25-04. Permit hearing - Hearing notice.**

1. The commission shall hold a public hearing before issuing any storage permit.
2. Notice of the hearing must be published for two consecutive weeks in the official newspaper of the county or counties where the storage reservoir or salt cavern is proposed to be located and in any other newspaper the commission requires. Publication deadlines must comply with commission requirements.
3. Notice of hearing must be given to each surface owner of land overlying the storage reservoir or salt cavern and within one-half mile [0.80 kilometer] of the reservoir's or salt cavern's boundaries.
4. If the proposed storage facility contemplates storage of oil or gas in an oil and gas reservoir, notice of the hearing also must be given to each mineral lessee, mineral owner, and pore space owner within the storage reservoir and within one-half mile [0.80 kilometer] of the storage reservoir's boundaries.
5. If the proposed storage facility contemplates storage of oil or gas in a salt cavern, notice of the hearing must be given to each salt mineral lessee, salt mineral owner, and pore space owner within the salt cavern outer boundaries and within one-half mile [0.80 kilometer] of the outer boundaries of the salt cavern, or as otherwise may be required by the commission.
6. If the storage facility contemplates storage of oil or gas in a saline formation or aquifer, notice of hearing must be given to each pore space



owner within the storage reservoir and within one-half mile [0.80 kilometer] of the storage reservoir's boundaries.

7. Hearing notices required by this section must comply with the deadlines set by the commission and must contain the information the commission requires.

**38-25-05. Permit requirements - Storage in oil and gas reservoir.**

Before issuing a permit for storage in an oil and gas reservoir, the commission shall find:

1. The storage operator has or will obtain the consent by lease, purchase, or other agreement from all surface owners where surface disturbance activities are necessary and surface facilities will be located.
2. The storage operator has complied with all requirements set by the commission.
3. The storage facility is suitable and feasible for the injection, storage, and withdrawal of oil or gas.
4. The storage operator has made a good-faith effort to get the consent of all persons that own the storage reservoir's pore space.
5. The storage operator has made a good-faith effort to obtain the consent of all persons that own oil and gas minerals and oil and gas leases.
6. The storage operator has obtained the consent of persons that own at least fifty-five percent of the storage reservoir's pore space.
7. The storage operator has obtained the consent of persons that own at least fifty-five percent of the storage reservoir's oil and gas minerals and oil and gas leases.
8. Whether the storage reservoir contains any commercially valuable oil, gas, or other minerals and, if it does, a permit may be issued only if the commission is satisfied the interests of the mineral owners or mineral lessees will not be affected adversely or have been addressed in an arrangement entered by the mineral owners or mineral lessees and the storage operator.
9. The proposed storage facility will not affect adversely surface waters or formations containing fresh water.
10. The injected oil or gas will not escape from the storage reservoir.
11. The storage facility will not endanger health or unduly endanger the environment.
12. The storage facility is in the public interest.
13. The vertical boundaries of the storage reservoir are defined to include any necessary or reasonable buffer zones for the purpose of ensuring the safe operations of the storage facility and to protect the storage facility against pollution, invasion, and escape or migration of oil or gas therefrom.
14. The horizontal extent of the injected gas within the storage reservoir, as estimated by reasonable means and confirmed through appropriate monitoring methods, are defined to include any necessary or reasonable buffer zones for the purpose of ensuring the safe operations of the storage facility and to protect the storage facility against pollution, invasion, and escape or migration of oil or gas therefrom.

15. The storage operator will establish monitoring facilities and protocols to assess the location and migration of oil and gas, if any, injected for storage and to ensure compliance with all permit, statutory, and administrative requirements.
16. All nonconsenting owners are or will be compensated equitably.

