

## JOURNAL OF THE SENATE

### Sixty-seventh Legislative Assembly

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**Bismarck, March 31, 2021**

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

The prayer was offered by Pastor Steve Sathre, Good Shepherd Lutheran, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

#### CONSIDERATION OF AMENDMENTS

**HB 1001, as engrossed: SEN. HOGUE (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 1001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor; to provide an exemption; to provide for a report; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; 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.

Engrossed HB 1001, as amended, passed and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1396, as engrossed: SEN. FORS (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 1396:** A BILL for an Act to create and enact a new section to chapter 28-01.3 of the North Dakota Century Code, relating to immunity from civil actions for firearm or ammunition manufacturers.

#### ROLL CALL

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

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; Holmberg; Kannianen; Klein; Krebsbach; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lee; Lemm; Luick; Meyer;

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

**NAYS:** Hogan; Hogue; Marcellais; Mathern

Engrossed HB 1396, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1162, as engrossed: SEN. J. ROERS (Finance and Taxation 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 1162:** A BILL for an Act to amend and reenact section 53-06.1-10.1 of the North Dakota Century Code, relating to raffle ticket purchases.

#### 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 27 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bakke; Bekkedahl; Bell; Conley; Davison; Heckaman; Hogan; Holmberg; Klein; Krebsbach; Kreun; Larsen, D.; Lee; Lemm; Mathern; Meyer; Oban; Patten; Piepkorn; Poolman; Roers, J.; Roers, K.; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Anderson; Burckhard; Clemens; Dever; Dwyer; Elkin; Erbele; Fors; Heitkamp; Hogue; Kannianen; Larsen, O.; Larson, D.; Luick; Marcellais; Myrdal; Oehlke; Rust; Schaible; Sorvaag

Engrossed HB 1162, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1181, as reengrossed: 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 1181:** A BILL for an Act to to create and enact section 12.1-04-04.1 of the North Dakota Century Code, relating to a defendant's fitness to proceed; and to amend and reenact sections 12.1-04-04, 12.1-04-06, 12.1-04-07, and 12.1-04-08 of the North Dakota Century Code, relating to a defendant's fitness to proceed.

#### 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

Reengrossed HB 1181, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1410, as reengrossed: SEN. BAKKE (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 1410:** A BILL for an Act to create and enact a new section to chapter 25-01 of the North Dakota Century Code, relating to prohibiting department of human services from substantially burdening the exercise of religion by a patient or resident under the department's care; to amend and reenact sections 12-44.1-14 and 12-47-26, subsection 12 of section 23-01-05, and section 37-17.1-05 of the North Dakota Century Code, relating to prohibiting a correctional facility or facility under the control of the department of corrections and rehabilitation from substantially burdening the exercise of religion by an offender in the facility's custody, the state health officer's authority, and the governor's authority during a declared disaster or emergency; 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 46 YEAS, 1 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Heitkamp; 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

**NAYS:** Hogan

Reengrossed HB 1410, as amended, passed.

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#### CONSIDERATION OF AMENDMENTS

**HB 1282, as engrossed: SEN. MYRDAL (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 1282:** A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to a joint committee on federal nullification; and to provide a directive.

#### 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; Bekkedahl; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Heitkamp; Hogue; Kannianen; Klein; Kreun; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Meyer; Myrdal; Oehlke; Patten; Roers, J.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Wobbema

**NAYS:** Bakke; Bell; Fors; Heckaman; Hogan; Holmberg; Krebsbach; Lee; Marcellais; Mathern; Oban; Piepkorn; Poolman; Roers, K.; Weber

Engrossed HB 1282, as amended, passed.

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#### SECOND READING OF HOUSE BILL

**HB 1093:** A BILL for an Act to amend and reenact section 26.1-21-08 of the North Dakota Century Code, relating to the audit of state bonding coverage.

**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

HB 1093 passed.

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**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.

**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, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; Fors; Heckaman; Hogan; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Kreun; 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:** Heitkamp; Larsen, O.

