

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, March 19, 2021

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. KLEIN MOVED that Engrossed HB 1418, which is on the Fourteenth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Engrossed HB 1418 was rereferred.

MOTION

SEN. KLEIN MOVED that HB 1429, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed on a voice vote.

POINT OF PERSONAL PRIVILEGE

SEN. MEYER rose on a point of personal privilege.

REMARKS OF SENATOR MEYER

MR. PRESIDENT: I rise today to celebrate an anniversary. On this week, 58 years ago, the United States Supreme Court issued an opinion recognizing the accused's right to counsel in a criminal matter.

When an individual is charged with a crime, the United States Constitution requires the state to provide lawyer to those who would otherwise not be able to afford it. Further, the United State Supreme Court recognized the constitutional right to counsel for juveniles alleged to have committed a delinquent act in 1967.

North Dakota meets these constitutional mandates through the North Dakota Commission of Legal Counsel for Indigents. The Commission is the state agency that provides services to individuals when there is a constitutional, statutory or rule based right to counsel.

Mr. President, please join me in recognizing the dedication and effort of the North Dakota Commission on Legal Counsel's Lawyers, staff and contract attorneys who provide this service in the great state of North Dakota. We say in the pledge of allegiance at the start of every floor session, "Justice for All", the men and women of the Commission help to make this a reality in North Dakota.

MOTION

SEN. KLEIN MOVED that the remarks of Sen. Meyer be printed in the Journal, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1288, as engrossed: SEN. K. ROERS (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.

Engrossed HB 1288 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1033, as engrossed: SEN. ANDERSON (Human Services Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1281, as engrossed: SEN. PATTEN (Finance and Taxation Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1478, as engrossed: SEN. OBAN (Education Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

CONSIDERATION OF AMENDMENTS

HB 1370: SEN. ELKIN (Education Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a voice vote.

SECOND READING OF HOUSE BILL

HB 1345: A BILL for an Act to amend and reenact sections 43-31-07, 43-31-09, 43-31-10, and 43-31-14 of the North Dakota Century Code, relating to the licensing of detection of deception examiners and to repeal sections 43-31-07.1 and 43-31-16 of the North Dakota Century Code, relating to internship licenses and exemptions from testing requirements of detection of deception examiners.

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; 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; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

ABSENT AND NOT VOTING: Davison

Engrossed HB 1345, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1154: A BILL for an Act to create and enact chapter 26.1-36.9 and sections 26.1-47-02.2 and 26.1-47-02.3 of the North Dakota Century Code, relating to prior authorization of dental services, dental networks, and payment of dental claims.

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

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

NAYS: Larsen, O.

ABSENT AND NOT VOTING: Davison

Engrossed HB 1154 passed.

SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to repeal section 15.1-06-04.1 of the North Dakota Century Code, relating to school district calendar limitations.

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 41 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Heitkamp; Hogan; Oehlke; Rust; Schaible

ABSENT AND NOT VOTING: Davison

Engrossed HB 1075 passed.

SECOND READING OF HOUSE BILL

HB 1083: A BILL for an Act to amend and reenact sections 15.1-21-02.4 and 15.1-21-02.5 of the North Dakota Century Code, relating to scholarship eligibility requirements; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Heitkamp; Poolman

ABSENT AND NOT VOTING: Davison

HB 1083 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1198: A BILL for an Act to create and enact a new subsection to section 37-17.1-05 of the North Dakota Century Code, relating to the governor's authority regarding polling places during a declared state of disaster or emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bell; Burckhard; Clemens; Conley; Dever; Dwyer; Erbele; Fors; Heitkamp; Hogue; Kannianen; Klein; Larsen, D.; Larsen, O.; Lemm; Luick; Meyer; Myrdal; Oehlke; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wobbema

NAYS: Anderson; Bakke; Bekkedahl; Elkin; Heckaman; Hogan; Holmberg; Krebsbach; Kreun; Lee; Marcellais; Mathern; Oban; Patten; Piepkorn; Poolman; Roers, J.;

Roers, K.; Wardner; Weber

ABSENT AND NOT VOTING: Davison; Larson, D.

HB 1198 passed.

