

JOURNAL OF THE SENATE

Sixty-seventh Legislative Assembly

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Bismarck, March 29, 2021

The Senate convened at 1:00 p.m., with President Sanford presiding.

The prayer was offered by Pastor Paul Schauer, Sunne Lutheran, Wilton.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1388, as reengrossed: SEN. SCHAIBLE (Education 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.

Reengrossed HB 1388 was rereferred to the **Appropriations Committee**.

MOTION

SEN. KLEIN MOVED that pursuant to Senate rule 337, that HB 1388 be immediately placed on the sixth order, which motion prevailed on a voice vote.

MOTION

SEN. KLEIN MOVED that Reengrossed HB 1181, which is on the Sixth order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Klein's motion, Reengrossed HB 1181 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1431, as engrossed: SEN. BELL (Finance and Taxation 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 1431 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1380, as engrossed: SEN. BELL (Finance and Taxation 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 1380 was rereferred to the **Appropriations Committee**.

CONSIDERATION OF AMENDMENTS

HB 1117, as engrossed: SEN. DWYER (Judiciary 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 1117: A BILL for an Act to create and enact sections 30.1-28-16, 30.1-28-17, 30.1-28-18, and 30.1-28-19 of the North Dakota Century Code, relating to involuntary treatment of a ward with prescribed medication; and to amend and reenact sections 25-03.1-03.1, 25-03.1-06, 25-03.1-08, 25-03.1-15, 25-03.1-18.2, and 25-03.1-19, subsection 2 of section 25-03.1-21, sections 25-03.1-22, 25-03.1-23, and 25-03.1-29, subsection 2 of section 30.1-28-03, and sections 30.1-28-04, 30.1-28-12, and 30.1-28-14 of the North Dakota Century Code, relating to commitment procedures and involuntary treatment of a ward with prescribed medication.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1117, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1276, as engrossed: SEN. K. ROERS (Government and Veterans Affairs 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 1276: A BILL for an Act to create and enact section 54-10-15.1 of the North Dakota Century Code, relating to the appointment of a special auditor; and to repeal section 54-10-20 of the North Dakota Century Code, relating to a special state auditor.

ROLL CALL

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

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

NAYS: Clemens; Elkin; Heitkamp; Hogue; Lemm; Luick; Myrdal; Vedaa; Wobbema

Engrossed HB 1276, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1209, as engrossed: SEN. WEBER (Government and Veterans Affairs 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 1209: A BILL for an Act to provide for a legislative management study of the public employees retirement system defined benefit and defined contribution retirement plans.

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 34 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bekkedahl; Bell; Burckhard; Conley; Davison; Dwyer; Elkin; Erbele; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Bakke; Clemens; Dever; Fors; Heckaman; Heitkamp; Hogan; Hogue; Lee; Marcellais; Mathern; Oban; Piepkorn

Engrossed HB 1209, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1008, as engrossed: SEN. WANZEK (Appropriations 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 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; to create and enact two new sections to chapter 49-01, subsection 4 of section 49-22-22, subsection 4 of section 49-22.1-21, and a new section to chapter 64-02 of the North Dakota Century Code, relating to a public service commission program fund, a public utility assessment, siting process administrative fees, and fees for registered service companies and to license and test a registered service person; to amend and reenact sections 49-01-05, 57-43.2-19, 64-02-10, and 64-02-12 of the North Dakota Century Code, relating to the salary of the commissioners, the transfer and distribution of funds in the highway tax distribution fund, fees to test or calibrate weighing and measuring devices, and the deposit of fees; to provide a report; and to provide for a transfer.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1008, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1483, as engrossed: SEN. HEITKAMP (Political Subdivisions 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 1483: A BILL for an Act to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to lease purchase.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1483, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1349, as engrossed: SEN. OBAN (Political Subdivisions 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 1349: A BILL for an Act to create and enact subsection 12 of section 44-04-19.1, a new section to chapter 44-04, and subsection 6 of section 50-24.8-12 of the North Dakota Century Code, relating to open record and meeting laws; to amend and reenact subsection 9 of section 44-04-17.1, sections 44-04-18.27 and 44-04-19, subsections 1 and 2 of section 44-04-20, and section 44-04-30 of the North Dakota Century Code, relating to open record and meeting laws; and to provide a penalty.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

Engrossed HB 1349, as amended, passed.

CONSIDERATION OF AMENDMENTS

HB 1298, as engrossed: SEN. DWYER (Judiciary 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 1298: A BILL for an Act to create and enact a new section to chapter 14-02.4 of the North Dakota Century Code, relating to participation in athletic events exclusively for males or females.

MOTION

SEN. K. ROERS MOVED that Engrossed HB 1298, as amended, be amended as follows.

In lieu of the amendments adopted by the Senate as printed on page 1032 of the Senate Journal, Engrossed House Bill No. 1298 is 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 student athletic events that are exclusively for males or exclusively for females and the impact of the policy that prohibits participation in those events by individuals who are the opposite sex."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - STUDENT ATHLETIC EVENTS. During the 2021-22 interim, the legislative management shall consider studying student athletic events that are exclusively for males or exclusively for females and the impact of a policy that prohibits participation in those events by individuals who are of the opposite sex. The study must consider:

1. The economic impact of the policy on local, regional, and state tourism if youth athletic programs were not held in North Dakota;

2. The impact of the policy on student athletes' inability to participate in regional and national qualifying events for the students' respective athletic events;
3. The potential litigation impact to student athletes, school districts, activities directors, coaches, and the North Dakota high school activities association; and
4. The impact of the policy on student behavioral health and any necessary resources to address such impacts.