HB 1107 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1137:** A BILL for an Act to amend and reenact section 57-38-01.7 of the North Dakota Century Code, relating to an individual income tax credit for charitable contributions; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 31 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bekkedahl; Bell; Burckhard; Clemens; Davison; Dever; Dwyer; Elkin; Fors; Heitkamp; Hogue; Holmberg; Kannianen; Klein; Krebsbach; Larsen, D.; Larsen, O.; Larson, D.; Lemm; Luick; Marcellais; Meyer; Myrdal; Patten; Poolman; Roers, J.; Roers, K.; Vedaa; Wanzek; Wardner; Wobbema

**NAYS:** Anderson; Bakke; Conley; Erbele; Heckaman; Hogan; Kreun; Lee; Mathern; Oban; Oehlke; Piepkorn; Rust; Schaible; Sorvaag; Weber

HB 1137 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1168:** A BILL for an Act to amend and reenact sections 39-06-13 and 39-06-19 and subsection 2 of section 39-06-49 of the North Dakota Century Code, relating to operator's license examinations, renewals, and fees.

**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

Engrossed HB 1168 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1187:** A BILL for an Act to create and enact section 6-09-46.2 of the North Dakota Century Code, relating to creation of a Bank of North Dakota rebuilders loan program and a rebuilders permanent loan fund; to repeal sections 6-09-46 and 6-09-46.1 of the North Dakota Century Code, relating to a rebuilders loan program, a rebuilders home loan program, and a rebuilders home loan fund; to provide a continuing appropriation; and to provide for a transfer.

**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

Engrossed HB 1187 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1480:** A BILL for an Act to amend and reenact section 19-03.1-36.8 of the North Dakota Century Code, relating to seizure and forfeiture reporting requirements and property exempt from seizure and forfeiture.

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

**YEAS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Clemens; Conley; Davison; Dever; Dwyer; Elkin; Erbele; 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

**NAYS:** Fors

Engrossed HB 1480 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1459:** A BILL for an Act to provide for a legislative management study regarding county

correctional employees carrying firearms.

**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, 1 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; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wanzek; Wardner; Weber; Wobbema

**NAYS:** Piepkorn

HB 1459 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1393:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives.

**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

Engrossed HB 1393 passed.

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**SECOND READING OF HOUSE BILL**

**HB 1386:** A BILL for an Act to create and enact a new section to chapters 40-01 and 54-06 of the North Dakota Century Code, relating to prohibition of governmental limitations on hours of business and capacity.

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

**YEAS:** Clemens; Elkin; Erbele; Heitkamp; Kannianen; Larsen, D.; Larsen, O.; Lemm; Luick; Marcellais; Meyer; Myrdal; Patten; Wanzek; Wobbema

**NAYS:** Anderson; Bakke; Bekkedahl; Bell; Burckhard; Conley; Davison; Dever; Dwyer; Fors; Heckaman; Hogan; Hogue; Holmberg; Klein; Krebsbach; Kreun; Larson, D.; Lee; Mathern; Oban; Oehlke; Piepkorn; Poolman; Roers, J.; Roers, K.; Rust; Schaible; Sorvaag; Vedaa; Wardner; Weber

Engrossed HB 1386 failed.

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**SECOND READING OF HOUSE BILL**

**HB 1436:** A BILL for an Act to amend and reenact subsection 1 of section 15.1-21-16 of the North Dakota Century Code, relating to summer school courses; and to declare an

emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Erbele; Myrdal; Rust

HB 1436 passed and the emergency clause was declared carried.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HB 1335, HB 1416, HB 1447, HB 1449.

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

**MR. SPEAKER:** The Senate has passed, unchanged: HCR 3043, HCR 3047.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1010, HB 1072, HB 1207, HB 1407.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1025, HB 1394.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1457.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HB 1030, HB 1166, HB 1167, HB 1173, HB 1277, HB 1325, HB 1373, HB 1389.

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

**MR. SPEAKER:** The Senate has failed to pass, unchanged: HCR 3004, HCR 3012.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2308, SB 2340.

#### AMENDMENTS TO SENATE BILL NO. 2308

Page 1, line 3, replace "posting" with "displaying"

Page 1, line 8, replace "post a copy of" with "display"

Page 1, line 8, after "commandments" insert "with a display of other historical documents"

Page 1, line 19, replace "post" with "display"

Renumber accordingly

#### AMENDMENTS TO ENGROSSED SENATE BILL NO. 2340

Page 1, line 9, remove "or verbal communication or"

Page 1, line 9, after "contact" insert "or oral conversation"

Renumber accordingly

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1002, HB 1005, HB 1007, HB 1011, HB 1014, HB 1065, HB 1208, HB 1345, and HB 1370.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2034, SB 2142, SB 2162, SB 2206, SB 2344.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SCR 4011, SCR 4013.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1034, HB 1073, HB 1078, HB 1079, HB 1145, HB 1326, HB 1425.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2150, SB 2210, SB 2220, SB 2278, SB 2283, SB 2292.