SECOND READING OF HOUSE BILL

HB 1028: A BILL for an Act to amend and reenact section 57-15-17 of the North Dakota Century Code, relating to the ability of a school district to temporarily transfer excess funds accruing as a result of the COVID-19 pandemic between the general fund and the building fund of the school district; to provide an expiration date; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; 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; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

ABSENT AND NOT VOTING: Davison

HB 1028 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to create and enact a new subsection to section 51-08.1-08 and section 51-15-12 of the North Dakota Century Code, relating to damages, injunctive relief, and limitation of actions; to amend and reenact section 51-08.1-07 of the North Dakota Century Code, relating to civil penalty and injunctive enforcement; 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, 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; 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; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

ABSENT AND NOT VOTING: Davison

HB 1208, as amended, passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1188: A BILL for an Act to amend and reenact section 15.1-02-16 of the North Dakota Century Code, relating to a certificate of completion for special education technicians; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee

recommendation of DO PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Hogan; Mathern

ABSENT AND NOT VOTING: Davison

Engrossed HB 1188 passed and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1413: A BILL for an Act to provide for a legislative management study regarding public school nutritional resources.

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, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bakke; Heckaman; Hogan; Larsen, D.; Marcellais; Mathern; Oban; Piepkorn; Weber

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

ABSENT AND NOT VOTING: Davison

Engrossed HB 1413 failed.

SECOND READING OF HOUSE BILL

HB 1107: A BILL for an Act to amend and reenact section 15-10-19.1 of the North Dakota Century Code, relating to the definition of a resident student for tuition purposes.

MOTION

SEN. KLEIN MOVED that HB 1107 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, HB 1107 was rereferred.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3032: A concurrent resolution to amend and reenact section 25 of article XI of the Constitution of North Dakota, relating to authorizing sports betting.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS. The roll was called and there were 22 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bekkedahl; Bell; Burckhard; Conley; Heckaman; Holmberg; Klein; Krebsbach; Kreun; Larsen, D.; Lee; Lemm; Meyer; Oban; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Vedaa; Wanzek; Weber

NAYS: Anderson; Bakke; Clemens; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogan; Hogue; Kannianen; Larsen, O.; Larson, D.; Luick; Marcellais; Mathern; Myrdal; Piepkorn; Rust; Schaible; Sorvaag; Wardner; Wobbema

ABSENT AND NOT VOTING: Davison

HCR 3032 was declared lost on a recorded roll call vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution recognizing the memorandum of understanding and option to acquire land entered by the Department of Corrections and Rehabilitation, by and through the State Penitentiary and the Missouri River Correctional Center and the Parks and Recreation Department.

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

HCR 3002 was declared adopted on a voice vote.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2058, SB 2097, SB 2241.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SCR 4010.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2131, SB 2279.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2208, SB 2263, SB 2317.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2208

Page 1, line 14, after the semicolon insert "reviewing the cost-share for additional assessment drains across the state;"

Page 1, line 20, replace "nine" with "eleven"

Page 1, line 20, replace "eight" with "nine"

Page 2, line 3, replace "Five" with "Seven"

Page 2, line 4, replace "One member" with "Two members"

Page 2, line 7, remove "and"

Page 2, line 9, after the semicolon insert "and

- (6) A road superintendent or engineer selected by the voting members in paragraphs 1 through 5;"

Page 2, after line 15, insert:

"h. The state engineer or the state engineer's designee who is a nonvoting member;"

Page 2, line 16, replace "h." with "i."

Page 2, line 17, replace "i." with "j."

Page 2, line 19, replace "j." with "k."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2263

Page 1, line 2, after "compatibility" insert "; and to provide for application"

Page 2, line 17, replace "designated" with "identified by the county treasurer"

Page 2, line 17, remove "property tax bill sent by the county"

Page 2, line 18, replace "treasurer" with "real estate tax statement"

Page 3, after line 7, insert:

"SECTION 2. APPLICATION. This Act applies to a siting application filed after August 31, 2021."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2317

Page 1, line 2, after the semicolon insert "to provide a continuing appropriation;"

Page 1, line 9, after "collateral" insert "which may be used"

Page 1, line 12, after "party" insert "and the requirements of a collateral bond"

Page 1, line 20, after the underscored period insert "Any expenses incurred by the board of university and school lands or the public service commission under this section must be reimbursed by the permit applicant or qualified third party."