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. K. ROERS REQUESTED a verification vote on the motion to adopt the proposed amendments to Engrossed HB 1298, as amended, which request was granted.

The proposed amendments to Engrossed HB 1298, as amended, were adopted on a verification vote.

HB 1298: A BILL for an Act to provide for a legislative management study regarding student athletic events that are exclusively for males or exclusively for females and the impact of the policy that prohibits participation in those events by individuals who are the opposite sex.

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 32 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bell; Burckhard; Conley; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Meyer; Myrdal; Patten; Poolman; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

NAYS: Bakke; Bekkedahl; Clemens; Davison; Heckaman; Hogan; Kreun; Lee; Marcellais; Mathern; Oban; Oehlke; Piepkorn; Roers, J.; Roers, K.

Engrossed HB 1298, as amended, passed.

SECOND READING OF HOUSE BILL

HB 1425: A BILL for an Act to create and enact section 6-09-49.1 and a new section to chapter 21-10 of the North Dakota Century Code, relating to the legacy infrastructure loan fund and the state investment board; to amend and reenact sections 21-10-02 and 21-10-11 of the North Dakota Century Code, relating to the state investment board and the legacy and budget stabilization fund advisory board; and to provide a continuing appropriation.

ROLL CALL

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

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

Reengrossed HB 1425 passed.

SECOND READING OF HOUSE BILL

HB 1353: A BILL for an Act to create and enact sections 61-03-01.1, 61-03-01.2, and 61-03-01.3 of the North Dakota Century Code, relating to the establishment of the department of water resources and powers and duties of the director of the department of water resources; to amend and reenact subsection 1 of section 4.1-01-18, sections 4.1-35-01 and 4.1-35-04, subsection 3 of section 4.1-35-05, section 11-33.2-12.1, subsection 1 of section 23.1-01-02, sections 23.1-08-13, 23.1-11-06, 23.1-11-10, 23.1-11-11, 24-03-06, 24-03-08, and 24-06-26.1, subsection 2 of section 37-17.1-11, subsection 12 of section 38-14.1-03, subdivision n of subsection 1 of section 38-14.1-14, subsection 2 of section 38-14.1-21, subsection 7 of section 38-14.1-24, subsection 1 of section 38-14.1-25, subsection 1 of section 38-23-08, and subsection 11 of section 40-50.1-01, section 43-35-03, subsection 1 of section 54-57-03, sections 57-02-08.6 and 57-28-09, subsection 4 of section 61-01-01, sections 61-01-03, 61-01-05, 61-01-06, 61-01-25, 61-02-05, 61-02-14.2, 61-02-23.3, 61-02-26, 61-02-27, 61-02-30, 61-02-32, 61-02-33, 61-02-41, 61-02-68.10, 61-02.1-01, 61-03-03, 61-03-04, 61-03-06, 61-03-08, 61-03-10, 61-03-12, 61-03-13, 61-03-14, 61-03-15, 61-03-16, 61-03-17, 61-03-18, 61-03-19, 61-03-20, 61-03-21, 61-03-21.1, 61-03-21.2, 61-03-21.3, 61-03-21.4, 61-03-22, 61-03-23, 61-03-24, 61-03-25, and 61-04-01, subsection 1 of section 61-04-01.1 and subsection 15 of section 61-04-01.1, sections 61-04-02, 61-04-02.1, 61-04-02.2, 61-04-03, 61-04-03.1, 61-04-04, 61-04-04.1, 61-04-04.2, 61-04-04.3, 61-04-05, 61-04-05.1, 61-04-06, 61-04-06.1, 61-04-06.2, 61-04-06.3, 61-04-07.2, 61-04-07.3, 61-04-09, 61-04-11, 61-04-12, 61-04-14, 61-04-15, 61-04-15.2, 61-04-15.3, 61-04-15.4, and 61-04-23, subsection 1 of section 61-04-24, sections 61-04-25, 61-04-26, 61-04-27, 61-04-28, 61-04-29, 61-04-30, 61-04-31, and 61-04.1-04, subsection 3 of section 61-05-01, sections 61-05-07, 61-05-08, 61-05-09, 61-05-10, 61-05-11, 61-05-12, 61-05-13, 61-05-14, 61-05-15, 61-05-16, 61-05-17, 61-05-18, 61-05-19, 61-05-20, 61-06-01, 61-06-03, 61-06-04, 61-06-05, 61-06-19, 61-07-08, 61-07-19, 61-07-27, 61-09-02, 61-10-27, 61-10-30, 61-10-35, 61-10-37, 61-11-04, 61-11-08, 61-11-09, 61-11-15, 61-12-46, 61-14-01, 61-14-03, 61-14-06, 61-14-07, 61-14-13, 61-15-03, 61-15-09, and 61-16-06.1, subsection 1 of section 61-16.1-09.1, sections 61-16.1-23, 61-16.1-37, 61-16.1-38, 61-16.1-39, 61-16.1-53.1, 61-16.2-01, 61-16.2-02, 61-16.2-03, 61-16.2-04, and 61-16.2-05, subsection 1 of section 61-16.2-09, sections 61-16.2-11, 61-16.2-13, 61-16.2-14, 61-20-02, 61-20-03, 61-20-06, 61-20-07, 61-21-02.1, 61-21-22, 61-21-34, 61-24-07, 61-24.3-01, 61-24.5-01, 61-24.5-18, 61-24.6-01, 61-24.6-02, 61-24.6-03, 61-24.6-05, 61-24.8-01, 61-24.8-18, and 61-29-04, subsection 6 of section 61-31-02, and sections 61-32-03, 61-32-03.1, 61-32-08, 61-33-01, 61-33-01.1, 61-33-02, 61-33-03, 61-33-05, 61-33-05.1, 61-33-07, 61-33-08, 61-33-09, 61-33-10, 61-33.1-07, 61-34-01, 61-34-04, 61-35-01, 61-35-02, 61-35-02.1, 61-35-04, 61-35-05, 61-35-07, 61-35-08, 61-35-16, 61-35-18, 61-35-20, 61-35-21, 61-35-22, 61-35-23, 61-35-25, 61-35-63, 61-38-01, 61-38-02, 61-38-03, 61-38-04, 61-38-05, 61-38-06, 61-38-07, 61-38-08, 61-38-09, 61-38-10, 61-38-11, 61-39-01, and 61-40-07 of the North Dakota Century Code, relating to the powers and duties of the department of water resources and the state engineer and updates to statutory language; and to repeal sections 61-03-01, 61-03-02, and 61-03-05.1 of the North Dakota Century Code, relating to the powers and duties of the state engineer and the water use fund.