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

**MR. SPEAKER:** The President has signed: SB 2150, SB 2210, SB 2220, SB 2278, SB 2283, SB 2292.

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

**MR. SPEAKER:** The President has signed: HB 1034, HB 1073, HB 1078, HB 1079, HB 1145, HB 1326, HB 1425.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1087, HB 1131, HB 1339, HB 1379, HCR 3034.

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

**MR. PRESIDENT:** The Speaker has signed: HB 1359, HB 1494.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 31, 2021: SB 2150, SB 2210, SB 2220, SB 2278, SB 2283, SB 2292.

**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 12:30 p.m., Thursday, April 1, 2021, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1006, 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 1006 was placed on the Sixth order on the calendar.

Page 1, line 3, after "57-01-04" insert "and subdivision b of subsection 15 of section 57-02-08"

Page 1, line 4, after "commissioner" insert "and income eligibility for purposes of the farm residence property tax exemption"

Page 1, line 5, remove "and"

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

Page 1, replace lines 16 through 23 with:



"Salaries and wages	\$22,867,956	(\$26,024)	\$22,841,932
Operating expenses	7,112,460	353,660	7,466,120
Capital assets	6,000	0	6,000
Homestead tax credit	15,800,000	2,200,000	18,000,000
Disabled veterans' tax credit	<u>8,410,200</u>	<u>7,889,800</u>	<u>16,300,000</u>
Total all funds	\$54,196,616	\$10,417,436	\$64,614,052
Less estimated income	<u>125,000</u>	<u>0</u>	<u>125,000</u>
Total general fund	\$54,071,616	\$10,417,436	\$64,489,052"

Page 2, after line 12, insert:

**"SECTION 4. STATEWIDE LITIGATION FUNDING POOL - PAYMENT OF TAX COMMISSIONER LITIGATION-RELATED EXPENSES.** The tax commissioner may submit litigation-related expenses to the attorney general which the attorney general shall pay from the statewide litigation funding pool for litigation expenses incurred by the tax commissioner, for the biennium beginning July 1, 2021, and ending June 30, 2023."

Page 2, line 18, replace "twenty-three" with "twenty-four"

Page 2, line 18, replace "six" with "two"

Page 2, line 18, replace "forty-one" with "fifty"

Page 2, after line 18, insert:

**"SECTION 6. AMENDMENT.** Subdivision b of subsection 15 of section 57-02-08 of the North Dakota Century Code is amended and reenacted as follows:

- b. It is the intent of the legislative assembly that this exemption as applied to a residence must be strictly construed and interpreted to exempt only a residence that is situated on a farm and which is occupied or used by a person who is a farmer and that the exemption may not be applied to property which is occupied or used by a person who is not a farmer. For purposes of this subdivision:
- (1) "Farm" means a single tract or contiguous tracts of agricultural land containing a minimum of ten acres [4.05 hectares] and for which the farmer, actually farming the land or engaged in the raising of livestock or other similar operations normally associated with farming and ranching, has annual gross income from farming activities which is sixty-six percent or more of annual gross income, including gross income of a spouse if married, during any of the two preceding calendar years.
  - (2) "Farmer" means an individual who normally devotes the major portion of time to the activities of producing products of the soil, with the exception of marijuana grown under chapter 19-24.1; poultry; livestock; or dairy farming in such products' unmanufactured state and has received annual gross income from farming activities which is sixty-six percent or more of annual gross income, including gross income of a spouse if married, during any of the two preceding calendar years. For purposes of this paragraph, "farmer" includes a:
    - (a) "Beginning farmer", which means an individual who has begun occupancy and operation of a farm within the two preceding calendar years; who normally devotes the major portion of time to the activities of producing products of the soil, poultry, livestock, or dairy farming in such products' unmanufactured state; and who does not have a history of farm income from farm operation for each of the two preceding calendar years.