**38-25-06. Permit requirements - Storage in saline reservoir or aquifer.**

Before issuing a permit for storage in a saline reservoir or aquifer, the commission shall find:

1. The storage operator has or will obtain the consent by lease, purchase, or other agreement from all surface owners where surface disturbance activities are necessary and surface facilities will be located.
2. The storage operator has complied with all requirements set by the commission.
3. The storage facility is suitable and feasible for the injection, storage, and withdrawal of oil or gas.
4. The storage operator has made a good-faith effort to obtain the consent of all persons that own the storage reservoir's pore space.
5. The storage operator has obtained the consent of persons that own at least fifty-five percent of the storage reservoir's pore space.
6. The proposed storage facility will not affect adversely surface waters or formations containing fresh water.
7. The injected oil or gas will not escape from the storage reservoir.
8. The storage facility will not endanger health or unduly endanger the environment.
9. The storage facility is in the public interest.
10. The vertical boundaries of the storage reservoir are defined to include any necessary or reasonable buffer zones for the purpose of ensuring the safe operations of the storage facility and to protect the storage facility against pollution, invasion, and escape or migration of oil or gas therefrom.
11. The horizontal extent of the injected gas within the storage reservoir, as estimated by reasonable means and confirmed through appropriate monitoring methods, are defined to include any necessary or reasonable buffer zones for the purpose of ensuring the safe operations of the storage facility and to protect the storage facility against pollution, invasion, and escape or migration of oil or gas therefrom.
12. The storage operator will establish monitoring facilities and protocols to assess the location and migration of oil and gas, if any, injected for storage and to ensure compliance with all permit, statutory, and administrative requirements.
13. All nonconsenting pore space owners are or will be compensated equitably.

**38-25-07. Permit requirements - Storage in salt cavern.**

Before issuing a permit for storage in a salt cavern, the commission shall find:

1. The storage operator has or will obtain the consent by lease, purchase, or other agreement from all surface owners where surface disturbance activities are necessary and surface facilities will be located.
2. The storage operator has complied with all requirements set by the commission, including all necessary permits to conduct solution mining, if applicable.
3. The storage facility is suitable and feasible for the injection, storage, and withdrawal of oil or gas.
4. The storage operator has made a good-faith effort to obtain the consent of all persons that own the salt cavern's pore space.
5. The storage operator has made a good-faith effort to obtain the consent of all persons that own the salt cavern's salt minerals and salt leases.
6. The storage operator has obtained the consent of persons that own at least fifty-five percent of the salt cavern's pore space.
7. The storage operator has obtained the consent of persons that own at least fifty-five percent of the salt cavern's salt minerals and salt leases.
8. The proposed storage facility will not affect adversely surface waters or formations containing fresh water.
9. The injected oil or gas will not escape from the salt cavern.
10. The storage facility will not endanger health or unduly endanger the environment.
11. The storage facility is in the public interest.
12. The horizontal and vertical boundaries of the salt cavern are defined to include a buffer zone from the outer walls of the cavern for the purpose of ensuring the safe operation of the storage facility and to protect the storage facility against pollution, invasion, and escape or migration of gas therefrom.
13. The storage operator will establish monitoring facilities and protocols to assess the location and migration of oil and gas, if any, injected for storage and to ensure compliance with all permit, statutory, and administrative requirements.
14. That all nonconsenting owners are or will be equitably compensated.

**38-25-08. Amalgamating property interests.**

If a storage operator does not obtain the consent of all persons owning a pore space and of mineral interest owners when required by this chapter, the commission may require the interest owned by the nonconsenting owners be included in an approved storage facility and subject to geologic storage.

**38-25-09. Ownership of oil and gas.**

All oil or gas previously reduced to possession and subsequently injected into underground storage facilities must be deemed the property of the storage operator subject to the obligation to pay royalties as set forth in section 38-25-10.

**38-25-10. Injection of produced gas - When royalties owed.**

1. Unless otherwise expressly agreed by the storage operator, mineral owners, and lease owners, royalties on gas produced but not sold and which is injected into a storage facility instead of flaring or for lack of market, are not due on the produced and stored gas until gas volumes

actually are withdrawn from the storage facility, sold, and proceeds received from the sale.

2. Prior to gas being withdrawn and sold from a storage facility under this section, the storage operator, after notice and hearing, shall obtain approval from the commission evidencing a reasonable and equitable method of allocation of the stored gas sale proceeds to the rightful mineral, royalty, and leasehold owners of the gas injected into storage. The commission may adopt such rules and orders as necessary to implement the purposes of this section.

### **38-25-11. Application.**

This chapter does not apply to applications filed with the commission which propose to use produced gas for an enhanced oil or gas recovery project. Those applications must be processed under chapter 38-08."