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 36 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Elkin; Heckaman; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Mathern; Meyer; Myrdal; Oban; Oehlke; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wardner

NAYS: Dever; Dwyer; Erbele; Fors; Heitkamp; Hogan; Hogue; Marcellais; Wanzek; Weber; Wobbema

HB 1353, as amended, passed.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HB 1131, HB 1339, HB 1379.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, unchanged: HCR 3034.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1087.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1096, HB 1164, HB 1205, HB 1254, HB 1279, HB 1347.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1492.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1464.

MESSAGE TO THE HOUSE FROM THE SENATE (SHANDA MORGAN, SECRETARY)
MR. SPEAKER: The Senate has failed to pass, unchanged: HB 1201, HB 1222, HB 1364, HB 1367, HB 1430.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, unchanged: SB 2150, SB 2210, SB 2220, SB 2283, SB 2292.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2278.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2168.

AMENDMENTS TO ENGROSSED SENATE BILL NO. 2168

Page 1, line 11, remove the overstrike over "all"

Page 1, line 11, remove the underscored colon

Page 1, line 12, remove "(1) All"

Page 1, line 12, remove the underscored semicolon

Page 1, line 13, remove "(2) All"

Page 1, line 19, remove the overstrike over "all"

Page 1, line 19, remove the underscored colon

Page 1, line 20, remove "(1) All"

Page 1, line 20, remove the overstrike over "and"

Page 1, line 20, remove the underscored semicolon

Page 1, line 21, remove "(2) All"

Page 2, line 9, remove the overstrike over "subdivision"

Page 2, line 9, remove "paragraph"

Page 2, line 10, remove "and"

Page 2, remove line 11

Page 2, line 12, remove "jurisdictions in paragraphs 1 and 2"

Page 2, line 14, remove the overstrike over "all"

Page 2, line 14, remove the underscored colon

Page 2, line 15, remove "(1) All"

Page 2, line 15, remove the underscored semicolon

Page 2, line 16, remove "(2) All"

Page 2, line 20, remove "A law enforcement officer employed by Bismarck state college has jurisdiction on:"

Page 2, remove lines 21 through 28

Page 2, line 29, remove "e."

Page 3, line 6, remove the overstrike over "e:"

Page 3, line 6, remove "f."

Page 3, line 10, remove the overstrike over "f:"

Page 3, line 10, remove "g."

Renumber accordingly

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2036, SB 2067, SB 2122, SB 2133, SB 2178, SB 2246.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1359, HB 1494.

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

MR. PRESIDENT: The Speaker has signed: SB 2036, SB 2067, SB 2091, SB 2102, SB 2122, SB 2125, SB 2128, SB 2133, SB 2138, SB 2156, SB 2178, SB 2197, SB 2246, SB 2249, SB 2251, SB 2264, SB 2265, SB 2334.

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

MR. SPEAKER: The President has signed: HB 1359, HB 1494.

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

MR. PRESIDENT: The Speaker has signed: HB 1090, HB 1105, HB 1124, HB 1214, HB 1294, HB 1411, HB 1461, HCR 3019.

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

MR. PRESIDENT: The Speaker has signed: HB 1127, HB 1139, HB 1190, HB 1223, HB 1287, HB 1368.