- (b) "Retired farmer", which means an individual who is retired because of illness or age and who at the time of retirement owned and occupied as a farmer the residence in which the person lives and for which the exemption is claimed.
- (c) "Surviving spouse of a farmer", which means the surviving spouse of an individual who is deceased, who at the time of death owned and occupied as a farmer the residence in which the surviving spouse lives and for which the exemption is claimed. The exemption under this subparagraph expires at the end of the fifth taxable year after the taxable year of death of an individual who at the time of death was an active farmer. The exemption under this subparagraph applies for as long as the residence is continuously occupied by the surviving spouse of an individual who at the time of death was a retired farmer.
- (3) "Gross income" means gross income as defined under the federal Internal Revenue Code and does not include a gain from the sale or exchange of farm machinery as computed for federal income tax purposes. For purposes of this paragraph, "farm machinery" means all vehicular implements and attachment units designed and sold for direct use in planting, cultivating, or harvesting farm products or used in connection with the production of agricultural produce or products, livestock, or poultry on farms which are operated, drawn, or propelled by motor or animal power. "Farm machinery" does not include vehicular implements operated wholly by hand or a motor vehicle that is required to be registered under chapter 57-40.3.
- (4) "Gross income from farming activities" means gross income from farming as defined for purposes of determining if an individual is a farmer eligible to use the special estimated income tax payment rules for farmers under section 6654 of the federal Internal Revenue Code [26 U.S.C. 6654].
- (5) When exemption is claimed under this subdivision for a residence, the occupant of the residence who it is claimed is a farmer shall provide to the assessor for the year or years specified by the assessor a written statement in which it is stated that sixty-six percent or more of the gross income of that occupant, and spouse if married and both spouses occupy the residence, was, or was not, gross income from farming activities. The individual claiming the exemption also shall provide to the assessor, on a form prescribed by the tax commissioner, the necessary income information to demonstrate eligibility. Any income information provided to the assessor regarding eligibility for an exemption claimed under this subdivision is a confidential record.
- (6) For purposes of this ~~section~~subsection, "livestock" includes "nontraditional livestock" as defined in section 36-01-00.1.
- (7) A farmer operating a bed and breakfast facility in the farm residence occupied by that farmer is entitled to the exemption under this section for that residence if the farmer and the residence would qualify for exemption under this section except for the use of the residence as a bed and breakfast facility.

**SECTION 7. EFFECTIVE DATE.** Section 6 of this Act is effective for taxable years beginning after December 31, 2021."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1006 - State Tax Commissioner - Senate Action**

	Base Budget	House Version	Senate Changes	Senate Version
Salaries and wages	\$22,867,956	\$22,342,802	\$499,130	\$22,841,932
Operating expenses	7,112,460	7,466,120		7,466,120
Capital assets	6,000	6,000		6,000
Homestead tax credit	15,800,000	18,000,000		18,000,000
Disabled veterans' credit	8,410,200	14,000,000	2,300,000	16,300,000
Total all funds	\$54,196,616	\$61,814,922	\$2,799,130	\$64,614,052
Less estimated income	125,000	125,000	0	125,000
General fund	\$54,071,616	\$61,689,922	\$2,799,130	\$64,489,052
FTE	123.00	118.00	0.00	118.00

**Department 127 - State Tax Commissioner - Detail of Senate Changes**

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Funding for Salaries and Wages <sup>2</sup>	Increases Funding for Tax Credit Programs <sup>3</sup>	Total Senate Changes
Salaries and wages	\$3,657	\$495,473		\$499,130
Operating expenses				
Capital assets				
Homestead tax credit				
Disabled veterans' credit			\$2,300,000	2,300,000
Total all funds	\$3,657	\$495,473	\$2,300,000	\$2,799,130
Less estimated income	0	0	0	0
General fund	\$3,657	\$495,473	\$2,300,000	\$2,799,130
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> 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.

<sup>2</sup> Funding of \$495,473 from the general fund is added for salaries and wages. After this addition, the Senate anticipates salaries and wages savings relating to vacant positions and employee turnover of \$826,769. The House anticipated salaries and wages savings of \$1,322,242 from vacant positions and employee turnover.

<sup>3</sup> Funding of \$2.3 million from the general fund is added for the disabled veterans' tax credit related to the expansion of the credit in Senate Bill No. 2213. The House did not include this increase.

This amendment also:

- Provides the statutory changes to increase the Tax Commissioner's salary. The Tax Commissioner's annual salary would increase from the current level of \$120,014 to \$121,814, effective July 1, 2021, and to \$124,250, effective July 1, 2022, to reflect the 1.5 percent and 2 percent salary increase respectively. The House provided for a 1.5 percent annual salary increase.
- Includes the sale or exchange of farm machinery as gross income from farming activities to determine eligibility for a farming-related property tax exemption and provides an effective date for the changes to the property tax exemption.
- Directs the Attorney General to pay litigation-related expenses from the statewide litigation funding pool on behalf of the Tax Commissioner. The House did not include this section.