Renumber accordingly

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

**SB 2146: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2146 was placed on the Eleventh order on the calendar.

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

**SB 2162: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2162 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "Notwithstanding any other provision of law, the" with "The"

Page 1, line 10, remove "may not"

Page 1, line 11, replace "restrict communication between a" with "shall develop guidelines for a person interested in conducting business with the state. The guidelines must address communications between interested persons and purchasing agencies before, during, and after the procurement process. Procurements conducted by the office of management and budget or a purchasing agency must have a procurement officer who serves as the point of contact for all correspondence related to the procurement. A"

Page 1, line 12, after "bid" insert "or proposal"

Page 1, line 12, replace "and any" with "in response to an active procurement should ensure all communications related to the procurement are only with the designated point of contact. This section does not restrict an interested person's communication with"

Page 1, line 12, replace "official" with "officials"

Page 1, line 13, after "assembly" insert "unless the state official or member of the legislative assembly is involved directly with the procurement for which the person is interested or has submitted a bid or proposal"

Page 1, line 13, remove "This section does not apply to communication with a state official directly"

Page 1, remove line 14

Page 1, line 17, after "budget" insert "or a purchasing agency"

Page 1, line 21, remove the underscored colon

Page 1, line 22, remove "(1) Be"

Page 1, line 22, overstrike "made with the level of" and insert immediately thereafter "treat all bidders fairly and promote"

Page 1, line 22, after "competition" insert "as is"

Page 1, line 24, replace "(2) Include a" with:

"b. The procurement file must contain a"

Page 1, line 24, overstrike the first "the" and insert immediately thereafter: ".

(1) The"

Page 2, line 1, replace "(3) Include a written explanation of the" with:

"(2) The basis for the"

Page 2, line 2, remove "which"

Page 2, line 2, overstrike "must be included"

Page 2, line 2, remove "retained"

Page 2, line 2, overstrike "in the contract file"

Page 2, replace lines 3 through 5 with:

- "c. If the emergency circumstances warrant a noncompetitive purchase, the office of management and budget or the purchasing agency shall document within the procurement file a written determination of the basis for the noncompetitive purchase, including the circumstances that justified the noncompetitive purchase.
- d. If the emergency purchase is subject to federal funding reimbursement, the office of management and budget or the purchasing agency shall ensure the procurement procedures and documentation are adequate to satisfy requirements for federal reimbursement.
- e. If time allows, emergency purchases for commodities under this subsection may require a sample for use in determining whether an offered product meets specifications."

Page 2, line 8, remove " - **Commodity**"

Page 2, line 9, replace "shall pay" with "and"

Page 2, line 9, after "vendor" insert "may negotiate payment terms"

Page 2, line 9, remove "within thirty days of receipt"

Page 2, line 10, replace "of an invoice" with "and services procured"

Page 2, line 10, after the underscored period insert "If a date for payment is not specified by the contract, payment must be made pursuant to section 13-01.1-01."

Page 2, line 13, remove "bid"

Page 2, line 15, remove "The procedure must minimize the length of a"

Page 2, remove line 16

Page 2, line 17, replace "or service sought" with "The office of management and budget, in consultation with the office of the attorney general, shall develop standardized solicitation documents. The documents must be made available on the procurement

information website. When drafting a solicitation, the office of management and budget and purchasing agencies shall use their best efforts to minimize the length of the solicitation by ensuring only those sections from the standardized solicitation documents applicable to the procurement are included"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2188: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2195: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2195 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2211: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2211 was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike "An" and insert immediately thereafter "Other than during the regular deer gun season, an"

Page 1, line 19, replace the first "a" with "any"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2225: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2225 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 section 15-10-18.6 of the North Dakota Century Code, relating to providing reduced tuition and fee charges in North Dakota institutions of higher education for dependents of disabled veterans; and to provide an appropriation.