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., Tuesday, March 30, 2021, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1010, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1010 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide an appropriation for the distribution of funds from the insurance tax"

Page 1, line 3, replace "distribution fund;" with "to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to examinations of health carriers;"

Page 1, line 3, replace "section" with "sections 18-04-04, 18-04-04.1, 18-04-05, and"

Page 1, line 3, after "26.1-01-09" insert "and subsection 1 of section 26.1-03-17"

Page 1, line 4, after the first "to" insert "the distribution of funds from the insurance tax distribution fund and"

Page 1, line 4, after the semicolon insert "to provide a continuing appropriation; to provide for a legislative management study;"

Page 1, replace lines 13 through 16 with:

"Salaries and wages	\$8,149,998	(\$139,320)	\$8,010,678
Operating expenses	1,566,675	847,684	2,414,359
Capital assets	0	100,000	100,000
Total special funds	\$9,716,673	\$808,364	\$10,525,037"

Page 2, replace lines 1 and 2 with:

"State flexibility to stabilize the market grant	0	662,000
Coal and fossil fuel industry insurance study	0	200,000
Health care analysis	200,000	0
Total special funds	\$200,000	\$962,000"

Page 2, remove lines 7 through 13

Page 2, line 14, replace "\$26,344" with "\$26,610"

Page 2, after line 16, insert:

"SECTION 4. AMENDMENT. Section 18-04-04 of the North Dakota Century Code is amended and reenacted as follows:

18-04-04. Insurance companies to report fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, and commercial multiple peril insurance premium collections - Form furnished by insurance commissioner.

The insurance commissioner, ~~when at the time~~ the commissioner forwards to an insurance company ~~which that~~ is issuing policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, ~~crop hail~~, and commercial multiple peril insurance in this state the form to be used in submitting ~~its the company's~~ annual statement, shall forward a form containing the names of all cities and all rural fire protection districts or rural fire departments entitled to benefits under the provisions of this chapter. Every insurance company issuing policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, ~~crop hail~~, and commercial multiple peril insurance within this state shall complete ~~such the~~ form by showing ~~thereon~~ the amount of all premiums received by ~~it the company~~ upon such policies issued on property within the corporate limits of each city shown on ~~such the~~ form and on property within the boundaries of each rural fire protection district shown on ~~such the~~ form or property within the boundaries of each rural fire department as certified by the state fire marshal during the year ending on the preceding thirty-first day of December and shall file the ~~same form~~ as a part of ~~its the company's~~ annual statement.

SECTION 5. AMENDMENT. Section 18-04-04.1 of the North Dakota Century Code is amended and reenacted as follows:

18-04-04.1. Insurance tax distribution fund.

The insurance tax distribution fund is a special fund in the state treasury. The portion of revenue provided in section 26.1-03-17 must be deposited in the fund for

disbursement as provided in this chapter and chapter 23-46, ~~subject to legislative appropriation.~~

SECTION 6. AMENDMENT. Section 18-04-05 of the North Dakota Century Code is amended and reenacted as follows:

18-04-05. Amount due cities, rural fire protection districts, or rural fire departments - Transfer to firefighters death benefit fund - Disbursement to North Dakota firefighter's association - Payments by insurance commissioner - Continuing appropriation.

1. The insurance commissioner shall disburse funds in the insurance tax distribution fund as provided under this section.
2. The insurance commissioner shall transfer an amount of up to fifty thousand dollars per biennium, as may be necessary, to the firefighters death benefit fund for distribution under chapter 18-05.1.
3. The insurance commissioner shall compute and disburse funds to the North Dakota firefighter's association for uses authorized under chapter 18-03, ~~subject to legislative appropriations.~~
4. The insurance commissioner shall compute and disburse the amounts due to the certified city fire departments, certified rural fire departments, or certified fire protection districts entitled to benefits under this chapter on or before December first of each year. ~~The insurance commissioner shall allocate one-half of the biennial legislative appropriation for distribution under this subsection, to each eligible city not within a certified fire protection district, each certified rural fire protection district organized under this title, and each rural fire department certified by the state fire marshal, and pay the amount allocated in December of each year.~~ The allocation must be made in proportion to the amount of insurance company premiums received by insurance companies pursuant to section 26.1-03-17 for policies for fire, allied lines, homeowner's multiple peril, farmowner's multiple peril, commercial multiple peril, and crop hail insurance the lines of insurance identified under section 18-04-04 on property within the city of a certified city fire department, a certified rural fire protection district, or area served by the certified rural fire department to the total of those premiums for those policies in the state.
5. Annually, the insurance commissioner shall determine the amount of insurance premium taxes collected from the insurance lines identified in section 18-04-04. Of this amount, annually the commissioner shall disburse five and one-half percent to the North Dakota firefighter's association and ninety-four and one-half percent to certified city fire departments, certified rural fire departments, and certified fire protection districts. Moneys authorized for disbursement under this section are appropriated from the insurance tax distribution fund to the insurance commissioner on a continuing basis for the purpose of this section."