**REPORT OF STANDING COMMITTEE**

**HB 1024, 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 1024 was placed on the Sixth order on the calendar.**

Page 1, replace lines 11 and 12 with:

"Ethics commission	<u>\$517,155</u>	<u>\$106,829</u>	<u>\$623,984</u>
Total general fund	\$517,155	\$106,829	\$623,984"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1024 - Ethics Commission - Senate Action

	Base Budget	House Version	Senate Changes	Senate Version
Ethics Commission	<u>\$517,155</u>	<u>\$499,215</u>	<u>\$124,769</u>	<u>\$623,984</u>
Total all funds	\$517,155	\$499,215	\$124,769	\$623,984
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$517,155	\$499,215	\$124,769	\$623,984
FTE	2.00	1.00	0.00	1.00

#### Department 195 - Ethics Commission - Detail of Senate Changes

	Adjusts Funding for Salary Increases <sup>1</sup>	Adds Salary Funding <sup>2</sup>	Total Senate Changes
Ethics Commission	<u>\$780</u>	<u>\$123,989</u>	<u>\$124,769</u>
Total all funds	\$780	\$123,989	\$124,769
Less estimated income	<u>0</u>	<u>0</u>	<u>0</u>
General fund	\$780	\$123,989	\$124,769
FTE	0.00	0.00	0.00

<sup>1</sup> 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.

<sup>2</sup> Funding is added to provide salary funding for a full biennium.

#### REPORT OF STANDING COMMITTEE

**HB 1027, as engrossed and amended: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1027, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1135: Education Committee (Sen. Schaible, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1135 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1144, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1144 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1151: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1151 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 979-982 of the Senate Journal, House Bill No. 1151 is amended as follows:

Page 1, line 2, remove the second "and"

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

Page 1, line 3, after "43-28-01" insert ", 43-28-03, and 43-28-04"

Page 1, line 3, after the second "the" insert "membership of the state board of dental examiners and the"

Page 1, line 3, after "telehealth" insert "; and to provide for application"

Page 2, after line 4, insert:

**"SECTION 2. AMENDMENT.** Section 43-28-03 of the North Dakota Century Code is amended and reenacted as follows:

**43-28-03. State board of dental examiners - Members - Appointment - Terms of office - Oath - Vacancies.**

The state board of dental examiners consists of ~~seven~~nine members appointed by the governor. The membership of the board must include ~~five~~six dentist members, at least one of whom is a board-eligible or board-certified oral and maxillofacial surgeon; one dental hygienist member; one dental assistant member; and one independent consumer member. Appointment to the board is for a term of five years, with terms of office arranged so ~~that one term expires~~no more than two terms expire on March sixteenth of each year, ~~except that each fifth year there must be two new board members appointed, one of whom is a dentist and the other a dental hygienist and two years later two new board members must be appointed, one of whom is a dentist, and one of whom is a consumer member. The first five year term of the consumer member commences on July 1, 1993, and continues through March 15, 1998.~~ Each member of the board shall hold office until a successor is appointed and qualified. ~~Persons~~An individual appointed to the board shall ~~qualify~~qualifies by taking the oath required of civil officers. ~~No~~A member may not serve more than ten years or two 5-year terms of office. If a member of the board is absent from two consecutive regular meetings, the board may declare a vacancy to exist. All vacancies on the board must be filled by the governor by appointment.

**SECTION 3. AMENDMENT.** Section 43-28-04 of the North Dakota Century Code is amended and reenacted as follows:

**43-28-04. Qualifications and appointment of members of the board - Limited vote.**

1. An individual may not be appointed as a dentist member of the board unless that individual:
  - a. Is a dentist licensed and registered under this chapter; and
  - b. Is actively engaged in the practice of dentistry and has been so engaged in this state for at least five years immediately preceding the appointment.
2. An individual may not be appointed as the dental hygienist member of the board unless that individual:
  - a. Is a licensed and registered dental hygienist in accordance with chapter 43-20; and
  - b. Is actively engaged in the practice of dental hygiene and has been so engaged in this state for at least five years immediately preceding the dental hygienist's appointment.
3. An individual may not be appointed as the dental assistant member of the board unless that individual:
  - a. Is a registered dental assistant in accordance with chapter 43-20; and