Page 1, after line 21 insert:

"1."

Page 2, line 1, replace "1." with "a."

Page 2, line 1, after "assets" insert "in accordance with North Dakota Administrative Code chapter 69-05.2-12"

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

Page 2, after line 3, insert:

"c. All other requirements of North Dakota Administrative Code chapter 69-05.2-12 have been satisfied.

2. Real property posted as a collateral bond by the person must:

a. Grant the regulatory authority a first mortgage, first deed of trust, or perfected first-lien security interest in the real property with a right to sell or dispose of the real property in the event of forfeiture; and

b. Include a schedule, submitted by the applicant, of the real property mortgaged or pledged to secure the obligations under the indemnity agreement. The schedule of the real property must allow the regulatory authority to evaluate the adequacy of the real property offered to satisfy collateral requirements. The schedule must include:

(1) A description of the property;

(2) The fair market value of the property, as determined by an independent appraisal conducted by a certified appraiser; and

(3) Proof of possession and title to the real property."

Page 2, after line 4 insert:

"The board of university and school lands must be reimbursed from trust proceeds for all reasonable costs and expenses incurred in the management of trust assets and the investment of trust proceeds. Reimbursements to the board must be deposited in the trust fund account from which the expenses were incurred."

Page 2, after line 13, insert:

"15-72-05. Continuing appropriation for trust management.

There is appropriated annually the amounts necessary to pay expenses for assets held in trust under this chapter and managed by the board of university and school lands, including expenses for survey costs, surface lease refunds, weed and insect control, cleanup costs, capital improvement rent credits, in lieu of tax payments, or other expenses necessary to manage, preserve, and enhance the value of trust assets, as determined by the board. Payments under this section must be made from the trust fund account for which the asset is held. Upon completion of all reclamation activities and obligations, all remaining assets held by the coal mine reclamation trust must be transferred to the common schools trust fund."

ReNUMBER accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2117, SB 2166.

AMENDMENTS TO SENATE BILL NO. 2117

Page 1, line 9, remove "on active service for the state if the"

Page 1, line 10, replace "death was connected to the member's scope of duty" with "serving in a state active duty status under this chapter"

Page 1, line 11, replace "ten" with "fifteen"

ReNUMBER accordingly

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2166

Page 3, line 5 replace "three" with "four"

Page 3, after line 5 insert:

"d. A sentence imposed under this subsection must be accompanied by a written statement by the court providing notice of any offense under this section which provides an enhanced penalty, including the penalty for a subsequent offense."

ReNUMBER accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2044, SB 2062, SB 2087, SB 2098, SB 2112, SB 2149, SB 2191, SB 2207, SB 2237, SB 2238, SB 2277, SB 2291, SB 2297.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1180, HB 1196, HB 1220, HB 1251, HB 1336, HB 1346, HB 1355.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: SB 2070, SB 2116, SB 2119, SB 2199, SB 2294, SB 2330, SB 2336.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The President has signed: HB 1180, HB 1196, HB 1220, HB 1251, HB 1336, HB 1346, HB 1355.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: HB 1041, HB 1056, HB 1113, HB 1125, HB 1153, HB 1160, HB 1218, HB 1242, HB 1314, HB 1357, HB 1405.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 19, 2021: SB 2070, SB 2116, SB 2119, SB 2199, SB 2294, SB 2330, SB 2336.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on March 19, 2021: SMR 8001.

MOTION

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

MOTION

SEN. KLEIN MOVED that the Senate be on the Fourth, Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 22, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1063, as engrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1063 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1081, as engrossed: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1081 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1165: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1165 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1183, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1183 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1186, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1186 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1189, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1189 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "provisional" with "casting"

Page 2, line 7, remove "**and delivering canvass report -** "

Page 2, line 8, replace "**Provisional ballot**" with "**report of vote totals**"

Page 2, replace lines 9 through 14 with "A voter may take up to thirty minutes to mark and cast the ballot after receiving the ballot from the election judge. After the polls close, the election board shall generate the report of the vote totals not later than thirty minutes after the last elector in line at the closing time received a ballot. An elector remaining in the polling place after the thirty minutes have expired who has not completed marking the ballot must be offered the choice of casting the ballot as marked or continuing to mark the ballot. If the elector chooses to continue marking the ballot, the ballot selections must be excluded from the report of the vote totals"

generated by the election board but must be forwarded by the election board to the canvassing board and added to the final tally. The secretary of state shall develop uniform, mandatory procedures for election boards to ensure the secrecy of each elector's ballot."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1219: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1219 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1221: Energy and Natural Resources Committee (Sen. Kreun, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1221 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1233, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1233 was placed on the Sixth order on the calendar.