Page 2, line 22, remove "one"

Page 2, line 23, replace "hundred thirteen thousand nine hundred twenty-five" with "one hundred fourteen thousand four hundred eighty-six"

Page 2, after line 23, insert:

"SECTION 8. AMENDMENT. Subsection 1 of section 26.1-03-17 of the North Dakota Century Code is amended and reenacted as follows:

1. Before issuing the annual certificate required by law, the commissioner shall collect from every stock and mutual insurance company, nonprofit health service corporation, health maintenance organization, and prepaid legal service organization, except fraternal benefit and benevolent

societies, doing business in this state, a tax on the gross amount of premiums, assessments, membership fees, subscriber fees, policy fees, service fees collected by any third-party administrator providing administrative services to a group that is self-insured for health care benefits, and finance and service charges received in this state during the preceding calendar year, at the rate of two percent with respect to life insurance, one and three-fourths percent with respect to accident and health insurance, and one and three-fourths percent with respect to all other lines of insurance. This tax does not apply to considerations for annuities. The total tax is payable on or before March first following the year for which the tax is assessable. If the due date falls on a Saturday or legal holiday, the tax is payable on the next succeeding business day. Collections from this tax must be deposited in the insurance tax distribution fund under section 18-04-04.1 but not in an amount exceeding the amount computed under section 18-04-05 and one-half of the biennial amount appropriated for distribution under ~~section 18-04-05~~ and chapter 23-46 in any fiscal year. Collections from this tax exceeding the sum of the amount deposited in the insurance tax distribution fund must be deposited in the general fund in the state treasury.

SECTION 9. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Examinations.

1. As used in this section, the terms "health carrier" and "health benefit plan" have the same meaning as provided under section 26.1-36.3-01.
2. Whenever the commissioner, in the commissioner's sole discretion, deems it appropriate, but at least once every five years, the commissioner or any of the commissioner's examiners shall conduct a comprehensive examination of a health carrier with a market share of twenty-five percent or more of health benefit plan covered lives in this state. The examination must be conducted in accordance with an examination conducted under chapter 26.1-03. In determining the scope of the comprehensive examination, the commissioner shall consider the criteria set forth in the market conduct handbook adopted by the national association of insurance commissioners and adopted by the commissioner which is in effect when the examination is initiated and any other matters deemed appropriate by the commissioner.

SECTION 10. LEGISLATIVE MANAGEMENT STUDY - MEDICATION OPTIMIZATION. During the 2021-22 interim, the legislative management shall consider studying medication optimization. The study must include a review of the implementation of clinical pharmacist-led medication optimization programs in individual, large group, and small group plans, including provider credentialing, billing standards and procedures, providing standards of care, patient monitoring, consistent documentation of outcomes and efforts related to de-prescribing, and structuring an outcome reporting system for medication optimization programs. The study also must include a review of changes necessary to state laws and administrative rules to implement effective medication optimization. The insurance commissioner shall assist the legislative management with the study and identify and request the participation of stakeholders needed to complete this study. The insurance commissioner shall collect and provide to the legislative management the data needed to complete the study. The data provided by stakeholders, not otherwise publicly disclosed, must be considered confidential pursuant to section 44-04-18.4. 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

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1010 - Insurance Department - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$8,149,998	\$7,816,841	\$193,837	\$8,010,678
Operating expenses	1,566,675	1,507,359	907,000	2,414,359
Capital assets		100,000		100,000
Fire department grants	18,818,030	18,818,030	(18,818,030)	
Total all funds	\$28,534,703	\$28,242,230	(\$17,717,193)	\$10,525,037
Less estimated income	28,534,703	28,242,230	(17,717,193)	10,525,037
General fund	\$0	\$0	\$0	\$0
FTE	41.00	38.00	0.00	38.00

Department 401 - Insurance Department - Detail of Senate Changes

	Adjusts Funding for Salary Increases ¹	Adds Funding to Adjust FTE Position ²	Adds Funding for Temporary Employees ³	Adds Funding for Travel ⁴	Provides Continuing Appropriation Authority ⁵	Adds One-Time Funding for a Study ⁶
Salaries and wages	\$6,633	\$79,204	\$108,000			
Operating expenses				\$45,000		\$200,000
Capital assets						
Fire department grants					(\$18,818,030)	
Total all funds	\$6,633	\$79,204	\$108,000	\$45,000	(\$18,818,030)	\$200,000
Less estimated income	6,633	79,204	108,000	45,000	(18,818,030)	200,000
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	Adds Funding for the State Flexibility to Stabilize the Market Grant ⁷	Total Senate Changes
Salaries and wages		\$193,837
Operating expenses	\$662,000	907,000
Capital assets		
Fire department grants		(18,818,030)
Total all funds	\$662,000	(\$17,717,193)
Less estimated income	662,000	(17,717,193)
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 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 of \$79,204 from special funds is added to change a legal assistant position to an attorney position.

³ Funding of \$108,000 from special funds is added for five temporary employees to assist during Medicare Part D open enrollment.

⁴ Funding of \$45,000 from special funds is added to provide a total of \$245,000 for travel. The House provided \$200,000 from special funds for travel.

⁵ Funding for payments to fire districts and the North Dakota Firefighter's Association is removed to reflect continuing appropriation authority provided in this amendment. The Insurance Commissioner estimates \$18,818,030 will be deposited in the insurance tax distribution fund during the 2021-23 biennium pursuant to this amendment, the same amount as deposited in the fund during the 2019-21 biennium. Of that amount, \$17,783,038 (94.5 percent) will be distributed to fire districts and \$1,034,992 (5.5 percent) will be distributed to the North Dakota Firefighter's Association during the 2021-23 biennium.