- b. Is actively practicing as a registered dental assistant and has been so practicing in this state for at least five years immediately preceding the dental assistant's appointment.
4. An individual may not be appointed as the independent consumer member of the board unless that individual:
- a. Has been a resident of North Dakota for five years immediately preceding appointment;
  - b. Has no personal or, family, or financial relationship with the dental profession; and
  - c. Is not a dentist, a dental hygienist, a dental assistant, a physician, a nurse, or the spouse of an individual engaged in any of those occupations.
- 4-5. The dental hygienist, dental assistant, and independent consumer member of the board shall exercise full voting privileges in all areas except that the dental hygienist may not participate in the clinical examination of dentists for licensure and the dental assistant and independent consumer member may not participate in the clinical examination of dentists or hygienists for licensure."

Page 2, line 13, remove "practicing telehealth shall establish a bona fide relationship with a patient"

Page 2, line 14, replace "before the diagnosis or treatment of the patient" with "may not practice telehealth unless a bona fide dentist-patient relationship is established in person or through telehealth"

Page 2, line 15, replace "and ensure" with "to"

Page 2, line 16, remove "has the ability to verify."

Page 2, line 16, after the second "the" insert "dentist's"

Page 2, line 16, after "identity" insert ", physical location, contact information."

Page 2, line 16, remove "of a dentist providing dental"

Page 2, line 17, remove "services to the patient"

Page 2, line 21, replace "is equivalent to an in-person examination" with "may be performed in accordance with the standard of care required for an in-person dental examination or evaluation. A dentist may not use telehealth to perform an initial examination or evaluation in circumstances in which the standard of care necessitates an in-person dental examination"

Page 2, line 22, after "An" insert "appropriate telehealth examination or evaluation may include an"

Page 2, line 22, replace "or" with "in conjunction with"

Page 2, line 23, replace "for" with "or"

Page 2, line 23, remove "and use of peripherals"

Page 2, line 24, replace "deemed necessary in a like" with "required during an"

Page 2, line 24, remove "meets this"

Page 2, line 25, replace "standard, as does" with "or"

Page 2, line 26, after "intervening" insert "dental"

Page 2, line 26, after the second "the" insert "dental health care"

Page 2, line 27, after "dentist" insert "during a live, two-way telehealth encounter"

Page 2, line 30, after "b." insert "The use of telehealth does not expand the scope of practice for a dental health care provider, and may not be used to circumvent the licensure requirements established for dental health care providers in this state."

- c. A dentist who practices telehealth in this state must have adequate knowledge of the availability and location of local dentists and dental health care providers to provide followup care to a patient following a dental telehealth encounter, including emergent and acute care facilities, in order to enable a patient to receive followup care."

Page 2, line 30, replace "acceptable" with "appropriate"

Page 3, line 1, after "the" insert "treating"

Page 3, line 2, replace "a provider" with "another dentist licensed by the board"

Page 3, line 2, after the first "the" insert "treating"

Page 3, line 2, after the second "the" insert "treating"

Page 3, line 3, remove "In certain types of telehealth utilizing asynchronous"

Page 3, remove lines 4 and 5

Page 3, line 8, after "dental" insert "health care"

Page 3, line 9, remove "may make appropriate referrals of patients not amenable to diagnosis or"

Page 3, remove line 10

Page 3, line 11, replace "emergent care or complementary in-person care" with "practicing telehealth must have procedures for providing in-person services or for the referral of a patient requiring dental services that cannot be provided by telehealth to another dentist who practices in the area of the state and the patient can readily access"

Page 3, replace lines 12 through 23 with:

**"SECTION 5.** A new section to chapter 43-28 of the North Dakota Century Code is created and enacted as follows:

**Prohibition - Waivers.**

A dentist practicing dentistry may not require a patient to sign a form or statement waiving the patient's right to file a complaint against the dentist with an appropriate state entity or shielding the dentist from liability for injury resulting from a dental encounter.

**SECTION 6. APPLICATION.** The governor shall appoint the members of the board for staggered terms so no more than two members' terms expire each year. Notwithstanding section 43-28-03, a member appointed under this section may not serve more than two full five-year terms but may serve more than ten years."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1234, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1234 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1272: Judiciary Committee (Sen. Larson, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1272 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1309, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1309 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1337: Education Committee (Sen. Schaible, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1337 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 amend and reenact sections 15.1-12-07, 15.1-12-26, and 15.1-12-27 of the North Dakota Century Code, relating to the transfer of property of dissolved school districts.