Page 4, line 4, after "implemented" insert ".

- g. A document or information provided to the board or the auditor under this section is confidential commercial information and a trade secret, is exempt from public inspection, and is not a public record under section 44-04-18. A document or information provided to the board or the auditor under this section and the performance audit report prepared under this section may not be released to another person in a manner that allows for the identification of an individual drug or manufacturer or in a manner that has the potential to compromise the financial, competitive, or proprietary nature of the information"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1259: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1259 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1264: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1264 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1285, as engrossed: 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). Engrossed HB 1285 was placed on the Sixth order on the calendar.

Page 2, line 8, replace "American" with "America"

Page 2, line 9, replace "American" with "America"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1303, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1303 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1319: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1319 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1378: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1378 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1390, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1390 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1407, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1407 was placed on the Sixth order on the calendar.

Page 1, line 19, overstrike "Of"

Page 1, line 20, overstrike "any" and insert immediately thereafter "The department shall deposit all"

Page 1, line 21, overstrike ", the department"

Page 1, line 22, overstrike "shall deposit"

Page 1, line 22, remove "seventy"

Page 1, line 22, overstrike "percent"

Page 1, line 22, overstrike "and"

Page 1, line 23, overstrike "forty",

Page 1, line 23, remove "thirty"

Page 1, line 23, overstrike "percent in the general fund"

Page 2, line 9, after the underscored comma insert "through June 30, 2025, no more than seventy-five percent and thereafter,"

Page 3, line 11, remove the overstrike over the overstruck comma

Page 3, line 11, remove the underscored colon

Page 3, line 12, remove "a. The"

Page 3, line 12, overstrike "department shall compile"

Page 3, line 13, remove "data"

Page 3, line 13, overstrike "and provide the legislative"

Page 3, line 14, overstrike "management with a biennial report on the"

Page 3, line 14, remove "state"

Page 3, line 14, overstrike "government use of"

Page 3, overstrike line 15

Page 3, line 16, replace "b. Each" with "each"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1416, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1416 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1437, as engrossed: Agriculture Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1437 was placed on the Sixth order on the calendar.

Page 8, line 22, after "**systems**" insert "**discharging into assessment drains**"

Page 8, line 25, after "area" insert "and which drains directly into an assessment drain or directly into a tributary of an assessment drain."

Page 9, line 21, after "5." insert "A subsurface water management system that drains into a slough or other body of water completely encompassed by land owned by the person that owns the land drained by the system may not be deemed a system that drains directly into an assessment drain or directly into a tributary of an assessment drain."

6."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1466, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1466 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1475, as reengrossed: Agriculture Committee (Sen. Luick, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1475 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 three new sections to chapter 4.1-01.1 of the North Dakota Century Code, relating to an agriculture diversification and development fund, agriculture diversification and development committee, and agriculture diversification and development fund grants program; to provide an appropriation; to provide a continuing appropriation; and to provide for a transfer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 4.1-01.1 of the North Dakota Century Code is created and enacted as follows:

Agriculture diversification and development fund - Continuing appropriation.

1. There is created in the state treasury the agriculture diversification and development loan fund. The fund consists of all moneys transferred to the fund by the legislative assembly, interest upon moneys in the fund, and payments of interest and principal on loans made from the fund. Moneys in the fund are appropriated to the Bank of North Dakota on a continuing basis for loan disbursements, grants, and administrative costs

pursuant to this section. No more than twenty-five percent of the fund may be utilized for grants in a biennium.