⁶ One-time funding of \$200,000 from special funds is added for the Insurance Commissioner to conduct a study of the availability, cost, and risks associated with insurance coverage in the lignite coal industry, as provided in Senate Bill No. 2287.

⁷ One-time funding of \$662,000 from federal funds is added for the state flexibility to stabilize the market grant program, which is intended to provide added flexibility in the private health insurance market through the implementation of market reforms.

This amendment also:

- Removes the section identifying the appropriation from the insurance tax distribution fund for payments to fire districts and the North Dakota Firefighter's Association.
- Adds sections to provide continuing appropriation authority from the insurance tax distribution fund for payments to fire districts and the North Dakota Firefighter's Association. These sections also provide for the Insurance Commissioner to calculate the amounts to be deposited in and distributed from the insurance tax distribution fund for payments to fire districts and the North Dakota Firefighter's Association.
- Adds a section to provide for examinations of health carriers by the Insurance Commissioner or any of the Insurance Commissioner's examiners.
- Changes the section adjusting the Insurance Commissioner's annual salary to provide for a 1.5 percent increase on July 1, 2021, and a 2 percent increase on July 1, 2022. The House had increased the Insurance Commissioner's salary by 1.5 percent on July 1, 2021, and July 1, 2022, with a minimum monthly increase of \$100 and maximum monthly increase of \$250.
- Adds a section to provide for a Legislative Management study of medication optimization.

REPORT OF STANDING COMMITTEE

HB 1025, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1025 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second semicolon insert "to provide for a transfer;"

Page 1, replace lines 17 and 18 with:

"Loan repayment - disaster costs	\$3,130,540
Loan interest repayment - law enforcement costs	<u>750,000</u>
Total state disaster relief fund	\$3,880,540"

Page 2, replace lines 2 and 3 with:

"Grand total state disaster relief fund	<u>3,880,540</u>
Grand total all funds	\$25,420,540"

Page 2, after line 22, insert:

"SECTION 4. FUNDING TRANSFERS - EXCEPTION - AUTHORIZATION.

Notwithstanding section 54-16-04, the director of the office of management and budget shall transfer appropriation authority between line items within subdivisions 1, 2, and 3 of section 1 of chapter 37 of the 2019 Session Laws, upon the request of the department of human services for the continuation of the community behavior health program payments under subsection 2 of section 54-23.3-10."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

- Adds a \$750,000 appropriation to the Adjutant General from the state disaster relief fund for the 2019-21 biennium to pay accrued interest on an outstanding Bank of North Dakota loan related to law enforcement costs; and

- Adds a section authorizing the Office of Management and Budget to transfer appropriation authority of the Department of Human Services between subdivisions in Section 1 of Senate Bill No. 2012, during the 2019-21 biennium.

REPORT OF STANDING COMMITTEE

HB 1167: Finance and Taxation Committee (Sen. Bell, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1167 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1207, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1207 was placed on the Sixth order on the calendar.

Page 6, line 18, remove "The plaintiff shall provide the sworn information form and supporting documentation to"

Page 6, remove lines 19 and 20

Page 6, line 21, remove "3."

Page 6, line 23, replace "4." with "3."

Page 6, line 25, replace "5." with "4."

Page 7, line 4, remove "The plaintiff shall provide a detailed narrative medical report and supporting test"

Page 7, remove lines 5 and 6

Page 7, line 7, remove "3."

Page 7, line 11, replace "4." with "3."

Page 10, line 22, remove ", and any claims pending on August 1, 2021, in which trial had not commenced"

Page 10, remove line 23

Page 10, line 24, remove "to be unconstitutional"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1277, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1277 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1325, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1325 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1388, as reengrossed: Education Committee (Sen. Schaible, 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). Reengrossed HB 1388 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 15.1-06-04, a new section to chapter 15.1-07, a new section to chapter 15.1-13, and a new section to chapter 15.1-21 of the North Dakota Century Code, relating to virtual learning,

school calendar length, reading competency requirements, and teacher professional development and licensure; to"

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

Page 1, line 1, after the first comma insert "subsection 4 of section 15.1-06-04, subdivision e of subsection 1 of section 15.1-06-06, section 15.1-06-13, subsection 2 of section 15.1-09.1-02.1, and sections 15.1-20-01,"

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

Page 1, line 1, after "15.1-27-04.1" insert ", 15.1-27-35, and 15.1-31-07"

Page 1, line 3, remove "and"

Page 1, line 4, after "rates" insert ", student attendance and enrollment, school approval, school compliance, regional education association services, average daily membership, and school calendars; to provide for a legislative management study; to provide a legislative management report"

Page 1, line 4, remove the second "and"

Page 1, line 5, after "appropriation" insert "; and to provide an effective date"

Page 2, line 14, remove "and"

Page 2, line 16, remove the overstrike over "~~An individual employed as a public school principal;~~" and insert immediately thereafter "and"

Page 2, line 17, after "(5)" insert "(4)"

Page 3, after line 29, insert:

"SECTION 2. AMENDMENT. Subsection 4 of section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

4. For purposes of this section, a full day of instruction at a physical school plant consists of:
 - a. At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b. At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

SECTION 3. A new subsection to section 15.1-06-04 of the North Dakota Century Code is created and enacted as follows:

If a school district intends to provide virtual instruction, the instruction must comply with the requirements under subsection 4. The attendance of students participating in virtual instruction must be verified by monitoring the student's progress on academic pacing guides developed by the school district to ensure students are in attendance and receiving sufficient curricular instruction, as defined in rules adopted by the superintendent of public instruction.