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

**SECTION 1. AMENDMENT.** Section 15.1-12-07 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-12-07. Transfer of real property upon annexation, reorganization, or dissolution.**

The legal title to all real property owned by a school district and annexed to another school district, included in a reorganized district, or subjected to dissolution, vests in the board of the reorganized school district or of the district to which the property is annexed or attached on the effective date of the reorganization, annexation, or dissolution. If the reorganized district or district to which the property is annexed or attached includes less than the whole of the former district, legal title to the real property of the former district vests in the board of the school district in which the property is situated on the effective date of the reorganization, annexation, or dissolution. If the real property of a dissolved district is sold, exchanged, or donated to another political subdivision pursuant to section 15.1-12-27, legal title to the real property vests in the political subdivision to which the real property was sold, exchanged, or donated on the effective date of the dissolution. A certificate prepared by a licensed attorney, citing the legal description of the property and stating that the property has become annexed, attached, or reorganized with another school district, or sold, exchanged, or donated to another political subdivision, must be recorded in the office of the recorder of the county in which the property is located.

**SECTION 2. AMENDMENT.** Section 15.1-12-26 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-12-26. Dissolution of school district - Grounds.**

1. A county committee shall initiate proceedings to dissolve a school district and attach the property to other operating high school districts in the same county, or to a non-high school district in the same county if there are no high school districts in the same county adjacent to the district being dissolved, when it is notified in writing by the county superintendent of schools whose jurisdiction includes the administrative headquarters of the district that:
  - a. The district is financially unable to effectively and efficiently educate its students;
  - b. The district has not operated a school as required by section 15.1-12-24; or



- c. A school board has determined that dissolution is in the best interest of its students.
2. Except as provided in subsection 3, a county committee shall initiate proceedings under section 15.1-12-27 to attach real property to an operating high school district in the same county, or to a non-high school district in the same county if there is no high school district in the same county adjacent to the district being dissolved, when it is notified in writing by the county superintendent that:
  - a. Real property has been severed from its school district by the expansion of a city and the severed portion is not contiguous with its district; or
  - b. There exists real property that does not belong to a school district.
3. If a school district reorganization plan which does not include all real property in a district is approved by the electors, the county committee shall, within forty-five days after the election, hold a hearing under section 15.1-12-27 to attach the remaining property to one or more operating high school districts in the same county, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved.
4. Subject to state board approval under section 15.1-12-27, a county committee that has initiated proceedings to dissolve a school district under this section may sell, exchange, or donate property or assets of the dissolving district to another political subdivision for less than fair market value provided the dissolving district has sufficient property and assets remaining to satisfy the requirements of sections 15.1-12-28 and 15.1-12-28.1.
5. Receipt of notice by a county committee under this section:
  - a. Renders an annexation petition involving any real property in the district void, unless the annexation has already been approved by the state board; and
  - b. Prohibits the acceptance of a new annexation petition involving any real property in the district until all dissolution proceedings have been completed.
- 5.6. One or more annexation petitions may not be used to annex all of the real property in a school district to surrounding school districts.

**SECTION 3. AMENDMENT.** Section 15.1-12-27 of the North Dakota Century Code is amended and reenacted as follows:

**15.1-12-27. Dissolution of school district - Notice - Hearing - Order of attachment.**

1. The county superintendent shall schedule and give notice of a public hearing regarding the dissolution of the district and the subsequent attachment of the property to other high school districts in the same county, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved. The county superintendent shall publish the notice in the official newspaper of each county that encompasses property in the dissolving district and in the official newspaper of each county that encompasses property in a high school district adjacent to the dissolving district, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved, at least fourteen days before the date of the hearing. The county superintendent shall provide notice of the public hearing to the business manager of each high school district adjacent to the dissolving