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

**SECTION 1.** Section 15-10-18.6 of the North Dakota Century Code is created and enacted as follows:

**15-10-18.6. Reduced tuition in North Dakota institutions of higher education.**

1. As used in this section:
  - a. "Dependent" means a child, stepchild, spouse, widow, or widower of a resident veteran, as "veteran" is defined in section 37-01-40, who:
    - (1) Has a service-connected disability rating of at least fifty percent but no more than ninety-nine percent, as determined by the department of veterans' affairs; or
    - (2) Has an extra-schedular rating to include individual unemployability that brings the veteran's total disability rating to at least fifty percent but not more than ninety-nine percent, as determined by the department of veterans' affairs.

- b. "Resident veteran" has the same meaning as provided under section 15-10-18.2.
- 2. Any dependent upon being duly accepted for enrollment into any undergraduate degree or certificate program of a North Dakota state institution of higher education is entitled to obtain a bachelor's degree or certificate of completion, for so long as the dependent is eligible, at reduced tuition and fee charges provided the bachelor's degree or certificate of completion is earned within a forty-five-month or ten-semester period or its equivalent. For purposes of this section, tuition and fee charges do not include costs for aviation flight charges or expenses.
- 3. A dependent is entitled to the following reduction in tuition and fees under subsection 2:
  - a. A fifty percent reduction if the resident veteran has a service-connected disability rating of at least fifty percent but not more than fifty-nine percent;
  - b. A sixty percent reduction if the resident veteran has a service-connected disability rating of at least sixty percent but not more than sixty-nine percent;
  - c. A seventy percent reduction if the resident veteran has a service-connected disability rating of at least seventy percent but not more than seventy-nine percent;
  - d. An eighty percent reduction if the resident veteran has a service-connected disability rating of at least eighty percent but not more than eighty-nine percent; or
  - e. Ninety percent reduction if the resident veteran has a service-connected disability rating of at least ninety percent but not more than ninety-nine percent.

**SECTION 2. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$3,800,000, or so much of the sum as may be necessary, to the state board of higher education for the purpose of providing reduced tuition and fees to a dependent of a disabled resident veteran, for the biennium beginning July 1, 2021, and ending June 30, 2023."

Renumber accordingly

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

**SB 2227: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2227 was placed on the Eleventh order on the calendar.

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

**SB 2254: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Eleventh order on the calendar.

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

**SB 2280: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2280 was placed on the Eleventh order on the calendar.

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

**SB 2283: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Sixth order on the calendar.

Page 1, line 3, after the third comma insert "section 29-04-02,"

Page 1, line 5, after "general" insert "and the prosecution of a felony"

Page 3, after line 28, insert:

**"SECTION 5. AMENDMENT.** Section 29-04-02 of the North Dakota Century Code is amended and reenacted as follows:

**29-04-02. Prosecution for felony other than murder within three years.**

Except as otherwise provided by law, a prosecution for any felony other than murder must be commenced within three years after its commission. Prosecution of felony offenses under chapter 12.1-23 or 50-24.8 must be commenced within the later of three years of commission of the last act that is an element of the offense, three years of discovery of the stolen property, or three years of discovery of the loss of the property or services. Nothing in this section prevents a person prosecuted for murder from being found guilty of any included offense and punished accordingly."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2285: Political Subdivisions Committee (Sen. Burckhard, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2285 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2302: Transportation Committee (Sen. Clemens, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2302 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2328: Energy and Natural Resources Committee (Sen. Kreun, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2328 was placed on the Sixth order on the calendar.

Page 3, line 5, after "flare" insert "mitigation"

Page 3, line 22, replace "production" with "flare mitigation"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2342: Agriculture Committee (Sen. Luick, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4004: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4004 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4009: Transportation Committee (Sen. Clemens, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4009 was placed on the Eleventh order on the calendar.

**FIRST READING OF HOUSE BILLS**

**HB 1027:** A BILL for an Act to create and enact five new sections to chapter 15.1-27 of the North Dakota Century Code, relating to school district transportation aid payments; and to amend and reenact section 15.1-31-05 of the North Dakota Century Code, relating to the transportation of open enrollment students.

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



**HB 1086:** A BILL for an Act to amend and reenact sections 26.1-22-02.1, 26.1-22-06.1, 26.1-22-10, 26.1-22-14, 26.1-22-15, and 26.1-22-19 of the North Dakota Century Code, relating to property insured by the state fire and tornado fund; to provide an effective date; and to declare an emergency.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

**Shanda Morgan, Secretary**