SECTION 4. AMENDMENT. Subdivision e of subsection 1 of section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

- e. The physical school plant has been inspected by the state fire marshal or the state fire marshal's designee in accordance with section 15.1-06-09 and:

- (1) Has no unremedied deficiency; or
- (2) Has deficiencies that have been addressed in a plan of correction which was submitted to and approved by the state fire marshal or the state fire marshal's designee;

SECTION 5. AMENDMENT. Section 15.1-06-13 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-13. Schools - Compliance with health, safety, and sanitation requirements.

The superintendent of each school district shall ensure that the ~~schools~~ physical school plants in the district comply with all health, safety, and sanitation requirements.

SECTION 6. A new section to chapter 15.1-07 of the North Dakota Century Code is created and enacted as follows:

School districts - Policy - Virtual learning - Report to legislative management.

The board of a school district or governing board of a nonpublic school that operates a physical school plant may adopt a policy to allow students to engage in virtual instruction and qualify for average daily membership in the district. The superintendent of public instruction shall adopt rules governing policies under this section. A policy adopted by a school district under this section must comply with the rules adopted by the superintendent of public instruction. The superintendent of public instruction shall provide biennial reports to the legislative management regarding the academic performance metrics of students participating in virtual instruction under this section.

SECTION 7. AMENDMENT. Subsection 2 of section 15.1-09.1-02.1 of the North Dakota Century Code is amended and reenacted as follows:

2. Subsection 1 does not preclude a regional education association from offering additional services ~~to its member districts.~~

SECTION 8. A new section to chapter 15.1-13 of the North Dakota Century Code is created and enacted as follows:

Teaching license - Reading instruction competency.

1. The board shall ensure a candidate for teacher licensure demonstrates competencies in beginning reading instruction based on scientifically and research-based best practices. Competencies must include the acquisition of knowledge of the essential components of beginning reading instruction, including:
 - a. Phonemic awareness;
 - b. Phonics;
 - c. Fluency;
 - d. Vocabulary;
 - e. Comprehension;
 - f. How to assess student reading ability; and
 - g. How to identify and correct reading difficulties.

2. A prekindergarten, kindergarten, elementary, and special education initial teacher licensure candidate must complete at least nine semester hours of reading which include a focus on the components under subsection 1.
3. A prekindergarten through grade twelve and a secondary education initial teacher licensure candidate must complete at least three semester hours of reading in the content area to be taught which includes a focus on vocabulary, comprehension, and writing.
4. A teacher licensure candidate satisfies the requirements of this section if the candidate demonstrates the candidate has received training in competencies related to reading instruction from an accredited or approved program, or demonstrates mastery of the topics provided under subsection 1. The board may issue a provisional license for up to two years to a teacher licensure candidate who does not meet the requirements of this section.

SECTION 9. AMENDMENT. Section 15.1-20-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-20-01. Compulsory attendance.

1. Any person having responsibility for a child between the ages of seven and sixteen years shall ensure ~~that the child is in attendance at~~attends a public school for the duration of each school year.
2. If a person enrolls a child of age six in a public school, the person shall ensure ~~that the child is in attendance at~~attends the public school for the duration of each school year. The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not re-enroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district.
3. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.
4. The attendance of students participating in virtual instruction must be verified by monitoring the student's progress on academic pacing guides developed by the school district to ensure students are in attendance and receiving sufficient curricular instruction, as defined in rules adopted by the superintendent of public instruction.

SECTION 10. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Reading curriculum - Content - Professional development - Reports to legislative management.

1. Beginning July 1, 2022, each school district and nonpublic school shall ensure the portion of its curriculum which is related to reading:
 - a. Is scientifically based, evidence based, and research based;
 - b. Focuses on:
 - (1) Phonemic awareness;
 - (2) Phonics;
 - (3) Fluency;
 - (4) Vocabulary; and
 - (5) Comprehension; and

- c. Uses systematic direct instruction for students in kindergarten through grade three to ensure all students obtain necessary early reading skills.
- 2. Before the 2022-23 school year, each teacher who teaches kindergarten through grade three at a school district or nonpublic school, and each principal of a public or nonpublic school with kindergarten through grade three, shall attend teacher-approved, professional development training that includes training in the topics provided under subsection 1.
- 3. Each teacher or principal hired by a school district or nonpublic school that provides instruction in kindergarten through grade three shall complete the training under subsection 2, or demonstrate mastery of the topics provided under subsection 1, within one year of the teacher's or principal's first year of placement in the grade level or at the school.
- 4. To be approved by the superintendent of public instruction, each public and nonpublic school shall certify to the superintendent of public instruction that the district or school:
 - a. Ensures the placement of highly effective teachers in kindergarten through grade three:
 - b. Has integrated reading instruments used to diagnose reading development and comprehension; and
 - c. Has integrated evidence-based resources to support reading development and comprehension.
- 5. The superintendent of public instruction shall provide ongoing assistance to school districts and nonpublic schools to be in and maintain compliance with this section.
- 6. The superintendent of public instruction, in collaboration with the kindergarten through grade twelve education coordination council, shall adopt rules to implement this section, including rules to monitor implementation and compliance with this section.
- 7. The superintendent of public instruction shall provide periodic reports to the legislative management on the implementation and effectiveness of this section in improving educational outcomes and reading competency of students."