2. Loans, interest rate buydowns, or grants may be issued from the fund to support new or expanding value-added agriculture businesses that demonstrate financial feasibility, enhance profitability for farmers and ranchers, create jobs, and grow the state's economy. Value-added agriculture businesses include food production or processing facilities; feed or pet food processing facilities; commodity processing facilities; agriculture product manufacturers; and animal agriculture production facilities, including swine, poultry, dairy, and feed lot production facilities.
3. The Bank of North Dakota shall develop policies in consultation with the agriculture diversification and development committee. The Bank shall review loan applications. To be eligible for a loan under this section, an entity shall agree to provide the Bank with information as requested. The Bank may develop policies for loan participation with local financial institutions. The Bank shall deposit in the fund all principal and interest paid on the outstanding loans. The Bank may use a portion of the interest paid as a servicing fee to pay for administrative costs, which may not exceed one-half of one percent of the amount of the outstanding loans. The Bank shall contract with a certified public accounting firm to audit the fund if the fund has any loans. The cost of the audit must be paid from the fund.

SECTION 2. A new section to chapter 4.1-01.1 of the North Dakota Century Code is created and enacted as follows:

Agriculture diversification and development committee.

1. The committee consists of eleven members, five of whom must be appointed by the commissioner for terms of two years each, arranged so that two terms expire in odd-numbered years and three terms expire in even-numbered years.
 - a. Four of the members appointed by the commissioner must be actively engaged in farming in this state and the fifth member appointed by the commissioner must be actively engaged in agribusiness in this state.
 - b. The governor shall appoint one member for a term of two years which expires in odd-numbered years.
 - c. The member appointed by the governor must be actively engaged in business in this state.
 - d. The remaining committee members must consist of:
 - (1) One representative from the independent community banks of North Dakota;
 - (2) One representative from the North Dakota bankers association;
 - (3) The commissioner of commerce or the commissioner's designee;
 - (4) The president of North Dakota state university or the president's designee; and
 - (5) The agriculture commissioner or the commissioner's designee.
 - e. The commission shall elect one of its members as chairman.
2. The agriculture diversification and development committee shall develop guidelines for the grants, including eligibility criteria and reporting

requirements. The guidelines must include priority for businesses with a majority of the ownership comprised of North Dakota residents. The agriculture diversification and development committee shall review grant applications and make funding determinations.

SECTION 3. A new section to chapter 4.1-01.1 of the North Dakota Century Code is created and enacted as follows:

Agriculture diversification and development fund grants program - Access to records.

1. To the extent the agricultural products utilization commission determines the materials or data provided under section 1 of this Act consist of trade secrets or commercial, financial, or proprietary information of individuals or entities applying for grants with the commission, materials and data submitted to, made by, or received by the commission, are not public records subject to section 44-04-18 and section 6 article XI of the Constitution of North Dakota, and are subject to section 44-04-18.4.
2. A person may file a request with the commission to have material designated as confidential under subsection 1. The request must contain any information required by the commission and must include at least the following:
 - a. A general description of the nature of the information sought to be protected;
 - b. An explanation of why the information derives independent economic value, actual or potential, from not being generally known to other persons;
 - c. An explanation of why the information is not readily ascertainable by proper means of other persons;
 - d. A general description of any person that may obtain economic value from disclosure or use of the information, and how the person may obtain this value; and
 - e. A description of the efforts used to maintain the secrecy of the information.
3. A request under subsection 2 is confidential. The commission shall examine the request and determine whether the information is relevant to the matter at hand and is a trade secret under the definition in section 47-25.1-01 or 44-04-18.4. If the commission determines the information is not relevant or not a trade secret, the commission shall notify the requester and the requester may ask for the return of the information and the request within ten days of the notice. If no return is sought, the information and request are public records.
4. The names or identities of independent technical reviewers on a project or program are confidential, may not be disclosed by the commission, and are not public records subject to section 44-04-18 or section 6 of article XI of the Constitution of North Dakota.

SECTION 4. APPROPRIATION - TRANSFER TO AGRICULTURE DIVERSIFICATION AND DEVELOPMENT FUND. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000,000, or so much of the sum as may be necessary, to the agriculture diversification and development fund for the biennium beginning July 1, 2021, and ending June 30, 2023. "

Renumber accordingly

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

Shanda Morgan, Secretary