- district, or to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved.
2. At the hearing, the board of the dissolving district may propose a particular manner of dissolution, including the sale, exchange, or donation of property and assets of the dissolving district to another political subdivision for less than fair market value.
  3. The county committee shall consider testimony and documentary evidence regarding:
    - a. The value and amount of property held by the dissolving school district;
    - b. The amount of all outstanding bonded and other indebtedness;
    - c. The distribution of property and assets among the school districts to which the dissolved district is attached, or to another political subdivision as proposed by the dissolving district;
    - d. The taxable valuation of the dissolving district and adjacent school districts and the taxable valuation of adjacent school districts under the proposed manner of dissolution;
    - e. The size, geographical features, and boundaries of the dissolving district and of adjacent school districts;
    - f. The number of students enrolled in the dissolving district and in adjacent school districts;
    - g. Each school in the dissolving district and in adjacent school districts, including its name, location, condition, accessibility, and the grade levels it offers;
    - h. The location and condition of roads, highways, and natural barriers in the dissolving district and in adjacent school districts;
    - i. Conditions affecting the welfare of students in the dissolving district and in adjacent school districts;
    - j. The boundaries of other governmental entities;
    - k. The educational needs of communities in the dissolving district and in adjacent school districts;
    - l. Potential savings in school district transportation and administrative services;
    - m. The anticipated future use of the dissolving districts' buildings, sites, and playfields;
    - n. The potential for a reduction in per student valuation disparities between the school districts to which the dissolved district is attached;
    - o. The potential to equalize or increase the educational opportunities for students from the dissolving district and for students in adjacent school districts; and
    - p. All other relevant factors.
  4. After the hearing, the county committee shall make findings of fact. Subject to final approval by the state board, the county committee may order the district dissolved and its real property attached or assets:

- a. Attached to one or more contiguous, operating high school districts in the same county; or;
  - b. Attached to non-high school districts in the same county if there are no high school districts in the same county adjacent to the district being dissolved; or
  - c. Sold, exchanged, or donated to another political subdivision for less than fair market value provided the dissolving district has sufficient property and assets remaining to satisfy the requirements of sections 15.1-12-28 and 15.1-12-28.1.
5. Any property ordered attached to other school districts under this section must have at least one minor residing within its boundaries.
  6. The county superintendent shall forward all minutes, records, documentary evidence, and other information regarding the dissolution proceeding together with a copy of the county committee's order to the state board for final approval of the dissolution. The state board shall publish notice of its meeting at which it will consider the dissolution, in the official newspapers of the counties required for publication under subsection 1, at least fourteen days before the meeting.
  7. The order of dissolution becomes effective July first following approval by the state board, unless the county committee provides for a different effective date.
  8. If the boundaries of the dissolving school district cross county lines, the proceeding to dissolve the district must be conducted jointly by the county committees representing counties containing twenty-five percent or more of the dissolving district's taxable valuation. If, after the hearing, a majority of the county committees are unable to agree upon an order of dissolution and attachment, the county superintendent of the county in which the administrative headquarters of the dissolving school district is located shall notify the state board. The state board shall conduct a public hearing, as required in this section, and order the dissolution of the district and the attachment of its real property to adjacent school districts in the manner it deems appropriate. The state board shall publish notice of the public hearing in the official newspapers of the counties required for publication under subsection 1, at least fourteen days before the date of the hearing.
  9. If any portion of the order providing for the attachment of real property is suspended or voided, the order of dissolution is likewise suspended or voided.
  10. The state board shall provide a copy of its final findings of fact, conclusions of law, and order regarding the dissolution to job service North Dakota. If not otherwise included in the findings of fact, the state board shall also provide job service North Dakota with information on the distribution and valuation of property from the dissolving district to the receiving districts."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1435, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1435 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1466, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1466 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1470, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1470 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1471, as engrossed: Finance and Taxation Committee (Sen. Bell, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1471 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "primarily" with "predominantly"

Page 1, line 19, replace "primarily" with "predominantly"

Page 1, line 22, after "property" insert "owned by the religious corporation or organization, which is"

Page 2, line 3, replace "twenty-five" with "twenty"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1493: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1493 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "fiscal" with "calendar"

Page 1, line 15, replace "median" with "average"

Page 1, line 16, replace "fiscal" with "calendar"

Page 1, line 16, replace "average" with "median"

Page 1, line 18, after "provided" insert "to the state department of health"

Page 1, line 18, after "auditor" insert "no later than July thirty-first of each year"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1503, as engrossed: Education Committee (Sen. Schaible, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1503 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3015: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3015 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3030: Human Services Committee (Sen. Lee, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3030 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3044: Human Services Committee (Sen. Lee, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3044 was placed on the Fourteenth order on the calendar.

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

**Shanda Morgan, Secretary**