Page 9, remove lines 11 through 14

Page 12, line 10, after "thousand" insert "one hundred"

Page 12, line 16, after "thousand" insert "one hundred"

Page 12, line 22, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 12, line 29, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 19, line 12, after "thousand" insert "one hundred"

Page 19, line 18, after "thousand" insert "one hundred"

Page 19, line 24, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 19, line 31, overstrike "thirty-six" and insert immediately thereafter "two hundred thirty-seven"

Page 23, after line 24, insert:

"SECTION 13. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of hours that each student in a given grade, school, or school district is in attendance at the school's physical plant during a school calendar and the total number of hours that each student in a given grade, school, or school district is absent during a school calendar, and then dividing the sum by:
 - a. Nine hundred sixty-two and one-half hours for elementary school students; or
 - b. One thousand fifty hours for middle and high school students.
2. For purposes of calculating average daily membership:
 - a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - b. A student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
 - d. A student enrolled full time in virtual instruction is calculated at an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 14. AMENDMENT. Section 15.1-31-07 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-07. Students not subject to this chapter.

1. If a student, as a result of a school district dissolution or reorganization, resides in a district other than the one the student chooses to attend at the time of the dissolution or reorganization, the student is not subject to this chapter and may attend school in the chosen school district.
2. If a student resides in a district other than the one the student is enrolled in for purposes of receiving virtual instruction, the student is not subject to this chapter unless a cost-sharing agreement is established between the school district of residence and the receiving district.

SECTION 15. TRANSITION MINIMUM REDUCTION - LEGISLATIVE MANAGEMENT STUDY.

1. During the 2021-22 interim, the legislative management shall consider studying kindergarten through grade twelve school funding, including transition minimum reduction impacts to reorganized and consolidated school districts. The study must include:

- a. A review of school districts that have two kindergarten through grade twelve buildings in the district and districts that have built a new building without using traditional bonding methods as a result of a multidistrict reorganization;
 - b. An analysis of high-cost students, including students who are high cost due to special education needs, medical reasons, agency placements, or any other reasons that increase the cost to educate the students beyond the state threshold;
 - c. An ongoing review of the impacts of school districts that are off of the funding formula as they transition onto the formula;
 - d. An analysis of human resource allocation and the duties and needs in elementary and secondary school buildings with a targeted focus on student academic health, behavioral health, and social and emotional health; and
 - e. A review of student performance data relevant to students participating in virtual learning.
2. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations to the sixty-eighth legislative assembly."

Page 23, after line 29, insert:

"SECTION 17. APPROPRIATION. There is appropriated out of any moneys in the foundation aid stabilization fund in the state treasury, not otherwise appropriated, the sum of \$34,300,000, or so much of the sum as may be necessary, to the department of public instruction for the purpose of increasing the per student payment rate one percent each year of the biennium, for the biennium beginning July 1, 2021, and ending June 30, 2023.

SECTION 18. EFFECTIVE DATE. Section 8 of this Act becomes effective on July 1, 2022."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1389, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1389 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1394, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1394 was placed on the Sixth order on the calendar.

Page 2, replace lines 1 through 6 with:

"COVID-19 response	<u>\$173,532,232</u>
Total federal funds	\$173,532,232

Subdivision 5.

VETERANS' HOME

CARES Act funding	<u>\$975,000</u>
Total federal funds	\$975,000"

Page 2, replace line 9 with:

"COVID-19 operating expenses	\$12,270,566"
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Page 2, replace line 12 with:

"Total federal funds \$309,085,495"

Page 3, replace line 2 with:

"Grand total federal funds \$877,930,675"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

- Increases federal funds authority for the State Department of Health by \$73 million for additional funds to be received due to an increase in the Federal Emergency Management Agency matching rates for COVID-19 response.
- Increases federal funds authority for the Veterans' Home from \$650,000 to \$975,000 for additional anticipated funds to be received for COVID-19 response.
- Reduces federal funds authority for the Department of Human Services mental health block grant from \$2,972,514 to \$1,435,102 to reflect the actual grant award received.

REPORT OF STANDING COMMITTEE

HB 1407, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1407, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1416, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1416 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1447, as engrossed: Government and Veterans Affairs Committee (Sen. Vedaa, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1447 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1449, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1449 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1457, as engrossed: Political Subdivisions Committee (Sen. Burckhard, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1457 was placed on the Sixth order on the calendar.

Page 1, line 15, remove ". An order under this subsection may not extend"

Page 1, line 16, remove "for more than thirty-one days from the date the order was issued"

Page 1, after line 22, insert:

- "3. Notwithstanding section 1, a burn ban order based on changes to a federal or state recognized fire index and issued pursuant to section 37-17.110.1 is not subject to time limitations."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3012: Finance and Taxation Committee (Sen. Bell, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3012 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3014: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3014 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3040, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3040 was placed on the Fourteenth order on the calendar.

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

Shanda Morgan, Secretary